

Grave Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem



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GRAVE HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM

*Report of the 30th Special Session of the Human Rights Council on the grave
human rights situation in the OPT, including East Jerusalem*



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The 30th Special Session of the Human Rights Council

Geneva, 27 May 2021

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A. INTRODUCTION

After having witnessed the latest escalation of tensions between Israel and Palestine, erupted on 10 May 2021 and which resulted in gross human rights violations with hundreds of Palestinian people killed, including dozens of children, thousands of injured and over seventy thousand people displaced in Gaza, East Jerusalem and the West Bank, the Human Rights Council scheduled its 30th Special Session. The session was convened to urgently address the current situation and discuss the grave human rights situation in the Occupied Palestinian Territory. The meeting was held in Geneva on Thursday, 27 May 2021, from 10 a.m.



The special session was programmed by the President of the Council after receiving a formal letter signed jointly by the Permanent Representative of Pakistan, Coordinator of the Organization of Islamic Cooperation on Human Rights and Humanitarian Issues, and the Permanent Observer of the State of Palestine, in order to address the grave human rights situation in the Occupied Palestinian Territory, including East Jerusalem.

In accordance with General Assembly resolution 60/251, which requires the support of one third of the Council to convene a special session, the petition was endorsed by the 20 delegations: Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, China, Côte d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Libya, Mauritania, Mexico, Namibia, Pakistan, Senegal, Somalia, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of).

The request was also supported by the 43 observer States: Afghanistan, Albania, Algeria, Azerbaijan, Benin, Brunei Darussalam, Chad, Comoros, Djibouti, Egypt, Gambia, Guinea, Guinea-Bissau, Guyana, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Malaysia, Maldives, Mali, Morocco, Mozambique, Niger, Nigeria, Oman, Qatar, Saudi Arabia, Sierra

Leone, South Africa, Suriname, Syrian Arab Republic, Tajikistan, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Yemen and the State of Palestine.

B. OVERVIEW OF LATEST ISRAELI-PALESTINIAN TENSIONS

Beginnig on 10 May 2021, the conflict between Israel and Palestine reached its peak of tensions after years of seemingly dormant hostilities and a truce over the past year's attacks between the two factions.

However, discrimination, intimidation, inhumane treatment, and violence by Israeli authorities against Palestinians in their own land have never stopped. Also, Palestinians' fundamental rights are increasingly undermined by Israeli discriminatory policies.

In East Jerusalem, nearly a thousand Palestinians remain at risk of forced eviction. The judaization and ethnic cleansing of Palestinians is not history, but still happening. Palestinian families living in East Jerusalem neighbourhoods of Sheikh Jarrah and Silwan are at risk of expulsions and evictions by Israel, according to two discriminatory Israeli laws (the Absentee Property Law of 1950 and the Legal and Administrative Matters Law of 1970) that prohibit Palestinians from reclaiming their properties lost in the 1947-49 war and allow Israeli Jews to re-claim properties lost during the same war. These laws are not only inherently discriminatory, but also contrary to international humanitarian law and international human rights law.

In Gaza, almost two million Palestinians have been denied the necessities of life for prolonged periods of time and have been subjected to attack from high-powered military weapons provided to Israel by, among others, European countries and the United States.

After days of protests' repression in East Jerusalem and clashes between Palestinian protesters and Israeli forces, Israel fully violated the right of peaceful assembly of Palestinians and their right to speak out against all acts of violence perpetrated by Israel.

Also, Israel's attack on Al Aqsa Mosque in Jerusalem on Friday, 7 May 2021, during Ramadan, and without legitimate security grounds, reflected a callous disregard for freedom of religion and respect for the status quo of holy sites.

In response to decades of Israeli brutal oppression, months and days of abuses and repression of multiple fundamental rights, Hamas, the de facto authorities in the Gaza Strip, demanded that Israeli forces leave the Al Aqsa compound and Sheikh Jarrah in East Jerusalem. When this did not occur, Hamas and other armed groups launched a heavy rocket barrage towards Israel.

Israel responded with intense airstrikes in Gaza, including shelling, missiles fired from fighter aircraft and attacks from the sea.

Although reportedly targeting members of armed groups and their military infrastructure, Israeli attacks resulted in extensive civilian deaths and injuries, as well as large-scale destruction and damage to civilian objects. Those include governmental buildings, residential homes and apartment buildings, international humanitarian organizations, medical facilities, media offices and roads connecting civilians to essential services such as hospitals.

