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## General Debate briefing: Human rights protections for Palestinians

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Further escalation of violence and human rights abuses in Israel and the occupied Palestinian territory in 2023 urgently underscores the need for international justice and accountability measures to be meaningfully implemented to hold the Israeli authorities and all other alleged perpetrators to account for their crimes. Recent weeks have seen a significant increase in human rights violations, particularly by the Israeli authorities directed at Palestinian civilians. On 23 March 2023, 32 UN Special Procedures mandate holders [wrote](#) to the Prosecutor of the International Criminal Court calling for his investigative mission to the Occupied Palestinian Territories to take place as soon as possible, and expressed their **“concern for the pervasive impunity and ever-deteriorating human rights situation in the occupied Palestinian territory, owing to acts that may amount to widespread and systemic violations of international law committed by various actors”**. Recent developments include:

- Confrontations between Palestinians and Israeli soldiers in the northern West Bank as thousands of settlers – joined by seven ministers in Prime Minister Benjamin Netanyahu’s cabinet – staged a march to advance plans for a new settlement.
- The killing of a 15 year old Palestinian boy by Israeli troops in Aqabet Jaber refugee camp in Jericho.
- An attack in the occupied West Bank killing three British Israeli women from one family; while a suspected car ramming attack in Tel-Aviv killed an Italian tourist and left seven others injured.
- Repeated attacks on Palestinian worshippers at Jerusalem’s al-Aqsa Mosque by Israeli security forces, including hundreds arrested, the use of stun grenades and rifle butts to beat worshippers and many of those released from detention showing visible signs of being battered and bruised.
- State backed settler violence against Palestinians in Huwara, following a deadly attack on Israeli civilians in Neve Yaakov, a settlement in the occupied WestBank, in which 7 people were killed and 3 wounded.
- More than 1000 Palestinians at imminent risk of forcible transfer from Masafer Yatta (which would amount to a war crime).
- A new government that has set out an explicitly discriminatory approach against Palestinians (on re-election Prime Minister Benjamin Netanyahu stated that “The Jewish people have an exclusive and unquestionable right to all areas of the Land of Israel”).
- Changes to the governance of the occupied West Bank, which legal observers have assessed as representing “de jure” annexation.
- Proposed legislation that would reinstate the death penalty.

Forcible transfer, unlawful killing and excessive use of force are illegal under international law and may amount to war crimes and crimes against humanity. They are also proscribed acts under the Rome statute and Apartheid Convention and their systematic use is evidence of Israel’s system of apartheid.

If Israel continues to face no concrete consequences from allies such as the UK for its continued, serious breaches of international law, it is not just the prospects for peace, security and access to human rights for both Palestinian and Israeli citizens that are damaged, but the international rules-based system itself.

## RECOMMENDATIONS TO THE UK GOVERNMENT:

- **Ensure Israel faces consequences for its continued human rights violations**, including illegal settlement expansion, through banning the import of settlement goods and prohibiting the export of machinery proven to be repeatedly used to commit human rights violations
- **Cease the licensing of arms and security equipment to Israel**
- **Support international accountability measures concerning human rights violations**, in particular through voting on relevant UN resolutions on merit, supporting the International Criminal Court investigation and the UN Commission of Inquiry

## BACKGROUND

In February 2022 Amnesty International published a [report](#) concluding, for the first time, that Israel is committing the crime of apartheid against Palestinians. Under international law apartheid is defined as systematic discrimination and domination, and inhumane acts committed in order to maintain that system. The report is the result of more than four years of research and analysis. Other international, Israeli and Palestinian organisations have previously drawn similar conclusions, including [Human Rights Watch](#), [B'Tselem](#), [Yesh Din](#), [Al Mezan](#) and others, as have several Israeli politicians<sup>1</sup>. On 26 February 2023 Haaretz, Israel's longest running in print newspaper, headlined its [editorial](#) with *"Israel's Cabinet Just Advanced Full-fledged Apartheid in the West Bank"*.

## ILLEGAL SETTLEMENT EXPANSION

- Israel has for many years been pursuing a policy of systematic forced displacement in the OPT through home demolitions and the building of settlements, which are illegal under international law and [amount to a war crime](#).
- Israel must be faced with consequences for its actions, starting with **the UK banning the trade in Israeli settlement goods in UK markets**, and preventing companies domiciled in the UK from operating in settlements or trading in settlement goods. Merely exempting settlement goods from trade preferences or labelling them does not go nearly far enough.
- Despite the UK government's position that settlements are illegal under international law, it **refuses to take any action to enforce its position**.
- **The UK is in the process of renegotiating a free trade agreement with Israel**, however its stated negotiating objectives do not include negotiating a geographically explicit territorial clause to ensure the agreement will not apply to the Occupied Palestinian Territories (OPTs). The UK is aware that in the past Israel has interpreted trade agreements without such a clause as applying to the OPTs and Israeli settlements, which are unlawful under international law.
- The UK government must also hold Israel accountable for continued forced displacement and illegal settlement building, including through international accountability mechanisms and through prohibiting the export of machinery, equipment, and technologies to Israel where these have been linked to human rights abuses (e.g. [JCB's backhoe loaders](#)).

