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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Israel and the Occupied Palestinian Territories (OPTs)

The human rights situation in Israel and the OPTs continued to be of serious concern in 2013, with the trends of 2012 largely unchanged. Our principal concerns related to continued violations of international human rights law and international humanitarian law by Israel in the context of its occupation of the OPTs. We also continued to have concerns about breaches of human rights in Palestinian Authority (PA) controlled parts of the West Bank and, particularly, under de facto Hamas rule in the Gaza Strip. The humanitarian situation in Gaza deteriorated as a result of continued restrictions on movement of goods and people, combined with Egyptian closures of illegal smuggling tunnels.

Our priorities for 2013 included a large-scale international push, under US leadership, to restart final status negotiations, lobbying Israel to re-engage with the UN Human Rights Council (UNHRC) and the Universal Periodic Review (UPR) process, as well as a focus on: the treatment of Palestinian detainees, including children, in Israeli prisons; settlement expansion, incitement to violence, evictions and forced transfer of Palestinian communities; consolidation of the ceasefire in Gaza; and an easing of Israeli restrictions. There has been some positive progress: peace talks resumed; Israel re-engaged with the UNHRC and UPR; the ceasefire in Gaza has largely held; and there has been some improvement on child detainees. However, there have been surges in settlement expansion; increases in the number of West Bank Palestinians and Israelis killed; an increase in demolitions of Palestinian property; and no real progress on easing of Israeli restrictions.

In 2014, the UK will continue to support the US-led push for a comprehensive settlement of the Israeli-Palestinian conflict. We will also continue to seek improvements in the treatment of Palestinian detainees, notably children, press for the cessation of demolitions and evictions, and encourage prosecutions of violent Israeli settlers. In addition, we will continue to lobby against the excessive use of force by the Israel Defence Forces (IDF), and for the easing of Israeli restrictions on movement and access. We will encourage improvement in the PA's public accountability with respect to investigations and action taken in response to allegations of human rights abuses, and concrete progress on preventing violence against women.

Elections

Parliamentary elections took place in Israel in January and municipal elections in October. Both were considered to be free and fair by international standards.

Parliamentary and presidential elections in the OPTs remain overdue and continued to be blocked by differences between Hamas and the PA. No progress was made towards Palestinian reconciliation during 2013.

Freedom of expression and assembly

Freedom of expression and assembly continue to be well observed within Israel.

Within the OPTs we have longstanding concerns about Israel's policing of Palestinian protests. This includes the use of live fire, rubber-coated bullets, shock grenades, tear gas, and "skunk water", sometimes in response to stone-throwing and Molotov cocktails. Our Embassy in Tel Aviv has raised our concerns about the excessive use of force by the IDF with the Israeli authorities.

The Israeli government continues to impose restrictions on information and communications technology in the OPTs, including by blocking frequencies which allow access to 3G and 4G for Palestinian mobile providers.

The Palestinian Center for Development and Media Freedoms (MADA) considered the PA's respect for freedom of expression to be better than in previous years, but reported 21 violations of media freedoms by PA security forces.

We remain concerned by allegations of repression of dissent, and curtailment of free speech and freedom of association in Gaza by the de facto authorities. MADA reported 46 violations of media freedoms in Gaza. The Hamas Attorney General shut down the Gaza offices of al-Arabiya TV Channel, Ma'an News Agency, and Lines Media Company in July, alleging they had published fabricated information which posed a threat to civil peace. According to the Palestinian Centre for Human Rights (PCHR), several academics were summoned and interrogated by Hamas security forces for allegedly criticising or acting against the government. In November, Hamas police dispersed a women's protest against Palestinian political division in Gaza City.

Human rights defenders

There have been reports of harassment of Palestinian human rights defenders (HRDs) by Israeli forces. Issa Amro, a prominent HRD in Hebron, was arrested by the Israeli authorities 26 times in the last two years on suspicion of organising violent protests. Mr Amro was reportedly subject to physical and verbal abuse by Israeli settlers and soldiers in Hebron. Embassy officials in Tel Aviv raised his case with the Israeli authorities, urging that such allegations of harassment be dealt with appropriately.

