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## الجمعية العامة



## مجلس حقوق الإنسان

الدورة السابعة والأربعون

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جدول الأعمال 7

حالة حقوق الإنسان في فلسطين والأراضي العربية المحتلة الأخرى

## رسالة خطية مقدمة من دولة فلسطين: الهيئة المستقلة لحقوق الإنسان\*

## مذكرة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيه الرسالة المقدمة من دولة فلسطين: الهيئة المستقلة لحقوق الإنسان\*\*، وهي مستنسخة أدناه وفقاً للمادة 7(ب) من النظام الداخلي الوارد في مرفق قرار المجلس 1/5، التي تنص على أن تستند مشاركة المؤسسات الوطنية لحقوق الإنسان إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان، بما في ذلك القرار 74/2005 المؤرخ 20 نيسان/أبريل 2005.

\* مؤسسة وطنية لحقوق الإنسان اعتمدها ضمن الفئة "ألف" التحالف العالمي للمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان.

\*\* عُممت بالصيغة التي وردت بها، وباللغة التي قُدمت بها فقط.



الرجاء إعادة الاستعمال

## **Report of the Independent Commission for Human Rights of Palestine on the discriminatory policies of the Israeli occupation authorities against the Palestinians in the West Bank and Gaza Strip**

### **The apartheid policy**

The root causes of the Israeli occupation practices and crimes against the Palestinians are due to its apartheid discriminatory policies. The policy of repression, systematic and excessive use of force, policies of collective punishment and settlement activities are among the characteristics of the Israeli colonial settlement regime, which historically commits crimes with impunity that encourages Israel to continue committing violations and systematic attacks against the Palestinians. This is evident in the Israeli forced displacement plans against the Palestinian population from their East Jerusalem neighbourhoods and attacks on Jerusalemites and worshipers in Al-Aqsa Mosque during the holy month of Ramadan. This also includes the recent Israeli aggression on the Gaza Strip and targeting civilians by the prolonged Israeli illegal occupation of the Palestinian territory, and the racist (apartheid) policies that Israel, the occupying Power, inflicts against the Palestinians.

### **Some of the forms of Israeli occupation discriminatory practices in the West Bank**

Israeli authorities treat Palestinians in a way that is unequal to Israeli settlers, whereas Palestinians in the occupied West Bank subject to military laws and segregation. It also imposes comprehensive restrictions on travel and movement. Israel also enforces arbitrary policies and commits attacks on Palestinians. This includes daily arbitrary arrests against them, a policy of settlement expansion, large-scale confiscation of Palestinian land, restrictions on the daily life of residents, demolishing homes and denying them building permits in large parts of the West Bank, especially in area (c). The aforementioned practices also include refusal to grant the Palestinians residency right and revoke or restrict residency I.D cards of Jerusalemites, in addition to restrictions on civil rights and violations of basic rights of Palestinians.

On the other hand, Palestinians and Israeli Jews living in the West Bank have two different legal statuses. Only Palestinians registered in the Israeli-controlled population registry have the right to obtain identity cards or passports that allow them to reside and work in the West Bank. The occupation authorities refuse to register or grant residency to hundreds of thousands of Palestinians because they were outside the Palestinian territories at the beginning of the occupation in 1967 or spent periods abroad between 1967 and 1994. While Israelis consider Jews living in the West Bank to be Israeli citizens, they do not lose that status regardless of the number of years they spend abroad.

Israel, the occupying power, also violates the right of Palestinians to marry and form families, with policies and laws related to nationality and residency. Israel, the occupying power, discriminates between Israelis and Palestinians in family unification. It also facilitates the transfer of Israeli families to illegal colonial settlements in the West Bank, while applies strict procedures to the unification of Palestinian families in the occupied territory and in other countries.

