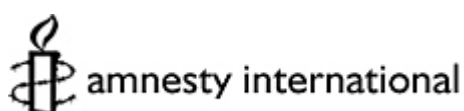


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Amnesty International Annual Report 2012 - Israel and the Occupied Palestinian Territories

Head of state: Shimon Peres

Head of government: Benjamin Netanyahu

Death penalty: abolitionist for ordinary crimes

Population: 7.6 million (Israel); 4.2 million (OPT)

Life expectancy: 81.6 years (Israel); 72.8 years (OPT)

Under-5 mortality: 4.4 per 1,000 (Israel); 29.5 per 1,000 (OPT)

The Israeli authorities continued to blockade the Gaza Strip, prolonging the humanitarian crisis there, and to restrict the movement of Palestinians in the Occupied Palestinian Territories (OPT). In the West Bank, including East Jerusalem, the authorities continued to construct the fence/wall, much of it on Palestinian land, and to expand settlements, breaching international law. They demolished Palestinian homes and other facilities in the West Bank, and homes of Palestinian citizens inside Israel, especially in "unrecognized" villages in the Negev. The Israeli army frequently used excessive, sometimes lethal force against demonstrators in the West Bank and civilians in border areas within the Gaza Strip. Israeli military forces killed 55 civilians in the OPT, including 11 children. Settler violence against Palestinians in the West Bank increased, and three Palestinians were killed by Israeli settlers. Israeli settlers and soldiers accused of committing abuses against Palestinians generally escaped accountability. The authorities failed to conduct independent investigations into alleged war crimes by Israeli forces during Operation "Cast Lead" in 2008-2009. The Israeli authorities arrested thousands of West Bank Palestinians. More than 307 were administrative detainees held without charge or trial; others received prison terms following military trials. Israel held more than 4,200 Palestinian prisoners at the end of 2011. Reports of torture and other ill-treatment of detainees continued.

Background

International efforts to restart negotiations between Israel and the Palestinian Authority (PA) failed. Israel opposed the PA's application for full UN membership and temporarily

withheld tax revenues due to the PA after Palestine became a full member of UNESCO.

Palestinian armed groups in Gaza fired indiscriminate rockets and mortars into southern Israel, killing two Israeli civilians (see Palestinian Authority entry); Israeli forces carried out attacks targeting Palestinians they deemed responsible. An Israeli high-school student was fatally injured in April when a missile fired from Gaza struck a school bus in the Negev. Eight Israeli settlers were killed by Palestinians in the West Bank, including one by PA security forces. Seven other civilians were killed in Israel, including six by armed militants who entered Israel from Egypt in August.

In October and December, Israel released 1,027 Palestinian prisoners, including some sentenced for killing Israeli civilians, in exchange for the release of Israeli soldier Gilad Shalit on 18 October. He had been held captive in Gaza and denied access to the ICRC by Palestinian armed groups since 2006. Israel also released 25 Egyptians in October in exchange for the release of an Israeli-US national imprisoned in Egypt.

From July to October, hundreds of thousands of Israelis participated in peaceful protests calling for lower housing costs and improved health and education systems.

Gaza blockade and humanitarian crisis

Israel maintained its military blockade of Gaza, imposed in 2007, and closed the Karni crossing in March, leaving Kerem Shalom as the only entry point for goods, despite its lack of capacity. The blockade prolonged the humanitarian crisis faced by Gaza's 1.6 million residents, more than 70 per cent of whom were dependent on humanitarian aid. A near-complete ban on exports continued, stifling the economy, and severe restrictions on imports fuelled shortages and high prices. The blockade constituted collective punishment – a breach of international law – and particularly affected children and the sick. The Israeli authorities hindered or prevented hundreds of patients from leaving Gaza to obtain medical treatment.

Egypt opened the Rafah crossing to Gazans in May, but strictly controlled movement into and out of Gaza. At least 36 Palestinians were killed in accidents in or Israeli air strikes on tunnels used to smuggle goods between Egypt and Gaza.

Israel's navy blocked several international flotillas seeking to break the Gaza blockade. In September a UN Panel of Inquiry ruled that the naval blockade of Gaza was lawful but did not address the legality of the overall closure regime imposed on Gaza.

Restrictions in the West Bank

More than 500 Israeli military checkpoints and barriers continued to hinder Palestinians' access to workplaces, schools and hospitals in the West Bank, and Israel continued its construction of a 700km fence/wall, mostly on Palestinian land within the West Bank, separating thousands of Palestinian farmers from their land and water sources. West Bank Palestinians with Jerusalem entry permits were allowed to use only four of the fence/wall's 16 checkpoints.

