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**Al-Haq and Miftah Joint Submission for the 4th cycle of the  
Universal Periodic Review for Israel**



**Main Submitting Party:** Al-Haq, Law in the Service of Man

Al-Haq is a Palestinian human rights organization established in the West Bank in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT). Al-Haq has special consultative status with the United Nations (UN) Economic and Social Council. Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable.

**Other Submitting Organisations:** Palestinian Initiative for the Promotion of Global Dialogue and Democracy-MIFTAH

MIFTAH was established in 1998 as an independent Palestinian civil society institution committed to fostering the principles of democracy and effective dialogue. MIFTAH's main work during its beginning was on political concerns especially opening dialogue on final status issues, disseminating the Palestinian narrative on regional and international levels in addition to working on the local and national levels to support building the Palestinian state.

## **I. Introduction**

1. This joint submission will address and expand upon Israel's settler colonial and apartheid regime, as the root causes of systematic human rights violations and crimes against the Palestinian people within the Occupied Palestinian Territory (OPT) and as a whole. Understanding the intentionality behind Israel's discriminatory legal and administrative mechanisms, which have been designed to deprive Palestinians of their inalienable right to self-determination, is crucial in understanding the tools and actions necessary to dismantle the root causes of Palestinian oppression.
2. Examining the system of laws, policies and practices exercised by Israel to deliberately deny Palestinians' their collective right to their land, self-determination, freedom, and justice, this submission reflects on the entrenched barriers Palestinians face in gaining liberation.
3. This submission will examine the laws, policies and practices that enshrine and maintain the root causes of Israel's apartheid regime over the Palestinian people and will provide general developments regarding the overarching regimes that violate the realisation of the right to self-determination of the Palestinian people: its settler-colonial and apartheid regime, occupation, population-transfer and *de jure* and *de facto* annexation.

## **II. Previous Recommendations on Root Causes**

4. In Israel's third Universal Periodic Review (UPR):
5. Four states recommended Israel to recognise the right of the Palestinian people to self-determination, as part of an independent Palestinian State on the 1967 borders, with East Jerusalem as the capital.
6. Three states recommended Israel recognize and allow the right of return to the Palestinian population to their original homes and land.
7. Eight states recommended Israel end its occupation of the Palestinian territory.
8. Fifteen states recommended Israel improve its policies regarding racial discrimination and unequal treatment of Palestinians and minority populations, including incorporating principles of equality and non-discrimination into its Basic Laws.
9. Eleven states recommended the cessation of the establishment and expansion of illegal Israeli settlements within the OPT, with two states directly recommending the end of the annexation of Palestinian land.

## **III. Inadequacy of the Previous Recommendations**

10. The submitting organisations believe that the previous recommendations addressing self-determination and racial discrimination by Israel, whether or not they were accepted or implemented, do not capture the ongoing settler-colonial apartheid regime against the Palestinian people.
11. Realising the right to self-determination of the Palestinian people necessitates decolonising Palestine, including rescinding the laws, policies, and practices that

continue to ensure the maintenance of a regime of systematic racial discrimination and domination of one self-identified racial group, Israeli-Jews, over another, Palestinians. Given that apartheid further amounts to breaches of jus cogens norms of international law and crimes against humanity, for which there is State and individual responsibility, the international community must hold Israel to account for its apartheid regime subjugating the Palestinian people.

12. The recommendations in this submission endeavour to capture the systematic changes that must be implemented to dismantle Israel's oppressive settler-colonial and apartheid regime that has persecuted the Palestinian people for over 74 years.

