

46th Regular Session of the United Nations Human Rights Council

Item 2 – Interactive dialogue on the report of the High Commissioner on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem

Joint Oral Intervention

Date: 24 February 2021

Madam President,

In order to ensure effective accountability and redress for Palestinians who have endured structural oppression, dispossession, fragmentation and subjugation for decades, the Office of the High Commissioner for Human Rights (OHCHR) and UN member states need to accurately characterize the situation in Palestine.

This starts by acknowledging Israel's "institutionalized regime of systematic domination and oppression" over the Palestinian people, amounting to the crime of apartheid as defined by the Rome Statute of the ICC, in the context of growing recognition of Israel's apartheid by UN treaty bodies, Special Procedures, Member States, and civil society organizations around the world.

We regret that the OHCHR's recent report on accountability does not address the root causes of the structural oppression in Palestine resulting from Israel's ongoing colonization and apartheid and addresses the situation as one of a conflict with parties on equal footing.

We also regret that the OHCHR failed to note and welcome in its report the decision of the Pre-Trial Chamber I of the ICC on 5 February, confirming the Court's territorial jurisdiction in the OPT. We urge the OHCHR to support the ICC in the opening of an investigation into war crimes and crimes against humanity committed in Palestine, in line with the findings of UN commissions of inquiry and fact-finding missions.

We call on the UN Member States to take effective measures, including by activating universal jurisdiction mechanisms and supporting existing relevant national and international accountability mechanisms and proceedings.

We further urge third States to act upon their obligation to not recognize, render aid or assistance to the apartheid system established by Israel, and cooperate to bring the illegal situation to an end in order to realize the inalienable right of the Palestinian people to self-determination and to return.

Thank you.

Joining organisations:

1. Al Mezan Center for Human Rights
2. Al-Haq, Law in the Service of Mankind

3. Cairo Institute for Human Rights Studies
4. MIFTAH
5. Women's Center for Legal Aid and Counselling (WCLAC)