

HUMAN RIGHTS COUNCIL - 47th SESSION

INTERACTIVE DIALOGUE WITH THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORIES OCCUPIED SINCE 1967 – 9 JULY 2021

[Mr Michael Lynk - Special Rapporteur on the situation of human rights in the Palestinian territories](#)

Israel, the **occupying power**, has taken **no steps to engage with my mandate**, nor has it ever granted me **access to visit the Occupied Palestinian Territory** during my five years in this mandate.

In recent months **Israeli settler organizations** sought to **evict Palestinian families**, primarily in the neighbourhoods of **Silwan** and **Sheikh Jarrah**. The settler organizations relied upon discriminatory **Israeli property laws** which permit Israeli Jews to reclaim properties lost in the 1948 war. Under the **4th Geneva Convention**, forcible transfer of the protected population is **prohibited**, and the occupying power is **forbidden from applying its own laws** to the occupied territory.

In mid-May, **rockets** were fired by Palestinian armed groups in **Gaza** into Israel, which responded **disproportionately** with 11 days of heavy bombardment of Gaza, **killing more than 250 Palestinians** in Gaza, including **66 children** and **40 women**. **10 Israeli citizens died** as a result of Palestinian rockets.

Gaza continues to suffer from a **14-year-old blockade by Israel**, which is **illegal under international law**. In terms of **Covid-19**, Gaza has become a “red zone.” Its health care system is flat on its back, it suffers from endemic **poverty** and **high unemployment**, and from a constant lack of power.

Thematic report [A/HRC/47/57](#) submitted at the 47th session of Human Rights Council: Are the **Israeli settlements** in violation of the absolute prohibition against settler implantation in the 1998 **Rome Statute of the International Criminal Court**? In other words, are they a **war crime**?

Long before the first Israeli settlements were established in 1967, the international community established a clear **prohibition against the settlement of the civilian population of an occupying power** into the occupied territory. We find this in Article 49, para. 6 of **4th Geneva Convention** of 1949. The raison d’être of settler implantation –**creation of demographic facts** on the ground to solidify a **permanent presence**, consolidation of **alien political control** and an illegitimate claim of sovereignty – **tramples upon fundamental precepts** of international humanitarian and human rights law.

The **illegality of the Israeli settlements** is one of the most settled and uncontentious issues in modern international law. As long as the international community criticizes Israel without seeking consequences and accountability, it is magical thinking to believe that the 54-year-old occupation will end and the Palestinians will finally realize their **right to self-determination**.

The report concludes that the Israeli settlements do amount to a war crime. As much as we may wish it, the occupation will not end because the Israeli government will suddenly wake up one day and decide on its own that an alien occupation that transformed into annexation and even apartheid, is entirely out-of-step with the 21st century. It will only end with the **continued activism of Palestinians** and the **decisive intervention of the international community**.

- ***Recommendation 1:*** Fully support the ongoing work of the **Prosecutor of the ICC** as he investigates the potential **commission of wars in the occupied Palestinian Territory**.
- ***Recommendation 2:*** Develop a set of **accountability measures to be applied to Israel** should it continue to defy international law.
- ***Recommendation 3:*** Ensure **full accountability of Israeli political, military and administrative officials** who are responsible for grave **breaches of international law** in the Occupied Palestinian territory.



State of Palestine – Speaking as the country concerned:

There is a **failure of many States to participate in this item of the Council**, which focuses on violations in Palestine since more than 54 years, it encourages the occupying power to continue its daily violations, some of which you followed during the **Special Session** held on 27 May 2021.

The horror and the aggression against our people continues, especially in the city of **Jerusalem** in the neighbourhoods of **Sheikh Jarrah**, the **Silwan** area and **Batan al-Hawa**. It constitutes a **war crime**, in addition to the **demolition of houses and villages** in the West Bank area.

Beside attacks on **sacred Christian and Muslim sites, killings of Palestinian women and children, the destruction of sanitation infrastructures, schools and media** have been going on for **14 years now**. For 14 years the Gaza strip have been under a **strict blockade by Israel**. It is imperative to implement the **Special Rapporteur's recommendations** so this **colonial system** can be punished. The system has to be **boycotted** and **economic and political sanctions** must be put in place, to end this **apartheid**.

INTERACTIVE DIALOGUE (full recording of the meeting [HERE](#) – starting at 6:06:10)

The majority of States called on Israel to halt the **unlawful demolitions, evictions, forced displacement** and **settlement policies** in Jerusalem and the West Bank. States agreed with the Special Rapporteur's conclusion that **these acts constitute war crimes** and are the **root causes of the conflict**. States also urged Israel to **respect its obligation under international law as the occupying power**.

Several States deplored the **lack of cooperation** by the State of Israel with the Special Rapporteur and deplored the fact that he still **cannot conduct a visit** in Israel and in Occupied Palestinian Territories

States condemned the **recent Israeli attacks in Gaza**, resulting in **deaths**, including of women and children, and **destruction** of homes, hospitals, schools and access to basic services.

Many States recognized the **inalienable right to self-determination** of the Palestinian people and the founding of a **sovereign State** with East-Jerusalem as its capital in the **pre-1967 borders**.

Several States denounced the **Apartheid system** in place in Israel, which enables **discriminatory laws** and **systemic racism** against Palestinians.

Delegations that took the floor during the Interactive Dialogue (44 delegations)

European Union, Egypt (on behalf of the group of Arab States), Pakistan (on behalf of OIC), Bahrain (on behalf of Gulf Cooperation Council), Mauritania (on behalf of the group of African States), Qatar, Kuwait, Luxembourg, Bangladesh, United Arab Emirates, Indonesia, Senegal, Bahrain, Cuba, Democratic People's Republic of Korea, Iraq, Syria, China, Maldives, Morocco, Lebanon, Algeria, Iran, Venezuela, Egypt, Jordan, Saudi Arabia, Botswana, Namibia, Malaysia, South Africa, Sri Lanka, Sudan, Ireland, Pakistan, Timor-Leste, Turkey, Mauritania, Russia, Djibouti, Tunisia, Yemen, Chile.

National human rights institutions and NGOs:

Independent Commission of Human Rights in Palestine, Al Hawq, Norwegian Refugee Council, World Jewish Congress, Centre Europe-Tiers Monde, Institute for NGO Research, Women Center for Legal Aid and Counselling, UN Watch, Palestinian Initiative for Promotion of Global Dialogue and Democracy, Defence for Children International, Cairo Institute for Human Rights Studies, Human Rights now.

- **Apartheid** system in Israel and **systemic racism** against Palestinian population.
- **Illegal Israeli settlements** and **forced evictions** of Palestinians in total **impunity**.
- **Rise in antisemitic movements** and aggressions around the world, need to **abolish item 7**.
- Attacks against the Palestinian **agricultural sector and peasants, confiscations of lands**.
- Abuses and **human rights violations** committed by the **Palestinian Authority**.
- **Killing of children** with **live ammunitions** by Israeli forces.
- **Hundreds of civilians killed in Gaza** by **Israeli airstrikes** during the month of May.