#### **Proposed Recommendation on Root Causes**

13. Dismantle the settler-colonial apartheid regime promulgated by discriminatory Zionist ideology, laws, policies and practices of forcible transfer, property appropriation, property destructions, and domination.
14. Enable the exercise of the right of self-determination of the Palestinian people and the return of Palestinian refugees to their original homes.
15. Recognise that the illegality of the belligerent occupation. Since 1967, the protracted occupation denies Palestinian self-determination, breaches temporality inherent in Article 43 of the Hague Regulations, and annexations breach the *status quo ante bellum* and principles on non-acquisition of territory by force, in addition to breaching principles of necessity and proportionality *ad bellum*, making the belligerent occupation as a whole, illegal.
16. Bring to a complete end the illegal occupation since 1967.
17. End the illegal blockade and closure of the Gaza Strip.
18. End the ongoing annexation of the city of Jerusalem in its entirety and *de facto* annexation of 'Area C'.
19. End all policies which seek to segregate the Palestinian people and fragment Palestinian territory.
20. Immediately and unconditionally withdraw and dismantle all existing settlements, and halt the planning, construction, and expansion of its unlawful settlement enterprise.
21. Cease the transfer of its civilian population into the OPT.

#### **IV. Israel's Discriminatory Laws and Policies in the Domains of Citizenship and Nationality**

22. Since its last cycle, Israel continues to implement existing laws and policies and amend laws enshrining its apartheid regime against the Palestinian people, especially in the domains of nationality and citizenship.
23. Israel's settler colonialism and apartheid regime was established and is maintained by a framework of discriminatory laws and policies that have institutionalised a regime of racial domination and oppression over the Palestinian people. These laws seek to achieve an exclusive Israeli Jewish settler state through the fragmentation and elimination of the indigenous Palestinian people, including within the OPT.
24. Discriminatory laws that have been designed to deny Palestinian refugees their right to return include the **1950 Law of Return**. This law grants every Jewish person the

exclusive right to enter Israel as a Jewish immigrant, establishing a “nationality” right as a superior status distinct from Israeli citizenship that, within this constructed race-based classification, assigns the right for “Jewish nationality” to every Jewish individual anywhere in the world.<sup>i</sup> By contrast, Israel systematically denies Palestinian refugees their rights of return, restitution, rehabilitation, and compensation promised in UNGA resolution 194 of 1948.<sup>ii</sup>

25. This is supplemented by the **Citizenship Law of 1952**, which confers automatic Israeli citizenship to any Jew who enters Israel under the category of “return,” granting them the right to settle anywhere within Israel’s jurisdiction or effective control, including the OPT.<sup>iii</sup> This law precludes Palestinians who were residing outside of Palestine between 1948 and 1952, many of whom were forced to flee after the *Nakba* (‘catastrophe’), from obtaining Israeli citizenship, denying the right of return to millions of Palestinian refugees and exiles in the OPT.
26. **Amendment No 30 (2008) to the 1952 Citizenship Law** authorizes the Israeli Interior Minister to revoke the citizenship of Israeli citizens on the grounds of a broadly defined, “breach of trust or disloyalty to the state”.<sup>iv</sup> On 21 July 2022, the Israeli Supreme Court upheld this amendment, authorising direct forcible transfer of Palestinians.<sup>v</sup>
27. For Palestinians living in occupied East Jerusalem, the **Entry into Israel Law of 1952** imposes upon them a precarious “permanent resident” status, which has not only rendered them foreign visitors in their own capital and the land of their birth, but has become a tool through which residency revocation, based on expanding illegal, and vague criteria is used to transfer the protected Palestinian population from their land.<sup>vi</sup> Since its occupation of East Jerusalem in 1967, the Israeli authorities have revoked the residencies of at least 14,500 Palestinians living in East Jerusalem, including on punitive grounds.<sup>vii</sup>
28. The revocation of permanent Jerusalem residency for “breach of allegiance” to Israel, is left to the discretion of the Minister of the Interior and whose widespread application could be applied to any Palestinian from Jerusalem active in opposing Israeli human rights violations. While international humanitarian law stipulates that Palestinians do not have a duty of allegiance to the Occupying Power, this criterion has been used to forcibly transfer the protected Palestinian population.
29. **The Citizenship and Entry into Israel Law**, first enacted in 2003 as a Temporary Order, prohibits the granting of residency or citizenship status to Palestinian spouses from the OPT who are married to Palestinians with Israeli citizenship or residency status, thereby denying them of their right to family unification, right to family life, and right to equality in marriage and choice of spouse. In 2019, the Israeli Ministry’s Population and Immigration Authority began rejecting family unification requests based on “intolerable workload” rather than the merits of the request itself.<sup>viii</sup> On 10 March 2022, the Israeli Knesset adopted the Citizenship and Entry into Israel Law, with the explicit provision stating its goal is to ensure a Jewish demographic majority.
30. Through Israel’s **2018 Basic Law: Nation State of the Jewish People**, the ethnic-religious identity of the state of Israel as exclusively Jewish is codified, as this law deems any person of Jewish faith or birth of a Jewish mother a Jewish national, regardless of if whether they hold Israeli citizenship. Maintaining Israel’s

