



INTERNATIONAL COUNCIL SUPPORTING FAIR TRIAL & HUMAN RIGHTS

Registration No. 2795/2012

OFFICIAL LETTER HEAD OF THE ORGANIZATION

Palestine: Israel's violence, discrimination and impunity

There are some 5.4 million Palestinians still living as refugees, the vast majority of them are descendants of people who fled or were expelled from their homes during the 1948 war that accompanied Israel's creation. Furthermore, the destruction of homes and schools has led to massive displacements of people throughout the Palestinian territories over the years. Today, Israel continues its campaign against Palestinians by denying their basic human rights, such as their rights to health, housing and education. By doing so, Israel ignores the right of the sick and injured to receive medical care, the right of all Palestinians to their own homes and property, and the right of children to education for their growth and development. According to the UN approximately two million Palestinians remain blocked in increasing poverty and unemployment, with limited access to adequate health, education, water and electricity.

More than half-century of occupation and settlements has taken a heavy toll on the human rights situation in the Occupied Palestinian Territory. The patterns of violations of human rights and international humanitarian law that Israel has inflicted on peaceful Palestinians over the past decade have become all too familiar. The illegal settlement enterprise and related unlawful seizure and destruction of property, the demolitions and resultant forced displacement, settler violence, excessive use of force and possible extra-judicial killings, administrative and arbitrary detentions, collective punishment measures – these all remain at the core of human rights violations in the Occupied Palestinian territory.

Israel's blockade of Gaza enters its 12th year and frustration and despair continue to grow. Israeli security forces continue to use firearms almost on a daily basis along the Israeli designated "access restricted areas" on land and sea to enforce this closure.



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Additionally, Israel continues to target and attack health workers or restrict the food and medical care and services in violation of international human rights. International in action has enabled Israel to continue to ignore the impacts of its actions on the Palestinian health care system. Between March 2018 and 1 January 2019, three health workers were killed and 617 injured in 407 recorded incidents against health staff and facilities. As well, 94 ambulances were damaged. From 1 to 19 January 2019, at least 52 health workers were injured and ten ambulances were damaged in 45 incidents of attacks against healthcare in the Gaza Strip.

Moreover, numerous Palestinian-owned structures are seized or demolished by the Israeli authorities in East Jerusalem, displacing scores of people. Al Walaja and Khan Al Ahmar, which are both under threat of wholesale demolition, are two well-known examples of Israel's policy of displacing entire Palestinian communities within the West Bank in order to pursue Israel's plan to alter the character and demographic composition of the city, in violation of international law. These forced evictions violate, directly and indirectly, the full spectrum of civil, cultural, economic, political and social rights enshrined in international instruments, as stated by OHCHR.

Israel's policy of segregation is set up at different levels due to Israel's occupation system and its policies and practices of racial oppression and discrimination. The segregation system is perpetrated by different measures, among those: The West Bank separation wall, Israeli checkpoints on the border, separate roads and Israeli settlements. The segregation system carried out by the government of Israel constitutes a serious violation of international human rights law and poses a serious threat to the regional security and stability. To illustrate, In January 2019, Israel opened a new road with an eight-meter wall separating Palestinian and Israeli traffic in the center of the occupied West Bank connecting the illegal settlement of Geva Binyamin to Route 1.



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Inside the occupied territories Palestinians continue to suffer from Israel's illegal military occupation, colonial policies and apartheid regime. This is entrenching the prolonged exile of Palestinians, and their descendants, forcibly displaced after 1947 and intentionally denied the right to return as stated in UN resolution 194.

The delivery of basic services in Gaza, the West Bank can only be expected to become more pressing moving forward; however, although humanitarian assistance is critical, no matter how robust, it is not solution to ending Israeli occupation, which is the root cause of the human rights violations.

Impunity and lack of accountability has driven Israeli's human rights violations to new cycles of violence. The pursuant breakdown in human rights and systematic violations of the laws of war in the occupied Palestinian territory continue to be propped up by an Israeli legal system that is geared towards protecting the impunity of its armed forces and political leadership, and by ineffective intervention by the international community to secure justice and legal accountability.

Additionally, the residents of Gaza continue to face severe barriers in accessing justice in Israel. The overarching challenge remains the mounting legislative restrictions that shield the government from torts liability for its troops' and commanders' actions.

The crime of Apartheid is defined as inhumane acts committed in the context of an institutionalized systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that systematic separation. Based on the current situation in Israel and the Occupied Territories, it is apparent that Israel is, in fact, engaging in apartheid against the Palestinian people.



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The international community including the UN is unwilling to conduct genuine, independent investigations into suspected war crimes and does not hold those responsible to account as required by international law.

ICSFT is concerned about the devastating failure of international community to exert real pressure on Israel, the occupying power, to bring its actions in line with its obligations under international humanitarian law and UN resolutions.

In this context ICSFT calls on the international community and UN to:

1. Demand that Israel remove all barriers for Palestinians to access Israeli courts to pursue civil tort claims against the Israeli military's actions that include killings and damages;
2. In accordance with the accountability resolution adopted by the HRC one year ago, ensure that those responsible be held to account through appropriate fair and independent mechanisms;¹
3. Respond with practical steps to ensure Palestinian access to human rights, fundamentally the right to self-determination and right to return home;
4. End Israel's prolonged occupation;
5. Remind states that they have a collective duty to ensure accountability, justice and equality for Palestinians. As such encourage National governments to support boycott, divestment and sanctions activities and respond positively to calls for such initiatives. This is of utmost importance if the different actors are concerned about fulfilling their legal duty under international law.
6. Finally restate the fundamental right of self-determination of the Palestinian people as well as their right of return to their lands and properties, as recognized

¹ Resolution of the Human Rights Council, A/HRC/31/L.38, 22 March 2016



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under international law and by UN Resolutions, and we call upon the international community to endeavor towards its implementation.