

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	313
Land:	Gaza-Vestbredden
Kilde:	Human Rights Watch
Titel:	World Report 2017 - Israel/Palestine
Udgivet:	12. januar 2017
Optaget på baggrundsmaterialet:	30. januar 2017

Israel/Palestine

Israel continued in 2016 to enforce severe and discriminatory restrictions on Palestinians' human rights, to facilitate the transfer of Israeli civilians to the occupied West Bank, and to severely restrict the movement of people and goods into and out of the Gaza Strip.

In 2016, a new escalation of violence that began in October 2015 continued, characterized by demonstrations, some violent, in the West Bank and at the Gaza border with Israel that Israeli forces have suppressed, often using live fire. There was a wave of stabbings and attempted stabbings by Palestinians against Israeli passersby and security forces, both in the West Bank and Israel, mostly by people acting without the sponsorship of any armed group.

Israeli security forces used lethal force against suspected attackers in more than 150 cases, including in circumstances that suggest excessive force and at times extrajudicial executions. Overall, between January 1 and October 31, 2016, Palestinians killed at least 11 Israelis, including 2 security officers, and injured 131 Israelis, including 46 security officers, in the West Bank and Israel. Israeli security forces killed at least 94 Palestinians and injured at least 3,203 Palestinians in the West Bank, Gaza, and Israel as of October 31, including suspected assailants, protesters, and bystanders, according to the United Nations.

Palestinian authorities in the West Bank and Gaza restricted freedom of expression, tortured and ill-treated detainees, and in Gaza executed at least four people, including one person accused of same-sex relations.

In the West Bank, including East Jerusalem, Israeli settlers attacked and injured 26 Palestinians and damaged their property in 66 incidents as of October 31, the UN reported.

In January 2016, an Israeli man and teenage boy, in custody since their arrest in December 2015, were indicted for their role in an arson attack that killed a Palestinian couple and

their toddler son in 2015. In May 2016, an Israeli man was sentenced to life imprisonment for the burning to death of a Palestinian child in July 2014.

Also in the West Bank, Israeli authorities destroyed homes and other property under discriminatory practices that severely restrict Palestinians' access to construction permits and forcibly displaced, as of October 17, 1,283 Palestinian residents in West Bank areas under direct Israeli administrative control.

Israel maintained severe restrictions on the movement of people and goods into and out of Gaza, exacerbated by Egypt's closure of its own border with Gaza most of the time, and by Israel's refusal to allow Gaza to operate an airport or seaport.

Palestinian armed groups launched 20 rockets indiscriminately into Israel from Hamas-controlled Gaza in 2016 as of October 31, in violation of the laws of war. Hamas authorities have failed to prosecute anyone for alleged serious crimes committed during Israel's 2014 military campaign in Gaza. Israel has received more than 500 complaints stemming from the military campaign but has prosecuted only three soldiers, for theft.

The Palestinian Authority (PA) and Hamas arrested activists who criticized their leaders, security forces or policies, some of whom alleged torture in detention. The Independent Commission for Human Rights in Palestine, a statutory commission charged with monitoring human rights compliance by the Palestinian authorities, received 150 complaints of torture and ill-treatment by PA security forces and 204 such complaints against Hamas security forces as of October 31.

Gaza Strip

Israel

In the same period, Israeli forces killed 8 people in Gaza during demonstrations at the border fence, and injured at least 188. The Israeli authorities have declared an area inside Gaza but near the border with Israel to be a "no-go" zone, and Israeli soldiers fire at people who enter it. They also continued to shoot at Palestinian civilians in the "no-go" zone that Israel imposes just inside Gaza's northern and eastern borders and at fishermen who venture beyond six nautical miles from the shore—the area to which Israel restricts

Gaza fishing boats. In April, Israel expanded the fishing zone to nine miles but reinstated the six-mile limit in June. Israel says it restricts access to the sea to prevent weapons smuggling and restricts access to the no-go zone to prevent cross-border attacks.

Israel's military advocate general has received over 500 complaints from individuals and human rights groups with regard to 300 incidents that occurred during the 2014 Israel-Gaza fighting, and he launched criminal investigations into 37 incidents. So far, however, criminal charges have been filed against only three soldiers, for theft. According to the UN, 1,462 Palestinian civilians, including 551 children, and 6 civilians in Israel, including a child, were killed during the fighting.

Closure

Israel's closure of the Gaza Strip, particularly restrictions on movement of people and on outgoing goods, continued to have severe consequences for the civilian population, separating families, restricting access to medical care and educational and economic opportunities, and perpetuating unemployment and poverty. Approximately 70 percent of Gaza's 1.9 million people rely on humanitarian assistance.

Travel through the Erez Crossing, Gaza's passenger crossing to Israel, the West Bank, and the outside world, is limited to what the Israeli military calls "exceptional humanitarian cases," meaning mostly medical patients, their companions, and prominent businesspersons. In the first half of 2016, an average of about 500 Palestinians crossed through Erez each day, compared to the average of more than 24,000 Palestinians who crossed each day in September 2000, just before the second "Intifida" or Palestinian uprising began. Outgoing goods in the first 10 months of 2016 averaged 158 truckloads per month, mostly produce to be sold in the West Bank and Israel, just 15 percent of the 1,064 truckloads per month prior to the June 2007 tightening of the closure.