Airstrikes in such densely populated areas resulted in a breach of the principles of distinction and proportionality under international humanitarian law. In fact, their impact on civilians and civilian objects has been indiscriminate and disproportionate, constituting a war crime.

Israeli acts of aggression against the occupied people of Palestine were the deadliest since 2014, and its costs immeasurable. In fact, deadly rockets delivered by Israeli aircraft killed hundreds of defenceless Palestinian civilians, including dozens of children. Thousands of Palestinians were injured and hundreds of Palestinian homes were destroyed. Over seventy thousand Palestinians were displaced in Gaza, the West Bank, and East Jerusalem.

In contrast, thirteen Israelis were killed and 117 wounded. The disproportionate casualties and damages recorded during the recent confrontations contradict Israel's claim that it was acting in proportional self-defence.

C. DRAFT RESOLUTION (A/HRC/S-30/L.1)

Pakistan, on behalf of the Organization of Islamic Cooperation, and one of the promoter of the 30th special session of the Human Rights Council, on 25 May 2021 submitted a draft resolution **A/HRC/S-30/L.1 “Ensuring respect for international humanitarian law and international human rights law” to the Council.**

The first part of the resolution reaffirms all States’ obligation to promote and protect human rights and fundamental freedoms, according the United Nations Charter and in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments. Then it focuses on the applicability of international human rights law and international humanitarian law, in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem.

Most importantly, the resolution's objective is to propose, according to the respect for the rule of law, justice and human rights as indispensable bases for peace, the establishment of an ongoing independent,

international Commission Of Inquiry (COI), to be appointed by the President of the Human Rights Council.

The COI has the task to investigate, in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity. Following its investigation, the Commission of Inquiry, will have solid evidence to identify, where possible, those responsible, with a view to ensuring that the perpetrators of violations are held accountable.

Moreover, according to the draft resolution, the COI has the capacity to:

- (a) Make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations, and justice for victims;
- (b) Provide recommendations on measures to be taken by third States to ensure respect for international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, in accordance with article 1 common to the Geneva Conventions, and in fulfilment of their obligations under articles 146, 147 and 148 of the said Convention, including by ensuring that they do not aid or assist in the commission of internationally wrongful acts;
- (c) Provide recommendations on practical measures that can be taken in follow-up of the report of the Secretary-General to the General Assembly, A/ES-10/794 of 14 August 2018, pursuant to General Assembly resolution ES-10/20 of 18 June 2018;
- (d) Report on its main activities on an annual basis to the Human Rights Council under agenda item 2 as of its 50th session and to the General Assembly as of its 77th session;

In conclusion, the draft resolution calls upon all relevant parties, including States, the United Nations, the civil society and the media to cooperate fully with the commission of inquiry and facilitate its access to all information and documentation, in particular by providing it with any information and documentation they may possess or come to possess.

The Secretary-General is requested to allocate the resources necessary for the implementation of the present resolution while international agencies and other donors were exhorted to urgently mobilize humanitarian support for the Palestinian civilian population.

D. THE 30TH SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

The meeting was opened by the President of the Human Rights Council, Ms. Nazhat Shameem Khan, who then gave the floor to multiple speakers, including the High Commissioner for Human Rights, Ms. Bachelet, and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied in 1967, on behalf of the Coordination Committee of the Special Procedures, Mr. Lynk, before moving to States' and Regional Groups' position.

1) The Position of Different Stakeholders

THE HIGH COMMISSIONER FOR HUMAN RIGHTS

The High Commissioner for Human Rights, Ms. Bachelet, gave a brief overview on the deteriorating situation in the occupied territories, including East Jerusalem, and recalled the main developments and root causes of the latest escalation of violence between Israel and Palestine. In particular, she strongly condemned Israeli failure to comply with international humanitarian law, by underlying that its attacks on Gaza have been disproportionate and indiscriminate, and they may amount to war crimes. On the other hand, it was stressed that it is also a violation of international humanitarian law to locate military assets in densely populated civilian areas or to launch attacks from them. Then, the High Commissioner stressed that unlike Israeli civilians, who have the benefit of the “Iron Dome” (an air defence system designed to intercept and destroy short-range rockets and artillery shells) and



professional military forces to assist in their protection, Palestinian civilians have virtually no protection against airstrikes and military operations and no place to escape to, due to the Israeli land, air and sea blockade that has been in place for the last 14 years.

