



## Joint Statement on the UPR Pre-Session

Delivered on 3 April 2023

This statement is delivered on behalf of Al Mezan, Al-Haq, and Adalah—three Palestinian NGOs working to defend Palestinians’ rights in all areas under Israel’s control.

This presentation will cover three main issues: the Israeli laws, policies, and practices that have distinct characteristics of apartheid against Palestinians; excessive use of force against Palestinians; and lack of accountability and perpetuating impunity.

- 1) In the last UPR cycle, many States recommended Israel to ensure equal treatment for all persons within its territory and subject to its jurisdiction. While welcoming these recommendations, our organizations believe that Israel’s policies against Palestinians amount to the crime of apartheid under international law.

Given the limited time available, I will only highlight some illustrative laws and practices implemented by Israel against Palestinians.

- In 2018, the Israeli parliament enacted the **Jewish Nation-State Law**, which constitutionally enshrines Jewish supremacy and identifies the State of Israel as the nation-state of the Jewish people only, denying the right to self-determination for Palestinians. In 2021, the Israeli Supreme Court rejected 14 petitions against the law, upholding its constitutionality and further entrenching oppression against Palestinians.
- Since 2003, the Israeli parliament has enacted and renewed a law which bans Palestinians with Israeli citizenship or Jerusalem residency from living together with their spouses, if the spouse is from the West Bank or Gaza. In its newest version, the law explicitly states that its purpose is to maintain Jewish demographic majority, as opposed to the fabricated security pretexts repeated by the government, despite no factual substantiation whatsoever.
- In February 2023, the Israeli parliament passed a bill to revoke the citizenship or permanent residency of Palestinians who committed a “terrorist act” and received

money from the Palestinian Authority in relation to a “breach of loyalty” and deport them to the West Bank or Gaza.

**Accordingly, we ask States to recommend Israel to:** Repeal these three laws and all discriminatory laws and policies that have distinct characteristics of apartheid.

2) Israeli forces have continued to use excessive and lethal force against Palestinians in all areas under its control and jurisdiction.

- Since 1948, the Israeli police and other armed forces have continued to use excessive and lethal force against **Palestinians who hold Israeli citizenship**, including peaceful protestors. Most recently, during the May 2021 uprising, Israeli Jewish vigilante groups, some of which are settlers from the occupied Palestinian territory, have banded together and taken it upon themselves to attack Palestinian citizens of Israel and their property. In Lydd, an armed Jewish Israeli civilian shot dead an unarmed Palestinian citizen protestor, Mousa Hassouneh. Israeli authorities cleared all suspects in the killing following a negligent and flawed investigation.
- **In the occupied West Bank**, the past few years saw a dramatic increase of Israeli incursions and military raids on Palestinian towns and cities in the West Bank, including occupied East Jerusalem, Jenin, and Nablus. 2022 was the deadliest year for Palestinians in the West Bank since 2005, with 152 Palestinians killed. In the first three months of 2023, Al-Haq documented the killing of 82 Palestinians in the West Bank.
- **In the occupied Gaza Strip**, since its last review, **Israel carried out two large-scale military operations**. Al Mezan’s years of fieldwork and monitoring on the ground during each Israeli military offensive show that, in carrying out these operations, the Israeli military kills and injures hundreds of Palestinian civilians and deliberately targets and destroys civilian objects, in complete disregard of the principles of distinction, proportionality and precaution under international humanitarian law.
  - In May 2021, Israel bombed Gaza for 11 consecutive days, killing 240 Palestinians—of whom at least 151 were civilians, including 59 children—and injuring around 2,000 more. During the offensive, Israel targeted, damaged, and destroyed thousands of civilian objects—including residential and commercial buildings, agricultural lands, schools, and vital infrastructure such as roads, electricity networks, water installations, and medical facilities. A little over a year later, in August 2022, Israel waged an unprovoked military offensive against Gaza during which it killed 33 Palestinians, amongst them 20 civilians, including ten children.

- In addition to these two military offensives, during the reporting period **Israeli forces also targeted thousands of Palestinian civilians in the course of the Great March of Return**, the weekly peaceful demonstrations which took place at the separation fence between Gaza and Israel from March 2018 for roughly two years. The **Israeli military systematically suppressed the demonstrations using lethal and other excessive force directly targeting unarmed civilian protesters, media and medical personnel in circumstances that could not be justified under international human rights law**. According to Al Mezan's documentation, Israeli soldiers killed 217 Palestinian protesters—including 48 children, two women, two journalists, four paramedics, and nine persons with disabilities—and **wounded more than 14,000 others**.

**Accordingly, we ask States to recommend Israel to:**

- End the use of excessive and lethal force against Palestinians and ensure that rules of engagement permit such force only as a last resort.
- Comply with the basic principles of international humanitarian law regulating the conduct of hostilities and stop indiscriminate and disproportionate attacks and direct targeting of Palestinian civilians and civilian objects.

3) At the last UPR, Israel accepted several recommendations that address combating impunity and ensuring accountability when using excessive force. However, facts on the ground speak differently.

Indeed, Israel has systematically failed to conduct thorough, effective, independent, and impartial investigations of suspected perpetrators of serious violations and crimes committed against the Palestinian people, including those committed during the Great March of Return and its successive military assaults on Gaza. Our long engagement with the system and the output of the system itself evidence that its **primary function is to shield Israeli troops, military commanders, and government leaders from criminal responsibility**, making the **State unwilling or unable to act in accordance with international law**.

**Accordingly, we ask States to recommend Israel to:**

- End the State's policy of awarding near-blanket impunity to police officers and other State officials, halt all attempts to codify this impunity, and investigate all reported incidents of excessive use of force.

- Ratify the Rome Statute of the International Criminal Court (ICC), and fully cooperate with the Court and other international accountability mechanisms, including the UN Commission of Inquiry on OPT/Israel.