Nations Unies A/HRC/50/NI/1

Assemblée générale

Distr. générale
9 juin 2022
Français
Original : anglais

Conseil des droits de l'homme
Cinquantième session
13 juin-8 juillet 2022
Point 2 de l'ordre du jour
Rapport annuel du Haut-Commissaire des Nations Unies aux droits de l'homme et rapports du Haut-Commissariat et du Secrétaire général

Communication écrite de l'État de Palestine : Commission indépendante pour les droits de l'homme*

Note du Secrétariat

Le secrétariat du Conseil des droits de l'homme fait tenir ci-joint la communication soumise par l'État de Palestine : Commission indépendante pour les droits de l'homme**, 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 convenues par la Commission des droits de l'homme, notamment dans sa résolution 2005/74.

* Institution nationale des droits de l'homme à laquelle l'Alliance mondiale des institutions nationales pour la promotion et la protection des droits de l'homme a accordé le statut d'accréditation « A ».

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

Merci de recycler

Annex

Written statement of the State of Palestine: Independent Commission for Human Rights

Israeli Discriminatory Policies against Palestinians in the West Bank and Gaza Strip within the Framework of the Apartheid

For decades, Palestinians have been subjected to various Israeli arbitrary violations and policies. Palestinians face and collectively bear the consequences of settler colonialism and an apartheid regime. Importantly, the root causes underlying systematic, discriminatory policies implemented by the Israeli occupying Power against Palestinians in occupied West Bank and Gaza Strip need to be highlighted.

The Israeli occupying Power has imposed a well-established system of apartheid through the use of separate unjust sets of laws toward Palestinians on the basis of their ethnic and religious backgrounds. Constituting the source of conflict, apartheid is premised on repressive practices and systematic excessive use of force. To ensure that it is sustained, control is tightened over Palestinians, who are perceived as a threat to the existence of the apartheid regime. Israel implements a policy which seeks to make sure that the Jews remain a demographic majority. The expansion of settlements is promoted for the benefit of settlers at the expense of Palestinians, who are subjected to collective punishment. Recognising the fact that Palestine and the Palestinian people are under settler colonial occupation and apartheid regime is of paramount importance. This provides a rigorous framework for understanding the core causes of Israeli abuses against Palestinians. It is a step forward to really address these factors and enable the Palestinian people to exercise their inalienable right to sovereignty over their land as well as their right to self-determination. If this reality goes unheeded and the occupying Power is not held to account, Israeli day-to-day violations will continue more violently against Palestinian lives and properties.

Israeli discriminatory practices in the West Bank

Emphasizing its apartheid, Israel seeks to maintain domination over the Palestinian population and demographic composition and forcibly isolate Palestinians in certain enclaves on grounds of their Palestinian identity. Across the West Bank, Palestinians are subject to Israeli military laws. These laws subject Palestinians to restrictions in movement, house demolitions, land confiscations, and arbitrary arrests including administrative detention (arrest without charge or trial).

These past months demonstrate a heightened regime of hegemony, domination, and oppression against the Palestinian people, targeting their lives and properties. From the onset of 2022 until late May, the Israeli occupying authorities killed at least 65 Palestinians and wounded another 1,574. The Israeli occupying forces (IOF) opened fire on 970 instances and arrested at least 3,052 Palestinians for arbitrary reasons. Furthermore, the IOF demolished 89 Palestinian homes and carried out 1,514 raids into Palestinian villages, towns, and cities. The IOF set up 1,332 flying checkpoints and attacked Palestinian properties on 164 occasions throughout the West Bank. There have also been 566 instances of violence by Israeli settlers.[1]

Violations of the rights to life: pursuing a policy of extra-judicial killings

With growing frequency, The IOF has used excessive, disproportionate, and lethal force against Palestinians. This is one key pillar of the Israeli apartheid regime. To maintain its

[1] Monthly Violations reports, The Palestinian Monitoring Group (PMG), negotiations affairs department, Palestine Liberation Organization. https://www.nad.ps/en/violations-reports/monthly-report.

domination, Israel has created a repressive environment, intimidating Palestinians and undermining their ability to resist the apartheid regime and exercise their fundamental rights. Along this vein, Israel applies a policy of wilful extra-judicial killings. In cold blood, Israeli soldiers shoot to kill Palestinians at their own discretion, in the absence of imminent danger to their lives, and on grounds of mere suspicion. At least 65 Palestinians have been killed in 2022, including eight children and five women. On 10 April 2022, Ghada Sabateen was killed in cold blood near an Israeli checkpoint in the southern West Bank. On 11 May 2022, Shireen Abu Akleh, a Palestinian journalist and Al-Jazeera reporter were directly and intentionally targeted and shot in the head. Abu Akleh was covering a raid by the IOF on the Jenin refugee camp. -The extra-judicial killing of Shireem serves as the deliberate targeting of Palestinian journalists and media institutions that seek to document and expose the violations committed by the occupying power. Most recently 1 June 2022, the IOF shot and killed Ghufran Warasneh, a 30-year-old female Palestinian reporter, at the entrance to the Al-Arrub refugee camp.

