



## **Urgent Appeal to the United Nations Special Procedures on Israel's Intensified Attacks Against Palestinians**

Date: 12 May 2021

### **For the attention of:**

- The United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk;
- The United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Mr. Balakrishnan Rajagopal;
- The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule;
- The United Nations Special Rapporteur on the right to physical and mental health, Ms. Tlaleng Mofokeng;
- The United Nations Special Rapporteur on freedom of religion or belief, Mr. Ahmed Shaheed;
- The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Nils Melzer; and
- The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume;

### **1. Introduction**

Since the start of Ramadan, Israel has intensified its serious violations of international law against Palestinians over the occupied Palestinian territory, especially in Jerusalem and the Gaza Strip. Systematic use of excessive force, collective punishment and arbitrary arrests policies, and condonement of settler violence have been features of Israel's violations and policies. This urgent

appeal addresses the recent intensification of the Israeli Occupying Forces (IOF) and Israeli settlers' attacks, especially within the context of the ongoing forcible eviction of Palestinian families from the Sheikh Jarrah neighbourhood, the repression of Palestinian worshippers in the Al-Aqsa Mosque compound, and the recent Israeli attacks conducted against the Gaza Strip.

Al-Haq addresses this urgent appeal, urgently requesting your immediate intervention to protect the Palestinian civilian population from Israel's ongoing repression and excessive use of force against Palestinians in Jerusalem and indiscriminate targeting of Palestinians in the occupied Gaza Strip.

## **2. An Escalation of Attacks Perpetrated by the IOF during the Month of Ramadan in Jerusalem**

### **▪ *Pending Forcible Eviction of Residents of Sheikh Jarrah Neighbourhood, Jerusalem***

Eight families of some 87 Palestinian residents of the Sheikh Jarrah neighbourhood in Jerusalem, remain under imminent threat of forcible eviction by the settler organisation Nahalat Shimon International, under the complicity of the Israeli justice system, that is, in nature and inherently, discriminatory and biased against Palestinians.<sup>1</sup> In Jerusalem, some 218 Palestinian households, made of 970 Palestinians, including 424 children, are placed at risk of forcible displacement.<sup>2</sup>

The last few weeks have witnessed a steady movement of solidarity in support of the families threatened of forcible transfer. Since 2 May 2021, residents, as well as other Palestinians, have been meeting to break their fast publicly in front of their houses in Sheikh Jarrah.

Over the past week, the IOF and Israeli settlers have systematically attacked and harassed Palestinian residents of Sheikh Jarrah as well as Palestinians joining in solidarity.<sup>3</sup> Israeli settlers, some of them [armed](#), have provoked Palestinian peaceful protesters by playing music to disturb the gathering,<sup>4</sup> spraying pepper gas on Palestinians,<sup>5</sup> opening fire to terrorise,<sup>6</sup> under the protection of the IOF.<sup>7</sup> The IOF have suppressed and [attacked](#) Palestinians from Sheikh Jarrah, through home raids and property damages,<sup>8</sup> firing of tear gas canisters, sound bombs and skunk water,<sup>9</sup> and

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<sup>1</sup> Al-Haq, et al., "Joint Urgent Appeal to the United Nations Special Procedures on Forced Evictions in East Jerusalem," 10 March 2021, available at: <https://www.alhaq.org/advocacy/17999.html>.

<sup>2</sup> Rupert Colville, "Press Briefing Notes on Occupied Palestinian Territory," 7 May 2021, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27067&LangID=E>.

<sup>3</sup> Information obtained by Al-Haq field researcher on 2 May 2021, on file with Al-Haq.

<sup>4</sup> Information obtained by Al-Haq field researcher on 3 May 2021, on file with Al-Haq.

<sup>5</sup> Information obtained by Al-Haq field researcher on 6 May 2021, on file with Al-Haq.

<sup>6</sup> Information obtained by Al-Haq field researcher on 6 May 2021, on file with Al-Haq.

<sup>7</sup> Information obtained by Al-Haq field researcher on 6 May 2021, on file with Al-Haq.