Israeli restrictions on the delivery of construction materials to Gaza and a lack of funding have impeded reconstruction of the 17,800 housing units severely damaged or destroyed during Israel's 2014 military operation in Gaza. About 65,000 people who lost their homes remain displaced. Israel says construction materials can be used for military purposes,

including fortifying tunnels, and it allows only limited quantities to enter under the supervision of international organizations.

Egypt also blocked all regular movement of goods at the crossing with Gaza that it controls and imposed increased restrictions on the movement of people. In 2016, the crossing was mostly closed, with narrow exceptions mostly for medical patients, those holding foreign passports, residencies or visas, including students, and pilgrims to Mecca. In the first 10 months of 2016, a monthly average of about 3,196 people crossed through Rafah in both directions, compared with an average of 40,000 per month in the first half of 2013, prior to the overthrow of Egyptian President Mohamed Morsy.

Hamas and Palestinian Armed Groups

In 2016 Palestinian armed groups launched 20 rockets into Israel from Gaza as of October 31, causing no casualties but generating fear and disruption in affected cities and towns. These rockets cannot be accurately aimed at military objectives and amount to indiscriminate or deliberate attacks on civilians when directed at Israeli population centers, as was the case in many instances. A UN Commission of Inquiry last year found that such attacks are serious violations of the laws of war. Hamas, which has internal control over Gaza, is responsible for policing the border and the territory it controls and acting to ensure that unlawful attacks do not take place.

The Hamas internal security agency and police allegedly tortured or ill-treated 204 people in their custody as of October 31, according to complaints received by the Independent Commission for Human Rights (ICHR), the statutory Palestinian rights body.

In Gaza, whose laws differ somewhat from the laws in the West Bank, having “unnatural intercourse” of a sexual nature, understood to include same-sex relationships, is a crime punishable by up to 10 years in prison. In February 2016, Hamas’s armed wing executed one of its fighters ostensibly for “behavioral and moral violations,” which Hamas officials acknowledged meant same-sex relations.

In addition, Gaza’s civilian authorities executed three men convicted of murder in May, amid concerns of due process violations.

West Bank

Israel

In the West Bank, as of October 31, Israeli security forces and settlers fatally shot at least 83 Palestinians and wounded at least 3,015, including passersby, demonstrators and those suspected of attacking Israelis, according to UN monitoring. In some cases, video footage and witness accounts strongly suggest that excessive force was used.

In March, an Israeli soldier fatally shot Abdel Fattah al-Sharif, who along with another Palestinian had stabbed a soldier at a checkpoint in Hebron. Soldiers fatally shot one of the assailants and wounded al-Sharif. A few minutes after the incident, as al-Sharif lay unmoving on the ground, a video shows the soldier shooting him in the head. A military court is trying the soldier.

As of October 31, the UN reported 26 attacks in which Israeli settlers injured Palestinians and 66 attacks in which they damaged Palestinian property. Israeli authorities are required to protect Palestinians in the West Bank, but they often fail to apprehend or prosecute Israeli settlers who attack Palestinians and destroy or damage Palestinian mosques, homes, schools, olive trees, cars, and other property. According to the Israeli human rights group Yesh Din, between 2005 and 2014, police closed 92 percent of cases of reported settler violence without prosecuting anyone.

In 2015, an arson attack against two houses in the Palestinian village of Duma killed a toddler, Ali Dawabshe, and both his parents. In January 2016, a man, 21, and a teenage boy, 17, both in police custody, were charged with three counts of murder for that incident.

Settlements, Discriminatory Policies, Home Demolitions

Israel continued to provide security, administrative services, housing, education, and medical care for about 560,000 settlers residing in unlawful settlements in the West Bank, including East Jerusalem. International humanitarian law bars an occupying power's transfer of its civilians to occupied territory.

Israel also increased its settlement activity, authorizing construction work to begin on more than 1,000 new housing units in settlements in the West Bank, excluding East

Jerusalem, in the first half of 2016, an increase of 17 percent over the same period in 2015, according to Israel's Central Bureau of Statistics.

Building permits are difficult, if not impossible, for Palestinians to obtain in East Jerusalem or in the 60 percent of the West Bank under exclusive Israeli control (Area C). This has driven Palestinians to construct housing and business structures that are at constant risk of demolition or confiscation by Israel on the grounds of being unauthorized. Palestinians in these areas have access to water, electricity, schools, and other state services that are either far more limited or costlier than the same services that the state makes available to Jewish settlers there.

As of October 31, Israeli authorities demolished 925 Palestinian homes and other buildings in the West Bank (including East Jerusalem), mostly for failure to have a building permit. Israel also destroyed the homes of family members of alleged attackers in reprisal for attacks on Israelis, a violation of the international humanitarian law prohibition on collective punishment. In total, the demolitions displaced 1,347 people.

