



World Report 2018 - Israel and Palestine

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Events of 2017

The Israeli government continued to enforce severe and discriminatory restrictions on Palestinians' human rights; restrict the movement of people and goods into and out of the Gaza Strip; and facilitate the unlawful transfer of Israeli citizens to settlements in the occupied West Bank. Punitive measures taken by the Palestinian Authority (PA) exacerbated the humanitarian crisis in Gaza caused by the closure enforced by Israel. The PA in the West Bank and Hamas in Gaza escalated crackdowns on dissent, arbitrarily arresting critics, and abusing those in their custody.

In February, the Knesset, Israel's parliament, passed the Regularization Law, which allows Israel to retroactively expropriate private Palestinian land on which settlements have been built, though the High Court of Justice issued an injunction freezing its implementation in August. Between July 2016 and June 2017, Israeli authorities authorized construction work on more than 2,000 new housing units for settlers in the West Bank, excluding East Jerusalem.

Israel operates a two-tiered system in the West Bank that provides preferential treatment to Israeli settlers while imposing harsh conditions on Palestinians. While settlements expanded in 2017, Israeli authorities destroyed 381 homes and other property, forcibly displacing 588 people as of November 6, in the West Bank, including East Jerusalem, as part of discriminatory practices that reject almost all building permit applications submitted by Palestinians.

Israel continued to maintain its decade-long effective closure of Gaza, exacerbated by Egypt's keeping its own border with Gaza largely sealed, and to impose restrictions that limit supply of electricity and water, restrict access to medical care and educational and economic opportunity, and perpetuate poverty. Approximately 70 percent of Gaza's 1.9 million people rely on humanitarian assistance.

Periodic shutdowns of Gaza's only power plant, a result of a dispute between Fatah and Hamas over who should pay for fuel needed to operate the plant, and the decision by the Israeli government in June to accede to a PA request to cut the electricity it sells to the PA for use in to

Gaza, significantly reduced electricity supply in Gaza, leaving households for stretches with four hours or less of electricity a day. Power outages jeopardize water supply, interfere with sewage treatment, and cripple hospital operations.

Tensions around the Al-Aqsa/Temple Mount compound in July-August 2017 triggered an escalation in violence. Israeli security forces used lethal force against demonstrators and against suspected attackers in the West Bank and at the Gaza border. Palestinian assailants, most of them apparently acting without the formal sponsorship of any armed group, carried out stabbings and occasional shootings against Israelis.

Between January 1 and November 6, 2017, Israeli security forces killed 62 Palestinians, including 14 children, and injured at least 3,494 Palestinians in the West Bank, Gaza and Israel, including protesters, suspected assailants or members of armed groups, and bystanders. Palestinians killed at least 15 Israelis during this same time, including 10 security officers, and injured 129 in conflict-related incidents in the West Bank and Israel.

In April and May, hundreds of Palestinian prisoners spent 40 days on hunger strike seeking better conditions. As of November 1, Israeli authorities incarcerated 6,154 inmates on what they consider security grounds, the overwhelming majority Palestinian, including 3,454 convicted prisoners, 2,247 pretrial detainees and 453 administrative detainees held without charge or trial, according to the Israel Prison Service.

The PA and Hamas arrested activists who criticized their leaders, security forces, or policies, and mistreated and tortured some in their custody. The Independent Commission for Human Rights in Palestine (ICHR), a statutory commission charged with monitoring human rights compliance by the Palestinian authorities, received 205 complaints of torture and ill-treatment by PA security forces and 193 such complaints against Hamas security forces as of October 31. Hamas authorities executed six people during this same period following trials that lacked appropriate due process protections.

Gaza Strip

Closure

Israel's near-total closure of the Gaza Strip, particularly restrictions on movement of people and on outgoing goods, together with Egypt keeping its border with Gaza mostly closed, continued to have severe consequences for the civilian population.