These crimes are hailed by the Israeli political and military levels. In a statement released in late 2021, the IOF granted its soldiers the right to respond with live fire if they presumed any danger to their lives. This act has perpetuated more extra-judicially killing crimes against Palestinians, ostensibly to protect Israeli troops during raids into Palestinian villages, towns, and cities. Against this backdrop, the Israeli government bears full responsibility for taking the lives of Palestinians, who do not pose a real threat to Israeli soldiers.

Settler Violence

Between the beginning of the year and late May, Israeli settlers carried out some 375 attacks against Palestinians. Settler practices are not haphazard. Rather, settler violence is systematic, follows the lines of an official programme and is protected by the IOF. Settler violence serves as the Israeli arm to grab Palestinian land and terrorise Palestinians. Settlers have escalated organized violent attacks against Palestinians and their properties across the West Bank. Such attacks include physical assault, vehicular manslaughter, property damage, stoning of vehicles, and the destruction of farmland. The expansion of Israeli settlements and settler violence correlated directly with the increased presence of the IOF in the West Bank. According to Peace Now, there are over 671,000 Israeli settlers in the West Bank.

Forced displacement under apartheid

Forced displacement serves as an important cornerstone of the apartheid regime and a tool to entrench a colonial setting and tighten grip over Palestinians. Since the beginning of the occupation, the occupying Power has demolished hundreds of thousands of Palestinian homes. while simultaneously refusing to issue building permits to Palestinians. The Israeli occupation demolished numerous unlicensed structures of the Palestinian residents in East Jerusalem and Area C. Israeli settler organizations target Palestinian neighbourhoods in Jerusalem with the intention to expropriate their land for future settlements. At least 13,000 Palestinians are at risk of forced eviction from their homes and confiscation of their properties. Of these, 500 are residents of the Sheikh Jarrah and Al-Bustan neighbourhoods. These Palestinian families are struggling to keep their homes in the face of Israeli threats.

The policy of home demolitions reflects one pattern of collective punishment against Palestinians. In 2021, the demolition of Palestinian homes and structures hit records throughout West Bank governorates. The Israeli occupying authorities pulled down some 906 buildings and structures, resulting in the displacement of 1,203 persons. This is the highest number of demolitions recorded in five years. The policy implies racial engineering and promotes discriminatory planning practices, which are tailored to reduce Palestinian presence and prohibit construction almost completely in large swathes of the West Bank, including East Jerusalem. Home demolitions represent a systematic policy that is pursued throughout the oPt to seize control of the Palestinian space for the benefit of Israeli colonies at the expense of Palestinian communities.

Palestinian residents of the Northern Jordan Valley and Massafer Yatta in southern West Bank are at an imminent risk of eviction and ethnic cleansing. On 4 May 2022, the Israeli High Court overruled a petition brought by the residents of 12 communities in the Massafer Yatta area against a decision made by the Israeli occupying authorities. The decision provides for the full closure of the Massafer Yatta area and declares more than 30,000 dunums of the populated land a 'firing zone' for the purposes of military training. The Israeli court decision means that the area will be officially evacuated by force and demolished. Some 4,000 Palestinians will be forcibly displaced from their homes. At the same time, the occupying Power intensifies the construction of settlements across the occupied West Bank.

The colonial project is a pivotal direction of Israeli institutions. It is supported by government policies and decisions, racist court rulings, and colonial laws and regulations. In this context, the Israeli Knesset continues to propose and enact racist draft laws, which incite violence against Palestinians across the oPt. A set of draft laws were introduced with the aim of legalizing settlement outposts constructed on Palestinian privately owned land, one of which called for "Israeli sovereignty" over the entirety of the West Bank.

Settlement expansion creates new facts on the ground, infringing on the fundamental rights of Palestinians and Palestinian properties and creating a coercive environment that leads to the displacement of Palestinians. Two separate legal systems are in place. While settlers are governed by the Israeli Civil Law, Palestinians are subject to brutal military rule, which affects all aspects of Palestinian life. Duplicate law enforcement promotes Israeli rights at the expense of those of Palestinians. Palestinians and Israeli settlers enjoy different levels of freedom of movement. Palestinians of the West Bank are denied access to East Jerusalem, seam zones between the Separation Wall and Green Line, settlements, and land deemed as "closed military zones". Israel controls 85 percent of Palestinian water sources, with Israeli settlers consuming an estimated four times the quantity of Palestinians. The Israeli Mekorot water company fully controls and reduces the quantity of water supplies to Palestinians. The company sells water to Palestinians at higher prices and in smaller quantities, reflecting inequitable distribution.

