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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

Israel and the Occupied Palestinian Territories

We welcome the steps that Israel and the Palestinian Authority have taken to protect human rights, but the situation in Israel and the Occupied Palestinian Territories (OPTs) continued to be of concern to the UK in 2010. Israeli actions in East Jerusalem, its restrictions on Gaza, and the application of a military justice system for all Palestinians were of particular concern in 2010, as was the continued failure of Palestinian militants to renounce violence and the allegations of abuse of detainees in Palestinian Authority prisons. We also continued to be concerned about the human rights record of Hamas in Gaza, including the ongoing threat to Israel's civilian population of indiscriminate rocket fire and the continued detention of Gilad Shalit without access to the International Committee of the Red Cross or contact with his family.

Many of our concerns about the human rights situation stem from Israel's occupation of Palestinian territories. Foreign Secretary William Hague raised our concerns during his

November visit to Israel and the OPTs and made clear the need to make urgent progress on a two-state solution to the Israeli-Palestinian conflict before the window to such a solution closes. The conflict matters to British national security, and we will take every opportunity to help promote peace. Our goal is a secure, universally recognised Israel living alongside a sovereign and viable Palestinian state, based on the 1967 borders, with Jerusalem the future capital of both states, and a fair settlement for refugees. The specifics of these should be agreed by both sides through negotiations.

On 31 May, Israeli Defence Forces intercepted a flotilla of vessels attempting to break the naval blockade of Gaza and, following the boarding of one vessel by the Israeli Navy, nine civilians were killed. William Hague made clear that he deplored the loss of life. We have underlined the need for a full, credible, and independent investigation into the events of 31 May. We welcomed the establishment of both an Israeli commission of inquiry into the incident, headed by Judge Turkel and with international participation, and a UN panel, headed by former New Zealand Prime Minister Geoffrey Palmer which has both Israeli and Turkish participation.

One of the key tools we have to promote change on human rights issues is the Middle East and North Africa Conflict Pool, which is a tri-departmental programme fund, jointly managed by the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD) and the Department for International Development (DFID). We spent approximately £4 million on projects in Israel and the OPTs in the financial year 2009/10. In 2011 we will continue our focus on the status of Israel's Arab minority; the treatment of Palestinian prisoners in Israeli prisons, including human rights defenders; the increase in internal oppression in Gaza under Hamas rule; settlement expansion and violence; and demolitions and evictions.

Access to justice

We remain concerned over the use of a dual court system in Israel and the OPTs. Palestinians, except East Jerusalem residents, are subject to the Israeli military court system, irrespective of the charge, whereas Israeli settlers who commit violence against Palestinians and their land are dealt with by Israel's civil justice system.

In 2010 the Middle East and North Africa Conflict Pool contributed to the translation of military orders into Arabic, the training of Palestinian lawyers in the Israeli military justice system, and the provision of Palestinian lawyers for prisoners.

We were concerned about the deaths of Palestinians during Israeli military arrest operations in the West Bank. In 2010, four Palestinians were killed during arrest campaigns. One man, Iyad Abu Shalabiya from Nul Shams refugee camp, was killed one metre from his bed during an Israeli military operation in September in which 12 other people were arrested. Israeli NGO B'Tselem reported that the man was alone at home and not armed at the time of the incident. While the Israel Defence Force held an internal operational inquiry into all such incidents, no independent investigations have been opened into any of these deaths. We urged Israel to ensure that all cases where Palestinians are killed by Israeli security forces are investigated openly and transparently. Where actions are found to be outside the military's rules of engagement, charges should be brought against those involved.

We also had concerns about the Palestinian Authority security agencies' widespread use of military courts for trying civilians. We made direct representations to the Palestinian Authority about this.