Freedom of Movement

Israel maintained onerous restrictions on the movement of Palestinians in the West Bank, including checkpoints and the separation barrier, a combination of wall and fence that Israel said it built for security reasons but often placed well within the West Bank rather than on the Green Line separating the West Bank from Israel. Israeli-imposed restrictions designed to keep Palestinians far from settlements forced them to take time-consuming detours and restricted their access to agricultural land.

Israel continued construction of the separation barrier around East Jerusalem. Some 85 percent of the barrier falls within the West Bank, isolating 11,000 Palestinians on the western side of the barrier who are not allowed to travel to Israel and must cross the barrier to access their own property as well as services in the West Bank.

Arbitrary Detention and Detention of Children

Israeli military authorities detained Palestinian protesters, including those who advocated nonviolent protest against Israeli settlements and the route of the separation barrier.

Israeli security forces continued to arrest children suspected of criminal offenses, usually stone-throwing; question them without a family member or a lawyer present; and coerce them to sign confessions in Hebrew, which they did not understand. The Israeli military detained Palestinian children separately from adults during remand hearings and military court trials, but often detained children with adults immediately after arrest.

As of April 2016, Israel held 692 Palestinian administrative detainees (including 2 women and 13 children) without charge or trial, based on secret evidence. Israel jails Palestinian detainees inside Israel, violating international law requiring that they be held within the occupied territory and thus leading to restrictions on the ability of family members to visit them, due to Israel's requirement that visiting family members clear security screenings and receive permits to enter Israel. A number of Palestinian prisoners have gone on hunger strikes to protest their detention without trial.

Palestinian Authority

Complaints of torture and ill-treatment by West Bank Palestinian Authority security services persisted. The ICHR reported 150 complaints in 2016 as of October 31.

PA security services arrested activists for political criticism, and some of those arrested alleged mistreatment in detention. In arresting, abusing, and prosecuting Palestinian journalists and activists engaging in peaceful speech under long-standing laws whose penalties include incarceration, the PA violated its obligations under international treaties, ratified in 2014, respecting free expression and detainee rights.

Israel

As part of an escalation of violence that began in 2015, in 2016 Palestinians killed 11 Israelis, including two security officers, and injured 131 people in Israel and the West Bank as of October 31, including 46 security officers, according to the United Nations.

Within Israel, as of October 31, Israeli security forces or bystanders killed 3 Palestinians, including those suspected of attacking Israelis.

A law passed in July imposes onerous reporting requirements on nongovernmental organizations (NGOs) receiving most of their funding from foreign governmental entities. By exempting from these requirements NGOs that receive private foreign money, the law effectively targets human rights groups, groups run by or for Arab citizens of Israel, and anti-occupation political groups.

Bedouin citizens of Israel who live in “unrecognized” villages suffered discriminatory home demolitions on the basis that their homes were built illegally, even though most of those villages existed before the State of Israel was established, and others were created in the 1950s on land to which Israel transferred Bedouin citizens. Israeli authorities refused to prepare plans for the communities or approve construction permits, and rejected plans submitted by the communities themselves that would allow them to build lawfully. Many Bedouin communities were uprooted by the establishment of Jewish towns and cities, and a succession of Israeli governments has moved them from place to place, failing to provide adequate housing.

In al-Araqib, an unrecognized village that has been embroiled in a years-long legal battle with the state, authorities demolished all the residents’ shacks 10 times between January 1 and August 18, according to the Negev Coexistence Forum for Civil Inequality. Israeli authorities demolished 28 Bedouin structures in the Negev, excluding al-Araqib, and destroyed the crops of unrecognized Bedouin villages 14 times, between January 1 and August 18.

Israel continued its openly stated policy of applying coercive measures designed to render miserable the lives of the roughly 40,000 Eritrean and Sudanese asylum seekers present in the country. These measures include prolonged detention; restrictions on freedom of movement; ambiguous policies on permission to work; and restricting access to health care. Israel does not deport Eritrean and Sudanese nationals, but it has granted asylum to only four Eritreans to date. In June, for the first time, Israel granted asylum to a Sudanese national.

Key International Actors

Under commitments stemming from the 1978 Camp David accords, the United States allocated US\$3.1 billion in military aid to Israel in 2016. It also allocated \$400 million in assistance to Palestinian security forces and economic support to the PA. In September, the United States and Israel signed a 10-year, \$38 billion military aid deal, mostly to be spent on US-made military supplies. In January, the US Customs Authority issued a reminder of its requirement, originating in 1995, to label imports from Israeli settlements as produced in the West Bank, not in Israel.

The International Criminal Court (ICC) Office of the Prosecutor is conducting a preliminary examination into the situation in Palestine to determine whether the criteria have been met to merit pursuing a formal investigation into crimes committed in and from Palestine. In October, a delegation from the ICC prosecutor's office visited Israel and the West Bank and held meetings with Israeli and Palestinian officials.