Ms. Bachelet pointed out the need to address the root causes of the conflict, otherwise another cycle of violence will take place with further paying and suffering of civilians from both sides. The need to bring this occupation to an end is imperative, while the respect for

human rights is fundamental, including accountability for all violations and war crimes committed.

Lastly, she called on Hamas and other armed groups to refrain from the use of indiscriminate rockets and mortars, for which there must be accountability, and urged Israel to ensure accountability in accordance with its obligations under international humanitarian and human rights law as it is obligated to protect the population of the West Bank, East Jerusalem and Gaza and to ensure their welfare, in its capacity as occupying power under international law.

THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE OPT

On the same wake, the Special Rapporteur, Mr. Lynk, stressed that events over the past few months in Gaza reflect previous acts of violence witnessed in 2018, 2014, 2012, 2008-09, 2000, 1987 and further and deeper into the tragic history of the Palestinians. He then reiterated that living conditions in Gaza are extremely dire and the blockade is a form of collective punishment. In fact, Gaza Strip has been often called the world's largest open-air prison, with the occupying power having complete authority to determine who and what enters and leaves the Strip. Despite numerous UN resolutions, Israel has never complied with its international legal obligations, either by removing its settlements, nor by stopping its evictions, ending the unlawful annexation, and halting the demolitions and forced removal of Palestinians from their homes in East Jerusalem. Defiance by the occupying power has been the answer.

In fact, the Special Rapporteur called for the violence of the past weeks in Palestine to be investigated by the International Criminal Court and stressed out the need to address the “justice crisis” in the OPT, as resolutions are not respected and the international community has never imposed a meaningful cost on Israel. According to his words “accountability must rise to the top of the international agenda and of the Council. We must insist upon a brand-new diplomatic playbook to end the Israeli occupation, one that is centered on rights, rather than *Realpolitik*”.



He concluded by urging the Council to work on the Israeli occupation following three principles:

- 1) ending the occupation by finding a diplomatic framework based on international law and human rights, not in Realpolitik;
- 2) meaningful accountability measures should be imposed on Israel;
- 3) active international intervention is indispensable due to asymmetrical differences in power between Israel and Palestine.

DIRECTOR FOR AL-MEZAN CENTER FOR HUMAN RIGHTS IN GAZA AND THE HEAD OF THE INDEPENDENT COMMISSION FOR HUMAN RIGHTS OF PALESTINE

Mr. Younis clearly illustrated the desperate situation in Gaza under Israeli attacks, where no one is safe and many families have been evacuated, which resulted in 60.000 people being left homeless, living in appalling conditions. Israel chose to use its power to escalate on all fronts, not only by targeting Palestinian residents in East Jerusalem and threatening them with forced evictions, but also collectively punishing people living in the Gaza Strip, where bombings destroyed civilian and media buildings, and made inoperable the sewage plant. Mr. Younis then appealed to the Council, which has the power to decide for the present and future of Palestine, underlying that these days of escalation are only a symptom of decades of endured, institutionalized, long-established laws and policies that aim to impose a settler-colonial regime of racial domination and oppression on Palestinians.

FORMER MEMBER OF THE KNESSET AND CHAIRMAN OF THE ARAB HIGHER COMMITTEE IN ISRAEL

Mr. Mohammad Barakeh spoke out for Palestinian communities within Israel, who have been facing confiscation and violation of their rights and properties for years, as well as the imposition of discriminatory laws and restrictions. In the past weeks, East Jerusalem inhabitants faced a violent repression of their freedom of peaceful assembly and a form of collective punishment with hundreds arrested, still under detention. The representative of Palestinians living in Israel called on the Council and all relevant institutions to raise their

voices and question the Israeli occupation and its violation of international human rights and humanitarian law by taking concrete action.