Rule of law

We are concerned that Israel intends to expel a number of Palestinians, including legislators, from their homes in East Jerusalem. Three Palestinian, Hamas-affiliated, politicians have been living at the International Committee of the Red Cross building in East Jerusalem since 1 July, after their Jerusalem residency was revoked. A fourth was arrested on 30 May for illegally entering Jerusalem after his residency was revoked. He remained in Israeli detention at the end of 2010. Forcible transfer of people out of the city for political reasons is illegal under international humanitarian law. The EU raised specific cases with the Israeli government, making its views clear.

Death penalty

While the Palestinian Authority statute permits the use of the death penalty, an informal moratorium has been in place since the end of 2009 after Palestinian President Abbas undertook not to ratify any death penalty sentences. No death penalty sentences were carried out by the Palestinian Authority in 2010. The Palestinian Ministry of Justice, working closely with Palestinian legal and human rights NGOs, is working on a new penal code. The current draft abolishes the death penalty. The new penal code would need to be ratified by presidential decree to become law.

However, in 2010, five people sentenced to the death penalty for various crimes including murder and collaborating with Israel were killed by the *de facto* Hamas government in Gaza. A further 10 people were sentenced to the death penalty in Gaza during 2010, and remain on death row.

Torture and other ill treatment

Palestinian and international NGOs, including Human Rights Watch and Amnesty International, have made detailed allegations of mistreatment of detainees by the Palestinian Authority security forces. Most allegations refer to physical abuse and the use of stress positions and other coercive interrogation techniques.

We take allegations of human rights abuses extremely seriously and took extensive action to help the Palestinian Authority eliminate the mistreatment of detainees. Through the Middle East and North Africa Conflict Pool, we funded the 12-strong British Support Team in Ramallah, which worked with the Palestinian Authority Ministry of Interior to train its forces to be responsible, professional security agencies, working to international human rights standards and responsive and accountable institutions. The British Support Team helped deliver leadership courses including International Committee of the Red Cross human rights training to senior and intermediate Palestinian Authority security officers. Building the capacity of the security forces is extremely important in helping lay the ground work for a future Palestinian state and a lasting solution to the conflict in the region. It is specifically laid out as a Roadmap obligation and our work is in line with this.

We also provided funding to the Independent Commission for Human Rights Palestine section to monitor Palestinian places of detention and provide guidance on improving standards to internationally recognised levels.

We were concerned about allegations of mistreatment of Palestinian detainees during arrest and in Israeli prisons and detention centres. A joint report produced by Israeli NGOs Hamoked and B'Tselem detailed testimonies from 121 prisoners held in Petah Tikva prison who reported being held in poor conditions, denied basic hygiene and in some cases deprived of sleep for long periods. Some 56% reported being threatened by interrogators, including with violence. Since 2001, 645 complaints have been made to the Israeli Ministry of Justice, but none has led to a criminal investigation.

Prisons and detention issues

We had concerns about the widespread use of administrative detention by the Israeli authorities, which, according to international law, should be used only when security makes this absolutely necessary rather than as routine practice, and as a preventive rather than a punitive measure.

We welcomed the drop in the number of Palestinians in Israeli administrative detention in 2010. However, according to the NGO B'Tselem, 204 Palestinians remained detained without charge by the end of 2010. Many were detained for minor actions such as throwing stones. Cases heard before the military court system are frequently based on secret evidence not made available to detainees and their lawyers. Many convictions are also based on confessions – either from the defendants themselves seeking a shorter sentence under plea bargaining or from the evidence of minors also facing detention. The Israeli NGO Yesh Din reported that more than 95% of convictions in military courts are plea bargains based on confession through interrogation. Access to lawyers is often restricted, with many lawyers not being able to meet their clients until they see them in the courtroom.

In 2010 Palestinians from the West Bank were routinely detained in prisons inside Israel or on the Israeli side of the separation barrier, in contravention of the Geneva Convention. Wives of security prisoners are not entitled to apply for a permit to enter Israel, so are unable to make prison visits. In addition, security prisoners are not allowed to receive letters or phone calls from home.