Israel applies different sets of laws to both Palestinians and Israelis. The Israeli army governs Palestinians in the West Bank with military law, but at the same time issued military orders stating that Israeli settlements are subject to the Israeli civil and administrative law. The duplication of law enforcement has enhanced the rights of Israelis at the expense of Palestinians, with Palestinians and settlers enjoying unequal levels of freedom of movement. Israel prevents Palestinians of the West Bank from entering East Jerusalem, the areas between the separation wall and the Green Line, settlements and areas it considers "closed military zones." Israel also restricts the movement of Palestinians, divides some residential areas and isolates them from their agricultural land. About 11,000 Palestinians have to cross the wall

to access their properties and enjoy some basic services, through the gates at the entrances and exits of the besieged Palestinian enclaves. In addition to restricting movement, with more than 600 military checkpoints, the occupation authorities can, whenever they want, close the checkpoints and cut off traffic between various West Bank areas.

### **Arbitrary policies against the Gaza Strip**

As for the besieged Gaza Strip, the occupying power imposes a comprehensive and strict blockade, restricting the movement of people and goods through its crossings. The occupation authorities continue to tighten the siege imposed on the Gaza Strip, which constitutes a collective punishment for its residents on the grounds of nationality-based racism. The Israeli occupation forces have committed grave violations against Palestinian civilians in the Gaza Strip during their systematic aggression that began on Monday 10/5/2021, targeting the Gaza Strip for 11 days, as the Israeli air force launched intensive missile attacks on various areas in the densely populated Gaza Strip. The Israeli aggression has targeted population, with violent bombardment and with the excessive use of force. In the course of the aggression, the Israeli occupation inflicted large-scale destruction, without taking into account the principles of necessity, proportionality, discrimination and humanity, which caused the extermination of families with their entire children, thus resulted in having entire families deleted from the civil populating registry. The aggression resulted in the death of (254) Palestinians, including (67) children, (39) women, and (1948) others were injured in various ways, including 610 children and 398 women. The number of destroyed housing units, according to the latest available statistics, was estimated at about (16,115) housing units, while the number of displaced people due to the complete or partial destruction of their homes or for fear of bombing was estimated at about (74) thousand displaced people, most of whom are women and children. More than 42,000 citizens have taken refuge in 52 UNRWA schools and other government schools that they though could be safe, even though they do not have the minimum necessities for their lives and the lives of their children.

### **Forced displacement in occupied Jerusalem**

In occupied East Jerusalem, Israel subjects the vast majority of the hundreds of thousands of Palestinians who live there, to a legal status that undermines their right to reside there, in a systematic discriminatory manner aimed at Judaizing and controlling the city. In the context of the occupation's apartheid colonial racist policy, the occupation authorities and settlers systematically target Jerusalem neighborhoods residents with expulsion and threats to expel those in solidarity with them. This targeting is also evident in the context of the settlers' expansionist attack in Palestinian residential areas, where these settlers settle in Palestinian homes and property they seized through Israel's Absentees property law, or claiming to have previously owned that property. One thousand three hundred Palestinians are at risk of forced eviction from their homes, 500 of whom are from Sheikh Jarrah neighborhood, which is located 2 km north of the Old City walls in occupied Jerusalem. Twenty-eight Palestinian families of those displaced following the 1948 Nakba had moved to live there in accordance with an agreement concluded between the Jordanian government and UNRWA in 1956. The Jordanian government handed these homes to Palestinian families in exchange for them giving up their refugee status in UNRWA records. In accordance with the terms of that agreement, the Jordanian government was also supposed to hand over the title deeds of those homes to those Palestinian families after three years, but it did not do so.

The Sheikh Jarrah neighbourhood case escalated after an Israeli court issued a decision in October 2020 to evict twelve Palestinian families residing in the neighbourhood east of occupied Jerusalem, and to transfer the ownership of their homes to Israeli settlers supported by Israeli settlement associations. Approximately 500 Palestinians suffer the threat of forced displacement and subject to deprivation of their right to property and housing.

Since the early seventies, the Israeli settlement associations have been trying, as part of their ploys to Judaize and settle in Jerusalem, to "reclaim ownership" of real estate that was allegedly inhabited by Jewish families before the Nakba, as they claim. In 1970, the Israeli occupation government approved a law allowing Jews to claim property they allegedly

owned prior to 1948. On the other hand, Palestinian refugees in Sheikh Jarrah are not allowed to claim their properties that they were forced to evict in 1948. Thus, Sheikh Jarrah represents a living example of how the legal and political system support the Israeli religious and ethnic policies that give preference to the Jewish ethnic group, to control the land and property of another group in their favour, discriminate against them, support and sympathize with the Israeli settlement associations at the expense of the Palestinians.