<sup>8</sup> Information obtained by Al-Haq field researcher on 6 May 2021, on file with Al-Haq.

<sup>9</sup> Lubna Masarwa and Mustafa Abu Sneineh, 'Sheikh Jarrah: Israeli Police Storm Palestinian Protest over Jerusalem Evictions,' 5 May 2021, <https://www.middleeasteye.net/news/israel-palestine-sheikh-jarrah-jerusalem-police-storm-protest>; Information obtained by Al-Haq field researcher on 4 May 2021, on file with Al-Haq.

arbitrary [arrests](#), including by utilising Israeli undercover forces [disguised](#) as Palestinians (*Mustaribeen*).<sup>10</sup>

On 6 May 2021, Knesset member Itamar Ben-Gvir moved his office in front of the Al-Ghawi family house in the Sheikh Jarrah neighbourhood, which was taken over by settlers in 2009. At around 8 pm, he marched down the neighbourhood and incited settlers against Palestinian activists.<sup>11</sup> One settler, standing alongside Itamar Ben-Gvir, [addressed](#) one Palestinian resident saying “it’s a pity it [the bullet] didn’t go in here,” pointing to his head. Itamar Ben-Gvir removed his office from the neighbourhood the following day.<sup>12</sup> That day, it was reported that 15 Palestinians were arrested from Sheikh Jarrah.

On 7 May 2021, at 3 pm, the IOF fully closed off Sheikh Jarrah, only allowing Palestinian residents’ access. At 5 pm, they suppressed Palestinians, who were prevented from entering the neighbourhood, with sound bombs, and skunk water, and arrested three Palestinians. At the same time, the IOF allowed armed Israeli settlers, with automatic weapons, to enter the neighbourhood.<sup>13</sup>

The Israeli Supreme Court, applying Israeli discriminatory domestic law in violation of the laws of occupation, was due to hear an appeal by the Palestinian families on 10 May 2021. The hearing was initially scheduled on the same day as the so-called ‘Jerusalem Day’, an Israeli holiday ‘celebrating’ the unlawful occupation and annexation of East Jerusalem in 1967. However, the Supreme Court delayed the hearing on 9 May 2021, at the request of the State Attorney General.<sup>14</sup>

While the hearing was postponed, and until the time of writing, Palestinian residents of Sheikh Jarrah continue to meet in front of their houses, in resistance to Israel’s oppression, and they continue to be faced with further suppression by the IOF.

- *Israeli Attacks Palestinian Worshippers in Jerusalem*

Since the beginning of Ramadan on 13 April 2021, Palestinian Jerusalemites have been systematically targeted and attacked. On that day, the IOF have stormed the outer minarets of Al-Aqsa Mosque and cut the speakers’ wires. Metal barriers were installed next to Damascus Gate, one of the main entrances of the Old City. They further attacked Palestinians with batons and sound bombs to prevent them from sitting on Damascus Gate stairs.

On 22 April 2021, the IOF provided protection and encouraged a mob of Israeli settlers, some of them affiliated with the Israeli far-right group Lehava, as they marched in the street, chanting ‘deaths to Arabs.’<sup>15</sup> It was reported that at least 105 Palestinians were injured by the IOF, and 50

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<sup>10</sup> During protests, Israel has systematically used Israeli forces disguised as Palestinians, who are dressed in civilian clothes and carry hidden weapons. These forces, referred to as *Mustaribeen* often mingle with protest participants before suddenly attacking and arresting them.

Information obtained by Al-Haq field researcher on 2 May 2021, on file with Al-Haq; Information obtained by Al-Haq field researcher on 5 May 2021, on file with Al-Haq.

<sup>11</sup> Information obtained by Al-Haq field researcher on 6 May 2021, on file with Al-Haq.

<sup>12</sup> Information obtained by Al-Haq field researcher on 7 May 2021, on file with Al-Haq.

<sup>13</sup> Information obtained by Al-Haq field researcher on 7 May 2021, on file with Al-Haq.