Our officials continued to attend military court hearings in 2010 as part of an EU rotating team monitoring cases of Palestinians identified as human rights defenders. In all cases of detention, we called on the authorities to take immediate action to ensure that due process was adhered to, that all cases were reviewed by a court in accordance with fair procedures and that detainees' rights were upheld.

Human rights defenders

We are concerned about an apparent rise over the last year in the number of Palestinian human rights defenders who have been arrested and detained by the Israeli authorities for their involvement in demonstrations.

We recognise the right of Palestinians to protest peacefully against occupation, including against the illegal route of the separation wall that cuts into the West Bank, often severing villages from land on which their livelihoods depend. Peaceful protests formed an important element of the Palestinian Authority's two-year plan, published in August 2009. This plan was explicitly supported by the 27 member states of the EU in the December 2009 conclusions of the EU Foreign Affairs Council.

We attended the court cases of many human rights defenders detained for demonstrating. Mohammed Othman and Jamal Juma'a were subsequently released. We continued to lobby the Israeli government on specific cases, including that of Abdallah Abu Rahma. William Hague, when he visited the West Bank in November, met a number of human rights defenders, including some who had been detained, and reassured them of our support for the right to peaceful protest.

Children's rights

We are concerned about the treatment of Palestinian children under the Israeli military court system. Under international law and Israeli civilian law, a child is recognised as anyone under the age of 18. Under Israeli military law, however, the age is under 16. At the end of 2010, at least 213 Palestinian children were being held in Israeli prisons, including one child, aged 17, who had been held under administrative detention for 10 months. As is the case with adult prisoners, Palestinian child detainees are often transferred to prisons located within Israel and Palestinian child administrative detainees are held with adult administrative detainees. In most cases, their families are not informed of their arrest.

We welcomed Israel's announcement in 2009 of a new juvenile court within its military judicial system and that all judges presiding over juvenile cases would receive specialist training. We have continued to follow this in 2010 to make clear that it is even more important that the announcement is now translated into changes on the ground in the treatment of minors. We would like to see the amendments to the Israeli youth law, brought into force in June, formally expanded to cover the OPTs.

In late 2010, the Middle East and North Africa Conflict Pool approved funding for a project run by the NGO Defence for Children International. This project is intended to monitor, defend and promote the rights of Palestinian children, as decreed under the UN Convention on the Rights of the Child, and to reduce the number directly and indirectly affected by the Israeli–Palestinian conflict.

Minorities and other discriminated groups

Israel's Declaration of Independence calls for the establishment of a Jewish state with equal social and political rights for all citizens, irrespective of religion, race or sex. We are disappointed, therefore, that a number of minority groups within Israel continue to suffer discrimination, particularly in access to housing, education, employment, healthcare and welfare services.

We welcome the efforts, including by the Israeli government, to tackle discrimination and inequality between Jews and Arabs in Israel. But we are concerned by a growing climate of intolerance. This has been exacerbated by a number of proposed Knesset bills which, if passed, would further discriminate against minorities in Israel. We believe that the Israeli government could do more to close the gap and speak out against such discriminatory proposals.

We are further concerned that the government of Israel has not sought to implement the recommendations from the 2003 Or Commission to tackle discrimination against Israel's Arab community, or the 2008 Goldberg Commission, which recommends recognising most of the remaining unrecognised Bedouin villages. The demolition of Bedouin houses and villages continues.

In 2010 we worked with a range of partners in Israel to address the issue of inequality and promote co-existence between Jews and Arabs in Israel, including through both education and sport.

Conflict

The ongoing Israeli–Palestinian conflict and the occupation of Palestinian territory, remain the chief source of human rights violations. This includes settlements and settler violence; demolitions and evictions; the Israeli separation barrier; movement and access restrictions; rocket and missile fire; hostage-taking; and the current situation in Gaza.