JOURNALIST AND RESIDENT OF SHEIKH JARRAH IN JERUSALEM

Ms. Muna El Kurd well depicted the historical developments of Israeli domination in Sheikh Jarrah and East Jerusalem. Nowadays Palestinian residents of Jerusalem are under a regime of apartheid and the area is sealed off. Palestinians are not able to move and even to live in their own houses, while settlers are entitled to occupy houses of Palestinians without property rights, as Israeli Colonial Courts are supporting colonial illegal occupation of houses in East Jerusalem. By reiterating Israeli violations of international humanitarian law and the war crimes committed such as ethnic cleansing, forced displacement and illegal lands' annexation, the journalist called for the end of Israeli occupation as Palestinians have the right to live in peace and security in their own country.



2) Countries Concerned

ISRAEL

The country concerned, Israel, was then given the floor to deliver its statement. It was pointed out that Hamas, a terrorist organization who calls for the death of Jewish people and incites its followers to kill, is using Palestinian civilians as human shields. According to Israel, Hamas fired around 4000 rockets against Israeli civilians from Gaza, each one constitutes a war crime and a tragedy which has not been stopped by the international community.

Israel went on claiming that Hamas intentionally raised tensions in East Jerusalem to justify the following rocket attacks against Israel and to start the conflict. In this scenario, Israel stated to have done everything to refuse tensions, but it had to choose to protect its civilians while complying with international law and morals, thereby applying its right to self-defence. It concluded by reminding the Council that it cannot be pro-Palestine if Hamas's

accountability is not ensured: the Council cannot be in fact in favour of both, it has to choose between a terrorist organization or the Palestinian people.

THE STATE OF PALESTINE

The Minister of Foreign Affairs of Palestine responded to Israel by emphasizing that Israeli attacks on Gaza have provoked civilian deaths, suffering, displacement and destruction of buildings with immeasurable costs. Palestine underlined that the lack of Israeli accountability encouraged the expansions of illegal settlements in the OPT, led to the increase of war crimes, illegal annexation, racist regime, prolonging the unprecedented aggression and systematic violence against people of Palestine.

The Minister stressed the need to address the root causes of the problem, as Israel's prolonged occupation since 1967 is detrimental for the respect of fundamental human rights of Palestinians. The international community has the responsibility to impose sanctions and accountability on Israel, to boycott companies and settlers activities, as the terrorist is Israel.



Finally, Palestine called for its right to self-determination and independence, in line with international law. It supported the draft resolution submitted by Pakistan and expressed the need to establish an independent Commission of Investigation, able to present recommendations to the Council and Member States, as well as to look for accountability.

3) Member and Observer States Statements

All States were unified in conveying their concern over the escalation of violence and horrific attacks during past weeks, as civilians from both Palestine and Israel have been killed or injured, with Palestinians civilians suffering the most due to the humanitarian situation in Gaza. Moreover, all States mentioned the need to end the hostilities and to move forward a path of reconciliation and transition to a two-state solution, as enshrined in numerous UN resolutions. However, they seemed quite divided in supporting the establishment of the Commission of Inquiry as this would not contribute to negotiations and dialogue at this time. While others endorsed the establishment of the COI by reiterating that accountability,

especially in the case of Israel, will enhance the political process towards the end of the conflict and the Council's credibility.

GROUP OF ARAB STATES

Egypt, on behalf of the Group of Arab States, condemned recent attacks on Palestinians in Gaza targeting civilian buildings and object, as well as provocations by Israeli Security Forces (ISF) and repression of protests in East Jerusalem violating freedom of peaceful assembly.

The speaker emphasized that the international community's lack of accountability encouraged Israel to perpetrate a massacre, which had been going on for decades. Thereby, the Group of Arab States called on the international community to hold Israel accountable for its violations, by conducting investigations into such violations.

ORGANIZATION OF ISLAMIC COOPERATION

The Organization of Islamic Cooperation (OIC) delivered its statement represented by Pakistan, who previously remarked the Council's mandate to protect human rights and human dignity around the world while soliciting the Council to act to fully ensure the realization of Palestinian fundamental rights as well as supporting the establishment of the COI. In this occasion, Pakistan, on behalf of the OIC, condemned the disproportionate and indiscriminate use of force and violence against Palestinian, and Al-Aqsa Mosque's attacks which undermined a holy place, thereby violating international law. It was also stressed that forced evictions and displacement in East Jerusalem are violation of international humanitarian law. Finally, the COI called for global effort to stop ethnic cleansing operated by Israel and urged for Israeli accountability as the Council's credibility cannot be compromised.

