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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (IAFORD), the Arab Organization for Human Rights, the Indian Movement "Tupaj Amaru", the International-Lawyers.Org, the Meezaan Center for Human Rights, the Union of Arab Jurists and the Women's Centre for Legal Aid and Counseling, non-governmental organizations in special consultative status, the International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Stifling Palestinian National Expression and Resistance to Israeli Domination*

The Israeli State has a long history of severely infringing on Palestinian freedom of expression, association and peaceful assembly, and the right to participate in public and political life across the Occupied Palestinian Territory (OPT) and in Israel by, *inter alia*, closing down institutions, violently dispersing peaceful protests, and conducting large-scale arrests, in an effort to stifle Palestinian national expression and resistance to the Israeli system of occupation and apartheid. Indeed, this system would not be sustained if Israel did not persecute opponents and erode their fundamental rights.

Arrests under Divergent Legal Systems

Israel's persecution of peaceful activists, Palestinian parliamentarians, political leaders and human rights defenders (HRDs) is facilitated by its imposition of divergent legal systems and courts, including a repressive military system, that apply discriminatory standards of evidence and procedure to Palestinians as compared to Jewish Israelis, including settlers illegally present in occupied Palestine. These implicate severe, disproportionate and often baseless penalties for Palestinians and thus testify to Israel's entrenched system of apartheid.

The order regulating freedom of expression, association and peaceful assembly in occupied Palestine is Military Order 101, passed in 1967, which criminalizes peaceful political expression and activity, such as any public or private assembly, vigil, procession, or publication relating to "a political matter or one liable to be interpreted as political", when unauthorized by an Israeli commander. Any breach of the order is subject to punishment of up to 10 years imprisonment or a fine. Exploiting the vague provisions entailed in Military Order 1651 and the 2005 Internment of Unlawful Combatants Law, the Israeli Government intensified its campaign of silencing dissent in occupied Palestine by subjecting Palestinian HRDs, critical journalists, and civil society activists to indefinite administrative detention.

Eroding Freedom of Opinion and Expression

Palestinians' freedom of opinion and expression is curtailed by Israel. Palestinian publications must be granted an Israeli-issued military permit and their articles are subjected to approval by the military censor – a procedure that follows censorship laws that are enforced by Israeli military authorities and supported by the Supreme Court. Palestinian press services have repeatedly been raided or closed and their distribution disrupted¹. Meanwhile, Palestinian journalists face refusal of press cards and denial of the renewal of press accreditation by the Israeli Government Press Office, including for alleged "delegitimization" of the State. Journalists are also subjected to harassment, abuses and attacks by Israeli forces. Israeli forces furthermore engage in the confiscation of equipment and materials, arrest and detention campaigns against journalists, the bombing of media installations, and the shooting of journalists, resulting in killing and injury. Foreign journalists are often banned from Gaza.

Curtailing Political Assembly, Association and Participation

Military legislation prohibits public gatherings of ten persons or more without a permit issued by the Israeli military commander and punishes acts interpreted as breaches of this provision with violent dispersal and arrests. On the basis of military orders, Israel retains its use of administrative detention and continues to apply disproportionate, excessive and sometimes fatal use of force against peaceful Palestinian protesters and to persecute civil society activists organizing

¹ The most recent raids on Palestinian publishing houses include a raid on the oldest printing press in Tulkarem "Ibn Khaldon Company for Printing and Publishing" on 1 March 2017, during which Israeli soldiers damaged the building, dissected hardware of computers and printing presses, and destroyed or confiscated office equipment. On 30 January 2017, Israeli forces raided the Palestinian "al-Nour Publishing House" in Ramallah and confiscated four printers and a computer and irreparably damaged the remaining equipment.

and promoting these nonviolent protests. Palestinians in villages such as Bil'in, Ni'lin, and al-Nabi Saleh, who nonviolently protest against settlements and the Wall, as well as Nakba Day commemorations and solidarity protests with Palestinian political prisoners, are regularly confronted with unwarranted excessive violence on the part of Israeli forces, which employ live ammunition, rubber-coated metal bullets, artillery shells, and tear gas to disperse demonstrations. Increasingly, Jewish Israeli dissidents are subjected to Israel's sweeping curtailment of freedom of assembly and association. Verbal and physical assaults, including defamation and harassment, are carried out with impunity by Israeli soldiers and settlers.