Settlements are illegal under international law and in direct contravention of Israel's commitments under the 2003 Quartet Roadmap for Peace. Settlements are a major obstacle to peace. The Israeli government's policy of connecting settlements to already scarce water supplies and restricting Palestinian movement and access in occupied

territory, including establishing a secondary road system to separate Palestinian and Israeli traffic, make matters worse. Whilst the 10-month moratorium in place until September was welcome, we were disappointed by Israel's decision to restart settlement construction. We continue to call for a complete cessation of all settlement activity in both the West Bank and East Jerusalem. William Hague made this clear to the Israeli government during his visit to Israel in November.

We were also concerned at reports of settler violence in the West Bank and East Jerusalem. It is vital that the same level of protection be afforded to both Palestinians and Israelis. In 2010, as well as frequent reports of violent attacks against Palestinians and their property, there were three separate attacks against mosques in the West Bank, reportedly carried out by settlers as part of their "price tag" policy – a reaction by some settler elements to Israeli government policies that they see as against their interests. By the end of 2010, no one had been brought to justice for any of these attacks, feeding the perceived sense of impunity for settlers amongst Palestinians.

We contributed to the work of a number of organisations who monitor and document Israeli settlement activity. These included the Israeli NGO B'Tselem, which also seeks to educate the Israeli public and policy-makers about human rights violations in the OPTS.

House demolitions and evictions are, in all but the most limited circumstances, in breach of Article 53 of the Fourth Geneva Convention. We were concerned at what appeared to be a sharp increase in the level of demolitions and evictions in East Jerusalem and Area C – the Palestinian territory under Israeli military and civilian control. According to UN statistics, 431 structures, including 137 homes, were demolished in 2010, affecting 594 people, including 299 children. These figures represent a 60% increase in demolitions compared to 2009. Israel argued that these buildings had been constructed without the required Israeli permits. However, in Area C the UN reported that only 4% of Palestinian planning applications are approved. Israeli planning regulations in East Jerusalem prevent Palestinians from obtaining the necessary permits to build. We contributed towards the ongoing work of the International Peace and Cooperation Centre in East Jerusalem and the West Bank, which helps Palestinians better understand and effectively use the Israeli planning laws. In 2009/10 the centre worked to protect successfully 3,000 Palestinian houses in East Jerusalem from demolition.

We remained deeply concerned about restrictions on freedom of movement between the West Bank and East Jerusalem. It remained difficult for Palestinians from the West Bank to enter East Jerusalem for work, education, medical treatment or religious worship. They must apply for a permit, which often takes a long time to obtain and can be refused without explanation. They must enter the city only through certain limited checkpoints, at which there are often lengthy queues. The opening times and operating procedures for

the checkpoints can change suddenly and unexpectedly.

Within the West Bank, according to UN Office for the Coordination of Humanitarian Affairs, there are now 505 obstacles including 65 manned checkpoints which restrict Palestinian access, compared with 578 at the end of 2009. We welcome these improvements but it is clear that more could be done, particularly in the Jordan Valley and Palestinian lands on the Israeli side of the separation barrier where access is becoming increasingly restricted.

The separation barrier contributes to the isolation of East Jerusalem from the West Bank. We recognise Israel's right to defend itself but the Israeli separation barrier, where it is constructed on the Palestinian side of the UN recognised 1949 armistice line delineating Israel's borders (known as the Green Line after 1967), is illegal under international law. By separating families and denying farmers access to their land, it causes great distress and understandable anger amongst the Palestinian population. The Israeli courts have held that parts of the barrier constructed outside of green-line Israel should be re-routed. We look to the government of Israel to comply fully with the courts' decisions.

Palestinians from East Jerusalem risk losing their permanent right to live in East Jerusalem if they cannot prove residency for the previous seven years. According to Israeli NGO Hamoked, many of those whose residency rights have been revoked are students who have been studying abroad and who will now not be able to rejoin their families in East Jerusalem. Records by Hamoked, an Israeli human rights organisation, show that more than 13,000 Palestinians have lost their Jerusalem residency status since the Israeli annexation of East Jerusalem in 1967. There has been a freeze on family reunification permits allowing West Bankers to move to Jerusalem since 2000. In addition, Jerusalemites who move to the West Bank risk losing their Jerusalem residency status.

