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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

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

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

[29 January 2024]

* Issued as received, in the language of submission only.



Israeli Authorities' Intention to Expel Palestinian Political Prisoners

Introduction:

Israeli Authorities have publicly stated their intent to expel approximately 450 Palestinian prisoners from East Jerusalem and Israel to Palestinian Authority areas, citing alleged 'ties to terrorism'. According to Israel Hayom newspaper, "Israel is on the verge of deporting hundreds of Israeli Arabs and residents of East Jerusalem, who have been convicted of terrorism, to the Palestinian Authority territories"¹, it stated in the past few weeks. The paper also stated that Israeli Knesset members Amit Halevy and Ofir Katz handed over information about a report, prepared by Israeli intelligence to the Israeli Interior Minister, Moshe Arbel, listing the names and information of 450 Palestinian prisoners who hold Israeli citizenship and receive salaries from the Palestinian Authority (PA).

The PA salary is usually paid to the families of prisoners by the Palestinian government during the time of arrest and it continues to be paid after release if the prisoner is sentenced to more than 5 years. Halevy told Israel Hayom, "The report provides a green light for the enforcement of the citizenship deprivation law. The principle is simple and clear: either a citizen of the state or an enemy of the state"¹, he said. The Knesset member added, "Everyone who receives funding from the Palestinian Authority will be deported to Ramallah, his citizenship or residency will be revoked, and he will stop receiving the bundle of rights."¹

There is a coordinated effort by Israeli authorities including Knesset members to expel Palestinians from their homes, to displace them from their homes, on political grounds, which is a flagrant violation of international law.

Racism Against Citizens Based on their Ethnic Background:

The unproven allegations of 'ties to terrorism' that the 450 Palestinian political prisoners have been accused of, are not only unproven but such allegations are weaponised against them because they are of Palestinian origin. Jewish-Israeli prisoners of the Israeli state, accused of terrorism, are not recipients of the same punishment. Both citizens of the same state, accused of the same crime, yet recipients of different punishments based on their ethnic background, is a crime of apartheid. The United Nations International Convention on the Suppression and Punishment of the Crime of Apartheid clearly states under Article II, that such inhuman treatment as this statement outlines, addressing the forced displacement and expulsion as means for criminal punishment, is one of many 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.²

This intent by Israeli Authorities to expel 450 Palestinians from their homes in Jerusalem flagrantly violates Article II, b), c) & d)² of the United Nations International Convention on the Suppression and Punishment of the Crime of Apartheid:

Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;²

Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence.²

Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups.²

The Crime of Forceful Displacement and Deprivation of Nationality and Citizenship:

The attempt to expel, and displace these Palestinian political prisoners is both considered a crime against humanity and a war crime, and should be condemned as such. According to the International Committee of the Red Cross, such an action violates Rule 129, which states both a) Parties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand. b) Parties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict.

Additionally the prohibition of the transfer or deportation of civilians is set forth in the Fourth Geneva Convention. According to the Fourth Geneva Convention and Additional Protocol I, it is a grave breach of these instruments to deport or transfer the civilian population of an occupied territory, unless the security of the civilians involved or imperative military reasons so demand. Under the Statute of the International Criminal Court, “the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory” constitutes a war crime in international armed conflicts.³

The Increased Violent Treatment of Palestinian Political Prisoners after October 7th & Increase in Administrative Detainees:

It is not only the intent of Israeli authorities to displace released Palestinian political prisoners that should be addressed, but also the inhumane and barbaric treatment these prisoners experienced at the hands of Israeli Authorities. Reputable human rights organisations around the world have long drawn criticism of Israeli authorities' inhumane treatment of Palestinian political prisoners, however since October 7th, prisoners' conditions have only seemingly deteriorated, a somewhat incomprehensible concept.⁴

Israel's widely excessive use of ‘Administrative Detention’, detention without charge or trial for indefinitely renewable periods for only Palestinians, has only increased since October 7th. administrative detainees whom Israel can keep in prison for indefinite periods without any charge or trial.⁴ Administrative detention orders, which are often rubber stamped by Israel's military courts, are routinely used to punish and repress any form of dissent against Israel's repressive military rule.

Administrative detention orders issued by the Israeli military against Palestinians are based on secret evidence and are almost automatically approved by the military courts which operate in the occupied West Bank. Detainees cannot challenge the grounds of their detention – a denial of their right to due process.⁵ Israel's systematic and discriminatory use of administrative detention against Palestinians forms part of its system of domination and oppression and constitutes the crime against humanity of apartheid. Under the Rome Statute of the International Criminal Court, imprisonment in violation of fundamental rules of international law also constitutes a crime against humanity, if committed as part of a widespread or systematic attack against a civilian population.⁶

Taking the context into consideration, it is not only the criminal punishment of forced expulsion that should be condemned, but the actual arrest and incarceration of these political prisoners, and the treatment they endured whilst incarcerated.

Conclusion:

The Palestinian Return Centre Ltd (PRC) calls upon the UN Human Rights Council members to both condemn the further forced displacement of Palestinians by Israeli authorities and to lend their diplomatic resources to ensure this forced displacement of 450 Palestinian political prisoners does not take place.

The Palestinian Return Centre Ltd (PRC) urges all members of the council to condemn Israel's intent to flout international law and to commit flagrant war crimes and crimes against humanity by ensuing further forced expulsion of Palestinians from their land.

The Palestinian Return Centre Ltd (PRC) calls on the UN Human Rights Council to demand the Government of Israel uphold the United Nations International Convention on the Suppression and Punishment of the Crime of Apartheid, International Law and the Rule of Law.

1 The Palestinian Information Center: Israeli Plan to Expel hundreds of Palestinians from Jerusalem. English.palinfo.com. Available at:

<https://english.palinfo.com/news/2024/01/05/312276/#:~:text=Israel%20has%20been%20working%20on,to%20the%20Israeli%20army%20radio.>

2 United Nations: International Convention on the Suppression and Punishment of the Crime of Apartheid. UN.org. Available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf

3 Red Cross: Rule 129 - Act of Displacement. Ihl-databases.icrc.org. Available at: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule129>

4 Addameer: Escalating Oppression. Addameer.org. Available at: <https://www.addameer.org/media/5262>

5 Amnesty International: Israel/OPT: Death of Khader Adnan highlights Israel's cruel treatment of Palestinian prisoners. Amnesty.org. Available at: <https://www.amnesty.org/en/latest/news/2023/05/israel-opt-death-of-khader-adnan-highlights-israels-cruel-treatment-of-palestinian-prisoners/>

6 People's Dispatch: Over 1000 Palestinians on Hunger Strike. Peoplesdispatch.org. Available at: <https://peoplesdispatch.org/2023/08/18/over-1000-palestinian-prisoners-on-hunger-strike-against-increased-violence-by-israeli-prison-authorities/>