

# Organization for Defending Victims of Violence (ODVV)

## UPR Submission

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Israel



سازمان دفاع از قربانیان خشونت  
Organization for Defending Victims  
of Violence

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## **About ODVV**

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-political organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Global Communications (DGC), a member of the Conference of Non-Governmental Organizations (CONGO), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is focused on promoting human rights, supporting victims of violence, empowering Iranian civil society, and offering human rights consultations to the Iranian institutions and organizations. ODVV is actively involved in running various human rights education courses, workshops, seminars, and conferences. Other activities include:

- Participation in UN Commission on Human Rights and the Human Rights Council sessions in Geneva;
- Publication of different books and booklets on human rights such as Rights of the Child, Unilateral Coercive Measures (Economic Sanctions), Racism, Racial Discrimination, Islamophobia and Xenophobia;
- Publishing *Defenders Quarterly* (in English), human rights news and developments *Weekly* (in Farsi), daily updating ODVV websites in English, Farsi and Arabic;
- Internship for Iranian and international students.

4. ODVV is submitting the following report on the human rights situation of Israel in order to contribute to the improvement of human rights.

## **Expansion of settlements and increased settler violence**

5. Since 1948, Israel has been enforcing discriminatory laws and policies to change the demographic of the population in the occupied Palestinian territories (OPT). Israel has deprived Palestinians of their right to self-determination by construction and expansion of Jewish settlements. Israel has violated the basic rights of Palestinians and settlements are a key component of the apartheid policy against Palestinian people.

6. According to A/HRC/49/87, a total of 300 illegal settlements have been built for Jews during the past five decades and about 700,000 settlers live in those settlements<sup>1</sup>. This amounts to a flagrant violation of international law according to the United Nations Security Council Resolution 2334.<sup>2</sup>

7. Also, according to the UN Security Council Resolution 476, continued construction of settlements are “a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.”<sup>3</sup> Meanwhile, displacement of a civilian population by an occupying power to another territory, which is under military occupation, also violates the Fourth Geneva Convention and is, therefore, a war crime based on the Statute of the International Criminal Court.

8. The illegality of settlements has been repeatedly emphasized by the International Criminal Court, the UN General Assembly, the OHCHR, the Human Rights Council, the European Union, the ICRC, the parties to the Fourth Geneva Convention, and a number of NGOs. The settlement construction is also at odds with Israel’s obligations under Article 49 of the Fourth Geneva Convention and, therefore, meets the definition of a “war crime” under international humanitarian law and the Rome Statute. As a result, in accordance with Article 8 of the Rome Statute, it falls within the temporal jurisdiction of the International Criminal Court.<sup>4</sup>

9. Based on a report by the United Nations Office for the Coordination of Humanitarian Affairs, Israeli settlers have carried out 410 attacks against Palestinians during the first 10

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<sup>1</sup> A/HRC/49/87

<sup>2</sup> UNSC Resolution 2334 (23 December 2016) declared that the Israeli settlements are “a flagrant violation under international law.”

<sup>3</sup> S/RES/476

<sup>4</sup> A/HRC/47/57

months of 2021, including 302 attacks against their property and 108 attacks against Palestinians themselves. The figure for 2020 has been 358 attacks in total and 335 attacks in 2019.<sup>5</sup>

10. Despite all the voices raised against the effect of settlements on violation of Palestinian rights, Israel has not accepted the 20 recommendations on settlements including the 13 recommendations to "end", "stop", "halt", "cease" settlement expansions<sup>6</sup> or "ending support" for settlements.<sup>7</sup>

### **Apartheid and racial discrimination**

11. According to international documents<sup>8</sup>, the crime of apartheid as "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them."

12. For more than seven decades, Israel has maintained its domination over the people of Palestine through prolonged occupation, illegal annexation of Palestinian lands, and forceful displacement of Palestinians. Even the UN General Assembly Resolution 3379 (1975), which said, "Zionism is a form of racism and racial discrimination," and was revoked in 1991 through efforts by pro-Israel lobby, failed to reduce the extent of Israel's occupationism.

13. In the third cycle of the Universal Periodic Review in 2018, Israel received 11 recommendations on racial discrimination, accepted four<sup>9</sup> and noted seven others<sup>10</sup>. The accepted recommendations were about measure to be taken to counter discrimination against Arab and Bedouin communities and people of other ethnic and religious minorities, as well as abrogation of all measures and laws that uphold racism. Israel was also called upon to guarantee equal access to human rights for all its citizens regardless of their nationality and religion, including the right to employment, facilitation of social and

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<sup>5</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27792&LangID=E>

<sup>6</sup> 118.226, 118.221, 119.7, 118.221, 118.212, 118.213, 118.214, 118.215, 118.216, 118.219, 118.220, 118.223, 118.225

<sup>7</sup> 118.210, 118.226

<sup>8</sup> International Convention on the Suppression and Punishment of the crime of Apartheid, 1973, Article 2; Rome Statute of the International Criminal Court, 1998, Article 7, Paragraph 1,(h), The International Convention on the Elimination of All Forms of Racial Discrimination, 1965, Article 1

<sup>9</sup> 118.130 و118.62 و 118.59, 118.48

<sup>10</sup> 118.177, 118.63, 118.60, 118.58, 118.55, 118.53, 118.51

economic rights and participation in political processes. However, Israel continued the destruction and occupation of Ras Jrabah and another Bedouin village and forced displacement of their inhabitants.