constitutional framework to serve one “ethnic” group, this law explicitly provides that “[t]he exercise of the right to national self-determination in the State of Israel is unique to the Jewish people.”<sup>ix</sup>

31. These laws not only further entrench Israel’s regime of institutionalized racial domination and repression against the Palestinian people, denying them their inalienable right to self-determination, including sovereignty over natural wealth and resources, it also solidifies the establishment of a Jewish settlement as a national value, providing constitutional force to the expansion of exclusively Jewish settler colonies throughout the OPT.

### **Proposed Recommendations**

32. Recognise and declare that Israel’s discriminatory laws, policies, and practices have established, and continue to maintain, an apartheid regime of systematic racial domination and oppression over the Palestinian people.
33. Repeal all legislation enshrining racial discrimination, domination, and oppression, including repealing the Basic Laws and other statutes that directly or indirectly effect the enjoyment of human rights through racial and/or racialized distinctions, including on the basis of religion.
34. End the fragmentation and elimination of the indigenous Palestinian people, including within the OPT, which seeks to achieve an exclusive Jewish settler state.

### **V. Discriminatory Planning and Zoning**

35. Israel’s systematic discriminatory zoning and planning policies to seize Palestinian land, property, and resources, have been developing since 1948.
36. With the adoption of the **Absentee Property Law in 1950**, Palestinian property, whose owners were away from their property, abroad, forced to flee, or were displaced, is declared to be “absentee property,” thereby stripping Palestinians of their ownership rights and enabling the confiscation of their land and property by the state, to which they continue to have ownerships rights over.<sup>x</sup>
37. In 1960, Israel once again rooted its confiscation and appropriation of Palestinian land and property into its legal system through the adoption of **The Basic Law: Israel Lands**, which prevented the return of land to Palestinians and restricts its use to Jews only.<sup>xi</sup>
38. In Jerusalem, Israel’s zoning laws have allocated only 13 percent of the land for Palestinian construction. Israel assigned 35 percent of the land area for the construction of illegal settlements, while 52 percent of East Jerusalem has been allocated as “green areas” in which construction is prohibited.<sup>xii</sup>
39. Additionally, the application of Israel’s **1970 Legal and Administrative Matters Law**, which transfers all properties allegedly owned by Jews in annexed eastern Jerusalem that came under the administration of the Jordanian Custodian of Enemy Property to the Israeli General Custodian, has been used to bolster Palestinian dispossession and displacement in East Jerusalem.<sup>xiii</sup> This law allows Israeli Jews to pursue claims to land and property allegedly owned by Jews in East Jerusalem before the establishment of the State of Israel in 1948 and has also been utilized by settler

organizations to evict Palestinians in East Jerusalem.