<sup>14</sup> Hadas Gold, ‘Israeli Supreme Court Delays Hearing on Palestinian Evictions from East Jerusalem Neighborhood,’ *CNN*, 10 May 2021, <https://edition.cnn.com/2021/05/09/middleeast/jerusalem-sheikh-jarrah-unrest/index.html>

<sup>15</sup> Yumma Patel, ‘Israeli Mobs Chant ‘Death to Arabs’ in Night of Violence in Jerusalem,’ *Mondoweiss*, 23 April 2021, <https://mondoweiss.net/2021/04/israeli-mobs-chant-death-to-arabs-in-night-of-violence-in-jerusalem/>.

were detained that day.<sup>16</sup> As Palestinians removed metal barriers on 25 April 2021, Israel pursued its oppressive campaign on Palestinians by arbitrarily arresting Palestinians who were celebrating the removal of the barriers.<sup>17</sup>

On 1 May 2021, which marked Holy Saturday, the IOF set up several checkpoints around the Old City of Jerusalem, preventing Palestinians from attending the Holy Fire ceremony,<sup>18</sup> and from accessing to the Church of the Holy Sepulcher to perform prayers.<sup>19</sup> As Palestinians were stopped and obstructed, they were further [assaulted](#) and attacked by the IOF.

As 7 May 2021 marked the last Friday of Ramadan, the IOF fired sound and tear gas bombs and shot rubber-coated steel bullets at the worshipers inside the courtyards of the Al-Aqsa Mosque. It was reported that 205 Palestinians were injured that day, 88 of whom were hospitalised, including three who lost their eyes, and 17 were arrested.<sup>20</sup> Israel's crackdown continued the following days. More than 100 injuries were reported on 8 May 2021.<sup>21</sup>

On 10 May 2021, while 7,000 Palestinians were attending a sit-in within the Mosque, the IOF fired rubber bullets, tear gas canisters, and sound bombs against worshippers. The IOF prevented the entry of the Red Crescent medical teams into the compound, where dozens of Palestinians were seriously wounded, and directly [targeted](#) paramedics.

Between 7 and 10 May, 915 Palestinians were injured by the IOF, including paramedics and journalists, according to the Palestinian Red Crescent.<sup>22</sup> Injuries concerned upper body parts, including heads, eyes and chests.

In this regard, we welcome the joint statement of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr. S. Michael Lynk, and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Mr. Balakrishnan Rajagopal; which expressed “grave concerns about Israel’s aggressive response to protests in East Jerusalem,” addressed Israel’s discriminatory laws which facilitate the turning of Palestinian neighbourhoods into Jewish

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<sup>16</sup> Said Amouri, ‘Israeli Settlers Assault Palestinians in Occupied Jerusalem,’ AA, 23 April 2021, <https://www.aa.com.tr/en/middle-east/israeli-settlers-assault-palestinians-in-occupied-jerusalem/2218004>.

<sup>17</sup> ‘Paramedic Among Eight Palestinians Detained from West Bank,’ Wafa, 28 April 2021, <https://english.wafa.ps/Pages/Details/124236>.

<sup>18</sup> Middle East Monitor, “Israel blocks some Christians from Holy Fire ceremony,” 2 May 2021, available at: <https://www.middleeastmonitor.com/20210502-israel-blocks-some-christians-from-holy-fire-ceremony/>.

<sup>19</sup> Wafa, “Israeli police attack Christians commemorating Holy Saturday in occupied Jerusalem,” 1 May 2021, available at: <https://english.wafa.ps/Pages/Details/124269>.

<sup>20</sup> Palestinian Centre for Human Rights, ‘IOF Escalation in Occupied East Jerusalem and Al-Aqsa Mosque: 205 Palestinians, including 5 Journalists, Wounded; 3 Lost their Eyes, and 17 Others Arrested,’ 8 May 2021, <https://www.pchrgaza.org/en/iof-escalation-in-occupied-east-jerusalem-and-al-aqsa-mosque-205-palestinians-including-5-journalists-wounded-3-lost-their-eyes-and-17-others-arrested/>

<sup>21</sup> ‘100 Palestinians Injured after Israel Fired at Worshipers at Al-Aqsa Mosque,’ MEMO, 9 May 2021, <https://www.middleeastmonitor.com/20210509-10-palestinians-injured-after-israel-fired-at-worshippers-at-al-aqsa-mosque/>

