

HUMAN RIGHTS COUNCIL – 52nd Session

Written Submission on Item 7

The Excessive Use of Force by Israel: A System of Suppressing Palestinian Resistance and Obstructing Self-Determination

Since the beginning of the year, Israeli forces have killed more than 30 Palestinians in the West Bank.¹ The year before, 2022, was recorded as the deadliest year in over two decades for Palestinians in the West Bank, with more than 150 Palestinians killed by Israeli forces.² These extrajudicial and targeted killings, which often target Palestinian refugees, are emblematic of Israel’s apartheid-colonialism -- a regime entrenched in policies and practices that deny the Palestinian people’s self-determination and perpetuate their forcible displacement. A core tenet of this system is the suppression and criminalization of resistance, which simultaneously aims to: (1) obstruct the Palestinian right to self-determination and (2) create renewed waves of forcible displacement.

Israel has long suppressed and penalized all forms of Palestinian resistance. It has premised this on an inherently flawed conflation of resistance and terrorism and thus justified its crimes by appealing to arguments of self-defense and counterterrorism. Equating Palestinian resistance with terrorism, however, lacks any legal basis in light of the legitimacy of the Palestinian struggle for liberation, their right to resist foreign domination, and ultimately their right to self-determination. It follows that any and all actions carried out by Palestinians against Israel for that purpose are lawful and protected under international law.

The Palestinian Resistance and Refugee Camps

For the past 75 years, the Palestinian people have continued to seek self-determination and liberation from the Israeli colonial-apartheid regime that maintains a system of domination over them. In order to achieve this, Palestinians continue to engage in various acts and forms of resistance against the oppressive colonial power.

Resistance in all its forms, including both armed and unarmed struggle, is a legitimate right for peoples fighting against foreign domination and for the realization of their right to self-determination. It is protected

¹ OHCHR, *Israel and Occupied Palestinian Territory: UN Human Rights Chief Volker Türk calls for the “illogic of escalation” to stop*, 3 February 2023, “Press Release”.

² OHCHR, *Israel/Palestine: UN Experts Condemn Renewed Violence and Israeli Killings of Palestinians in Occupied West Bank*, 27 January 2023, “Press Release”.

in various UN resolutions by virtue of the sanctity of territorial integrity and national unity.³ The right to resist has been recognized with specific reference to the Palestinian struggle by reaffirming the Palestinian people's right to self-determination, national independence, territorial integrity, and sovereignty.⁴

Palestinian resistance aims to advance Palestinian rights and dignity, whether undertaken to achieve national rights of self-determination and return or other human rights, be they political, civil, social, economic or cultural. These goals are perceived as contradictory to Israel's *raison d'état* to create an exclusively Israeli-Jewish 'homeland' in the whole of Mandatory Palestine. As such, Israel suppresses Palestinian resistance with the ultimate aim to erase the Palestinian people's national unity, fragment their identity, and perpetuate its denial of Palestinians' right to self-determination -- all which are seen as irreconcilable with Israeli-Jewish domination.

Israel works to concurrently suppress and criminalize Palestinian resistance through a combination of legislation, physical force, and psychological pressure. These policies, practices, and measures individually and collectively target Palestinians, their families, and communities. Such practices include, *inter alia*, collective punishment, arbitrary arrest and detention, the suppression of freedom of assembly and expression, and the illegal and excessive use of force. These forms of persecution cause and result in the perpetuation and creation of new displacement.⁵

Within this context, Palestinians in refugee camps are often on the receiving end of Israel's policies and practices of suppression of resistance, owing to the fact that refugee camps are seen as a stronghold of Palestinian resistance. This is consistent with the Ongoing Nakba, whereby displaced Palestinians have been primary targets of Israel's international crimes since its creation in 1948, and continue to be so through Israel's active denial of their right to reparations, including their return to their homes.

A System of Suppression

Israeli suppression of resistance goes beyond mitigating security threats or restoring public order, to establishing an intricate system of domination and control over the Palestinian people. This is evidenced by Israel's efforts to undermine Palestinian civil society, both locally and internationally, by means of increased shrinking spaces and delegitimization campaigns. The targets of such campaigns are Palestinian CSOs that promote a rights-based approach in pursuit of Palestinian liberation. This is because Israel perceives any entity or individual that exposes the nature of its colonial project as a threat to the regime and its founding racist ideology.⁶

Some concerns have been raised on an international level lately regarding the newly formed Israeli government that comprises a spectrum of ultra-religious political parties. However, this is not something

³ See UNGA, Resolution 33/24, Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, A/RES/33/24, 29 November 1978.

⁴ UNGA, Resolution 3236, The Question of Palestine, A/ RES/3236 (XXIX), 22 November 1974.

⁵ See BADIL, Forced Population Transfer: The Case of Palestine - Suppression of Resistance, 2016

⁶ See BADIL, 'Terrorizing Palestinian Civil Society: A Strategy for De-Palestinization and De-Legitimization', *al-Majdal* Issue no. 60, 2022.

new for Palestinians. All Israeli politicians, regardless of political leaning, are working towards the same goal embedded in the very foundation of their state: that is, the total and indefinite theft and colonization of Palestinian land, the engineering of a Jewish majority, the continuous ethnic cleansing of the Palestinian people, and the denial of their right to self-determination and return.⁷

Since Israel's creation in 1948, Israeli governments have put forward legislative programs to delegitimize Palestinian rights defenders, suppress Palestinian resistance, and attempt to destroy the collective consciousness of Palestine. Israeli impunity, nonetheless, has remained largely untouched.

Accordingly, BADIL calls on the Human Rights Council to:

- Reassert the internationally recognized right of the Palestinian people to resist to achieve their inalienable right to self-determination.
- Recognize the urgent need to dismantle the Israeli colonial-apartheid regime by addressing the root causes of the ongoing forcible displacement and continued denial of the rights to self-determination and reparations of the Palestinian people by Israel;
- Take effective measures to bring Israel into compliance with international law; including pursuing responsibility and accountability for injuries, loss of life and property through independent investigatory processes, in turn ensuring reparations to victims and prosecution of perpetrators of serious international human rights and humanitarian law violations;
- Take all measures available within international law to obligate third states to impose diplomatic sanctions, as well as economic, military and cultural sanctions, to hold Israel accountable for its policies and practices of colonization and apartheid.
- Utilize all available legal mechanisms that obligate third states to refrain from supporting and/or investing in infrastructure and services that reinforce Israel's colonial-apartheid strategy and to cut all investment ties with the Israeli government and companies as well as international companies involved in the Israeli colonial-apartheid system.

⁷ See BADIL, 'Survey of Palestinian Refugees and Internally Displaced Persons 2019-2021' Issue XI, Survey of Palestinian Refugees & IDPs, 2022