The de facto authorities in Gaza continued to target HRDs with accusations of collaborating with foreign countries.

Access to justice and the rule of law

According to Palestinian NGO Addameer, as of December there were 145 Palestinian prisoners being held in Israeli administrative detention, compared to 178 in December 2012. The UK welcomes this downward trend, but still considers Israel's use of administrative detention to be excessive; according to international law, administrative detention should only be used when absolutely necessary for reasons of security, and as a preventive, not punitive, measure.

The UK lobbied the Israeli authorities for prisoners on hunger strike to receive appropriate medical care, encouraging all sides to reach a solution preventing loss of life. We welcomed the compromise reached by Israel and the PA to end Samer Al-Issawi's long-term hunger strike.

We continue to be concerned about the dual court system employed in Israel and the OPTs. All Palestinians, except those residing in East Jerusalem, are subject to trial in Israeli military courts, regardless of the charges against them, while Israeli settlers are tried in Israeli civil courts.

The UK continues to have concerns around Israel's handling of complaints in relation to armed conflicts. We welcomed the Israeli government-appointed Turkel Commission's second report on this issue, recommending 18 ways Israel can improve investigations of complaints. We have urged the Israeli authorities to implement these recommendations, in particular to enact legislation to impose direct criminal liability on military commanders and civilian superiors, and to set out timeframes for concluding investigations and enforcing any necessary legal or disciplinary measures.

Death penalty

Israel abolished capital punishment in peacetime in 1954, excepting those responsible for Nazi war crimes. Israel has carried out no executions since 1962.

Although PA law permits the use of capital punishment, a PA moratorium on the use of the death penalty has been in place since the end of 2009.

The UK has serious concerns about the use of the death penalty in Gaza, in contravention of the PA moratorium. The de facto authorities executed three people in 2013 and issued 13 death sentences for collusion with Israel. EU member states condemned the executions. The UK continues to urge complete abolition of the death penalty in both Gaza and the West Bank.

Torture

There are continued allegations by NGOs of mistreatment of Palestinian detainees by the Israeli authorities. Palestinian prisoner Arafat Jaradat died in Israeli custody in February 2013; Israeli authorities denied allegations that his death was a result of torture. The UK has made clear to the Israeli authorities the importance we attach to a full investigation into the circumstances of his death, including the allegations of mistreatment.

Whilst noting that acts of torture are criminal under Israeli law, we called at Israel's UPR for "necessity" to be removed as a possible justification for torture, and for all allegations of torture and ill-treatment to be promptly and effectively investigated, with perpetrators prosecuted. In December, the NGO Public Committee Against Torture in Israel reported that, following arrest, Palestinian child detainees were being held outside in iron cages for hours overnight. Justice Minister Tzipi Livni has publicly confirmed that, on hearing the reports, she immediately instructed the Israeli Prison Service to stop this practice.

We continue to be concerned by reports of mistreatment of detainees by the PA security forces and by Hamas in Gaza. According to the Palestinian Independent Commission for Human Rights, there were 221 complaints of mistreatment by the PA security forces in 2013, focusing on allegations of torture, including standing in difficult positions for extended periods of time, beating and general ill-treatment. There were 271 complaints lodged against Hamas security forces in Gaza.

Conflict and protection of civilians

There has been an increase in violence in the West Bank: four Israelis were killed by Palestinians compared to none in 2012, and 27 Palestinians killed by the IDF, compared to nine in 2012. The Foreign Secretary condemned an attempted terrorist attack in Bat Yam in December. We have repeatedly raised our concerns about the IDF's use of live fire with the Israelis, including with the Prime Minister's Office and the Ministry of Defence.

