

## HUMAN RIGHTS COUNCIL – 52nd SESSION

### Interactive dialogue on the High Commissioners report on the Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

3 – 6 March 2023

In his opening remarks, the **UN High Commissioner for Human Rights, Mr. Volker Türk**, called the situation in the OPT a tragedy in which Palestinians are faced with growing dispossession, deprivation and severe violations of their rights and Israelis are suffering insecurity, pain, loss and fear. Both have a right to live in peace, and in a State that is recognized and viable. Mr. Türk regretted the intensification of violence, with 2022 seeing the highest number of Palestinians killed by Israeli Security Forces (ISF) in the past 17 years, and highest number of Israelis killed since 2016. The situation has further deteriorated in 2023, when the killing of two Israelis in the West Bank town of **Huwwara** sparked riots by Israeli settlers. According to the Palestinian Red Crescent 390 people were wounded in the rampage. While the attack was condemned by the President of Israel, the Finance Minister publicly called for the town to be “wiped out”, inciting to violence and hostility.

**Lethal force** has been frequently used by the ISF regardless of the level of threat. Several cases of apparent **extrajudicial, targeted killings** by members of the ISF have been documented by the Office. The report<sup>1</sup> of the High Commissioner finds that 131 Palestinians were killed by ISF personnel in the past year outside the context of hostilities. Since 1017 less than 15% of such killings have been investigated, and fewer than 1% led to an indictment. During the period covered by the report, 13 Israelis were killed by Palestinians, and 9 have been killed since. **Collective punishments** prohibited by international law are increasingly imposed on Palestinians. Blockade of Gaza restricting 2 million people has been in effect for 16 years. 967 Palestinians are **arbitrarily detained** in administrative detention, highest number in 15 years. Unlawful killings, use of force, and torture and ill-treatment by the Palestinian Security Forces and the Gaza *de facto* authorities is also met with **impunity**. More than 270 **Israeli settlements** fragment Palestine, and the **Separation Wall** divides thousands of Palestinians from one another and their lands, constituting a **major obstacle to their freedom of movement** and impairing access to healthcare, schools and employment.

The High Commissioner acknowledged the growing sense of a narrowing future on both sides with violence against the occupation and violence to uphold and enforce it. Mr. Türk underlined that **for this violence to end, the occupation must end**. He highlighted recurring recommendations from the human rights system which would make an immediate difference and urged decision-makers and people on all sides to give effect to them. These include taking steps to ensure ISF actions operate within the boundaries set by IHRL; treating all cases of violence equally; adhering to the spirit and wording of the agreement<sup>2</sup> reached at the Summit in Aqaba on 26 February; preventing, investigating and prosecuting abuses at checkpoints; ending the blockade of Gaza; easing – instead of tightening – restrictions; and pulling young people away from further violence and extremism. Member States should assist all parties to find the exit ramp. Settlements in occupied land must end and within a foreseeable horizon there must be a two-State solution and mutual recognition of the legitimate rights of all Israelis and Palestinians to live in dignity, peace and security.

**Israel** (country concerned) was not present in the room.

The **State of Palestine** (country concerned), thanked the High Commissioner and his Office for the preparation of the report, however highlighting the imbalance in speaking about Israel as an occupying power and the State of Palestine under colonial and settler occupation, which amounts to an

<sup>1</sup> A/HRC/52/75 Advanced Edited Version in English available on the [OHCHR website](#), 7 March 2023.

