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World Report 2010 - Israel / Occupied Palestinian Territories (OPT)

Events of 2009

The human rights crisis in the Israeli-occupied Palestinian territories worsened in 2009, particularly in Gaza, where Israeli forces killed hundreds of Palestinian civilians and destroyed civilian homes and infrastructure during Operation Cast Lead, a major military offensive that began on December 27, 2008 and ended on January 18, 2009. Israel's continued blockade of Gaza denied basic goods to Gaza's 1.5 million residents and prevented post-war reconstruction.

Hamas, Islamic Jihad and other Palestinian armed groups in Gaza fired rockets indiscriminately at Israeli cities and towns. At their peak during Operation Cast Lead, more than 100 rockets per day hit Israel, killing three Israeli civilians. Longer-range rockets placed 800,000 Israelis at risk of attack.

During and after the war, Hamas forces in Gaza killed alleged collaborators with Israel and shot and maimed scores of political rivals.

In the West Bank, Israel maintained many restrictions on freedom of movement for Palestinians, demolished hundreds of homes under discriminatory regulations, continued unlawful settlement construction, and continued to arbitrarily detain children and adults.

Gaza Strip

Palestinian Armed Groups

From November 2008 through March 2009 the military wings of Hamas, Islamic Jihad, the People's Front for the Liberation of Palestine (PFLP) and other groups fired hundreds of largely locally made rockets at population centers in Israel, killing three civilians and severely wounding four. Up to 800,000 people were within range of the attacks. In several cases, the rockets fell short of their intended targets in Israel and harmed Palestinians in Gaza, including two young girls killed by a rocket in the northern Gaza Strip. Rocket attacks greatly diminished since March 2009.

The repeated attacks on population centers by rockets that cannot be targeted and statements from Palestinian armed groups indicate that the attackers intended to harm civilians. Hamas and other groups stated the attacks were intended as reprisals for unlawful Israeli attacks or as a means of resistance to occupation. Deliberate or indiscriminate attacks on civilians are a serious violation of international humanitarian law regardless of their rationale.

Palestinian armed groups unnecessarily placed Palestinian civilians at risk from retaliatory attacks by firing rockets from densely populated areas. Additionally, reports by news media and a nongovernmental organization indicate that in some cases, Palestinian armed groups intentionally hid behind civilians to unlawfully use them as shields to deter Israeli counter-attacks.

From late December 2008 to at least March 2009, masked gunmen apparently affiliated with Hamas, killed at least 32 alleged collaborators with Israel – including men in custody or who

posed no threat at the time – and shot or severely beat scores of other Palestinians, primarily members of the rival Fatah party. In response, the Fatah-run authorities in the West Bank increased repressive measures against Hamas members and supporters there.

Hamas and other Palestinian factions have conducted no known investigations into unlawful rockets attacks against Israeli civilians, actions by Palestinian armed groups that put Palestinian civilians at unnecessary risk, or the killings or mistreatment of alleged collaborators or political rivals. Hamas pledged in October to investigate alleged war crimes including rocket attacks.

Palestinian armed groups in Gaza continued to detain incommunicado the Israeli soldier Gilad Shalit, captured in June 2006, refusing to allow the International Committee of the Red Cross to visit him or to carry messages to and from his family. In October Israel released 20 female prisoners in return for a video of Shalit, proving he was alive.

Israel Defense Forces

Civilians suffered tremendously during the conflict in Gaza. At least 773 Palestinian civilians were killed during Operation Cast Lead, according to the Israeli human rights group B'Tselem; the group listed 330 combatants killed, and 248 policemen. (Human Rights Watch has not been able to assess whether and to what extent Gaza's police were civilians immune from attack or were directly participating in the hostilities and thus lawful targets.) The Israel Defense Forces (IDF) damaged hospitals and United Nations facilities where displaced persons were sheltering. Israel and Egypt refused to open their borders, preventing civilians from fleeing the conflict, a step criticized by the UN High Commissioner for Refugees.

Israeli forces shelled densely populated areas with heavy artillery, including 155mm high explosive, and white phosphorous obscurant munitions, which are inherently indiscriminate when used in densely-populated areas. In one case, on January 15, IDF high explosive and white phosphorus artillery shells struck the main compound of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Gaza City, wounding three people and starting fires that destroyed four buildings, food aid, and medical supplies. The IDF had previously suspended the use of heavy artillery in residential areas of Gaza in November 2006, after an artillery attack that killed 23 civilians. Israel had never previously used white phosphorus in Gaza and initially denied using it in Operation Cast Lead.

