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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

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The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Israel's Continued Use of Extrajudicial Killings Entrenches the Oppression of the Palestinian People

Since the beginning of 2022, Israeli Occupying Forces (IOF) have committed several high-profile unlawful extrajudicial killings, using unnecessary and disproportionate force against Palestinian people in the occupied Palestinian territory (OPT). These have included, but are not limited to: several killings in the West Bank during Israeli raids into Palestinian cities, notably on the 8 February 2022 and again on 9 August 2022 in Nablus;¹ the recent Israeli Offensive on the Gaza Strip;² as well as the killing of Shireen Abu Aqleh, the renowned Al-Jazeera journalist, who was shot and killed in Jenin on the 11 May 2022 by the IOF.³ Israel's unlawful extrajudicial killings have either resulted in superficial investigations by the Israeli authorities or, more frequently, in no investigation at all.⁴ The failure of the Israeli authorities to provide any meaningful accountability for these killings, as well as the international community's complacency towards Israel's violations, highlights the importance of both the International Criminal Court's (ICC) investigation into the Situation in Palestine and the need for the member states of the Human Rights Council to support the work of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel (OPT).

IOF Raids into Palestinian Cities in the West Bank

The IOF have continued to launch extensive raids into Palestinian cities within the West Bank, notably in Nablus and Jenin, despite both cities being designated as "area A" under the Oslo Agreement, supposedly under full control of the Palestinian Authority (PA). In spite of this, the IOF have continued to operate within the PA jurisdiction.

On 8 February 2022, the IOF used unmarked cars to trap, ambush, and kill three men in Nablus as they were driving through the city: Ashraf Mohammad Abdel Fatah Mubaslat, 21, Mohammad Raed Hussein Dakhil, 22, and Adham Jamal Abdel Rahim Mabrukah, 27, employing deliberate use of force against civilians.

Several months later, on the 9 August 2022, three people were killed by the IOF, as they raided Nablus with the intent of killing Ibrahim al-Nabulsi, who was killed whilst surrounded in the old city. On the same day, two 16-year-old boys were shot in the chest and lower abdomen with live ammunition, while Israeli soldiers fired into a crowd protesting against the IOF incursion into Nablus.

Al-Haq has frequently documented the consistent failure of Israeli soldiers to issue precautions before resorting to the use of lethal force and to use force as a last resort.⁶ The IOF's actions in Nablus on both occasions used a "shoot to kill" policy, failing to warn or attempt to arrest the victims. The force used was unnecessary and disproportionate on both occasions, and similar to other unlawful killings by the IOF across the West Bank, which as a matter of policing should fall under the law enforcement paradigm.

August Offensive on the Gaza Strip – Civilians bear the brunt of impunity

On 5 August 2022, Israel instigated a military offensive on the occupied Gaza Strip. In its attacks against Gaza, the IOF appear to have attacked indiscriminately, directly targeting civilians and civilian objects that resulted in the killing of forty-six Palestinians, including sixteen children. In one case, the IOF bombed a horse drawn cart, killing three men and injuring three others; in another the IOF attacked a wedding gathering, killing a 10-year-old child and her grandmother.

The Israeli escalation of violence against the Gaza Strip, and continuation of its brutal 15-year-old illegal blockade and closure is indicative of a policy of collective punishment. Further, the IOF's complete disregard for Palestinian life and indifference to their obligations under international law- a policy across the OPT, is motivated by Israel's long-enjoyed culture of impunity, supported by the international community's failure to hold Israel accountable for the commission of international crimes.

The Failure to Investigate Unlawful Killings by the Israeli Authorities

Of grave concern is the consistent failure of Israel to investigate and hold to account its agents for the unlawful killing of Palestinian civilians, exemplified by the killing of Shireen Abu Aqleh. On 11 May 2022, Shireen was shot and killed by the IOF in Jenin, in the occupied West Bank, despite adorning a blue “Press” vest and being in a crowd of similarly dressed reporters.