40. This law is currently being utilized in the area of the Sheikh Jarrah neighbourhood and Batn al-Hawa neighbourhood in Silwan, where 15 Palestinian Jerusalemite families (totalling 37 households of around 195 Palestinians) are at imminent risk of forcible transfer, due to the separate cases filed against them before Israeli courts by the settler organizations Nahalat Shimon International and Ataret Cohanim.<sup>xiv</sup> Most of the Palestinian residents of these neighbourhoods are refugees, who continue to be denied their right to return and to reclaim their original properties, that are dispossessed under the Absentee Property Law.
41. In another example, eight communities (comprising 1,200 Palestinians, including 500 children) in the Masafar Yatta region in the south Hebron Hills, are under the imminent threat of forcible transfer, after a May 2022, the Israeli High Court of Justice rejected appeals against eviction orders issued to the residents, effectively ending the legal proceedings that had lasted for more than two decades.<sup>xv</sup> These communities have been under the risk of displacement and dispossession since 1980, when the Israeli occupying authorities declared the communities as a closed military area, despite the residents living in the region since before the Nakba of 1948. These residents are at risk of direct and indirect forcible transfer due to Israel's declaration of their land as a closed military area, restricting access to land and natural resources, exploiting their natural resources, and threatening demolitions due to the discriminatory planning policies.<sup>xvi</sup>
42. In July 2022, the UN Office for the Coordination of Humanitarian Affairs reported waves of demolitions that hit the Masafer Yatta communities in the West Bank, along harassment and restrictions on freedom of movement, and "other unbearable living conditions" that coerced "residents into leaving".<sup>xvii</sup>

### **Proposed Recommendations**

43. Grant Palestinian refugees their right to return and end the continuing forced displacement and dispossession of the Palestinian people across the OPT, ensuring restitution of their property and compensation for the damages inflicted upon them, as a result of their displacement.
44. Revoke discriminatory planning and zoning policies, including the designation of areas as closed military zones.
45. Immediately revoke eviction and demolition orders issued against Palestinians facing the threat of forcible transfer in Masafer Yatta.

## **VI. Settlements and Settler Violence**

46. In Israel's third UPR, 17 States recommended that Israel halt or dismantle its settlements enterprise in the OPT. Yet, over the past four years, Israel has continued to expand and solidify its settlement enterprise, which utilizes appropriation and demolition of Palestinian land, as well as the forcible transfer of the indigenous Palestinian population to establish exclusively Jewish settlements throughout the OPT. Today, some 700.000 Israeli Jewish settlers reside in 300 settlements illegally constructed in the West Bank, including East Jerusalem.<sup>xviii</sup>
47. The expansion of Israel's settlement enterprise led to an increasing and alarming level of violence committed by colonial settlers in the OPT, whose presence and violent attacks have strengthened Israel's apartheid regime. These attacks include "colonisation attempts", physical attacks against Palestinians, sometimes causing their death, damaging their properties, obstructing their movements, and other acts of intimidation and provocation.<sup>xix</sup> Israeli colonial settlers are further protected by the climate of impunity they enjoy,<sup>xx</sup> which has resulted in the killing of eight Palestinians in settler attacks in the last three years.<sup>xxi</sup>
48. Between August 2020 to August 2021, Israeli colonial settlers destroyed more than 9,300 olive trees.<sup>xxii</sup> The IOF have turned the blind eye on most of these actions and protecting settlers, or even sometimes encouraging these attacks.<sup>xxiii</sup> In the Sheikh Jarrah neighbourhood of Eastern Jerusalem, armed settlers attacked Palestinians by spraying pepper gas and opening fire at Palestinians, under the protection of the IOF.<sup>xxiv</sup>
49. In December 2021, the alleged killing of an Israeli settler by two Palestinians triggered intensified attacks that have further escalated since the start of Ramadan in 2022.<sup>xxv</sup> These 'price tag' attacks are acts of violence committed by settlers in response to perceived threats on settlement construction and/or expansion in the OPT.<sup>xxvi</sup>
50. On 23 December 2021, some 10,000 settlers marched close to the Burqa village, under IOF protection, closed the villages entrances, deployed tear gas, fired rubber-coated bullets at Palestinians, raided the village, threw stones at Palestinian houses, and assaulted residents.<sup>xxvii</sup>
51. On 5 January 2022, an Israeli settler ran over a 66-year old Palestinian in the South Hebron Hills, dragging him under the truck for at least seven meters, which eventually resulted in his death two weeks later.<sup>xxviii</sup> In late March 2022, Israeli settlers emerged in rallies on both sides of the Green Line, attacking Palestinian vehicles in Nablus and Salfit as well as the Israeli town of al-Lydd.<sup>xxix</sup>
52. This violence has been openly supported by Israel, as a "call for Israelis to arm themselves" was made on 30 March 2022 by Israel's former Prime Minister Naftali Benet.<sup>xxx</sup> Israel's incitement of violence led to three further attacks that were committed against Palestinians in the Naqab desert in March 2022. Israeli authorities did not try to prevent these attacks, and in some cases, the police arrested and charged the victim with causing the incident.<sup>xxxi</sup>
53. Not only is settler violence supported as a tool of Palestinian suppression and intimidation, but is also a direct result of the continuing illegal transfer of Israeli settlers in the OPT,<sup>xxxii</sup> in violation of international humanitarian law.<sup>xxxiii</sup>



