



World Report 2016 - Israel/Palestine

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Israel continued in 2015 to enforce severe and discriminatory restrictions on Palestinians' human rights, and to build unlawful settlements in and facilitate the transfer of Israeli civilians to the occupied West Bank. Israeli authorities also arbitrarily detained peaceful Palestinian demonstrators, including children.

There was a sharp rise in killings and injuries related to Israeli-Palestinian hostilities beginning in October. Overall, Palestinians killed at least 17 Israeli civilians and 3 Israeli soldiers, and injured 87 Israeli civilians and 80 security officers in the West Bank and Israel as of November 27. Israeli security forces killed at least 120 and injured at least 11,953 Palestinian civilians in West Bank, Gaza, and Israel as of the same date, including bystanders, protesters, and suspected assailants.

In the West Bank, including East Jerusalem, Israeli authorities took inadequate action against Israeli settlers who injured 84 Palestinians and damaged their property in 130 incidents as of November 23, the United Nations reported. Israeli security officers arrested three Israelis in connection with an arson attack, which killed a Palestinian couple and their toddler.

Israeli authorities destroyed homes and other property under discriminatory practices that severely restrict Palestinians' access to construction permits and forcibly displaced hundreds of Palestinian residents in West Bank areas under Israeli control, as well as Bedouin citizens of Israel. Israeli courts have been unwilling to rule on the legality of the settlements under international law.

The Palestinian Authority arrested students allegedly for their affiliation with Hamas or political criticism, some of whom alleged mistreatment in detention. Hamas security forces allegedly tortured or ill-treated 258 people as of July 31, and Palestinian armed groups launched 20 rockets into Israel from Hamas-controlled Gaza as of October 31.

Neither Israeli nor Hamas authorities have prosecuted anyone for alleged crimes committed during the 2014 Israel-Gaza war, which, according to the UN, killed 1,462 Palestinian civilians, including 551 children, and 6 civilians in Israel, including one child. Israel and Egypt have maintained their partial but highly damaging closure of Gaza's borders, an unlawful act of collective punishment;

they impeded the rebuilding of Gaza's devastated economy by severely restricting exports from Gaza.

Palestine also acceded to the International Criminal Court treaty and became an ICC member in April. Following a January 2015 declaration by the Palestinian government giving the ICC a mandate back to June 13, 2014, the ICC prosecutor opened a preliminary examination to determine whether the criteria have been met to merit pursuing a formal investigation.

Gaza Strip

Israel

In 2015, the Israel Defense Forces conducted 50 military incursions in Gaza as of November 23, according to the UN.

As of the same date, Israeli forces had killed 21 people in Gaza, including those shot during demonstrations at the border fence and those killed in air strikes, and injured more than 100. 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 June, a UN commission of inquiry released a report regarding the 2014 Israel-Gaza war that found Israeli forces committed serious laws-of-war violations, including attacking residential buildings without an apparent military target, using artillery and other high explosive weapons indiscriminately in populated areas, and apparently targeting civilians not participating in hostilities.

Israel's military advocate general launched criminal investigations into 10 incidents, some of which he closed without indictments, even where the commission found credible evidence of violations. He indicted three soldiers, but only on charges of looting. Citing overly broad security grounds, Israel barred Gazans who had complaints that its forces had unlawfully killed their relatives from traveling to Israel to testify in court cases.

Closure

Israel's punitive closure of the Gaza Strip, particularly the near-total blocking of outgoing goods, continued to have severe consequences for the civilian population and impeded reconstruction of the 17,000 housing units severely damaged or destroyed during the 2014 war.

Egypt also blocked all regular movement of goods at the crossing it controls, and imposed increased restrictions on the movement of people. More than 70 percent of Gaza's 1.8 million people are forced to rely on humanitarian assistance.

Israel allowed incoming goods to Gaza that amounted to less than half of 2006 pre-closure levels. From the August 2014 ceasefire until September 2015, 2 million tons of construction material entered the coastal strip through the only functioning crossing point for goods – about 9 percent of the total need, according to the Israeli rights group Gisha. As of September, Gaza was unable to build some 250 new schools needed to adequately serve the population, according to Gisha.

Egypt's military-backed government maintained tight restrictions on the movement of Palestinians at the Rafah crossing between Gaza and Sinai, citing attacks by armed groups in the Sinai against Egyptian security forces. The crossing has been closed, including for humanitarian assistance, since October 24, 2014, except for 37 days of partial openings, according to the UN.

