



# General Assembly

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## Human Rights Council

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Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories**

### **Written statement\* submitted by Medical Support Association for Underprivileged Iranian Patients, 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.

[11 August 2024]

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



## Racial Segregation and Apartheid

The Prohibition of discrimination in the enjoyment of Human Rights is integral to the objectives of the United Nations as outlined in Article 1(3) of the UN Charter. Every notable human rights instrument such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulate that all human rights shall be enjoyed without discrimination of any kind as to race, color, sex, language, religion, political or other opinions, national or social origin, birth or other status. The International Law Commission (ILC) has gone so far as to recognize prohibition of racial discrimination and apartheid as *jus cogens* norms (1).

Furthermore, pursuant to Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Parties to this convention are obligated to “particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.” The crime of apartheid is defined by the Rome Statute of the International Criminal Court (ICC) as inhumane acts of a character similar to other crimes against humanity "committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime"

Notwithstanding Israel being a party to the above conventions and the customary nature of such rules in international law, it has pursued a policy of establishing and upholding a Jewish demographic majority since 1948, while also seeking to increase control over land and resources for the benefit of Jewish people. By its policies, regulations and practices in the occupied Palestinian territories, Israel is not only in violation of the Prohibition of discrimination against the Palestinian people but also enforces a system of oppression, segregation and domination against them to ensure their ongoing and harsh discriminatory treatment which amounts to apartheid. Whether they live in Gaza, East Jerusalem and the rest of the West Bank, Palestinians are treated as a marginalized racial group and systematically deprived of their rights.

Amnesty International reported that it has documented acts proscribed in the International Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention) and Rome Statute in all the areas under Israel’s control including massive seizures of Palestinian land and property, unlawful killings, forcible transfer, torture, drastic movement restrictions, and the denial of nationality and citizenship to Palestinians (2).

Other NGOs (3), have also expressed the same view. Moreover, former UN Special Rapporteurs on the occupied Palestinian territories like John Dugard (4), Richard Falk (5) and the current Special Rapporteur, Francesca Albanese (6) have multiple times warned about apartheid being practiced by Israel.

Most recently, the International Court of Justice (ICJ) in its latest Advisory opinion regarding the Policies and Practices of Israel in the occupied Palestinian territories, in addition to finding the occupation of Israel to be unlawful and impeding the right to self-determination of the Palestinians, held that Israel has violated Article 3 of ICERD which prohibits two severe forms of racial discrimination meaning racial segregation and apartheid (7). In its advisory opinion, the Court found that the creation of separate legal and administrative regimes by Israel within the territory has separated Palestinian communities and segregated them from Jewish Israelis, leading to their isolation. Palestinians have been fragmented geographically and politically, and experienced different levels of discrimination depending on their status and where they live.

ICJ noted Israel’s legislation and measures treat Palestinians differently from settlers in various aspects of individual and social activity in the West Bank and East Jerusalem such as the residence permit system, distinct road networks and demolition of Palestinians’ property. For example, Palestinians in East Jerusalem and Area C of the occupied Palestinian territories live under full Israeli control and the authorities deny building permits to Palestinians in these areas, forcing them to build illegal structures that are demolished again and again.

The UN High Commissioner for Human Rights has reported the demolition of more than 7,000 Palestinian-owned structures between 2012 and 2022, primarily located in Area C and East Jerusalem, with more than 1,600 of them being structures providing humanitarian aid. Another example as reported by the UN Office for the Coordination of Humanitarian Affairs, is 565 movement obstacles in the West Bank in early 2023, including 49 permanently staffed checkpoints and more than 300 roadblocks as well as the Wall in the West Bank that restrict the movement of Palestinians.

A system founded on the institutionalized and enduring racist oppression of countless individuals cannot be justified in any manner. Apartheid is unacceptable and the international community needs to act immediately. Governments that persist in providing military assistance to Israel and protecting it from accountability within the United Nations are complicit in perpetuating an apartheid system, thereby undermining international legal order and intensifying the hardships faced by the Palestinian population.

We call for ending the unlawful occupation, dismantling the apartheid system and granting equal rights to all Palestinians in line with the principles of international human rights law. Victims of human rights violations and crimes against humanity shall be provided with full reparations.

The international response to apartheid must no longer be limited to condemnations. We request the UN Security Council to impose a comprehensive sanction regime on Israel that includes all types of weapons and ammunition. The Security Council should also impose targeted sanctions, such as asset freezes, against Israeli officials most implicated in such atrocities.

Lastly, we urge the ICC to consider the crime of apartheid in its current investigation in the occupied Palestinian territories and call upon all states to exercise universal jurisdiction to bring perpetrators of the crime of apartheid to justice.

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1- ILC, Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*), A/77/10, 2022, Annex.

2- <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>

3- <https://www.hrw.org/news/2021/07/19/israeli-apartheid-threshold-crossed>

<https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/the-international-community-must-hold-israel-responsible-for-its>

4- Human Rights Council (HRC), Dugard, John. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/4/17.

5- HRC, Falk, Richard. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/HRC/25/67.

6- HRC, Albanese, Francesca. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/77/356.

7- ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, Advisory Opinion, 2024.