

HUMAN RIGHTS COUNCIL – 53rd SESSION

Interactive dialogue with the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

10 July 2023

[Summary Report of the Special Rapporteur](#)

The Special Rapporteur on the OPT Francesca Albanese chose to focus his first report on **arbitrary deprivation of liberty** because of the gravity of this phenomenon. In the occupied Palestinian territory Israel has detained approximately 1 million Palestinians in the occupied territory since 1967, including tens of thousands of children. Currently 5'000 Palestinians are detained in Israeli prisons, including 160 children, of which 1'100 are detained without charge and one thousand one hundred of them are detained without charge or trial and often based on secret evidence and for an indefinite period of time, leaving them in a limbo of uncertainty. Widespread and systemic arbitrary deprivation of liberty of Palestinians is a structural component of the regime that Israel has imposed upon Palestinians. The Special Rapporteur described the dual legal system in which Israeli domestic law applies illegally to settlers while Palestinians live under martial law, is the pillar of **Israel's apartheid regime**. There are over 2'500 military orders, vaguely drafted and often contradicting each other according to the Special Rapporteur, making for the legal grounds that lead to arrests and detention of Palestinians. They are tried in military courts where rights to defense is simply not enforceable. These courts register a conviction rate of 99%, enforcing most of Palestinians to resort to plea bargain, confessing crimes that have not committed. The unlawful and common deportation of Palestinians outside for the occupied territory also leads to a "domino effect" of violations where detainees have no access to legal counsel or family. Children as young as 12 are subjected to the same physical and psychological abuse as adults, leaving irreparable scars on the future generation. Most arrests take place within + kilometer from the 270 colonies, at night in order to instill fear. Through **physical, bureaucratic, and digital confinement techniques** the occupied Palestinian Territory is constantly surveilled as an open air prison. Palestinian authorities operate in captivity under Israel's control and are therefore not geared to protect Palestinians. In this context, asking of both parties to calm down is misleading. The Special Rapporteur affirmed that Israel's unlawful carceral practices are tantamount to international crimes, which warrant a **urgent investigation by the prosecutor of the International Criminal Court**. She urged Council members to recognize the legality of Israel's occupation and strongly affirmed that the situation of apartheid cannot be made more humane by merely addressing some of its most severe consequences; it is to be brought to an end.

Interactive Dialogue

The State of Palestine (country concerned) endorsed the Special Rapporteur's reports of inhumane and illegal carceral practices by Israel, pointing out that all these practices amount to flagrant violations of the **Hague Convention, the 3rd and the 4th Geneva Conventions and the 1st Protocol**, as well as violations of **international and customary humanitarian law**. The State of Palestine asserted that these practices constituted elements of **crimes against humanity and war crimes**. Arbitrary detention and arbitrary deprivation of liberty are also violations of the **International Covenant in Civil and Political Rights, Convention against Torture, and the Convention on the Rights of the Child**. Adding to the figures presented by the Special Rapporteur, they stated that 237 mothers have been martyred due to ill-treatment and torture, and 373 bodies were held by Israel. In light of the violations described in the report, they also called on the international community, to use of **diplomatic, political, and economic measures to exert pressure** on the occupying power, as per the SR's recommendations. Also not to provide assistance to the occupying power and **prosecute the perpetrators under universal jurisdiction**, as well as not contributing or not condoning the Israel's attempts to criminalize the Palestinian people who demand their collective right to existence and try to exercise the inalienable right to self-determination.

Israel (country concerned) did not take the floor.

The **European Union** reiterated that human rights in the OPT should be properly addressed under item 4 or other items. The EU expressed **concern over administrative detention without former charges** and called on Israel to respect **the human rights of minors**. They expressed concern over the high number of casualties including women and children but recognized the right of Israel to protect itself with proportionate use of force as a last resort to protect lives. They condemned Israel's illegal settlements and the practices of eviction, forced transfer and demolition.

Almost all delegations that took the floor endorsed the SR's observation that arbitrary detention has been a **tool of colonialism and apartheid**.

While all delegations stated Israel should end arbitrary arrests and detention and comply by international law, **Ireland and France** extended this call to Palestinians.

Oman on behalf on the GCC, Egypt, the United Arab Emirates, Luxembourg, Bahrain, Iraq, Morocco, Türkiye and Brazil stated that the Israeli aggressions against Palestinians impeded the **peace process**. In this regard, **Oman, China** and **Senegal** referenced the **Arab Peace Initiative**.