The residents of Silwan neighbourhood in Jerusalem also suffer forced displacement in the neighbourhoods of Al-Bustan, Batn Al-Hawa, Wadi Yasoul, Ain Al-Lawzeh, Wadi Hilweh, and Wadi Al-Rababa. The population of Batn al-Hawa neighbourhood is 800 people, making 90 families, who suffer the threat of forced displacement and ethnic cleansing by the Israeli occupation and settlement associations. The Israeli occupation municipality gave a green light to demolish 100 Palestinian homes in Al-Bustan neighbourhood, which will eventually cause the displacement of hundreds of Palestinian families. Accordingly, three neighbourhoods in Silwan face the threat of demolition, residents will suffer displacement, as house demolition in favor of building a biblical national park and there are concerns that Israel will remove the entire neighbourhood.

Forced eviction constitutes a serious violation of human rights, especially the right to adequate housing, and because human rights are indivisible and interdependent, it constitutes a grave violation of other human rights as well. Victims of forced eviction suffer violations of their other rights, threats to their lives, health, and loss of access to food, education, work, health care and adequate livelihood opportunities. The forced eviction of Palestinian citizens from their homes also leaves severe social, psychological and economic consequences for the affected families and their children, and creates a reality in which Palestinians lose their property and places of residence that had for many years and deprives them of their property as a source of their stability, security, safety and dignity.

## Recommendations

ICHR deplores the impunity that Israeli violations perpetrators and criminals enjoy, and stresses that this occupation hides behind discriminatory judicial systems. Achieving justice and preventing the occupying power from committing more crimes comes through ensuring accountability and holding the Israeli war criminals accountable for their crimes against the Palestinians.

The silence of the international community and the impunity of the occupying power encouraged it to persist in its aggressions, and to commit more crimes in the Gaza Strip, which is still suffering from the effects of previous aggressions, and the tight Israeli siege imposed on the strip. The international community's tolerance of the grave violations of the Israeli occupation authorities in the Gaza Strip and ignoring the tight blockade of the Gaza Strip exacerbates the humanitarian crisis and undermines the basics of life there.

ICHR calls on the Human Rights Council to use all measures and means at its disposal to pressure Israel, the occupying power, to stop its plans aimed at forcibly displacing Palestinians in occupied Jerusalem's neighbourhoods and seizing their homes located in the heart of the city. These Israeli plans are part of its efforts to alter the demographic composition of the city and thus consolidate its control there, by displacing Palestinian Jerusalem residents and replacing them with settlers, as part of implementing its expansionist settlement plans.

ICHR also calls on the Council to exert serious pressure on the international community and to take the necessary measures to pressure the occupying power to lift the tight siege imposed on the Gaza Strip for the 15th year in a row, open all Gaza Strip crossings. ICHR also calls for pressuring Israel into facilitating the movement of people and goods to provide all basic life necessities such as fuel, food and medicine for the Gaza Strip, allow humanitarian aid to enter the Gaza Strip, all of which can alleviate the suffering of the residents of the Gaza Strip.

It is necessary that the reports submitted to the Human Rights Council continue to propose recommendations calling for ensuring and respecting the rights of the Palestinian people

under the Israeli colonial occupation and putting an end to the policy of discrimination and apartheid.

ICHR calls for continuing the international action to end the Israeli occupation of the occupied Palestinian territory and to allow the Palestinian people to exercise their inalienable right to self-determination. As any international solution, that falls short of putting an end to the Israeli colonial occupation and apartheid in accordance with the principles of justice will be incomplete and thus will not end the existing conflict.

ICHR calls for the acceleration of the work of the International Commission of Inquiry that will be formed pursuant to the recent Human Rights Council resolution to look into the “root causes” of the prolonged conflict that lead to permanent confrontations between the Palestinians and the occupying power. ICHR also calls for investigating all systematic IHL violations that the occupying power has committed against the Palestinians.

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