EUROPEAN UNION

Portugal, on behalf of the European Union, stressed out that attacks on Israeli civilians by Hamas are unacceptable and in breach of international humanitarian law. The EU expressed the need to restore a political horizon for a two-state solution, by opening the path for a peace process, as only a political solution will bring sustainable peace and end the conflict. The EU was aligned for a two-state solution as stated in the Human Rights Council's Resolution of

2014. Also, it urged both sides of the conflict to demonstrate through policies and actions a genuine commitment for a two-state solution in order to rebuild trust and a path for negotiations. In this regard, the EU expressed support for both sides in negotiations.

The Czech Republic intervened by aligning itself with the EU and remarking that it did not support the request to convene this special session as it cannot endorse a selective and one-sided approach that has no potential to contribute to promotion of Israeli-Palestinian coexistence in the near future. It also stressed that it cannot accept the establishment of an ongoing COI with a vague mandate to investigate all alleged violations of international law. Israel is a democratic country with an independent legal system, it has appropriate means to effectively confront and address human rights violations when they occur. On the wake of Czech Republic, also Bulgaria, the Netherlands, Malta and Albania aligned with the EU's position.

NORDIC COUNTRIES

Sweden, on behalf of the Nordic Countries, stressed the importance to address the root causes of the conflict. Also, it called to stop all violations of international humanitarian law committed and the unrespect of holy sites in East Jerusalem. In fact, according to Nordic Countries, leaders must speak up against these violations and they need to mobilize international efforts for a two-states solution. Also Denmark aligned with Nordic Countries by underlying that two objectives must be pursued: the protection and securization of civilians and to address the conflict by restoring a political horizon.

THE NON-ALIGNED MOVEMENT

Azerbaijan, on behalf of the Movement, took the floor to call upon Israel to respect its international law obligations as well as its duties under international humanitarian law. Moreover, the call pointed out that Israel must cease measures to alterate demography and geography (with illegal annexation) of occupied territories of Palestine, causing displacement of families and forced evictions. Finally, the Movement called for



immediate actions to ensure accountability of Israel and to end aggressions and domination to which Palestinians are subjected.

GROUP OF AFRICAN STATES

South Africa, on behalf of African States, condemned the attacks on Gaza massacring thousands of Palestinians. Occupation is causing disproportionate suffering. Therefore, African States supported a two-state solution and stressed the need for Israeli accountability.



Namibia, who opened the discussion, was aligned to the same perspective by arguing that the international community should deny the apartheid regime adopted by Israel to maintain dominance on the Palestinian population. The International Criminal Court should prosecute war crimes committed, including crimes against humanity. It is time to uphold Palestinians' rights, including their right to self-determination. In doing so, as stressed by Somalia, the Human Rights Council has to continue to provide technical and capacity building to Palestinian authorities. Overall, all African States who delivered statements, expressed their support to the establishment of the COI, along with a two-state solution to end Israeli occupation over Palestinian territories.

LATIN AMERICA AND CARABBEAN STATES

The statements among Latin American and Carabbean States have been heterogenous, some of them supported the establishment of the COI while others were contrary.

Starting from Brazil, it reiterated that the persistence of root causes in the conflict needs to be resolved. However, the COI would not contribute to negotiations and dialogue at this point as it is responsibility of the Council to promote human rights on both sides.

On the contrary, Bolivia, Cuba, Mexico condemned attacks against Palestinian civilians and Israeli deplorable practice of displacing Palestinians and discriminating them through policies and laws. They all supported a two-states solution and reiterated that accountability is the key to ensure no repetition of hostilities. Moreover, parties to the Council needs to refrain from

providing weapons both to Israel and Palestine as the Council has the objective to promote human rights' protection.

ASIA - PACIFIC STATES

Bangladesh, China, India, along with the Republic of Korea and Japan condemned the cycle of impunity for atrocities committed by Israel, which incentivated the occupying power to disregard international law obligations in front of the international community. Overall, all countries called for the end of the occupation, reiterating that the Council should take action to ensure justice and accountability for international law violations and establish a Commission of Inquiry. Moreover, as underlined by Bangladesh, the UN Security Council must take decisive action and the Human Rights Council should step up in addressing the root causes of the conflict and finding a lasting solution. In fact, recent developments have once again underscored the need for immediate resumption of dialogue between Israel and Palestine, aimed at realising the establishment of two States living side by side in peace within secure and recognised borders.