Pakistan and **Lebanon** on behalf of their groups, demanded the guarantee of dignified burials of the bodies detained by Israel; and along with **Indonesia, Malaysia, and Namibia**, exhorted Israel to release all Palestinian detainees. Many countries also expressed grave concern for the treatment of children and called for their immediate release.

They also, along with the **European Union, Qatar, Luxembourg, and Brazil**, deplored the denial of access to the territory for the Special Rapporteur.

Venezuela, Pakistan and Côte d'Ivoire on behalf of their groups, Egypt, the United Arab Emirates, Luxembourg, France, Iraq, Türkiye, China, Sudan, expressly condemned the expansion of settlement, the demolition of houses and the forced transfers by Israel.

Many countries including **Pakistan, Lebanon, Oman and Côte d'Ivoire** on behalf of their respective groups, **Qatar, United Arab Emirates, Libya, Iraq, Morocco, Jordan, Algeria, Saudi Arabia, Iran** urged the international community to put an end to the violations. Lebanon on behalf of the Arab group expressed condemning any support to the occupation and calling to implement the **principle of universal jurisdiction**. Most countries from all regional groups mentioned the need for **accountability**. Among them, **Lebanon and Côte d'Ivoire** on behalf on their groups, **Sudan, Indonesia, Malaysia, and Qatar** urged the Council to adhere to the decision to investigate violations of international law committed by the occupying power. **Kuwait and Namibia** also joined this call and suggested the **International Court of Justice** to look into the situation. **Qatar** also called for **reparations** for victims.

Egypt condemned the attempts to change the religious identity of the city of Jerusalem. **Türkiye** and **Malaysia** highlighted that the situation in the OPT has **worsened** over the years. The number of Palestinians killed by Israeli forces in the first 5 months this year was more than double compared to the same period in 2022. **Tunisia** called on the Office of the High Commissioner to continue its efforts to update the **database pursuant to resolution 32/36 of the Human Rights Council** on the activities of companies and business entities in the settlements

international community should increase its development and humanitarian assistance to Palestine :
China

NGOs taking the floor overwhelmingly called on the **international community** to hold Israel to account. **Medical Aid For Palestinians** denounced the restriction of movement imposed by the Israeli forces in **Gaza** preventing 413 patients and their companions from exiting to receive treatment in hospitals. In the West Banks urban areas are blocked during military assaults which has become a routine practice preventing healthcare workers to help the injured. Al Haq Law In The Service Of Man denounced how Palestinian civil society organizations, including human rights organizations, have been the subject of

campaigns and attacks to silence them and cripple their work by Israeli occupying authorities.

Palestinian Centre For Human Rights welcomed the release of the **OHCHR database Pursuant to HRC Resolution 31/36** but is concerned that the OHCHR has not identified new business that began their activities during the reporting period and emphasized that the resolution stipulates that an update must be made on the database annually.

The World Jewish Congress, Coordinating Board Of Jewish Organization and Jerusalem Institute Of Justice criticized the mandate of the Special Rapporteur for being biased against Israel.

Delegations that took the floor during the Interactive dialogue (48 country delegations):

State of Palestine, European Union, Pakistan including on behalf of the OIC, Venezuela on behalf of the group of Friends in Defense of the UN Charter, Oman including on behalf of the GCC, Lebanon including on behalf on a group of Arab countries, Côte d'Ivoire on behalf of the African group, Kuwait, Qatar, Egypt, United Arab Emirates, Luxembourg, Bahrain, Indonesia, Iraq, Malaysia, Maldives, Syrian Arab Republic, Morocco, Tunisia, South Arica, Türkiye, Pakistan, Venezuela, Zimbabwe, Namibia, China, Libya, Chile, Senegal, Yemen, Mauritania, Jordan, Sudan, Cuba, Brazil, Algeria, Lebanon, Brunei Darussalam, Bolivia, Ireland, Saudi Arabia, Sri Lanka, League of Arab State, Iran, Russian Federation, France,

NGOs that took the floor during the Interactive dialogue (9):

Defence For Children International, The Palestinian Return Centre Ltd, Women Centre For Legal Aid And Counseling, Jerusalem Institute Of Justice Palestinian Centre For Human Rights, Al Haq Law In The Service Of Man, Coordinating Board Of Jewish Organizations, Badil Resource Center For Palestinian Residency And Refugee Rights, World Jewish Congress, Medical Aid For Palestinians

[Watch the full recording on UN Web TV](#)