Israeli soldiers unlawfully shot and killed at least 11 Palestinian civilians, including five women and four children, who were in groups waving white flags to convey their civilian status.

Israeli aerial drones launched missiles that killed 87 civilians (not including police) in Gaza, according to human rights NGOs. Victims included children playing on rooftops and students waiting for a bus in areas where there was no evidence of military activity. Drone operators have the time and capacity to clearly see their targets on the ground.

In several areas of Gaza, the IDF destroyed or damaged civilian structures – including a flour mill, food factories, cement factories, and greenhouses – without military necessity as required by international law. In total, Israeli forces damaged or destroyed 14,000 homes, around 60 health facilities, 68 government buildings, and 31 offices of nongovernmental organizations, according to the UN.

Throughout the war Israeli authorities banned journalists and human rights monitors from entering Gaza, and placed restrictions on peaceful protests against the war. Israeli government authorities sought to cut off funding to Breaking the Silence, a group of IDF veterans that published the testimonies of 26 Israeli soldiers who participated in and were critical of abuses committed during Operation Cast Lead.

In April the IDF released the results of five internal investigations into its actions in Gaza, concluding that it "operated in accordance with international law" and that "a very small number" of incidents occurred due to "intelligence or operational errors." In July the Israeli Ministry of Foreign Affairs released a report that repeated these claims and blamed Hamas for using civilians as shields. In November the ministry reported that the IDF had opened investigations into 128 incidents. These included operational debriefings by military units of personnel within the chain of command, whose findings cannot be used as evidence of criminal wrongdoing, and 27 criminal investigations by military police. As of November Israeli authorities had prosecuted only one soldier involved in the Gaza war, for stealing a credit card.

The board of inquiry appointed by the UN Secretary-General to examine incidents where UN property and personnel were harmed during the war concluded, in May, that "the government of Israel was responsible for the deaths and injuries ... and the physical damage" in seven of nine cases examined; in another case, a Palestinian rocket damaged a warehouse. (Responsibility for the ninth case could not be determined.) The UN Fact Finding Mission on the Gaza Conflict, established by the UN Human Rights Council, headed by Justice Richard Goldstone, found that both parties to the conflict committed war crimes and possibly crimes against humanity in a report published in September. Israel refused to cooperate with the

mission.

Blockade

Israel's comprehensive blockade of the Gaza Strip, imposed since June 2007, continued to have severe humanitarian and economic consequences for the civilian population, particularly during the war. Hundreds of thousands of people lacked electricity, running water, cooking gas, gasoline and other goods for weeks on end; raw sewage flooded some city streets; hospitals were overcrowded, lacked essential medicines, and were often inaccessible to the wounded.

As of September roughly 20,000 people remained homeless and 10,000 remained without water. Items Israel prohibited from entry included reconstruction materials, chickpeas, dates, macaroni, a water purification system, and 120 truckloads of school supplies. The only exports that Israel allowed consisted of several shipments of carnations.

Israeli officials stated that the blockade would remain in place until Hamas releases Gilad Shalit. The blockade, supported by Egypt at Rafah's Gaza border, amounts to a form of collective punishment of Gaza's 1.5 million civilians in violation of international law. Israel is Gaza's major source of electricity and sole source of fuel, which Israel does not permit from other sources, so its restrictions on their supply cripple transportation as well as water-pumping, sewage, and sanitation facilities.

In September, the office of the Coordinator of Government Activities in the Territories (COGAT), a unit of the Israeli defense ministry, severed contacts with Israeli human rights organizations handling individual applications for exit permits from Gaza, even in emergency humanitarian cases. Gaza residents have no direct access to the Israeli military authorities.

West Bank

Palestinian Authority

Three men, all reportedly Hamas supporters, died in the custody of Palestinian Authority (PA) security services in the West Bank. In only one case were suspects brought to trial: the death of Haitham Amr, whose body showed signs of torture after he was arrested by the General Intelligence agency in Hebron in June. (A military trial of officials allegedly involved was ongoing in November.) The Independent Commission for Human Rights, a Palestinian rights body, received 150 complaints of torture in PA custody in the West Bank as of October.