According to the Office for the Coordination of Humanitarian Affairs, in 2013 there were 399 "price tag" incidents by extremist settlers resulting in Palestinian injuries or damage to private Palestinian property, compared with 368 in 2012. As well as cases of physical violence against persons, attacks included damaging Palestinian vehicles and spraying racist anti-Arab graffiti. We welcomed the establishment of an Israeli police unit dedicated to tackling hard-line, nationalistically motivated crimes, but are concerned by the lack of convictions: according to Israeli NGO Yesh Din, out of 174 cases of violence by settlers reported, only one has so far seen an indictment being served.

The Israeli authorities continued demolition of Palestinian structures built without permits in Area C of the West Bank and East Jerusalem, with demolitions increasing by 10% (to 663), and persons displaced increasing by almost 25% (to 1,103), compared to 2012. Four Bedouin or herding communities in Area C were displaced following demolition of their structures. East Jerusalem saw 98 Palestinian structures demolished, almost equalling the combined total for the previous two years. 2013 also saw an increase in confiscations or destruction of humanitarian assistance delivered to address the emergency needs of communities that had been subject to demolitions.

We have repeatedly conveyed our serious concerns to the Israeli authorities: demolitions and evictions are harmful to the peace process and, in all but the most limited circumstances, contrary to international humanitarian law.

The UK continued to support Palestinians facing demolition or eviction in the OPTs through the Norwegian Refugee Council legal aid programme which helps individuals to challenge such decisions in the Israeli legal system. We also fund the International Peace and Cooperation Centre (IPCC) to support long-term planning for Palestinian communities in East Jerusalem and the West Bank.

There were several incidences of violence during operations conducted by the Palestinian security forces and during confrontations between the security forces and Palestinian protesters. Whilst on the whole the Palestinian security forces have demonstrated improved professionalism, there is a need for strengthened accountability in terms of investigations, and public communication of findings and follow-up action.

The November 2012 Gaza ceasefire has been broadly respected. According to IDF reports, Gazan-based militants fired 50 rockets into Israel, but caused no Israeli deaths or injuries. The Israeli Air Forces responded with 10 airstrikes, hitting 24 sites. Eleven Gazans were killed in 2013 by the IDF, raising serious concerns about IDF policing of the buffer zone between Gaza and Israel and of restricted agricultural and fishing areas. The UK publicly condemned the indiscriminate firing of rockets into Israel in violation of international humanitarian law, and called on both parties to respect the ceasefire in full.

The humanitarian situation in Gaza deteriorated sharply following Egypt's closure from mid-2013 of illegal smuggling tunnels into Gaza. Intermittent closure of the Rafah crossing to Egypt severely restricted the movement of people to and from Gaza, and along with Israel's near-total blocking of exports and restrictions on imports, continued to have severe consequences for the civilian population of Gaza. Minister for the Middle East, Hugh Robertson, expressed our concern on 28 November at the deteriorating situation in Gaza, and called on Israel to ease its restrictions, including on import of construction materials and on movement of goods to the West Bank and Israel.

Freedom of religion or belief

Whilst freedom of religion or belief continue to be broadly respected in Israel and the West Bank, religious intolerance has continued with 43 attacks on holy sites recorded by the Council of Religious Institutions of the Holy Land. Incidents included vandalism by extremist settlers against Christian and Muslim holy sites in East Jerusalem, and the desecration of an Anglican/Lutheran cemetery on Mount Zion. There was also an attempted arson attack on a synagogue in Jerusalem. Officials at the British Embassy in Tel Aviv raised concerns about such provocative acts, urging action to bring the perpetrators to justice.

In April, the gates of a Christian school in Gaza City were set on fire, and school property was vandalised.

Due to Israeli movement and access restrictions, outside of Ramadan, the vast majority of Palestinians from the West Bank and Gaza have heavily restricted access to the holy sites of Jerusalem, including the al-Aqsa Mosque.

Women's rights

As highlighted in Israel's UPR, the UK welcomes Israel's continued efforts to promote gender equality and women's rights. We encourage the Israeli government to ensure the continued implementation of existing legislation to address domestic and sexual violence against women and girls, particularly those belonging to minority communities.

In East Jerusalem and the West Bank, the challenges facing women are similar to those experienced by all Palestinians living under occupation. The UK has continued to support PA efforts to promote women's rights and looks forward to concrete steps in 2014 to tackle violence against women, and provide access to justice for women more broadly.

