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- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2013 - The State of the World's Human Rights - Israel and the Occupied Palestinian Territories
- **Publication date:**
23 May 2013
- **ecoi.net summary:** Annual report 2013 (covering 2012) [ID 247978]
- **Countries:**
Israel, Occupied Palestinian Territory
- **Original link** <http://www.amnesty.org/en/region/israel-and-occupied-palestinian-territories/report-2013>

Recommended citation:

AI - Amnesty International: Amnesty International Report 2013 - The State of the World's Human Rights - Israel and the Occupied Palestinian Territories, 23 May 2013 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/local_link/247978/358268_en.html (accessed 02 September 2013)



Amnesty International Report 2013 - The State of the World's Human Rights - Israel and the Occupied Palestinian Territories

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The Israeli authorities held more than 4,500 Palestinian prisoners, including 178 administrative detainees at the end of the year, after a temporary decrease in numbers following Palestinian and international protests. Torture and other ill-treatment of detainees during arrest and interrogation was reported. Israel's military blockade of the Gaza Strip continued to severely affect Gaza's 1.6 million residents. In November, Israel launched an eight-day military campaign against Palestinian armed groups who fired rockets indiscriminately from Gaza into Israel; more than 160 Palestinians as well as six Israelis were killed, including many civilians. Both sides violated international humanitarian law in the conflict. The Israeli authorities continued to restrict the movement of Palestinians in the West Bank, including East Jerusalem, construct the fence/wall, and expand illegal Israeli settlements while failing to protect Palestinians and their property from settler violence. They also continued to demolish Palestinian homes and carry out forced evictions. The Israeli military continued to use excessive force against protesters in the Occupied Palestinian Territories (OPT); in addition to 100 civilians killed during the November conflict in Gaza, Israeli forces killed at least 35 civilians in the OPT during the year. Palestinian citizens of Israel faced discrimination in housing and residency rights, and continued home demolitions, particularly in the Negev/Naqab region. Thousands of people seeking international protection were detained administratively under a new law implemented in June. Israeli forces responsible for the killing and injuring of Palestinian civilians and torture and other ill-treatment of detainees continued to evade accountability.

Background

Negotiations between Israel and the Palestinian Authority (PA) did not resume. Relations worsened after Palestine was recognized as a non-member observer state by the UN General Assembly in November. In response, Israel announced settlement expansion plans and withheld customs payments due to the PA. In March, Israel withdrew its co-operation with the UN Human Rights Council after the Council established a fact-finding committee to "investigate the implications" of Israeli settlements on Palestinians in the OPT.

In July, a government-appointed committee concluded that Israeli settlements in the occupied West Bank did not violate international law, despite the weight of international legal findings to the contrary, and recommended that the government formalize unauthorized settler outposts. For the first time in seven years, 14 new outposts and settlements were established, with support from the Israeli authorities.

Periodically throughout the year, Israeli military forces carried out air strikes on Gaza while Palestinian armed groups launched rocket attacks on Israel. Israel continued to fire live ammunition to enforce the land and sea “exclusion zones” inside Gaza’s perimeter and territorial waters, killing at least six civilians and injuring others. Israeli leaders publicly advocated bombing Iranian nuclear sites.

One Israeli civilian was killed by militants from Egypt in June.

Freedom of movement– Gaza blockade and West Bank restrictions

The myriad restrictions imposed by the Israeli authorities on the movement of Palestinians amounted to collective punishment of the population of Gaza and the West Bank, in violation of international law. Over 500 Israeli checkpoints and barriers in the West Bank, as well as the fence/wall, restricted Palestinians’ movement, particularly in East Jerusalem, part of Hebron, the Jordan Valley and areas near settlements. Palestinians were required to obtain permits from the Israeli authorities while Israelis, including settlers, enjoyed free movement in these areas. There were continued reports of harassment and abuse of Palestinians at checkpoints by Israeli personnel. Movement restrictions also impeded Palestinians’ access to medical care, water and farmland.

As Israel’s military blockade of the Gaza Strip entered its sixth year, its impact on basic infrastructure, including water, sanitation and power supplies continued to be severe. Israel continued to severely limit exports from and imports to Gaza, stifling its economy and driving the perilous underground smuggling trade from Egypt, which continued to claim the lives of those using the tunnels. More people were able to travel through the Rafah border crossing with Egypt than during previous years, despite continuing restrictions, but permits for travel to the West Bank remained rare and difficult to obtain, even for patients requiring urgent medical treatment. In September, Israel’s High Court of Justice affirmed this policy of separating Gaza from the West Bank, rejecting a petition by Gazan women seeking to study at West Bank universities.