<sup>22</sup> OHCHR, “OHCHR - Press Briefing: Escalation of violence in the occupied Palestinian territory,” 11 May 2021, available at: <http://webtv.un.org/watch/ohchr-press-briefing-escalation-of-violence-in-the-occupied-palestinian-territory-geneva-11-may-2021/6253647997001/>.

neighbourhoods; enforcing “entrenched patterns of ethnic domination,” and urged “to immediately lift its threat to evict hundreds of Palestinian households from their legally-protected homes.”<sup>23</sup>

- *Killing of 43 Palestinians, including 13 children, in the Gaza Strip*

Palestinians in the Gaza Strip have been living under an Israeli imposed closure since June 2007, constituting a form of collective punishment over two million Palestinians. As a result, 70 per cent of Palestinians in the Gaza Strip are dependent on humanitarian assistance and Palestinians have been hindered from recovering from damage and destruction caused during previous Israeli aggressions and assaults on Gaza. The closure has driven Gaza’s healthcare system to the brink of collapse, with the unavailability of essential medicines, supplies, and equipment, thereby contributing to the de-development of Palestinian healthcare.

Following Israel’s escalated attacks on Palestinians in Jerusalem, Hamas demanded the withdrawal of the IOF from the Al-Aqsa Mosque compound by 6 pm of 10 May 2021. As the IOF continued to suppress Palestinians, Hamas launched rockets to Israel.<sup>24</sup> Israel’s air force launched a series of missiles into the Gaza Strip, continuing its long-established policy and practice of indiscriminate targeting of Palestinians. On the same day, the Israeli occupying authorities further restricted the imposed closure, including by shutting down Erez and Kerem Shalom, the only two functioning crossings in and out of the Gaza Strip and prohibiting access to Palestinian waters for all naval activity, including fishing.

As of 11:40 am of 12 May 2021, the Palestinian Ministry of Health in Gaza reported that 43 Palestinians, including 13 children, were killed in the Gaza Strip, and at least 296 others were injured.<sup>25</sup>

- *Palestinian Response*

Inherent in its apartheid regime, Israel systematically pursues policies of segregation, fragmentation and isolation over the Palestinian people. On 8 May 2021, following Israel’s escalations in the targeting of Palestinian Jerusalemites, on 8 May 2021, Palestinians from inside the Green Line headed to Jerusalem, to support other Palestinians in the same struggle against Israel’s oppression. In response, Israel closed Route 433 and Abu Ghosh Road, preventing Palestinian busses coming from inside the Green Line to reach Al-Aqsa Mosque,<sup>26</sup> which exemplifies how Israel continues to geographically fragment the Palestinian people.

Despite being subjected to decades of Israel’s fragmentation policies, Palestinians inside the Green Line further organised protests to express their opposition to Israel’s oppression against the whole Palestinian people. The protests were met with Israeli brutality, as a number of Palestinians have

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<sup>23</sup> OHCHR, “East Jerusalem: UN experts deplore brutal police response to protests, urge eviction threats to be lifted,” 11 May 2021, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27083&LangID=E>.

<sup>24</sup> Arab News, ‘Gaza Explosion Kills 9 Palestinians as Hamas and Israel Exchange Fire,’ *Arab News*, 10 May 2021, <https://www.arabnews.com/node/1856756/middle-east>

<sup>25</sup> Roya News, “Death toll in Gaza Strip rises to 43: Palestinian Health Ministry,” 12 May 2021, available at: <https://en.royanews.tv/news/27866/2021-05-12>.

<sup>26</sup> BBC, “Jerusalem: Many injured on second night of clashes,” 10 May 2021, available at: <https://www.bbc.com/news/world-middle-east-57044000>.

been detained by the Israeli police. On 10 May 2021, it was reported that Musa Hassuna, a Palestinian from the city of al-Lyyd, was killed by an Israeli.<sup>27</sup>

### **3. Aggravated Breaches and Crimes of International Law**

Israel, the occupying power, is obligated to comply with fundamental rights and principles as enshrined under international human rights and humanitarian laws in the occupied Palestinian territory. Israel's recent escalation of violence and oppression towards Palestinian Jerusalemites is reflective of its overall strategy to entrench its settler-colonial apartheid regime over the Palestinian people.

