

FIDH Resolution on Israel's Apartheid Regime against the Palestinian People

Presented by Al-Haq
23 July 2022

FIDH is deeply concerned by the escalating human rights situation against the Palestinian people, as evidenced by the rising unnecessary and disproportionate use of force, the ongoing forced displacement and property appropriation policies and activities on both sides of the Green Line, and mass suppression of opposition;

Considering Israel's human rights violations and crimes against the Palestinian people, are rooted in a settler-colonial regime and an institutionalised regime of systematic domination and oppression over the Palestinian people, amounting to the crime of apartheid;

Noting that apartheid is defined and prohibited as a crime against humanity in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid and the 1998 Rome Statute, to include inhuman acts committed for the purpose of establishing and maintaining racial domination and oppression by one racial group over any other racial group;

Noting that Israel's apartheid regime against the Palestinian people, is evidenced by:

- 1) Discriminatory laws, policies, and practices since 1948, particularly in the domains of land and nationality, which clearly segregate the Palestinian people and Jewish Israelis, in order to ensure the continuation of displacement, dispossession and Jewish Israeli domination;
- 2) Strategic fragmentation over the Palestinian people, including Palestinian citizens of Israel, Palestinians in the occupied Palestinian territory, and Palestinian refugees and exiles abroad. Through the denial of the Palestinian refugees their right to return, the restrictions on freedom of movement and residence, the blockade of the Gaza Strip, the annexation of Jerusalem, Israel ensures that fragmented Palestinians are unable to meet, group, live together, and exercise their inalienable collective right to self-determination;
- 3) Institutionalised efforts to silence Palestinians' opposition through excessive use of force, arbitrary detention, torture and other ill-treatment, collective punishment, as well as smear and delegitimization campaigns against groups and human rights defenders;

Stressing the mounting recognition of Israel's apartheid by UN member States, parliaments, UN treaty bodies, UN human rights experts, and Palestinian, international and Israeli human rights organisations;

Acknowledging that recognition of Israel's apartheid is the beginning of the long road towards the realisation of the right to self-determination of the Palestinian people;

Stressing that the crime against humanity of apartheid give rise to obligations *erga omnes* on third States not to recognise the illegal situation, not to render any aid or assistance in maintaining the apartheid regime, and to cooperate to bring to an end the illegal situation;

Noting with grave concern the failure by third States to recognise the situation in Palestine as apartheid and take the necessary action to bring to an end Israel's violations of peremptory norms of international law, has enabled Israel to maintain its apartheid regime;

1. Call on third States to recognise that Israel's discriminatory laws, policies, and practices have established, and continue to maintain, an apartheid regime over the Palestinian people, and to take positive and effective steps to end Israel's illegal occupation and apartheid regime, including through the imposition of sanctions and countermeasures, ending military-security trade and cooperation with Israel, and adopting legislation to prohibit trade with illegal Israeli settlements.
2. Call on third States to provide the utmost political, institutional and material support to enable the esteemed UN Commission of Inquiry established in May 2021 to continue with its mandate unhindered;
3. Call the UN to reconstitute of the UN Special Committee against Apartheid and the UN Centre against Apartheid;
4. Call on Israel to repeal all legislation and end all policies and practices that directly or indirectly affect the enjoyment of human rights through racialized distinctions;
5. Call upon the Prosecutor of the International Criminal Court to take concrete steps to accomplish the investigation into the Situation in Palestine.