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 10 months of 2017, an average of about 230 Palestinians exited Erez each day, compared to the average of more than 24,000 Palestinians who crossed each day in September 2000, just before the second "Intifada" or Palestinian uprising, began. Outgoing goods in the same period averaged 207 truckloads per month, mostly produce to be sold in the West Bank and Israel, just 19 percent of the average 1,064 truckloads per month that exited 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 29,000 people who lost their homes remain displaced. The Israeli government sought to justify the restrictions by saying that construction materials can be

used for military purposes, including fortifying tunnels; it allowed only limited quantities to enter, under the supervision of international organizations.

Measures taken by the PA to pressure Hamas further exacerbated the impact of the closure. Its decision in January to stop buying fuel from Israel that it had been supplying to Hamas authorities and its request in May for Israel to cut the electricity the Israeli government sells to the PA for use in Gaza significantly reduced already limited electricity supply, imperiling critical health, water, and sanitation services.

Patients in Gaza seeking treatment outside Gaza faced lengthening delays in obtaining approvals from the PA. While the PA approved 99 percent of applications within seven days of submission between January and May, that number dropped to 36 percent between June and August and 32 percent in September, according to the World Health Organization (WHO). In addition, in September, Israel authorities denied or delayed permits with no response by the time of the appointment to 45 percent of patients seeking treatment outside Gaza. As of August, 40 percent of medications on the "essential drug list" were at zero stock in Gaza, according to the WHO.

Egypt also blocked all regular movement of people and goods at the crossing with Gaza that it controls, with narrow exceptions mostly for medical patients, those holding foreign passports, residencies or visas, including students, and pilgrims to Mecca. Between January and October, an average of about 2,766 persons monthly 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.

Israel

As of November 6, lethal force by Israeli forces resulted in the killing of 17 and injuring of at least 215 Palestinians in Gaza, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported.

The Israeli authorities have declared an area inside Gaza near the border with Israel to be a "no-go" zone, justifying it as a means to prevent cross-border attacks. Israeli soldiers fire at people who enter that zone and at fishermen who venture beyond six nautical miles from the shore -- the area to which Israel restricts Gaza fishing boats. Israel temporarily expanded the fishing zone to nine miles between May and June and again between October and December. Israel says it restricts access to the sea to prevent the smuggling of weapons into Gaza.

Hamas and Palestinian Armed Groups

In 2017, Palestinian armed groups launched 10 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. 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.

Hamas authorities arrested scores of protesters following demonstrations in January related to the electricity crisis in Gaza as well as activists, journalists, and critics throughout the year.

In addition, Gaza's civilian authorities executed three men in April convicted of collaboration with Israel and three men in May convicted of killing a Hamas leader after trials rife with due process violations, including reliance on confessions in a system where coercion and torture are prevalent.

In Gaza, where laws differ somewhat from those 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.

West Bank

Israel

In the West Bank, as of November 6, Israeli security forces fatally shot 42 Palestinians and wounded at least 3,279, including passersby, demonstrators, and those suspected of attacking Israelis. In many cases, video footage and witness accounts strongly suggest that forces used excessive force. In this same period, attacks by settlers killed three Palestinians, injured 49, and damaged property in 106 incidents, according to OCHA.

In February, an Israeli military court sentenced to 18 months in prison soldier Elor Azaria, who had been convicted of manslaughter for the 2016 killing at close range of a Palestinian who lay immobilized on the ground after stabbing another Israeli soldier. The IDF chief of staff reduced the sentence to 14 months in September.

The conviction marked a rare exception, as Israeli authorities continued in 2017 to fail to hold accountable security forces and settlers who attack Palestinians and destroy or damage Palestinian mosques, homes, schools, olive trees, cars, and other property. Between 2013 and 2016, police closed 91.8 percent of cases of reported settler violence against Palestinian persons and property tracked by the Israeli human rights group Yesh Din without indicting anyone.