EASTERN EUROPEAN STATES

The Russian Federation, together with Ukraine, expressed the need to ensure humanitarian supplies in Gaza, and the importance of global diplomatic efforts to resume a peaceful solution and dialogue to resolve the conflict. In this regard, international law obligations should be respected by the occupying power, as recent events reflect Israel's complete disregard of international law and human rights.

OTHER OBSERVER STATES

Other observer States, including Brunei Darussalam, Djibouti, Iran, Iraq, Qatar, Syrian Arab Republic, Jordan and Turkey further highlighted that there is no justification for ethnic cleansing of Palestinian and the Blockade of Gaza, but the international community has the responsibility to protect people of Palestine. In fact, Israel has fulfilled his mission to massacre Palestinians. For this reason the Council needs to hold Israel accountable for its war crimes and gross and systematic human rights violations including: forced displacement, evictions and demolitions of properties, modification of demography, alter the legal status of East Jerusalem, and discrimination.

They underscored that Israel is taking advantage of the US and Western support to prolong its occupation with barbaric aggression on Gaza. Therefore, they support Palestinians to establish their own State with Jerusalem as its capital and the need to ensure Israeli accountability for war crimes and crimes against humanity committed.

4) The Contribution of Non- Governmental Organizations

Many NGOs came prepared to the discussion and expressed their concern over the escalation of horrific events occurring between Israel and Palestine, stemming from the context of decades of military occupation and a failure to address the core issues of the conflict.

In fact, it has been emphasized that the announced ceasefire does not end Israel's institutionalised regime of racial oppression, domination and dispossession, embedded in Israel's settler-colonial and apartheid system imposed on the Palestinian people as a whole. In particular, it has been stressed out the need to analyze more in-depth the root causes of the prolonged denial of Palestinian rights, resulting in crime against humanity, war crimes and gross and systematic human rights violations. Forced evictions in East Jerusalem, the illegal annexation and expansion of Jewish settlements in the OPT, as well as forced displacement of population, ethnic cleansing, the denial of freedom of peaceful assembly and freedom of religion are just some of the consequences of the Israeli domination over the people and territories of Palestine.

For this reason, Israel has been urged to respect its obligations related to international law, international humanitarian law, especially the Fourth Geneva Convention, and Palestinians' rights. Also, Israel has been requested to stop its apartheid system and its military attacks against Palestinian civilians in Gaza and West Bank, as well as to end its prolonged military occupation of Palestinian Territories, and its 14-year siege on the Gaza Strip, a form of collective punishment prohibited under international law. It was then underlined that restoring a safe passage between Gaza and the West Bank is a legal obligation and of paramount importance, allowing for comprehensive governance reform and economic recovery, and Israel must cooperate to do so, while not hindering humanitarian assistance in Gaza.

Overall the message across all NGOs, including the International Commission of Jurists, Amnesty International, Human Rights Watch, the Norwegian Refugee Council, was in favour of the Human Rights Council resolution supporting the establishment of the Commission of

Inquiry (COI) to support justice and accountability, along with the International Criminal Court (ICC) investigations as ending impunity is the basis for a lasting peace. Moreover, the NGOs called on all States to cooperate with the ICC investigations and share relevant information or documentation with the COI.

The general consensus of the statements was that the Human Rights Council has been further solicited to recommend an immediate embargo on arms and to strengthen its scrutiny of Israeli and foreign companies that continue to benefit from the occupation, such as those with business ties to Israeli settlements. In fact, it must no longer be tolerated that the impunity of Israel and the states which are complicit results in escalations of violence as witnessed in the past few weeks.

On the other side, few NGOs such as the European Union of Jewish Students, the Institute for NGO Research and World Jewish Congress, pointed out that Israeli citizens had to scramble to try to find shelter in the face of the massive rocket attacks fired at them by Hamas and Palestinian Islamic Jihad from Gaza. Moreover, they accused the Council of being responsible for fueling the antisemitic discourse leading to attacks against Jews across Europe, by its obsessive focus on Israel. According to these pro-Israel NGOs, the session of the Council and the establishment of the COI are an assault on Jewish self-determination and the existence of a Jewish homeland. The intent is to dominate and to oppress Jews.