Home Demolitions and Evacuations

As of late October Israeli authorities had demolished 103 residential structures in the West Bank (including East Jerusalem), displacing 581 people, justifying the demolitions on the grounds that the structures were built without permits; in practice such permits are almost impossible for Palestinians to obtain. In one case in June Israeli authorities demolished the homes and animal pens of 18 shepherd families in the northern Jordan Valley, displacing approximately 130 people, five days after ordering them to evacuate because they were living in a "closed military zone." Some of the displaced families had been living there since at least the 1950s.

In August, following a court ruling, Israeli police forcibly removed 53 Palestinians, including 20 children, from their homes in the Sheikh Jarrah neighborhood of East Jerusalem. Israeli settlers immediately moved into their homes.

Israel continued its policy of demolishing the homes of families of convicted Palestinian militants, after the High Court of Justice upheld the policy as a deterrent against future attacks, even though the family members had not been implicated in militant activity.

During the first half of 2009, Israel completed 881 housing units and began construction of 666 new units in illegal settlements in the West Bank. At least 96 new structures were built in unauthorized settlement "outposts" as of July, and Israeli authorities approved construction of 455 new housing units in September, according to Peace Now.

Freedom of Movement

Israel maintained onerous restrictions on the movement of Palestinians in the West Bank. In September Israeli authorities announced the imminent removal of 100 closure obstacles (ranging from checkpoints to earth mounds and concrete blocks), which if carried out, would leave 519 closure obstacles.

Israel continued construction of the wall or separation barrier. Its ostensible purpose was to protect against suicide-bombing attacks, but rather than build it along the Green Line separating Israel from the West Bank, some 87 percent of it has been built on territory within the West Bank. The confiscation of private land meant, among other things, that farmers and

pastoralists were separated from their lands. Between May and August 2009 the UN reported that Israeli security had injured 94 Palestinians during anti-barrier demonstrations.

The High Court of Justice in March upheld a travel ban on Shawan Jabarin, the director of Al Haq, a human rights organization in the West Bank, which prevented him from traveling to the Netherlands to collect a human rights award. Israeli authorities presented secret evidence, which Jabarin and his lawyer were not allowed to see, that allegedly showed him to be an active member of the PFLP, but did not charge him with any crime.

In August Israeli authorities began restricting certain foreign nationals who have family, work, business or academic ties in the West Bank and who entered the West Bank via Jordan to areas controlled by the Palestinian Authority, thereby barring them from Israel, East Jerusalem, and "Area C" of the West Bank.

Arbitrary Detention

While Israeli civil courts define Israelis under 18 years of age as children, Israeli military courts continue to treat Palestinians over the age of 16 as "adults," and sentence them on the basis of their age at sentencing rather than when they committed the offense. The nongovernmental organization Defense for Children International reported multiple cases where Israeli authorities allegedly mistreated Palestinian children in custody to coerce them to sign confessions in Hebrew, which they did not understand.

In July the IDF established a separate military court for the prosecution of Palestinian West Bank children. Previously the IDF had prosecuted Palestinian children and adults in the same court system.

As of November Israel held 335 Palestinians in administrative detention under Military Order Number 1591 from 2007, which authorizes detention without charge for indefinitely renewable periods of up to six months.

Expulsion of Asylum Seekers

Israel continued its policy of "hot returns," a procedure in place since 2007 in which IDF troops forcibly return migrants who irregularly enter the country from Egypt back across the border within 72 hours of detention, without adequately allowing them to present asylum claims. As of September 12 Israel forcibly returned 217 migrants to Egypt this year. Egyptian border guards killed at least 16 migrants near the Sinai border with Israel as of November.

Key International Actors

Israel is the largest recipient of aid from the United States, receiving US\$2.7 billion in military aid in 2009, without any human rights conditions. The Obama administration urged Israel to halt all new settlement construction but later endorsed as "progress" a temporary freeze on new construction that did not include existing plans or East Jerusalem. The US continued to train and equip Palestinian security forces.

The current European Union-Israel Action Plan only vaguely mentions human rights concerns, in contrast to similar plans between the EU and other countries in the region. The EU unofficially froze an upgrade in relations with Israel following Operation Cast Lead.

After the Gaza war, international donors pledged US \$4.4 billion in reconstruction aid; despite this, due to Israeli import restrictions, UNRWA stated in August that "not one penny of aid has reached Gaza."

Both the UN Human Rights Council and the General Assembly passed resolutions endorsing the report of the UN Fact-Finding Mission on the Gaza Conflict and calling for a mechanism to monitor steps that Israel and Hamas take to investigate serious laws-of-war violations, including war crimes, committed by their respective forces.

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