<sup>2</sup> <https://www.state.gov/aqaba-joint-communique/>

**apartheid regime.** The new government led by Netanyahu features a number of thugs and criminals and has escalated the situation against Palestinians. Mosques and churches have been assaulted and punitive measures against Palestinian people, their leadership and civil society undertaken. The Knesset has revoked nationality and residence permits, with a first reading approval of a law on the execution of Palestinian prisoners and legalizing nine new outposts. There have been incursions in the refugee camps of **Jenin** and **Nablus** and killing of tens of Palestinians, including women and children. In 2023 already 66 people have been killed, including 17 children, followed by the barbaric acts by settlers on 23 February 2023 in the village of **Huwwara**. Houses were burnt, property destroyed and people assaulted with the protection of the occupation army. The terrorist Finance Minister called for the destruction of the village and the extermination of its residents. While having heard statements by representatives of States on human rights situations around the world, only a few mentioned the legal and humanitarian crime against Palestinians, perhaps this is due to fear of Israel and its lobbyists. On 2 March, Mr. Blinken attacked the FFM entrusted to investigate violations in Palestine and Israel and Item 7, alleging that it singles out Israel, without mentioning the brutal acts perpetrated by the government since the beginning of 2023. State of Palestine called upon the international community, the international organizations, and state parties to take punitive steps in line with 4th Geneva Convention against Israel as an occupying power, and to boycott Israel, its settlements, settlers, leadership and fascist government.

### Interactive dialogue

43 country delegations took the floor during the interactive dialogue, majority expressing concern over the recent escalation and rapid deterioration of the human rights situation in the OPT. **The EU** shared its concern over the increasingly high number of civilian casualties as a result of actions inter alia by Israeli security forces. It stressed the need to ensure the safety of civilians and their protection, simultaneously reiterating its fundamental commitment to Israel's security. Speakers, including **Kuwait** and **Lichtenstein**, condemned the unjustified violence and use of force by the IDF, and the disproportionate use of power, **France** calling on all stakeholders to restrain from actions that could lead to further spiralling of violence. **Qatar** (*on behalf of a group of Arab states*) stated that the occupation authorities have sought to escalate their military attacks on Palestinian cities, committing grave violations, war crimes, crimes against humanity and apartheid. Many speakers condemned the settler violence and the continuing settlement policy, including **France**, **Türkiye**, and **Qatar**, **the EU** calling on Israel to halt settlement expansion, regularization of outposts, evictions, demolitions and forced transfers.

Several speakers, including **Oman** (*on behalf of the GCC*) and **Chile**, expressed great concern over Israel's continuing failure to comply with its obligations in terms of IHL and IHRL in the OPT. The call to respect IHL and IHRL by all parties was shared by many, including **Kuwait**, **UAE** and **Lichtenstein**. **Lichtenstein** further urged Israel to refrain from any form of collective punishment which is prohibited by IHL and incompatible with several provisions of the IHRL. **Qatar** regretted the lack of accountability and called on the international community to put an end to the assaults, protect the Palestinians and hold Israel accountable for its grave violations in the OPT.

**Lichtenstein** was concerned by the undue restrictions on freedom of expression and association, cases of GBV, discrimination, and violence against LGBTIQ+ persons, and cases of arbitrary detention. Several speakers referred to the current Israeli government as "extremist", including **Qatar** (*on behalf of a group of Arab states*) and **Tunisia**. **Pakistan** (*on behalf of the OIC*) stated that the apartheid regime has unleashed a "reign of terror" against the Palestinian people, resulting in loss of innocent lives and injuries. **The OIC** referred to the turmoil caused by Israeli military assaults in Jenin and Nablus and increasing incursions in Al-Aqsa Mosque which have amplified anger and fear. Speakers across the floor condemned Israel's refusal to cooperate with the OHCHR and the mechanisms of the Council, including **Qatar** (*on behalf of a group of Arab states*), and **Tunisia**. **The EU** called on Israel to reverse its publicly stated freeze in relations with the Office, including in relation with visas.

The civil society space was also highlighted, with **the EU** referring to the importance to ensure that anti-terrorism legislation does not lead to undermining it. The situation in Gaza was also mentioned, **Chile** sharing concern about the violations including the excessive use of force, restrictions on freedom of association and expression, and the lack of protection for women and LGBTIQ+ groups. Many reiterated their stance and support for the establishment of an independent Palestinian state, including the **GCC member states, Qatar, Türkiye** and **UAE**, with **Tunisia** referring to the “brotherly Palestinian people and their struggle to establish their independent state”, and **France** highlighting the urgency of restoring political perspective for the two-state solution. **Senegal** urged all parties to return to the negotiating table in order to reach a just and lasting political solution. Some speakers, including **Pakistan (on behalf of the OIC)**, highlighted the shortcoming of the report in terms of trying to create a false equivalence between Israel, as an illegal occupier, and the occupied people of Palestine.