Even the killing of a highly respected and established Palestinian American journalist failed to result in any meaningful investigation by the Israeli authorities, aside from an apparent internal Israeli military investigation that was inconclusive in determining who is responsible for the killing of Shireen.⁸ Instead, Israel has continued to evade any accountability for the killing, despite numerous conclusions by international organisations, including the OHCHR, that the IOF was responsible for her death.⁹ These perfunctory investigations are unsurprising, given statements made by the Israeli government highlighting their deliberate lack of oversight, such as that there are “no restrictions on the IDF, ISA and other security forces”.¹⁰

The killing of Shireen also indicates that third states cannot be relied upon to call for judicial accountability for Israel’s violations of Palestinians’ rights in the OPT. The U.S. investigation into the killing of Shireen failed to reach any conclusion despite considerable evidence being included in the US State Department’s report, pointing towards gunfire from IOF positions being “likely responsible for the death of Shireen Abu Aqleh”.¹¹ The failure of the related third states to demand that Israel perform its basic obligations to investigate extrajudicial killings of their dual national citizens highlights the need for both the ICC’s and the COI’s independent investigations into Israel’s violations in the OPT, as well as the importance that their investigations are fully supported and funded by the international community.

Conclusions and recommendations

Israel continues to use a “shoot to kill” policy throughout the OPT, in blatant violation of international law. Israel exhibits a clear pattern of indiscriminate and deliberate targeting of the Palestinian people by the IOF, while Israeli authorities refuse to actively investigate unlawful and disproportionate uses of force by the IOF, including against journalists.

Accordingly, Al-Haq calls on member states of the Human Rights Council to:

I. Urge Israel to immediately cease all practices and policies that violate the rights of the Palestinian people to life, fair trial and due process, among others, including extrajudicial killings and the “shoot to kill” policy;

II. Demand the international community end the institutionalised impunity of Israel’s widespread and systematic human rights violations against the Palestinian people, from within Israeli judicial mechanisms, its apartheid regime of systematic racial oppression and domination over the Palestinian people as a whole;

III. Call on the international community to support investigations by the ICC and the COI into Israeli crimes committed against the Palestinian people, recognising the importance of international accountability for human rights abuses and violations of international law by any state, including through financially supporting the operations of the investigations, and;

IV. Call for international justice and accountability, including at the ICC, for Israel’s widespread and systematic human rights violations, and international crimes, including the crime of population transfer and the crime of apartheid, which constitutes a crime against humanity.

1. Al-Haq, “Al-Haq Sends Urgent Appeal to UN Special Procedures on Israel’s Extrajudicial Killing of Three Palestinian Men in Nablus” (13 March 2022): <https://www.alhaq.org/advocacy/19710.html>; affidavits on all unlawful killings cited in this statement are on file with Al-Haq and available upon request.
2. Al-Haq, “Israel’s Indiscriminate and Disproportionate Attack on Palestinian Civilians Violates International Humanitarian Law, Indicate War Crimes” (8 August 2022): <https://www.alhaq.org/advocacy/20394.html>.
3. Al-Haq, “Press Release: The Killing of Shireen Abu Aqleh Highlights Israel’s Impunity for Crimes and Increased Use of Arbitrary Lethal Force Against the Palestinian People” (12 May 2022): <https://www.alhaq.org/advocacy/19990.html>.
4. Al-Haq, “Al-Haq calls into Question the Conclusions of the US examination of the Bullet that Killed Journalist Shireen Abu Aqleh” (13 July 2022): <https://www.alhaq.org/advocacy/20257.html>.
6. Al-Haq, “Joint Urgent Appeal to the United Nations Special Procedures on the Extrajudicial Execution and Wilful Killing of Ahmad Erekat by the IOF on 23 June 2020” (13 July 2020): https://www.alhaq.org/cached_uploads/download/2020/07/14/joint-urgent-appeal-to-un-special-procedures-on-the-killing-of-ahmad-erekat-final-1594706298.pdf.
8. Al-Jazeera, “‘US-backed Israeli whitewash’: Abu Akleh probe sparks anger” (4 July 2022): <https://www.aljazeera.com/news/2022/7/4/shireen-abu-akleh-killing-investigation-us-report-israel-reaction>.
9. OHCHR, “Killing of journalist in the occupied Palestinian territory” (24 June 2022): <https://www.ohchr.org/en/press-briefing-notes/2022/06/killing-journalist-occupied-palestinian-territory>.
10. Ministry of Foreign Affairs, ‘PM Bennett’s remarks at the start of the weekly Cabinet meeting’ (10 April 2022): <https://www.gov.il/en/departments/news/pm-bennett-s-remarks-at-the-start-of-the-weekly-cabinet-meeting-10-apr-2022>.
11. Al-Haq, “Al-Haq calls into Question the Conclusions of the US examination of the Bullet that Killed Journalist Shireen Abu Aqleh” (13 July 2022): <https://www.alhaq.org/advocacy/20257.html>.