## **Proposed Recommendations**

54. Comply with its obligation as an Occupying Power by immediately halting the planning, construction and expansion of its unlawful settlement enterprise, progressively dismantling all existing settlements and Israeli infrastructures and withdrawing colonial settlers from the OPT.
55. Ensure the protection of Palestinians living in the OPT by effectively enforcing the law against colonial settlers, as well as genuinely investigating and prosecuting those settlers who attack Palestinians therein.
56. Afford all the victims of attacks by colonial settlers with genuine access to justice and effective remedies and take effective measures preventive further settler violence.

## **VII. Suppression of Resistance: Israel's Intent to Maintain the Apartheid Regime**

56. The underlying policies of Israel's apartheid regime seek to dominate and oppress the Palestinian people, while also targeting Palestinian's dignity. Thus, its apartheid regime is furthered by its intentional weakening of the capacity of the Palestinian people to challenge the myriad human rights violations they experience.
57. A core element in the maintenance of its apartheid regime, is through the active suppression of any opposition through wilful killing, suppression of demonstrations, arbitrary detention, torture and other ill-treatment, and collective punishment, as well as smear and delegitimization campaigns against individuals or groups, including human rights defenders, seeking to challenge its apartheid regime.

## **VIII. Wilful Killings of Palestinians**

58. In Israel's third UPR, three States recommended that Israel make proportional use of force. Moreover, three States recommended that Israel stop the practice of extrajudicial executions.
59. Israel's resort to excessive use of force, including lethal force, against Palestinians constitutes another tool aimed at maintaining its apartheid regime over the Palestinian people, through intimidation and repression of Palestinians.
60. Israel's unnecessary, disproportionate and excessive use of lethal force has been illustrated in the suppression of the Unity *Intifada* in May 2021, whereby Israeli forces and settlers killed 276 Palestinians during the offensive on the Gaza Strip, and in demonstrations across colonised Palestine.<sup>xxxiv</sup> In 2022, such use of excessive force was further displayed by Israel during its assault against the Gaza Strip from 5 to 7 August which caused 46 Palestinians casualties.<sup>xxxv</sup> In the West Bank, Israeli Occupation Forces (IOF) conducted a raid in Jenin on 28 September, causing the death of four Palestinians.<sup>xxxvi</sup>
61. Of great concern is the increase of extrajudicial killings, a practice that "has been on the rise since October 2015" and "ignited an already extremely tense situation on the ground."<sup>xxxvii</sup> This practice refers to the use of lethal and excessive force against those Israel sees as a threat to its forces, whose lives were ended instead of being apprehended alive, constituting a war crime, as well as an inherent violation of the customary right to life. It further amounts to a "crime against humanity through the systematic targeting and persecution of the Palestinian people,"<sup>xxxviii</sup> and a blatant

infringement upon due process principles as those killed were not tried.