Some speakers, including **the EU** and **France**, welcomed the Aqaba Communique and called on both parties to implement the commitments. The need to implement the conclusions and recommendations of the High Commissioner’s report and for all parties to ensure accountability, justice and implementation of the resolutions of the Security Council, General Assembly and the HRC was also highlighted, including by the **UAE** and **Tunisia**. **Brazil** said the COI was as an important tool for achieving accountability, lack of which is one of the root causes of the conflict. **Malaysia** stated that Israel must be held responsible and accountable for all of its actions, and **Chile** called on all parties to commit to ending impunity, developing independent, impartial and thorough investigations and ensuring that perpetrators are brought to justice.

**NGOs** shared deep concern over the situation of escalating violence. **Al Mezan Centre for Human Rights** referred to 2022 as the deadliest year for Palestinians in the West Bank since 2005, with the scale of crimes committed by Israeli forces and settlers since the beginning of 2023 suggesting the situation is set to get even worse. In the Gaza Strip, Israel’s settler-colonial blockade and closure enter its sixteenth consecutive year, and the international community has failed to take effective and meaningful measures to hold Israeli authorities accountable, emboldening Israel to escalate widespread, systematic, and grave violations of Palestinians’ rights, including those that amount to war crimes and crimes against humanity. **The Association Ma’onah for Human Rights and Immigration** condemned the impunity granted to Israeli security forces and stated that between January 2017 and October 2022, the number of Palestinians killed by Israeli forces was up to 559 with only 79 investigations open, in the end only 3 led to a conviction. **Defence for Children International (DCI)** stated that investigations and evidence collected by DCI-Palestine regularly suggest that Israeli forces use intentional lethal force against Palestinian children in circumstances that are unjustified and amount to extrajudicial or wilful killings. **BADIL Resource Center for Palestinian Residency and Refugee Rights** regretted that despite the extensive evidence that Israel is subjecting the Palestinian people to a system of colonization and apartheid, no international accountability measure has been implemented to date. **Touro Law Center, The Institute on Human Rights and The Holocaust** said that report does a disservice to Arab women who fight against intolerance, by blaming Israel for the gender-based violence Arab women face. According to the NGO, this will not solve the deep-rooted discrimination against women in Arab societies – the only path to peace and a better tomorrow for everyone is embracing Israelis and Jews as equals, as partners and as friends. The referral to Iran’s Islamic Revolutionary Guard Corps’ involvement in the situation by **United Nations Watch** raised a point of order from Iran.

Delegations that took the floor during the Interactive dialogue (43 country delegations):

*Qatar (on behalf of the Group of Arab States), European Union, Oman (on behalf of the GCC), Pakistan (on behalf of the OIC), Kuwait, France, Tunisia, Qatar, United Arab Emirates, Liechtenstein, Ireland, Luxembourg, China, Indonesia, Venezuela, Egypt, Iraq, Malaysia, Maldives, Oman, Türkiye, Bangladesh, New Zealand,*

*Jordan, Niger, Senegal, Algeria, Chile, Saudi Arabia, Mauritania, Switzerland, Syrian Arab Republic, Yemen, Botswana, Lebanon, Bolivia, Slovenia, Iran, Russian Federation, Belgium, Cuba, Brazil, Australia, South Africa.*

NHRIs and NGOs that took the floor during the Interactive dialogue (11):

*International Organization for the Elimination of All Forms of Racial Discrimination, Institute for NGO Research, BADIL Resource Center for Palestinian Residency and Refugee Rights, Touro Law Center, The Institute on Human Rights and The Holocaust, United Nations Watch, Al Mezan Centre for Human Rights, Medical Aid for Palestinians (MAP), Defence for Children International, Meezaan Center for Human Rights, Association Ma'onah for Human Rights and Immigration*

To watch full meeting refer to UN Web TV, [part 1](#) and [part 2](#).