14. Following a decade of efforts by NGOs and States to raise voices against apartheid, the UN Special Rapporteur<sup>11</sup> finally condemned Israel's apartheid policy against the people of Palestine.

15. According to Article 2 of the Convention Racial Discrimination, Israel must avoid any form of "racial discrimination and apartheid" in territories under its control. While, Israel's Jewish nation-state law creates an apartheid society where the ethnic identity would prevail over basic human rights and under its Article 7, Israel considers further development of Jewish settlements as a national value.

16. On the other hand, the policy of zoning and discriminatory plans based on race, color of skin, descent or nationality and ethnicity, put Palestinians in an unequal position in their own motherland, in a clear violation of Article 3 of the Convention on Racial Discrimination. Israel's policies of segregation, depriving of ownership, and depriving of citizenship are clear examples of apartheid.

17. Since 1967, many Palestinians were denied the right to citizenship. Palestinian refugees and their offspring, who lost their homes during armed conflicts in 1947-49 and 1967, are still denied the right of return to their homeland. In addition, the law that bans family reunification (adopted in 2003) has faced thousands of couples with the dilemma of remaining without a family or leaving Israel in order to keep their families.

18. The UN Security Council urged Israeli forces to leave all "the occupied territories" in its Resolution 242<sup>12</sup>, which of course was not heeded by Israel as is the case with many other resolutions of the Council.

### **Natural resources of Palestinians and illegal domination of the occupying power**

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<sup>11</sup> A/HRC/49/87

<sup>12</sup> S/RES/242

19. During the previous cycle of the UPR, Israel received six recommendations with regard to the right to water and sanitation<sup>13</sup>. It was urged to avoid confiscation of groundwater resources and also allocation of other water resources to illegal settlements. Israel was also required to respect the Palestinians' right to have access to natural resources and free access to drinking water, while avoiding seizure of Palestinian lands. It was also asked to provide Palestinians with access to natural resources such as agricultural lands. Unfortunately, Israel did not accept any of those recommendations. On the contrary, it has continued violation of the human rights of Palestinian people by seizing their lands and increasing exploitation of underground resources, thus depriving them of access to healthy drinking water, electricity, and sanitation.

20. Respecting the rights of civilians, including the right of access to such natural resources as water, is necessary for meeting the needs of people living in the occupied territories. However, during the course of occupation, these rights, which have been specified in Article 11 of the International Covenant on Economic, Social and Cultural Rights, have been often disregarded. Meanwhile, women and girls are more susceptible to problems caused by shortage of water than men, including getting various kinds of diseases. This issue is against Para. 2, Article 14 of the Convention on the Elimination of all Forms of Discrimination Against Women. People with physical disabilities, which should enjoy their rights as per Para. 2, Article 28 of the Convention on the Rights of Persons with Disabilities, usually suffer from such inequalities and attacks on infrastructural facilities as water and power distribution systems.

21. Natural resources, including groundwater, are part of the public immovable property and the occupying power is obligated to safeguard them. There is not enough drinking water in the Gaza Strip and serious damage has been done to the enclave's water supply infrastructure as a result of continued conflicts while a power shortage crisis has led to increased contamination of groundwater resources. The quality of water used in the Gaza Strip is lower than international standards and 96 percent of the families are using a water that lacks the standard set for potable water.

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<sup>13</sup> 118.184, 118.229, 118.180, 118.132, 118.183, 118.181

22. The right to water requires water quality that guarantees human dignity, life, and health with easy access. However, even the Oslo Accords failed to help realize this right for the inhabitants of the occupied territories.

23. Israel's public health emergencies, including in the COVID pandemic, have put double pressure on public infrastructural facilities, including water distribution and sewer networks as well as the power grid.

### **Violation of basic rights of Palestinian civil societies**

24. In 2018 UPR, Israel received 18 recommendations on human rights defenders, civil society and freedom of expression. It accepted 11 recommendations<sup>14</sup>, regarding ensuring continuation of legal activities of human rights defenders; guaranteeing freedom of expression; providing the necessary space for the civil societies; protecting human rights organizations in Israel, especially the NGOs; create a safe environment for human rights organizations; ensuring free access to religious places, and promoting freedom of religion without discrimination to any religion. However, Israel designated Palestinian human rights organizations as terrorist organizations and closed their offices in contradiction to obligations under international law.

25. Designation of Palestinian NGOs as terrorist organizations by Israel in October 2021 and depriving them of their rights was in violation of Para. F, Article 2 of the 1973 Convention on Apartheid, and is, therefore, open to prosecution in accordance with Para. 2, Article 7 of the Rome Statute of the International Criminal Court. The designation is aimed at muffling the Palestinians that seek respect for human rights of marginalized people, including women, children, prisoners, and rural societies. The designation policy will leave NGOs without legal protection and exposes more communities to discrimination and violence, especially against women and girls.