Settlements, Discriminatory Policies, Home Demolitions

Israel continued to provide security, administrative services, housing, education, and medical care for about 607,000 settlers residing in unlawful settlements in the West Bank, including East Jerusalem. Israel's building of 2,000 new settlement housing units in the period between July 2016 and June 2017 marked an 18 percent decrease over the same period in 2015-2016, but Israeli authorities approved plans for 85 percent more housing units in the first half of 2017 than all of 2016, according to the Israeli group Peace Now. International humanitarian law bars an occupying power's transfer of its civilians to occupied territory.

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.

Of the 381 Palestinian homes and other property demolished in the West Bank (including East Jerusalem) in 2017 as of November 6, displacing 588 people, Israeli authorities sought to justify most for failure to have a building permit. Israel also destroyed the homes of families in retaliation for attacks on Israelis allegedly carried out by a family member, a violation of the international humanitarian law prohibition on collective punishment.

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 in the West Bank that Israel said it built for security reasons. 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, 85 percent of which falls within the West Bank rather than along the Green Line separating Israeli from Palestinian territory, cutting off Palestinians from their agricultural lands and 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 authorities try the majority of Palestinian children incarcerated in the occupied territory in military courts, which have a near-100 percent conviction rate.

Israeli security forces arrested Palestinian children suspected of criminal offenses, usually stone-throwing, often using unnecessary force, questioned them without a family member present, and made them sign confessions in Hebrew, which most 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 June 30, Israeli authorities held 315 Palestinian children in military detention.

As of October 2017, Israel held 453 Palestinian administrative detainees without charge or trial, based on secret evidence, many for prolonged periods. Israel jails many Palestinian detainees and prisoners inside Israel, violating international humanitarian law requiring that they not be transferred outside the occupied territory and restricting the ability of family members to visit them.

Palestinian Authority

PA security services arrested dozens of journalists, activists and opposition members. In September, the PA detained for seven days human rights defender Issa Amro over a Facebook post. Amro also faces charges in Israeli military court for his role in a protest. In June, the PA issued a new cybercrime law, granting the government vast authority to control online activity and blocked access in the West Bank to at least 29 news websites affiliated with Hamas and Fatah factions opposed to Palestinian President Mahmoud Abbas. Complaints persisted of torture and ill-treatment carried out in the West Bank by PA security services. Arbitrary arrests and torture violate legal obligations that the state of Palestine assumed after it ratified the International Covenant on Civil and Political Rights and the Convention against Torture in 2014.

Israel

Israeli authorities have continued to narrow the space for criticism of its policies toward Palestinians. In March, the Knesset passed a law barring entry to foreigners who call for boycotting Israel or settlements. Authorities continue to impose onerous reporting requirements on nongovernment organizations receiving most of their funding from foreign government entities.

Palestinian Bedouin citizens of Israel who live in "unrecognized" villages in the Negev 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 or were created in the 1950s on land to which Israel transferred Bedouin citizens.

The Israeli government continued its openly stated policy of rendering "miserable" the lives of the roughly 40,000 Eritrean and Sudanese asylum seekers present in the country in order to induce them to depart. These measures include prolonged detention; restrictions on freedom of movement; ambiguous policies on permission to work; and restricting access to health care. On August 28, the Israeli High Court ruled that authorities could not detain rejected asylum seekers refusing transfer to Rwanda for longer than 60 days and that they could only use force to transfer them if Rwanda agreed to that approach.

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 2017 fiscal year. It also allocated \$362 million in assistance to Palestinian security forces and economic support to the PA. 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 December 2016, the UN Security Council unanimously adopted a resolution, with the US abstaining, that said settlements have "no legal validity," are a "flagrant violation" of international law and a "major obstacle" to peace between Israel and the Palestinians.

The UN Human Rights Council requested the High Commissioner for Human Rights to create a database of businesses that have enabled or profited from the construction and growth of the settlements. Originally scheduled for March, the council accepted the High Commissioner's request to defer submission of the database report until the end of 2017 at the latest.

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