62. Despite being widely condemned, this five-decade-long practice has been officially endorsed by the Israeli executive and judicial branches.<sup>xxxix</sup> 2021 was marked as the deadliest year in the OPT since 2014, with 319 Palestinians killed, mostly during Israel's Operation Guardian of the Walls in the Gaza Strip.<sup>xl</sup> In the West Bank, 77 Palestinians were killed.<sup>xli</sup> However, Israel's violence against Palestinians in 2022 is set to surpass the fatalities of the previous year, as of 1 October 2022, Al-Haq documented the killing of at least 130 Palestinians by Israeli forces in the OPT since the start of the year, including 49 in the besieged Gaza Strip during Israel's three-day assault in August, of which 35 were civilians.<sup>xlii</sup>
63. On 3 May 2021, Israeli settlers established the Evyatar colonial outpost on Sbeih Mountain, which is located on the lands of three Palestinian villages in occupied Nablus: Beita, Yitma, and Qabalan. Since 5 May 2021, Palestinians from Beita and neighbouring villages have been protesting the outpost and against the denial of their right to self-determination. As part of Israel's ongoing suppression and domination of the Palestinians, Israel has responded to the popular resistance in Beita with unnecessary and disproportionate use of force against protesters. Since the start of protests between 10 May 2021 until 20 May 2022, the IOF killed ten protesters<sup>xliii</sup> and injured 6,454, including 178 injuries with live bullets, 997 with rubber-coated bullets, with deliberate targeting of the protesters' lower limbs.<sup>xliv</sup>
64. Special consideration should further be given to the city of Jenin where Israeli forces have killed 43 Palestinians in 2022 thus far,<sup>xlv</sup> In particular, during Israel's raid of Jenin's refugee camps on 28 September, the IOF used "disproportionate firepower, including firing missiles in densely populated areas,"<sup>xlvi</sup> representing a sharp increase in violence in Jenin from the 14 Palestinians killed by IOF in 2021.<sup>xlvii</sup>
65. Considering the above, it is clear that the aforementioned recommendations have not been implemented. In addition to the IOF's indiscriminate, unnecessary and disproportionate use of force, Israel's Parliament has proposed a new Israeli law that would prevent "holding to account IOF soldiers who have killed Palestinians during their military service,"<sup>xlviii</sup> further entrenching Israel's system of impunity against the Palestinian people. While the Civil Wrongs Law - Amendment No. 8 (Liability of the State), prevents Palestinians from taking tort actions in Israeli courts for damages.

### **Proposed Recommendations**

66. Refrain from using force against civilians that are not taking active part in hostilities, as provided by international humanitarian law (IHL).
67. Use only necessary and proportionate force to achieve the military objective anticipated, in hostilities. In a law enforcement situation, in densely populated areas, such as Jenin, policing standards apply, requiring no more force than absolutely necessary, using less harmful and non-lethal alternatives, including the arrest of the targeted person.
68. Create a legal framework allowing for alleged perpetrators of killings as well other persons allegedly, notably military commanders, to be prosecuted and, if appropriate, convicted.
69. Upon the commission of killings of Palestinians by Israeli soldiers, conduct an

immediate investigation into the circumstances of the events to identify those responsible and bring them to trial.

## **IX. Collective Punishment**

70. In Israel's third UPR, three States recommended that Israel cease all practices of collective punishment against the Palestinian people, including the blockade of Gaza, restriction of movements, demolitions of homes and revocations of residency permits in East Jerusalem.
71. Collective punishments are measures taken against innocent victims for an offense they have not personally committed and are prohibited under IHL and customary international law.
72. Over the past four years, Israel has displayed a pattern of collective punishments by targeting family members of Palestinians who allegedly carried out attacks against Israel,<sup>xlix</sup> in violation of IHL and international human rights law. During a raid Israel conducted in the Jenin refugee camp on 28 September 2022, Israel fired a missile at the home hosting two suspected terrorists.<sup>1</sup> In the absence of evidence of the implications of the victims in the wrongdoings claimed by Israel, extrajudicial killings amount to prohibited collective punishments.
73. Furthermore, 205 Palestinian-owned structures have been demolished since July 2019.<sup>li</sup> From 1 November 2020 to 31 October 2021, Israel has punitively demolished four Palestinian homes in the West Bank, resulting in the forced eviction and displacement of 23 Palestinians, including six women and 11 children.”<sup>lii</sup> These demolitions were based on mere and unsubstantiated allegations of attacks by Palestinians and committed without waiting for the conviction of the accused person.
74. Israel's long-established practice of withholding Palestinian bodies that have been killed by IOF forces further amounts to collective punishments that may also constitute a form of torture or inhuman and degrading treatment. In September 2019, the Israeli Supreme Court allowed the Israeli military commander to detain and bury Palestinian dead bodies “for the purpose of using them as future bargaining chips.”<sup>liiii</sup> As of August 2022, Israel has withheld 104 Palestinian bodies in refrigerators since 2015 and held 256 bodies in private cemeteries over several years.<sup>liv</sup>