5) The Resolution Adopted by the Human Rights Council

At the end of the second meeting during the 30th special session of the Human Rights Council on 27 May 2021, the resolution **A/HRC/S-30/L.1 submitted by Pakistan (on behalf of the Organization of Islamic Cooperation) was adopted by the Council as orally**

A/HRC/S-30/L.1 "Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel" (as orally revised)		
Y ARGENTINA	Y ERITREA	A NETHERLANDS
Y ARMENIA	A FIJI	Y PAKISTAN
N AUSTRIA	A FRANCE	Y PHILIPPINES
A BAHAMAS	Y GABON	A POLAND
Y SAUDI ARABIA	N GERMANY	A REPUBLIC OF KOREA
Y BANGLADESH	A INDIA	Y RUSSIAN FEDERATION
Y BOLIVIA (PLURINATIONAL STATE OF)	Y INDONESIA	Y SENEGAL
A BRAZIL	A ITALY	Y SOMALIA
N BULGARIA	A JAPAN	Y SUDAN
Y BURKINA FASO	Y LIBYA	A TOGO
N CAMEROON	N MALAWI	A UKRAINE
Y CHINA	N MARSHALL ISLANDS	N UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
Y CÔTE D'IVOIRE	Y MAURITANIA	N URUGUAY
Y CUBA	Y MEXICO	Y UZBEKISTAN
N CZECH REPUBLIC	Y NAMIBIA	Y VENEZUELA (BOLIVARIAN REPUBLIC OF)
A DENMARK	A NEPAL	
<div> <div>IN FAVOUR 24</div> <div>AGAINST 9</div> <div>ABSTAIN 14</div> </div>		

revised by vote and entitled “Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel”.

The resolution was endorsed by 24 Member States, in favour of the establishment of an independent international Commission of Inquiry to be appointed by the President of the Human Rights Council, to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021.

On the contrary, 9 Member States including Austria, Bulgaria, Cameroon, Czech Republic, Germany, Malawi, Marshall Islands, the UK and Northern Ireland and Uruguay vote against the adoption of the resolution. While 14 States abstained from the decision.

Overall, the position of different Member States reflects their oral statements previously submitted during the discussion, where the European Union was contrary to the establishment of the COI and justified Israel’s right to self-defence, while the African Group, along with the Group of Arab States, the Organization of Islamic Cooperation, the Non-Aligned Movement, as well as China and the Russian Federation supported the COI and its investigations into war crimes committed.

E. THE POSITION OF GENEVA INTERNATIONAL CENTRE FOR JUSTICE

In cooperation with International Lawyers.Org, International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), and Association Ma’onah for Human Rights and Immigration (AMHRI), Geneva International Centre for Justice (GICJ) commends the Human Rights Council’s decision to convene a Special Session to address the grave human rights situation in the occupied Palestinian territories, including East Jerusalem.

We believe that recent atrocities add up to decades of discrimination, intimidation, and violence demonstrated by the Israeli authorities against Palestinians on their own land. Once again, while the entire world was looking powerless at images of flaming rockets that flooded the media, the international community did not take swift action to halt the massacre in Gaza

and the Israeli endless disregard for human rights and humanitarian law. Moreover, some key international actors continue to defend the state's grave violations.

Consequently, we call upon Israel to respect the ceasefire and to immediately stop its occupation and its prolonged violations of international law and human rights law. Israel attacks on Gaza should be condemned, as its narrative of self-defence cannot stand. The international community must recognize and support Palestine as a victim of inhumane war crimes that must be prosecuted urgently and impartially.

Finally we look forward to the investigation by the International Criminal Court and call the Prosecutor to start taking action with regards to the serious crimes committed for years in the occupied territories of Palestine.

F. CONCLUSION

Even if the above scenario is not reassuring, we have taken steps forward by establishing the Commission of Inquiry with the mission to investigate into **all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law, as well as make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability. In fact, accountability for crimes committed by Israel is one of the key points in order to achieve a twostate solution and a lasting peace and security for the people of Palestine.**

After the present discussion, the international community is expected to cooperate and engage in concrete strategic actions in order to eradicate the apartheid regime and the systematic abuses of Palestinians' human rights, rooted in decades of Israeli domination and occupation of Palestine, with the international community looking powerless at it.



Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work on Palestine

GICJ has been tackling issues of justice and accountability pertaining to Palestine since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network within Palestine and the Middle east in general. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur there. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

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