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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by Human Rights Now, 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.

[31 May 2021]

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

The Government of Israel Must end the Discrimination and Dispossession of Palestinians

Human Rights Now (HRN), a Tokyo-based human rights NGO, expresses grave concern over the recent violence and civilian deaths in the Occupied Palestinian Territory (OPT) and Israel caused by Israeli air strikes and other uses of force against Palestinians, and by rockets launched by Hamas against Israelis.

Israeli authorities must abide by their obligations under international human rights law and humanitarian law, take measures to prevent future occurrences, hold authorities responsible for violations accountable, offer redress to victims, and finally end the dispossession of Palestinians.

Hamas must abide by its obligations under international humanitarian law and cease indiscriminate attacks. Both the Israeli government and Hamas must cooperate fully with both the Commission of Inquiry established at the Special Session of this Council and with the ongoing investigation of the International Criminal Court into possible war crimes.

1. Introduction

The 2021 recent escalation began on 10 May 2021 and ended, at least in terms of large scale Israeli military operations against Gaza, on 21 May 2021.[1] It was the largest use of force by Israeli armed forces (IDF) since 2014, with Israeli strikes killing least 227 people in Gaza, including at least 64 children, wounding more than 1,400 Palestinians, and displacing almost 40,000.[2] The Palestinian group Hamas also fired at least 3,200 rockets indiscriminately into Israel. Despite many being destroyed by Israel's missile defense system, at least 146 buildings in Israel have been struck by the rockets, killing at least 12, including at least 2 children, and injuring over 300.[3] Inside Israel, the events led to a general strike among Palestinians with Israeli citizenship and widespread communal violence by groups of Jewish Israelis and Palestinians with Israeli citizenship across many cities in Israel causing arrests and dozens of injuries.[4]

The immediate cause of the escalation was moves by the Israeli authorities to evict long-term Palestinian residents from their homes in the East Jerusalem district of Sheikh Jarrah in favor of Jewish settlers under discriminatory property laws. This led to protests in East Jerusalem and the rest of the West Bank, and in Israel.

2. A Pattern of Discrimination, Dispossession, and Human Rights Violations

At the root of the conflict is a pattern of systematic discrimination against Palestinians. The evictions are part of the much larger movement of land transfers from Palestinians to Israeli settlers across the country. The severe violations of Palestinians' rights were described in recent reports by the Israeli NGO B'Tselem and by Human Rights Watch to amount to apartheid, a crime against humanity under the Rome Statute of the International Criminal Court. Numerous violations of human rights and humanitarian standards support this conclusion.

(a) Disproportionate use of force

The Israeli air attacks on Gaza were carried out in heavily populated areas inflicting foreseeably high civilian casualties and property destruction. Along with Hamas's indiscriminate rocket launches, these may violate international humanitarian law and constitute war crimes. Both Israeli and Hamas authorities have been tragically irresponsible in failing to protect civilian lives and property in their uses of force.

(b) Rights to freedom of expression, association, and assembly

The Israeli police's aggressive response against protestors in East Jerusalem,[5] the brutal oppression of peaceful worshipers at Al-Aqsa Mosque, and the unrestrained militarized responses against civilian protests elsewhere in the West Bank and in Israel have caused a series of deadly shootings and amount to an unnecessary and disproportionate restriction on peaceful expression. The Palestinian Red Crescent Society has recorded at least 1,015 Palestinians being injured in the West Bank, including East Jerusalem, mostly by Israeli security forces.[6] Israeli police have conducted a widespread campaign of arrests in East Jerusalem and Israel of those involved in the unrest. The Israeli press has reported that though many Jewish Israelis are amongst those arrested, the overwhelming majority of those indicted are Palestinians, leading to concerns about discrimination in the application of criminal justice.[7]

In Gaza, the intentional strike by Israeli armed forces destroying a building housing the offices of international news agencies, their injury of at least 9 journalists, and the government's arrest of several journalists also have the clear effect of intimidating journalists and restricting their investigative work, which is vital to human rights accountability.

(c) Land rights

The Israeli government has long made moves to dispossess Palestinian residents from OPT and replace them with Israeli settlers. In East Jerusalem, which Israel has unilaterally and illegally annexed, this dispossession takes place under a veneer of legality, using Israeli laws that permit land claims made by Jewish settlers and discriminate against Palestinian residents.[8] The discriminatory nature of this process was particularly highlighted when a 2021 Israeli court decision sanctioned the removal of six Palestinian families from their long-term homes in Sheikh Jarrah based on two Israeli laws, the Absentee Property Law of 1950 and the Legal and Administrative Matters Law of 1970, which clearly privilege Jewish settler claims over Palestinian claims.