Palestinians were denied access to areas surrounding Israeli settlements, established and maintained in breach of international law. The construction of settlements increased. Settlements in the West Bank, including East Jerusalem, had more than 500,000 residents at the end of 2011.

Movement restrictions compelled some 200,000 Palestinians from 70 villages to take detours between two to five times longer than the direct route to reach the closest city, undermining their access to basic services.

Housing rights – forced eviction

The Israeli authorities generally withheld construction permits from Palestinian residents

of East Jerusalem and Area C of the West Bank, where Israel retains full authority for planning and zoning, impeding their right to adequate housing. The Israeli authorities intensified their demolition of Palestinian homes and other facilities in the West Bank that had been built without permits, demolishing more than 620 structures during 2011. Almost 1,100 Palestinians were displaced as a result, an 80 per cent increase over 2010; more than 4,200 others were affected by demolitions of 170 animal shelters and 46 cisterns. Vulnerable Bedouin and herding communities were particularly affected, with some at risk of permanent displacement due to severe restrictions on their movement, repeated demolitions and violence by settlers.

- In June, Israeli forces carried out repeated demolitions in Hadidiya, a herding community in the northern Jordan Valley, destroying 33 structures and making several families homeless. An appeal to the High Court of Justice resulted in a temporary injunction against further demolition orders that were issued in November.

The authorities also intensified demolitions of Palestinian homes inside Israel, particularly in officially "unrecognized" villages, where all construction is banned. In September, the cabinet approved plans to regulate "illegal" Bedouin construction in the southern Negev region; if implemented, these could lead to the forced eviction of thousands of Palestinian citizens of Israel.

- Shacks and other structures in al-'Araqib, an "unrecognized" village in the Negev, were demolished at least 20 times in 2011, following other demolitions in 2010. In July, the Israeli authorities brought a legal claim against the village residents seeking 1.8 million NIS (approximately US\$500,000) to meet the costs of the repeated demolitions and evictions.

Excessive use of force

Israeli forces used live fire and other excessive force against Palestinian demonstrators in the West Bank and protesters at the Lebanese and Syrian borders, and to enforce the "exclusion zone" within Gaza and along its coast. They killed 55 Palestinian civilians in the OPT, including 11 children. Among them were 22 civilians, including nine children, killed by Israeli fire in Gaza's land and sea restricted areas. The army initiated internal investigations into some of these incidents, but these were not independent or transparent.

- Up to 35 people were reportedly killed and hundreds injured when Israeli soldiers fired at thousands of Palestinian refugees and others who protested on 15 May and 5 June at the Lebanese border with Israel and the Syrian border with the Israeli-occupied Golan. Some protesters threw stones and some crossed the border in the Golan Heights, but demonstrators did not have firearms and did not appear to pose a direct threat to the soldiers' lives. Israel disputed the numbers killed and the circumstances.
- Israeli soldiers regularly used excessive force against Palestinians demonstrating against the fence/wall, and those demonstrating against settlement expansion in the West Bank village of al-Nabi Saleh. On 9 December, they fatally injured Mustafa Tamimi, aged 28, who was struck in the face with a tear gas grenade fired at close range, in violation of military regulations, after he threw a stone at a military jeep.

Impunity

In January, Israel's Turkel Commission concluded that Israeli forces had not violated international humanitarian law when they attacked a Gaza-bound aid flotilla in May 2010 and killed nine Turkish nationals, but failed to account for the nine deaths.

The authorities again took no steps to conduct credible, independent investigations into

alleged war crimes and possible crimes against humanity committed by Israeli forces during Operation "Cast Lead" in 2008-2009, in which hundreds of Palestinian civilians were killed, although a few military police investigations into specific incidents continued.

Israeli settlers and security forces accused of abuses against Palestinians generally escaped accountability. The Israeli authorities routinely opened investigations, but these rarely resulted in prosecutions. Yesh Din, an Israeli NGO, reported that almost 90 per cent of official investigations into alleged settler violence that it had monitored since 2005 were closed, apparently because of investigatory failures, and that only 3.5 per cent of complaints to Israeli military authorities made by Palestinians alleging rights violations by Israeli soldiers between 2000 and 2010 had resulted in indictments.

Detention without trial

The Israeli authorities held at least 307 Palestinians from the OPT without charge or trial during 2011, under renewable administrative detention orders based on secret information withheld from the detainees and their lawyers. Three women administrative detainees were among the Palestinians released in exchange for the release of Gilad Shalit by Hamas.

- Writer and academic Ahmad Qatamesh was arrested in April and held under a six-month administrative detention order which was renewed in September; he was still detained at the end of 2011. He was a prisoner of conscience.