26. The designated NGOs have been promoting human rights in the occupied territories and globally. The measure by Israel may lead to termination of cooperative work and documentation of human rights. Finally, it may block the possibility of requiring Israel to end

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<sup>14</sup> 118.100,118.99,118.98,118.97,118.96,118.95,118.94,118.93,118.92,118.91,118.88

its prolonged and unjust occupation.

27. Israel has so far failed to provide any credible documents to uphold its claim against Palestinian human rights organizations. The designation has been widely condemned by NGOs and States at the Human Rights Council, however, Israeli forces raided the offices of the NGOs on August 18, 2022, causing a lot of damage to their civilian properties. Israel's military also ordered closure of seven Palestinian NGOs, which is illegal and unacceptable as it amounts to severe suppression of human rights defenders.

### **Administrative prisoners**

28. In 2018, Israel received about 23 recommendations with regard to Palestinian detainees and prisoners. They asked Israel to conform administrative detention with international human rights standards. The recommendations also urged Israel to avoid arbitrary detention of Palestinian children; ensure procedural rights and fair court verdicts conformant international standards; improve conditions in prisons; and arrest children in accordance with international standards, especially with respect to the UN Convention on the Rights of the Child. It was also urged to make sure that administrative detention is limited to the fewest of cases, and if it is used, must conform with Israel's international obligations with limited duration.

29. Israel was also recommended to adapt its torture criminalization bill to Article 1 of the Convention against Torture. Israel, accepted about seven recommendations<sup>15</sup>. However, in view of the excessive use of administrative detention against Palestinians, none of those recommendations were observed in practice. For example, Ahmad Manasra, was a Palestinian youth, imprisoned for more than six years since he was 14 and is suffering from serious psychological problems. He has been deprived of family visitations and legal consultation. Salah Hamouri is a Palestinian-French citizen, arbitrarily arrested and banished from East Jerusalem. He serves as another living example of Israel's noncompliance with its international obligations and disregard for recommendations offered by States.

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<sup>15</sup> 118.165,118.163,118.124,118.78,118.81,118.79,118.76



30. Since 1967, administrative detentions violate international law, keeping more than 670 Palestinian inmates<sup>16</sup> behind the bars without trial or a court ruling and only on the basis of alleged classified information, never made available to detainees – at least until this article was written. Widespread and systematic use of arbitrary and administrative detention has become an indispensable part of the Israel's policy to control Palestinian people, in stark contradiction to all international conventions and covenants.

31. Israeli army has the authority to keep Palestinians in jail for a period of six months under the excuse of being a threat to national security, and that period can be extended indefinitely. Holding trial sessions in the presence of an Israeli military judge, while the trial can be conducted by civil judges, indicates that such trials are not supposed to observe international standards. As a result, they lead to violation of the basic rights of Palestinian detainees amounting to arbitrary detention.

### **Recommendations**

32. While expressing great concern over widespread and prolonged violations of human rights, ODVV recommends Israel to:

- Implement more than 500 resolutions adopted by the UN Security Council, the General Assembly and the Human Rights Council to condemn Israel's policies in the past 70 years;
- Implement Resolution 2334 (2016) of the UN Security Council, which demands an immediate halt to settlement construction in the OPT;
- Halt transferring civilians to the occupied territories in line with Article 49 of the Fourth Geneva Convention and stop support for settlements expansion and settler's violence;
- Eliminate a two-tier legal system, which provides full citizenship rights for Israeli settlers, but puts Palestinians under a military rule;
- Adopt the Convention on Apartheid and commit to the convention;
- Revoke all measures and laws that confirm racial discrimination;

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<sup>16</sup> <https://www.addameer.org/>

- Respect the results of investigations by the International Criminal Court into the situation in Palestine and prosecute all people committing international crimes, including apartheid, torture, persecution, and arbitrary detention;
- Halt the destruction of infrastructure in the West Bank, and commit to implement the Covenant on Civil and Political Rights;
- Reconstruct the infrastructure and introduce a transparent plan to address water issues and halt destruction of water reservoirs and exploitation of natural resources in favor of Israel;
- Reopen the closed offices of Palestinian NGOs and address their requests for continuation of investigations by the International Criminal Court (ICC);
- Take necessary measures to provide equal support for all human rights defenders, so that they would be able to continue their activities freely without any discrimination and in a safe and secure environment;
- End administrative and prolong detention of Palestinians without trial and ban arbitrary detention of children according to the Convention on the Rights of the Child;
- Take necessary measures to conform administrative detention with international human rights standards;
- End torture of prisoners, inhuman conditions of solitary confinement, overpopulation of jails, lack of sanitation and primary healthcare, and absence of medical care in prisons;
- Guarantee that Palestinian children will not be arbitrarily arrested and detained and that they would enjoy their full legal rights in accordance with international human rights standards;
- Finally, we call on the international community to consider the designation of Palestinian NGOs as apartheid and prosecute its masterminds under Para. 2, Article 7 of the Statute of the ICC.