The situation in Gaza continued to cause concern and was high on William Hague's agenda during his visit to Israel and the OPTs in November. While we welcomed the Israeli announcement on 20 June to ease restrictions on access, we have pressed Israel for swift implementation of these measures. The move from a list of permitted items to a list of banned and dual-use items, which resulted in an increase in the variety and volume of goods entering Gaza, was welcome, as was Israel's December statement that it would allow some exports. However, the approvals process for dual-use items used in UN reconstruction projects is slow and the economy in Gaza remains stagnant. It is important that these measures are now fully implemented so that there can be real change on the ground. We are working closely with the UN, the Office of the Quartet

Representative and the EU to coordinate the international community's continued involvement in seeking to relieve the situation in Gaza.

According to the Israeli Defence Force, during 2010, 248 rockets and mortars had been fired at Israel. The Israeli Defence Force notes that 2010 saw the lowest number of rocket attacks since 2002. However, this is small comfort to those at the receiving end and we continue to condemn all rocket attacks. Such acts of terrorism are indiscriminate and target civilian populations. We were concerned that towards the end of 2010 rocket attacks began to increase. We call for a halt to all such attacks, urge Israel to exercise restraint in its response, and call on all parties to respect the ceasefire that brought to an end the 2009 conflict in Gaza.

We were concerned by reports of children being maimed by Israeli soldiers on the Gaza border. Defence for the Child International has documented 23 cases of children shot while collecting wood and building materials near the border with Israel. While we recognise Israel's security concerns, we expect Israel to uphold international and human rights law and have requested assurances about the veracity of these reports.

It is comparatively more difficult to acquire reliable information on human rights in Gaza but we were deeply concerned about reports of human rights abuses under the *de facto* Hamas rule in Gaza, including arbitrary detention. Palestinian human rights NGOs reported that senior judicial positions in Gazan courts were filled by political appointment by the *de facto* Hamas government, calling into question the independence of the judiciary in Gaza. In addition, there were reports of the mistreatment of detainees during interrogation, leading to concerns about reliability of evidence.

All marches, demonstrations and private meetings in Gaza require prior approval by the *de facto* Hamas authorities. Civil society organisations reported that these restrictions continued to have an impact on their ability to operate in the Gaza Strip in 2010. In the same year the Gazan authorities started summoning Fatah activists in Gaza to the security headquarters, where they were held for up to 12 hours before being released. Some reported being handcuffed and interrogated by the Hamas authorities. This form of political harassment impacts on their right to freedom of expression and association. We were also concerned about the repression of dissent, curtailment of free speech, suppression of women's rights, and harassment and detention of individuals suspected of "morality" offences.

We were very concerned about the ongoing threat to Israel's civilian population from indiscriminate rocket fire from Gaza. We continued to call for the immediate release of Gilad Shalit who has been held hostage in Gaza since June 2006 in denial of the most basic human rights. Gilad Shalit should have communication with his family and access to the International Committee of the Red Cross, and receive full and impartial medical attention. On the fourth anniversary of Gilad Shalit's detention in June, William Hague said:

"Today marks the fourth anniversary of the abduction of Israeli soldier, Staff Sergeant Gilad Shalit. My thoughts are with Gilad's parents today. I sincerely hope that they will soon be able to welcome their son home.

"The UK has long called for Gilad Shalit's immediate and unconditional release and we reiterate that call today. It is also vital that the Hamas authorities allow the International Committee of the Red Cross to visit Gilad immediately and ensure that he is in good health. His continued captivity without any ICRC access and with only very occasional, minimal contact with his family is utterly unacceptable. We continue to call on Hamas to renounce violence and take immediate and concrete steps towards the Quartet principles and to free Gilad Shalit without delay."

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