Prison conditions – denial of family visits

The Israeli authorities continued to bar families from visiting Palestinian prisoners from Gaza held in Israeli prisons, maintaining a policy in force since June 2007. Although more than 200 prisoners from Gaza were released during 2011, some 440 remained in Israeli prisons at the end of the year. Relatives of West Bank prisoners were also frequently denied visitor permits by the Israeli authorities on unspecified "security" grounds.

Unfair trials

Palestinians in the OPT continued to be tried before military courts and routinely denied access to lawyers during pre-trial interrogation. On 27 September, Military Order 1676 raised the age of majority for Palestinians being tried before Israeli military courts from 16 to 18. Previously, 16 and 17 year olds had been tried by these courts on the same basis as adults. The new order failed to require that child detainees be provided with access to legal counsel during interrogation or that children over 16 be held separately from adults.

Torture and other ill-treatment

Allegations of torture and other ill-treatment, including of children, continued to be reported. Among the most commonly cited methods were beatings, threats to the detainee or their family, sleep deprivation, and being shackled in painful positions for long periods. Confessions allegedly obtained under duress were accepted as evidence in Israeli military courts.

- Islam Dar Ayyoub, aged 14, was arrested at his home in the West Bank village of al-Nabi Saleh at around 2am on 23 January. Blindfolded and handcuffed, he was transferred by military jeep via the nearby settlement of Halamish to the police station in the settlement of Ma'ale Adumim, where he was interrogated for hours without the presence of a lawyer; he was not allowed to rest, eat, or go to the toilet. Information obtained from him during interrogation was used to incriminate al-Nabi Saleh protest organizer Bassem Tamimi (see below).

- In February, Gazan engineer Dirar Abu Sisi was forcibly transferred to Israel from Ukraine and held at Shikma Prison, near Ashkelon, where he was denied access to a lawyer for 25 days. In April, he was charged with developing rockets for Hamas' military wing; the Israeli authorities said he had confessed but his lawyers alleged that his confession had been obtained under torture. He was still held, reportedly in solitary confinement, at the end of the year.

Freedom of expression and association

The Knesset, Israel's parliament, passed laws restricting freedom of expression and association, including one which made it an offence to advocate a boycott of Israeli individuals or institutions in Israel or Israeli settlements in the West Bank. Another penalized commemoration by institutions or municipalities of the Nakba (catastrophe), a term used by Palestinians to describe their dispossession in 1948. The Knesset also discussed, but by the end of 2011 had not passed, proposed legislation to limit or prevent the receipt of funds from foreign governments by Israeli human rights NGOs, particularly those that provided information to the 2009 UN Fact-Finding Mission on the Gaza Conflict.

Palestinian activists in the West Bank who mounted protests, some peaceful, against the fence/wall and the presence of illegal Israeli settlements continued to face arrest and trial before Israeli military courts. The Israeli authorities arrested at least 14 Palestinian journalists, two of whom were held as administrative detainees.

- In January, a military appeals court extended the sentence of Abdallah Abu Rahma, a non-violent activist against the fence/wall from the village of Bil'in, from one year to 16 months. He had been convicted of incitement and organizing illegal demonstrations on the basis of statements made by children under duress. He was a prisoner of conscience. He was released in March after serving his full sentence.
- Bassem Tamimi, a long-standing activist and peaceful critic of Israeli policies, was arrested on 24 March and later charged with organizing protests in the village of al-Nabi Saleh. He remained in custody as his military trial continued at the end of 2011. He was a prisoner of conscience.

Refugees and asylum-seekers

The Israeli authorities continued to deny access to refugee-determination procedures to Eritrean and Sudanese asylum-seekers, who comprised about 80 per cent of the approximately 45,000 asylum-seekers in Israel. They were provided only with temporary documents and were not allowed to work or access public health and welfare services. Only a small number of asylum-seekers from other countries were granted refugee status.

Tough new measures to deter future asylum-seekers progressed through parliament. In March, the Knesset approved the first reading of an Anti-Infiltration Bill under which undocumented migrants and asylum-seekers would be liable to imprisonment for three or more years. In September, the National Council for Building and Planning published plans for a 10,000-bed detention centre for asylum-seekers near Israel's border with Egypt. Despite an Israeli army decision in March to suspend the practice of "hot returns" of asylum-seekers entering Israel from Egypt without first checking their asylum claims, NGOs documented further cases of forced returns to Egypt until July.

Prisoners of conscience – Israeli conscientious objectors

At least three Israeli conscientious objectors were imprisoned during 2011 for refusing military service because they opposed Israel's occupation of the Palestinian territories.