A monthly average of about 2,000 Gaza residents passed through the crossing, down from 20,000 in 2013. Egypt did not permit regular imports or exports of goods through Rafah and destroyed or closed many of the tunnels beneath the border that have been used for smuggling, leading to increased prices and unemployment, particularly in the construction sector.

Hamas and Palestinian Armed Groups

The UN Commission of Inquiry report released in June regarding the 2014 Israel-Gaza war found that Palestinian armed groups committed serious violations, including firing mortars and rockets into populated areas of Israel, and unnecessarily firing from within or near civilians in Gaza, putting them at risk.

In 2015 Palestinian armed groups launched 20 rockets into Israel from Gaza as of October 31, causing no casualties but generating fear 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. Hamas, which has internal control over Gaza, is responsible for policing the border and acting to ensure that illegal attacks do not take place.

The Hamas internal security agency and police allegedly tortured or ill-treated 258 people as of July 31, according to complaints received by the Independent Commission for Human Rights (ICHR), a Palestinian rights body.

West Bank

Israel

In the West Bank, as of November 27, Israeli security forces and settlers fatally shot at least 96 Palestinian civilians and wounded at least 10,854, including those suspected of attacking Israelis, according to UN and Human Rights Watch monitoring.

In July, an Israeli colonel fatally shot Mohammed al-Kasbeh, 17, apparently while he was fleeing after throwing a rock at the colonel's vehicle. In August, Israeli forces killed Falah Abu Marya and shot his son in the legs during a raid on the family's home in Beit Ummar. According to witnesses, the soldiers did not face serious danger at the time of the shooting.

During an escalation in violence that began in October, Israeli security forces and settlers killed 8 protesters and 28 others suspected of attacking Israelis. In some cases, video footage and witness accounts strongly suggest that excessive force was used. In some cases, security forces appeared to shoot multiple times suspected attackers who were lying on the ground, apparently neutralized, raising concerns of extrajudicial killings.

Israeli authorities took inadequate action against Israeli settlers who injured Palestinians and destroyed or damaged Palestinian mosques, homes, schools, olive trees, cars, and other property. As of November 23, the UN reported 130 such attacks in which settlers injured 84 Palestinians.

In July, an arson attack, apparently carried out by Israelis, against two houses in the Palestinian village of Duma killed a toddler, Ali Dawabshe, and both his parents. In December, Israeli security officers arrested three Israelis in connection with the attack.

Settlements, Discriminatory Policies, Home Demolitions

Israel continued to provide security, administrative services, housing, education, and medical care for around 560,000 settlers residing in unlawful settlements in the West Bank, including East Jerusalem.

It also increased its settlement activity, authorizing construction work on 566 new settlement housing units, 529 of which were completed during the first quarter of 2015, an increase of 93 percent in housing starts and 219 percent completions over the same period in 2014, according to Israel's Central Bureau of Statistics.

Building permits are difficult or impossible for Palestinians to obtain in East Jerusalem or in the 60 percent of the West Bank under exclusive Israeli control (Area C). Palestinians in these areas have limited access to water, electricity, schools, and other state services, all of which the state makes readily available to the Jewish settlers there.

As of November 23, Israeli authorities demolished 481 Palestinian homes and other buildings in the West Bank (including East Jerusalem), displacing 601 people, including 296 children. In August, Israel demolished 22 homes in four communities in an area that Israel has designated for future settlement construction, called E-1. These communities are among 46 Bedouin villages Israel has earmarked for forcible "relocation" to three sites in the West Bank.

In May, the Israeli Supreme Court permitted the demolition of Susya, a Palestinian village in the south Hebron Hills in the West Bank with about 340 residents. The villagers built their homes on their agricultural land after Israel forcibly displaced them and designated the village as an archeological site.

Freedom of Movement

Israel maintained onerous restrictions on the movement of Palestinians in the West Bank, including checkpoints and the separation barrier. Settlement-related movement restrictions forced Palestinians 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 rather than along the Green Line, 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 livelihoods and services in the West Bank. Palestinian farmers in 150 communities on the eastern side of the barrier were separated from their lands on the other side, the UN reported.

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, in their homes at night, at gunpoint; 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 September 30, Israel held 315 Palestinian administrative detainees without charge or trial, based on secret evidence. Israeli prison authorities shackled hospitalized Palestinians to their hospital beds after they went on long-term hunger strikes to protest their administrative detention.

Palestinian Authority

Complaints of torture and ill-treatment by West Bank Palestinian Authority security services persisted. The ICHR reported 113 complaints as of July 31.