## CEASING THE LICENSING OF ARMS AND SECURITY EQUIPMENT TO ISRAEL

- The unlawful killing of Palestinian protesters is a clear illustration of how Israeli authorities use unlawful acts to maintain its system of apartheid. In 2018, Palestinians in Gaza began to hold weekly protests along the border with Israel, calling for the right of return for refugees and an end to the blockade. Before the protests even began, senior Israeli officials warned that Palestinians approaching the wall would be shot. By the time the protests stopped at the end of 2019, Israeli forces had killed 214 civilians, including 46 children.

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<sup>1</sup> See for example [op-ed from former Israeli Attorney General Michael Ben-Yair](#); [op-ed from former Israeli Environment Minister Yossi Sarid](#); [op-ed by former Israeli Education Minister Shulamit Aloni](#); remarks by former Israeli Ambassador to South Africa Alon Liel to a [Jerusalem conference in 2013](#)

- In light of the systematic unlawful killings of Palestinians documented in Amnesty's recent report, the UK government should immediately suspend the direct and indirect supply, sale or transfer, including transit and trans-shipment to Israel of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance.
- Amnesty is also calling for the UN Security Council to impose a comprehensive arms embargo on Israel. This should cover all weapons and munitions as well as law-enforcement equipment, given the thousands of Palestinian civilians who have been unlawfully killed by Israeli forces. The Security Council should also impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in the crime of apartheid.

## **INTERNATIONAL ACCOUNTABILITY MEASURES CONCERNING HUMAN RIGHTS ABUSES**

- Numerous UN Security Council resolutions adopted over the years have remained unimplemented, with Israel facing no repercussions for actions that have violated international law apart from formulaic condemnations.
- Without taking any meaningful action to hold Israel to account for its systematic and widespread violations and crimes under international law against the Palestinian population, the international community has undermined the international legal order and has emboldened Israel to continue perpetrating crimes with impunity.
- While the UK has led on and supported a number of UN resolutions establishing international accountability mechanisms to investigate alleged breaches of international law by countries other than Israel, including – for example – the Independent Investigative Mechanism for Myanmar (IIMM), it opposed and continues to speak against the UN Commission of Inquiry on the Occupied Palestinian Territory and Israel (the COI). The UK has stated that it opposes the COI on the basis of its 'open ended wording and vague mandate'. However, the IIMM includes the exact same wording.
- The UK also continues to oppose the International Criminal Court investigation into alleged war crimes in the OPT, stating that while it respects the independence of the Court, it doesn't recognise Palestinian Statehood and therefore the jurisdiction of the Court on this issue. However, the Court itself has ruled that it has jurisdiction.

## **PARLIAMENTARY QUESTIONS:**

- **32 UN Special Procedures mandate holders have recently written to the ICC Prosecutor calling for his investigation into crimes in Palestine to be expedited.** How can the UK continue to oppose the investigation on the basis that it doesn't recognise Palestinian Statehood, whilst at the same time allegedly respecting the independence of the Court, which has ruled – by majority – that it has jurisdiction?
- **What actual, concrete steps will the UK take to hold Israel to account** for its repeated and flagrant breaches of international law, including continuing settlement expansion?
- Will the UK ban **the sale of settlement goods** and **prohibit the export of machinery proven to be repeatedly used to commit human rights violations** (such as JCB Backhoe Loaders being used in house demolitions)?
- The UK states that it doesn't agree with the determinations of Amnesty International, Human Rights Watch, Bt'selem, Yesh Din, two UN Special Rapporteurs and a number of States (including South Africa) that **Israel is committing the crime against humanity of apartheid against Palestinians**; what is its response to former Israeli Attorney General Michael Ben-Yair; former Israeli Environment Minister Yossi Sarid; and former Israeli Education Minister Shulamit Aloni, who have all come to the same conclusion that Israel is committing the crime of apartheid?
- Why won't the UK confirm one way or another whether its intention is to **include a geographically explicit territorial application clause** in its Free Trade Agreement with Israel?