Such inherently discriminatory laws violate the right to non-discrimination under international law. The forcible transfer of population under occupation which they realize is also a grave breach of the Fourth Geneva Convention, and the systematic and widespread nature of the removals also implicate the crime against humanity of forced displacement. The intentional nature of the dispossession may also breach the right to adequate housing.[9] Any Israeli settlement in OPT, including East Jerusalem, also flagrantly violates the international legal prohibition on the settlement of occupied territory, a conclusion explicitly supported by the ICJ's "Construction of a Wall in OPT" advisory opinion and Security Council Resolution 2234.[10]

(d) Other violations

Beyond simply the dispossession of Palestinians from their homes and traditional lands, Palestinians face severe human rights violations. In the West Bank, including East Jerusalem, Palestinians have faced discriminatory expulsions, housing demolitions, state-encouraged settler violence, arbitrary arrests, restrictions on movement, separation barriers, and restrictions that have created a crisis in water supply and access to vital services, among other forms of discrimination.[11] This crisis was only compounded by the Covid-19 pandemic.[12] Even before the recent violence, the conditions in Gaza had reached intolerable levels which include over 43% unemployment, widespread poverty and hunger, and an Israeli blockade that has contributed to a humanitarian disaster in collapsed infrastructure and access to vital goods and services. And within Israel, discrimination is apparent in the significant disparity in socio-economic situations between Jewish and Palestinian residents. Israel's Ministry for Social Equality recorded that while only 13.4 percent of Jewish families live below the poverty line, it is a staggering 45.3 percent for Palestinian families.[13]

(e) Humanitarian Aid

As the occupying power, the government of Israel has an obligation to ensure sufficient humanitarian aid to persons under its control—an obligation it is failing to fulfill. The UN Office for the Coordination of Humanitarian Affairs has recorded that 75% of Gaza's population are dependent on humanitarian food supplies, which along with the provision of medicine, water, electricity and fuel, have been restricted or severely hindered in entering Gaza since May 10 by an Israeli blockade.[14] Due to the significant dependence on aid, such restrictions appear to effectively be a form of collective punishment, which is prohibited under the Fourth Geneva Convention.

3. Recommendations

HRN expresses deep concern over the serious human rights violations against the Palestinian people, and we make the following calls and recommendations.

(a) HRN calls on the Israeli government to:

- o Cease all violations of international criminal law, international human rights law, and humanitarian law against Palestinian people and take measures to prevent future violations and respect Palestinians' rights;
- o End all discriminatory laws and treatment of Palestinians, including discriminatory evictions and restrictions on movement and humanitarian aid, and take measures to finally end Palestinian dispossession.

(b) HRN calls on Hamas to:

- o Ensure any military-like sites, objects, and personnel are completely separated from civilians and take measures to prevent indiscriminate rocket launches;

(c) HRN calls on the Israeli government and Hamas to:

- o Facilitate and cooperate with the dialogue backed by Egypt and the UN towards a long-lasting ceasefire, and to cooperate with the recently established Commission of Inquiry and other international accountability mechanisms, and bring those responsible for excessive uses of force to justice;

(d) HRN further requests the international community to:

- o Support efforts for justice and accountability for perpetrators of human rights abuses against Palestinians, especially by the IDF;
- o Provide humanitarian support for the Palestinian civilian population;
- o Actively work towards a political solution for Palestine in accordance with international law.

[1] <https://www.wsj.com/articles/israel-gaza-ceasefire-what-we-know-11620825247>;
<https://www.aljazeera.com/news/2021/5/19/ceasefire-elusive-as-israel-continues-to-pound-gaza-live>;
<https://www.aljazeera.com/news/2021/5/18/israel-shells-lebanon-as-biden-continues-push-for-gaza-ceasefire>; <https://apnews.com/article/gaza-israel-middle-east-israel-palestinian-conflict-9f55fcb62af8224b954632b9e3edc2a0>.

[2] <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27102&LangID=E>;
WSJ, above, note 1.

[3] <https://apnews.com/article/israel-middle-east-israel-palestinian-conflict-e57afb90dbc60ceda6c6cfa6888a4c5b>; Al-Jazeera (5/18), above, note 1.

- [4] <https://apnews.com/article/middle-east-israel-religion-violence-fbeb07712e4923cd947e1d554f0205c9>; Al-Jazeera, id.
- [5] <https://www.dw.com/en/police-clash-with-protesters-in-east-jerusalem/av-57480478>;
<https://www.telesurenglish.net/news/Israel-Uses-Disproportionate-Force-Against-Palestinians-20210511-0004.html>;
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27083&LangID=E>.
- [6] <https://www.ungeneva.org/en/news-media/bi-weekly-briefing/2021/05/regular-press-briefing-united-nations-information-service-1>
- [7] <https://www.haaretz.com/israel-news/.premium-after-civil-unrest-in-mixed-israeli-cities-over-90-of-those-indicted-are-arab-1.9827153>
- [8] <https://daily.jstor.org/israeli-settlement-palestine-background-readings/>
- [9] OHCHR, above, note 5.
- [10] <http://www.icj-cij.org/icjwww/idocket/imwp/imwpframe.htm>;
<https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.
- [11] <https://www.un.org/unispal/humanitarian-situation-in-the-gaza-strip-fast-facts-ocha-factsheet/>;
<https://www.btselem.org/statistics>.
- [12] OHCHR, above, note 2.
- [13] Cited in <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>, fn. 629.
- [14] <https://www.dw.com/en/humanitarian-crisis-in-gaza-intensifies-under-israeli-attack/a-57543917>