PA security services arrested students for their alleged affiliation with Hamas or political criticism, some of whom alleged mistreatment in detention. In January 2015, police arrested Bara al-Qadi, a media student at Birzeit University, and held him for 13 days for criticizing a PA official on Facebook. In April, police arrested Jihad Salim, a student representative of a Hamas-affiliated student group at Birzeit University in Ramallah, following the group's victory in the student council election. Salim said officers beat him and held him for about 24 hours.

Palestinian governing authorities in the West Bank, as well as in Gaza, delegated jurisdiction over personal status matters such as marriage and divorce to religious courts. In practice, women seeking marriage and divorce suffered discrimination. Courts required Muslim women to obtain a male relative's consent to marry and to obtain the husband's consent to divorce, except in limited cases.

Israel

During an escalation of violence beginning in October, Palestinian civilians killed 18 Israeli and other civilians and 3 Israeli soldiers and injured 138 civilians in Israel and the West Bank as of November 30, according to the Israeli Security Agency and Human Rights Watch's monitoring.

In Israel, Israeli security forces acting alongside Israeli citizens killed five Palestinians suspected of attacking Israelis.

In two separate attacks in June in the West Bank, Palestinian civilians shot at Israelis in their car. In August, an Israeli military prosecutor indicted seven Palestinian men in connection with the attacks. Two additional Israeli civilians were killed in attacks by Palestinians in April and September.

Israel passed a number of laws that risk violating rights. A law approved by Israel's Supreme Court in April makes it a civil offense to advocate for a boycott of Israel or settlements. Two laws passed in July permit the force-feeding of hunger-striking prisoners.

Bedouin citizens of Israel who live in "unrecognized" villages suffered discriminatory home demolitions on the basis that their homes were built illegally. Israeli authorities refused to prepare plans for the communities or approve construction permits, and rejected plans submitted by the communities themselves. In May, the Supreme Court approved the state's plan to raze the entire Bedouin village of Umm al-Hiran, displacing between 750 and 1,000 residents, to implement plans to build a Jewish neighborhood on these lands.

According to the Negev Coexistence Forum for Civil Inequality, Israeli authorities demolished 32 Bedouin homes in the Negev, and destroyed the crops of nine unrecognized Bedouin villages (two villages' fields were destroyed twice). In al-Araqib, an unrecognized village that has been embroiled in a years-long legal battle with the state, authorities demolished all the shacks seven times.

Israel continued its openly stated policy of applying coercive measures to make the lives of about 40,000 Eritrean and Sudanese "miserable" and "encourage the illegals to leave," in the words of former Israeli Interior Ministers Eli Yishai and Gideon Sa'ar, respectively. These measures include branding them "infiltrators" under Israeli law; prolonged detention; freedom of movement restrictions; rejecting 99.9 percent of Eritrean and Sudanese asylum claims; ambiguous policies on permission to work; and severely restricting access to health care. Between January 2013 and July 2015, 5,316 Sudanese and 3,039 Eritreans left Israel.

In August, the Israeli High Court ruled the authorities could require "infiltrators" to live in the Holot "Residency Center" – a de facto detention center located in Israel's Negev desert – but required the state to reduce the maximum time from 20 months to a more reasonable policy.

Pending a new policy, it held that anyone detained for 12 months or more should be released. Authorities officially banned all released detainees from living and working in Eilat and Tel Aviv, violating their free movement rights.

Israel continued to delegate jurisdiction over marriage, divorce, and some other aspects of personal status to Jewish, Muslim, Christian, and Druze religious courts. In practice, women seeking divorces suffered discrimination, such as refusal of divorce by state-funded Jewish religious courts without the husband's consent in up to 3,400 cases per year, according to women's rights groups. The government did not publish figures of spouses denied divorce, but women were reportedly the vast majority.

Key International Actors

The United States allocated US\$3.1 billion in military aid to Israel in 2015 and \$441 million in assistance to Palestinian security forces and economic support to the PA.

In January 2015, the Palestinian government lodged a declaration, giving the ICC jurisdiction dating back to June 13, 2014, for crimes committed in or from Palestine. It subsequently acceded to the Rome Statute, becoming an ICC state party in April. Based on its policy for when it receives declarations accepting the court's jurisdiction, the ICC Office of the Prosecutor opened 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.

The US criticized Palestine's accession to the ICC, and Israel in January froze the transfer of \$473 million in tax revenues it collects on behalf of the Palestinian Authority for more than four months.

Israel and the US successfully pressured the UN not to include Israel on its annual list of countries responsible for grave violations against children in armed conflict, even though the draft 2015 report prepared by the secretary-general's special representative for children and armed conflict recommended adding Israel and Hamas to the list due to their repeated violations against children. The UN also did not include Hamas on the list.

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