## **Proposed recommendations**

75. Cease employing illegal measures of extrajudicial killing, and investigate, prosecute and convict Israeli soldiers and authorities responsible for these acts.
76. Immediately stop punishing the families of deceased Palestinian by withholding their bodies and offer them the treatment of human dignity to which they are entitled.
77. Cease all house demolitions in the OPT, regardless of any decision of Israeli courts finding otherwise.
78. Further refrain from any other form of collective punishment against the protected Palestinian population.

## **X. Intimidation, and Smear campaigns against Human Rights Defenders (HRD)**

79. In Israel's third UPR, thirteen States recommended that Israel stop targeting civil

society actors and guarantee a secure environment conducive to the work of NGOs and journalists, free of intimidation, harassment and threat, and where they can exercise their freedom of speech and association.

80. Despite these recommendations, Israel has intensified its crackdown on Palestinian civil society and human rights organisations over the past four years, as evidenced by the raids on the headquarters of the Union of Agricultural Work Committees (UAWC), Bisan Center for Research and Development and Defence for Children International-Palestine (DCI-P).<sup>lv</sup>
81. On 19 October 2021, the Israeli Minister of Defense announced the designation of six leading Palestinian human rights and CSOs as “terrorist organisations” under Israel’s domestic Anti-Terrorism Law (2016).<sup>lvi</sup> The six targeted organisations are: Al-Haq, Law in the Service of Man (Al-Haq), Addameer Prisoner Support and Human Rights Association (Addameer), Bisan Center for Research and Development, DCI-P, the UAWC, and the Union of Palestinian Women’s Committees (UPWC). The organisations are being targeted for attempting to promote a critical narrative and mobilise action concerning the Israeli occupation, annexation, apartheid and colonisation of Palestinian lands, business and settlement activities, environmental and natural resources, political prisoners, and accountability before the International Criminal Court.
82. The ramifications of these designations are significant and severe. This decision effectively outlaws these organisations and places them at imminent risk of reprisals. It entails severe legal consequences, including the potential closure of the six organisations’ offices, the seizure of their property, the freezing of their assets, the blockade of their funding and the prohibition of public support for their activities. Moreover, their staff members may be arbitrarily arrested and are liable to detention and criminal sanctions.<sup>lvii</sup> Directors and senior staff of the organisations can be sentenced to 25 and 15 years of imprisonment respectively.<sup>lviii</sup> Incontestably, due to the consequences it involves, the decision severely obstructs the essential human rights work of the six organisations.
83. The President of the Health Workers Committee, another Palestinian civil society organisation, was sentenced to 16 months’ imprisonment after 15 months of administrative detention without charges or trial, during which she was subjected to ill-treatment and medical negligence, and suffered numerous chronic illnesses.<sup>lix</sup>
84. Recently, on 18 August 2022, at approximately 3:00 am, the IOF forcibly entered, raided and closed the offices of the six designated Palestinian CSOs. Private property and information were seized from three of these organisations.<sup>lxi</sup> This is a direct action by Israel to forcibly silence Palestinians organisations that speak out against Israel’s apartheid regime.
85. The United Nations Relief and Work Agency for Palestinian Refugees in the Near East (UNRWA) has also been targeted as part of Israel’s smear campaign. In addition of repeatedly bombing UNRWA schools and facilities during its assaults on Gaza, Israel has several times made false accusations against UNRWA, including using textbooks “inciting against Israel”, and demanded that the agency “end the incitement and antisemitism in UNRWA schools and publicly pledge to eliminate any terrorist infrastructure in its buildings”.<sup>lxii</sup> Furthermore, Israel voiced its objection to the

appointment of Fransesca Albanese as the UN Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, “arguing that she harbours significant bias against the Jewish State”.<sup>lxiii</sup> Israel has also smeared the ICC<sup>lxiv</sup> and the Commission of Inquiry on the Occupied Palestinian Territory as being antisemitic and demanded the disbanding of the latter.<sup>lxv</sup>