The UK has serious concerns about the suppression of women's rights in Gaza. According to the Palestinian Independent Commission for Human Rights, nine Gazan women were killed over family honour in 2013. Hamas has also steadily increased the number of Islamic restrictions imposed on Gazan life, including directives on clothing for university students, gender segregation in schools, a ban on the employment of male teachers at female schools, and preventing women from running in a UN-sponsored marathon.

Minority rights

The Arab-Israeli minority - 20% of the Israeli population - continue to lag behind Israel's Jewish population in income, education and standard of living. Israeli authorities have spoken of efforts to address inequalities with regard to access to housing, healthcare, jobs, welfare and education for minority groups.

The UK continued to follow closely the Praver-Begin Bill on Bedouin communities in the Negev. Former Minister for the Middle East, Alistair Burt, and our Ambassador in Tel Aviv, have raised our concerns about the Bill with Israeli ministers and parliamentarians, whilst our embassy is in regular contact with Bedouin leaders and activists. We highlighted this issue at Israel's UPR and continue to urge further dialogue to agree a way forward to develop the Bedouin communities in the Negev, while respecting the equality of all of Israel's citizens under the law, and avoiding forced relocation.

We also continue to follow developments around Israel's "anti-infiltration law," on which the Knesset passed a revised amendment in December that will allow for asylum seekers entering the country illegally to be detained for up to a year, and for asylum seekers already in the country to be held in open facilities. The UN High Commissioner for Refugees has expressed concerns over the amendment. This followed the Israeli High Court's invalidation of a previous amendment that would have allowed the incarceration of asylum seekers for up to three years.

Children's rights

The UK continues to be seriously concerned about the treatment of Palestinian children detained in Israeli prisons. NGO Addameer reported that 173 Palestinian children were being held in Israeli military detention at the end of 2013. A UN Children's Fund (UNICEF) report highlighted some positive steps by Israel including: introduction of legal obligations to inform the child's parents of an arrest, granting them legal status to be represented in court, notifying minors of their legal rights, and standard operating procedures on methods of restraint. The IDF have also agreed to pilot the use of summons instead of night-time arrests. We welcome the steps taken to date, but have called for further measures, such as the mandatory use of audio-visual recording of interrogations and a ban on solitary confinement. These were key UK recommendations at Israel's UPR.

Racism

The UK condemns incitement to hatred, discrimination or violence wherever it occurs, and continues to raise instances of incitement with the Israeli authorities and with the PA whenever we see them. We intervened successfully with the independent Palestinian press agency Ma'an, and with the Fatah party, to urge them to remove unacceptable material from websites, including Facebook. We encourage both the Israeli and Palestinian authorities to do far more to promote a culture of tolerance and to prepare their populations for peace.

We remain deeply concerned by continued incitement against Israel in the Hamas-run media and leadership.

Other issues

According to NGO Peace Now, plans were promoted through various stages for 11,598 settlement units on the West Bank and 2,433 in East Jerusalem. In addition, tenders were issued for 1,809 settlement units in the West Bank, and 1,488 in East Jerusalem. Between January-June 2013, there was a reported 70% rise in construction starts compared to the equivalent period the previous year. The controversial plan for the East Jerusalem Mount Scopus Slopes National Park was also advanced.

We remain deeply concerned about restrictions on freedom of movement between the West Bank and East Jerusalem. It remains difficult for Palestinians to enter East Jerusalem for work, education, medical treatment or religious worship. Through our Embassy in Tel Aviv, we have lobbied the appropriate authorities on the issue of movement and access.

Israeli construction of the Separation Barrier along and within the West Bank continued, but at a reduced scale in comparison with previous years. Where the barrier is constructed on the Palestinian side of the 1967 border, it is illegal under international law. Construction of the barrier and illegal settlements has led to the confiscation of land, and further restrictions on movement and access throughout the West Bank.

This publication is part of the [2013 Human Rights and Democracy Report](#).