Many Palestinian political parties and popular committees have been declared illegal, while allegedly associated institutions, including charities and cultural organizations, are closed down and attacked. Inside Israel, the participation of Palestinian politicians and political parties is curtailed and attempts to challenge such restrictions or Israel's existence as a "Jewish and democratic state" is prohibited on the basis of the Basic Law: Knesset. In 2009, Israel's Central Election Committee banned the Knesset's two Arab political parties from the elections based on allegations that they do not recognize the Jewish character of the State, gravely infringing on the civil and political rights of Arab political and civil society leaders. Both parties were allowed to re-run for the election, only after a court decision. Student groups affiliated with political parties and movements are also prohibited, rendering student leaders especially vulnerable to arrests on basis of their political engagement. NGOs promoting the rights of Palestinians face obstacles in obtaining official registration status and funding and operate under substantial risk.

In East Jerusalem, Israeli authorities close Palestinian institutions, NGOs, public conferences and cultural events and impose censorship on Palestinian school books on grounds of alleged security risk and affiliation with the Palestinian Authority. Under similar allegations, they impose punitive measures, such as summons and fines, on organizers, hosts and supporters of Palestinian civil society activities and schools. These measures further undermine the expression of Palestinian national identity and the right of the community to participate in the public affairs of their country.

Life, Liberty and Security under Threat

Israel has escalated its repressive and restrictive practices towards Palestinian HRDs and civil activists, especially targeting and arresting leading Palestinian human rights activists, prominent figures such as mayors and teachers, and members of the Popular Committees instrumental to protests and advocacy. They encounter threats, violent attacks, stigmatization, intensified movement restrictions, and arrests. Prolonged and indefinite arbitrary detention without charge or trial continues to be carried out unabated, with Palestinian prisoners being subjected to deplorable conditions of imprisonment, ill-treatment and torture. Often, Palestinians receive warrants that prohibit consultation with their lawyers, who receive no information about the suspicions, which violates due process.

Palestinians face threats to life and security of person for peacefully exercising their rights. Often alongside their families, they are exposed to serious threats and assaults by Israeli settlers living in the nearby illegal settlements and through phone calls and messages, including death threats, and physical attacks and assaults. Israeli soldiers raid homes, confiscate equipment, and threaten them with detention. The activists are therefore in constant danger of reprisals for documenting and opposing occupation violations.

Severe movement restrictions prevent most Palestinians from leaving the West Bank and from entering or exiting Gaza, and prevent Palestinian Israeli citizens from entering Jerusalem. East Jerusalemites are often deported to the West Bank. Such practices significantly hamper the work of HRDs and organizations by obstructing field activities, the documentation of human rights violations and the provision of assistance to the victims, as well as the attendance of conferences and events, including under UN auspices, and thereby their networks of information sharing and mutual support. HRDs from Gaza face severe difficulties due to their isolation arising from restrictions on movement and communication and other repressive measures.

Conclusion and Recommendations

Israel's erosion of the fundamental rights and freedoms of Palestinians peacefully seeking to end an inhumane system of occupation and institutionalized discrimination provides further evidence for the State's intention to perpetuate its

domination and control over the Palestinian people. These activities constitute part of Israel's breaches of international criminal law, which defines apartheid as a peremptory norm (*jus cogens*) of international customary law from which no derogation is permitted. In light of this, we, the signing civil society organizations, call upon the United Nations, and in particular the Human Rights Council and all Member States to take all necessary measures to ensure that Israel:

- End its prolonged brutal occupation, including all illegal settlement activities and the siege of Gaza, as well as its apartheid policies and practices that oppress the Palestinian people as a whole to finally ensure Palestinians their inalienable rights, including self-determination in their independent State of Palestine;
- Fully respect the fundamental freedoms of assembly, association, expression and movement of Palestinians, including those overtly opposing the occupation;
- Cease and rescind its oppressive military orders and anti-democratic and restrictive practices and legislation targeting Palestinians;
- End the use of the criminal, legal and security tools to obstruct legitimate opposition to the occupation and racial discrimination, including the use of arbitrary arrests and detentions;
- Prevent incitement and attacks against Palestinians, thoroughly investigate violations, and bring perpetrators to justice;
- Fundamentally reform its legal system and courts and end the repressive military system that applies discriminatory standards of evidence and procedure to Palestinians.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Human Rights and Democracy Media Center "SHASM", Euro-Mediterranean Human Rights Monitor, Youth Against Settlements (YAS), Alternative Information Center (AIC), Association of Humanitarian Lawyers (AHL), Hebron Human Rights Defenders (HRD), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), Kuala Lumpur Foundation to Criminalise War, NGO without consultative status, also share the views expressed in this statement.