**Proposed Recommendations:**

86. Urgently cease its systematic and ongoing policies and practices intended to silence Palestinian civil society and human rights defenders.
87. Immediately rescind the designations as acts that unlawfully derogate from the protection of the freedom of opinion, expression and association as enshrined in international law.
88. Refrain from defaming international organisations or UN agencies and special rapporteur.

**XI. Final Recommendations**

89. Dismantle Israel’s settler-colonial and apartheid regime, and bring to a complete end its illegal occupation since 1967 and end the ongoing annexation of the city of Jerusalem in its entirety, and the de facto annexation of vast swathes of the OPT.
90. Enable the exercise of the right of self-determination of the Palestinian people, including the right of return to Palestinian refugees.
91. Repeal the following laws that remain foundational to Israel’s apartheid regime:
  - (a) The Basic Law: The Law of Return (1950);
  - (b) The Citizenship Law (1952);
  - (c) The Absentee Property Law (1950);
  - (d) The Entry into Israel Law (1952) and its amendments; and
  - (e) The Basic Law: Israel as the Nation-State of the Jewish People (2018).
92. Cease all measures and policies that contribute to the fragmentation of the Palestinian people, including the denial of Palestinian refugee return, the closure of Jerusalem and of the Gaza Strip, the construction of the Annexation Wall, and the imposition of severe movement restrictions.
93. Make suitable and sufficient reparations to all portions of the affected Palestinian people, including Palestinian refugees and displaced persons, as mandated by international law.
94. End the demographic manipulation of the OPT, which constitutes the crime of population transfer and apartheid, including the precarious “permanent residency” status of Palestinians in East Jerusalem, which imposes a separate discriminatory legal system onto Palestinians in the OPT.
95. Restructure all discriminatory planning and zoning policies in consultation with the indigenous Palestinian people directly affected by said policies, including illegal house demolitions and destruction of property, denial of access to land and natural resources, and the creation of coercive environments designed to drive Palestinian transfer.

96. End the targeting of human rights defenders, organisations, and members of Palestinian civil society. Cease any and all practices of intimidation and silencing of these groups, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures.
97. Cease the construction of all illegal settlements in the OPT, including occupied East Jerusalem, and dismantle those already in existence, in accordance with its obligations, as occupying Power, under IHL and as mandated by international criminal law.
98. Recognize the prolonged occupation as illegal.
99. End Israel's prolonged occupation of the Palestinian territory, in line with Israel's obligation to uphold the right of the Palestinian people to self-determination, including permanent sovereignty over natural wealth and resources.

<sup>i</sup> Law of Return of 1950, available at: <https://www.adalah.org/en/law/view/537>.

<sup>ii</sup> UNGA, Resolution 194 (III) (11 December 1948) UN Doc A/RES/194, para. 11.

<sup>iii</sup> Citizenship Law, 5712/1952, available at:

[http://www.knesset.gov.il/review/data/eng/law/kns2\\_nationality\\_eng.pdf](http://www.knesset.gov.il/review/data/eng/law/kns2_nationality_eng.pdf)

<sup>iv</sup> Adalah, "Israeli Interior Minister Aryeh Deri's decision is a drastic step that entails a severe violation of human rights (7 June 2016), available at: <https://www.adalah.org/en/content/view/9182>; <https://www.adalah.org/en/content/view/8824>.

<sup>v</sup> Israeli Supreme Court Decision (21 July 2022), available (in Hebrew) at: [https://www.adalah.org/uploads/uploads/Court\\_decision\\_Alaa\\_Zayyoud\\_Case\\_08062017.pdf](https://www.adalah.org/uploads/uploads/Court_decision_Alaa_Zayyoud_Case_08062017.pdf).

<sup>vi</sup> Entry into Israel Law, 5712/1952, available at:

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