Apartheid policies and practices are utilised to impose and maintain the domination of its Jewish-Israeli population over the Palestinian people. Such policies and practices include confiscation of lands and private property, forced eviction, home demolitions, in violation of the prohibition of property destruction and the right to adequate housing. Finally, excessive use of force against Palestinian opponents to apartheid policies and practices violate the right to freedom of opinion and expression and right of peaceful assembly and association.

Taken altogether, such apartheid policies and practices aim at fostering and aggravating a coercive environment for Palestinian civilians, and inducing their forcible transfer out of their home while replacing them with Jewish-Israeli settlers. The Fourth Geneva Convention strictly prohibits the transfer of the occupied local population within and outside of the occupied territory, as well as the transfer of the occupying power's population into the occupied territory. They qualify as a war crime under the Rome Statute of the International Criminal Court.

Israel's indiscriminate attacks on the Gaza Strip violate international law. As the Occupying Power, Israel is under an obligation to take all necessary measures to protect the civilian population of the occupied territory. Under international humanitarian law, the Israeli military must at all times distinguish between civilian and military targets. In addition, Israel must adhere to the principle of proportionality, which states that any attack that may be expected to cause loss of civilian life, injury to civilians or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.

### **4. Conclusion and Recommendations**

As 15 May 2021, the Palestinian people will commemorate the 1948 Nakba, when Zionist forces expelled more than 750,000 Palestinians from their homes,<sup>28</sup> Israel continues its enterprise of ongoing Nakba with complete impunity on part of the international community. In fact, Israel's escalating attacks on Sheikh Jarrah, the Al-Aqsa Mosque compound, and the Gaza Strip are symptomatic of an aggravation of Israel's oppressive policies and practices of its settler-colonial and apartheid regime.

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<sup>27</sup> Anadolu Agency, "Palestinian killed, 2 others wounded by Israeli gunman," 11 May 2021, available here: <https://www.aa.com.tr/en/middle-east/palestinian-killed-2-others-wounded-by-israeli-gunman/2236971>.

<sup>28</sup> Aljazeera, 'The Nakba Did Not Start or End in 1948,' 23 May 2017, <https://www.aljazeera.com/features/2017/5/23/the-nakba-did-not-start-or-end-in-1948>

In light of the urgency of the situation described above, Al-Haq urges the relevant UN Special Procedure mandates to immediately intervene to ensure the protection of the Palestinian civilian population, and in particular, to:

- i. Call on Israel to immediately cease indiscriminate and disproportionate attacks against the civilian population of the Gaza Strip, consistent with their obligations under international humanitarian law;
- ii. Demand Israel to immediately halt all forced eviction proceedings in Sheikh Jarrah, as well as its systematic policies and policies aimed at fostering a coercive environment and induce forcible transfer;
- iii. Call on Israel to halt its continuous attacks against Palestinian Jerusalemites, and to ensure that the Palestinian right to peacefully assemble and to freedom of expression of their political opinions is protected;
- iv. Urge the international community to take immediate and concrete measures to halt Israel's attacks and use of excessive force against Palestinians;
- v. Urge the High Contracting Parties to the Geneva Conventions to fulfil their obligation under common Article 1 to ensure respect for the provisions of the Conventions, taking appropriate measures to compel Israel to abide by its obligations under international humanitarian law, in particular placing pivotal importance on the respect and protection of civilians from the effects of the hostilities;
- vi. Call on the High Contracting Parties to fulfil their legal obligation under Article 146 of the Fourth Geneva Convention to prosecute those responsible for grave breaches of the Convention;
- vii. Call for international justice and accountability for widespread and systematic human rights violations committed against the Palestinian people, including suspected war crimes and crimes against humanity committed in the occupied Palestinian territory; and
- viii. Urge the ICC Prosecutor to include the Sheikh Jarrah incidents in her ongoing investigation.