Forced evictions and demolitions

In more than 60% of the West Bank, known as Area C, the Israeli army continued to control planning, zoning and security and regularly demolished Palestinian homes. Some 604 structures, a third of them homes, and including 36 water cisterns, were destroyed, resulting in the forced eviction of some 870 Palestinians from their homes and affecting at least 1600 others. Israeli settlers continued to attack Palestinian residents and their property with virtual impunity. Palestinian citizens of Israel, particularly those living in officially “unrecognized villages” in the Negev region, were regularly subjected to home demolitions by the Israel Land Administration (ILA) and municipal bodies.

- In the West Bank, the army demolished homes, water cisterns and animal pens repeatedly in Umm al-Kheir and other villages in the southern Hebron hills, while villages such as al-Aqaba, Khirbet Tana, Humsa and Hadidiya were threatened with complete demolition.
- The ILA demolished tents and other structures in al-Araqib, an “unrecognized” village in the Negev, 13 times during 2012, following dozens of previous demolitions since July 2010.

Impunity

The authorities again failed to independently investigate killings of Palestinian civilians by Israeli soldiers in the West Bank and Gaza or to prosecute those responsible. Impunity continued for war crimes committed by Israeli forces during Operation “Cast Lead” in 2008-2009, and there were no indications that independent investigations would be conducted into violations committed during the November 2012 Gaza-Israel conflict. Police investigations into Israeli settler violence against Palestinians rarely led to prosecutions.

- In May, the military authorities closed their investigation into the killing of 21 members of the Samouni family, including young children, during Operation “Cast Lead”. The family was sheltering in a house into which Israeli soldiers had ordered them to move, when they were killed, apparently by shelling. The authorities ruled that the deaths did not result from negligence by Israeli troops.
- In August, a soldier who shot dead two Palestinian women holding a white flag during Operation “Cast Lead” received a 45-day prison sentence for “illegal use of a weapon” as the result of a plea bargain.
- On 28 August, a court in Haifa absolved the Israeli authorities of responsibility for the death of US activist Rachel Corrie, who was run over and killed in 2003 while protesting against home demolitions in Rafah, Gaza.

Operation “Pillar of Defense”

Israeli forces launched a major military operation on Gaza on 14 November, beginning with an airstrike that killed the leader of the military wing of Hamas. In the following eight days, before a ceasefire on 21 November was reached with Egyptian mediation, more than 160 Palestinians, including more than 30 children and some

70 other civilians, and six Israelis, including four civilians, were killed. Both sides committed war crimes and other violations of international humanitarian law. The Israeli air force carried out bomb and missile strikes on residential areas, including strikes that were disproportionate and caused heavy civilian casualties. Other strikes damaged or destroyed civilian property, media facilities, government buildings and police stations. In most cases, Israel did not present evidence that these specific sites had been used for military purposes. The Israeli navy shelled populated coastal areas with artillery in indiscriminate attacks. The military wing of Hamas and other Palestinian armed groups fired rockets and other weapons into Israel, killing civilians and damaging civilian property.

- On 18 November, 10 members of the al-Dalu family, including four children under the age of eight, a teenage girl, and four women, and two of their neighbours were killed when their home was struck in an Israeli air strike on Gaza City. Israeli military spokespersons stated variously that the strike was an accident, or was intended to hit a militant, but gave different names for the target, without providing evidence to support their claims.
- On 19 November, five-year-old Mohammed Abu Zur and two of his aunts were killed, and dozens wounded, when their neighbour's house was targeted in an Israeli air strike.

Detention without trial

More than 320 Palestinians from the OPT were held without charge or trial in administrative detention during the year, but their numbers decreased substantially following a mass hunger strike (see under 'Prison conditions' below). Several Palestinians released in a 2011 prisoner exchange were re-arrested on the orders of a military committee and held for extended periods without being charged or having their previous sentences formally reinvoked.

- West Bank resident Hana Shalabi was transferred to Gaza, probably against her will, for at least three years in April following a 43-day hunger strike against her administrative detention, which began in February 2012.

Prison conditions

On 17 April, some 2,000 Palestinian prisoners and detainees went on hunger strike to protest against their conditions, including the use of solitary confinement, detention without charge or trial and the denial of family visits. They ended their hunger strike on 14 May following an Egyptian-brokered deal with the Israeli authorities, according to which the Israeli authorities agreed to end the solitary confinement of 19 prisoners and lift a ban on family visits to prisoners from Gaza. Two Palestinian prisoners were still held in long-term isolation at the end of 2012, and short-term isolation continued to be used as punishment. Hassan Shuka, an administrative detainee held without charge or trial since 17 September 2010, was permitted to receive family visits only from his sisters, aged 14 and eight, at Ketziot prison in southern Israel; other family members were barred from entering Israel.