Movement restrictions in the West Bank

By hundreds of flying checkpoints, the IOF impose restrictions on freedom of movement in the West Bank. From the beginning of 2022 until late May, the IOF set up at least 971 flyingflying checkpoints and arrested hundreds of Palestinians. A minimum of 108 permanent military checkpoints are in place. Furthermore, the Separation Wall constrains Palestinian movement, fragments Palestinian communities, and isolates Palestinians from their agricultural land. Some 11,000 Palestinians are forced to cross the Wall gates installed at the entrances and exits of Palestinian enclaves in order to access their land and basic services. At will, the Israeli occupying authorities close checkpoints and obstruct traffic across the West Bank. At the same time, free and unrestricted movement is allowed to Israeli settlers and foreign nationals throughout the West Bank, using settler bypass roads specifically built to serve them.

Violations in Jerusalem

While placing restrictions on Palestinian residents, Israel continues to implement policies tailored to Judaise and isolate Jerusalem from its Palestinian environs. Over the past months, Israeli violations have escalated in Jerusalem with the aim of imposing Israel's sovereignty over the city. The IOF and settlers have assaulted Jerusalemites, raided the grounds and violated the sanctity of the Al-Aqsa Mosque, and used excessive force against worshippers. Protected by the IOF, settlers also attacked Palestinians. During the month of Ramadan, thousands of Palestinian worshippers were assailed. According to a report released by the Jerusalem Governor's Office in April 2022, some 463 Palestinians were injured as a result of the excessive force used by the IOF. Approximately 894 Jerusalemites were also arrested.

Continued blockade of the Gaza Strip and collective punishment of the Gaza population

The Israeli occupying authorities continue to implement a set of collective punishment policies and measures against Palestinians for acts carried out by a single individual or a group of individuals. These actions are designed to create a climate of subjugating and intimidating Palestinians. A case in point is the full siege on, and closure of all crossings of, the Gaza Strip for 15 years in a row, completely isolating Gaza from the rest of the Palestinian territory and outside world. Imposed on a racist background, the siege constitutes a collective punishment against the Gaza population just because they are Palestinians. It results in worsening the situation of human rights and deteriorating humanitarian crises, flagrantly violating human rights of the Gaza citizens. Recent official statistics indicate that unemployment in the Gaza workforce was as high as 45 percent. Poverty was up to 59 percent as a consequence of the latest aggression on Gaza. Food insecurity registered a high prevalence rate. Overall, 70 percent of the Gaza households receive aid. Gazans suffer from movement restrictions, short power and water supplies, inadequate sanitation services, and psychological trauma of conflict. The Israeli aggression of May 2021 resulted in the killing of 254 Palestinian citizens and injury of 1,948 others. Key tools of collective punishment against the Gaza population include recurrent offensives, closure of crossing points, ban on the travel of patients to receive medical treatment outside Gaza, and denial of entry of food and medical supplies, goods, and construction material needed for Gaza reconstruction.

Recommendations

While it has historically enjoyed impunity for systematic violations against Palestinians the racist colonial occupying Power continues to impinge on the principles of International Humanitarian Law and International Human Rights Law. If it not held to account, Israeli day-to-day violations will continue more violently against Palestinian lives and properties. The Independent Commission for Human Rights (ICHR) recommends that:

The international community and United Nations Human Rights Council (UNHRC) tackle the root causes of Israeli violations and call for an end the protracted occupation of the 1967 Palestinian territories. The racist settler-colonial regime in the Palestinian territories must be dismantled along with its discriminatory policies against the Palestinian people.

Third-party states to fulfil their legal and moral obligations toward Palestinians in light of the infringement of their right to self-determination by the Israeli occupation. Third-party states will commit themselves not to support or collude with the Israeli apartheid regime.

The United Nations Special Committee against Apartheid be restructured with an emphasis on ending Israeli apartheid.

The occupying power repealed all regulations and practices that constitute apartheid and that infringe on the fundamental rights of Palestinians.

The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel continue its effective action in the light of understanding the core causes of the conflict and submitting reports to the UNHRC, maintaining high standards of objectivity.

The Prosecutor of the International Criminal Court open a full and comprehensive investigation into the crimes committed against the Palestinian people falling within the jurisdiction of the Court. All persons involved in the perpetration of these crimes will be held accountable.