Torture and other ill-treatment

Palestinian detainees reported being tortured and otherwise ill-treated during interrogation by the Israel Security Agency (ISA), including being subjected to painful shackling or binding of the limbs, immobilization in stress positions, sleep deprivation, threats and verbal abuse. Detainees were denied access to lawyers while under interrogation for days and occasionally weeks. Detainees on prolonged hunger strikes were repeatedly denied access to independent doctors and ill-treated by Israel Prison Service (IPS) staff. The authorities failed to independently investigate allegations of torture of detainees by the ISA, fuelling a climate of impunity. Investigations were the responsibility of the Interrogee Complaints Comptroller, an ISA employee, despite a November 2010 decision by the Attorney General to place the Comptroller under the Ministry of Justice. A law exempting the Israeli police and ISA from recording interrogations of "security" detainees, almost all of whom are Palestinian, was extended, helping to perpetuate impunity for torture and other ill-treatment. Despite the filing of more than 700 complaints relating to 2001-2012, only one criminal investigation had been opened by the end of 2012.

- Samer al-Barq went on hunger strike three times from April 2012, in protest against his administrative detention since July 2010 and harsh conditions at a prison medical centre in Ramleh. He was denied specialized medical care and ill-treated by prison guards, who beat and verbally abused him.
- Gazan engineer Dirar Abu Sisi, who was forcibly transferred from Ukraine to Israel in February 2011, entered his second year in solitary confinement without family visits at Shikma Prison, near Ashkelon. He was reportedly in ill health and had been denied adequate medical treatment. His lawyer and family alleged that he had been coerced, under torture, into "confessing" that he had designed rockets for use by the military wing of Hamas.

Freedoms of expression and assembly

Israeli soldiers opened fire with live ammunition on Palestinian protesters on numerous occasions in areas inside Gaza's perimeter and routinely used excessive force against demonstrators in the West Bank, killing at least four. As local human rights groups documented, Israeli soldiers also fired tear gas canisters directly at peaceful protesters, causing serious injuries. The authorities also used excessive force against demonstrations inside Israel.

- Mahmoud Zaqout was killed and scores of protesters were injured on 30 March when Israeli soldiers fired live ammunition at "Land Day" demonstrators near the Erez Crossing in Gaza and used excessive force against several demonstrations in the West Bank, including East Jerusalem.
- Security forces arrested over 100 people and used excessive force to disperse hundreds of Israeli protesters who gathered in Tel Aviv on 22 and 23 June to call for lower housing costs and better health and education.
- In October, activist Bassem Tamimi was imprisoned for the second time during 2012 for his involvement in non-violent protests against Israeli settlements. In an unfair trial in November he received a four-month sentence.

Conscientious objectors

At least six Israeli citizens were sent to jail for refusing to serve in the army on grounds of conscience. One, Natan Blanc, continued to be held at the end of the year.

- Noam Gur was arrested on 17 April for refusing to carry out military service. She served two 10-day prison sentences in April and May.

Refugees and asylum-seekers

People seeking international protection continued to be denied access to fair refugee-determination procedures and faced arrest and detention. Thousands of asylum-seekers were imprisoned under the Anti-Infiltration Law, which was passed in January and implemented from June. In violation of international refugee law, the law empowered the authorities to automatically detain asylum-seekers alongside others crossing irregularly into Israel, for a minimum of three years and allowed indefinite detention in some cases. At the end of the year, the authorities were expanding detention capacity in the Negev desert to hold more than 11,000 people, and at least 2,400 asylum-seekers were detained, many in tents. Hundreds of asylum-seekers were deported to South Sudan without being permitted access to fair, consistent and transparent individual asylum procedures.

Country Reports

- [Israel and the Occupied Palestinian Territories: Stop the transfer– Israel about to expel Bedouin to expand settlements](#)

[Israel and the Occupied Palestinian Territories: Starved of justice –Palestinians detained without trial by Israel](#)

[Israel/OPT: Letter to UN Committee against Torture regarding adoption of list of issues by the Committee](#)

[Israel/OPT: International pressure mounts over Gaza blockade](#)

[Israel: Amnesty International urges government to respect the right to freedom of peaceful assembly](#)

Country Visits

- Amnesty International delegates visited Israel and the OPT in June/July and November/December.

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