

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>155</b>
Land:	Gaza
Kilde:	Human Rights Watch
Titel:	World Report 2011 – Israel and the Occupied Palestinian Territories
Udgivet:	24. januar 2011
Optaget på baggrundsmaterialet:	1. oktober 2011

<b>Title</b>	World Report 2011 - Israel and the Occupied Palestinian Territories
<b>Publisher</b>	Human Rights Watch
<b>Country</b>	Israel   Occupied Palestinian Territory
<b>Publication Date</b>	24 January 2011
<b>Cite as</b>	Human Rights Watch, <i>World Report 2011 - Israel and the Occupied Palestinian Territories</i> , 24 January 2011, available at: <a href="http://www.unhcr.org/refworld/docid/4d3e802a10.html">http://www.unhcr.org/refworld/docid/4d3e802a10.html</a> [accessed 17 March 2011]



## World Report 2011 - Israel and the Occupied Palestinian Territories

### *Events of 2010*

The human rights crisis in the Occupied Palestinian Territories (OPT) continued in 2010, despite marginal improvements. After Israeli commandos enforcing the naval blockade of Gaza killed nine civilians on a flotilla attempting to run the blockade, Israel announced it would ease the severe import restrictions on the territory. Still, Israel continued to block exports, having a devastating impact on the Gaza economy.

Palestinian armed groups in Gaza launched far fewer rocket attacks than in 2009 but continued to target Israeli population centers, killing one civilian, while Hamas claimed responsibility for the killing of four Jewish settlers in the West Bank. Hamas authorities carried out judicial executions for the first time in 2010 – in some cases after unfair military trials – and allegedly tortured scores of detainees.

In the West Bank, including East Jerusalem, Israel imposed severe restrictions on Palestinian freedom of movement, demolished scores of homes under discriminatory practices, continued unlawful settlement construction, and arbitrarily detained children and adults. The Palestinian Authority's (PA) security services arbitrarily detained hundreds of people and allegations of torture by the PA's security services increased.

### Gaza Strip

#### Israel

Israel Defense Forces (IDF) attacks in Gaza, including against smuggling tunnels and in response to rocket attacks, killed 21 Palestinian civilians as of October 1, the United Nations reported. The majority of reported cases involved IDF killings of Palestinian civilians in the "no-go" zone along Gaza's northern and eastern borders, often as they were collecting construction material or farming.

On May 31, Israeli naval commandos intercepted a flotilla attempting to break the Gaza blockade, killing nine civilians. A UN Human Rights Council (HRC) committee of inquiry criticized Israeli forces for unlawful killings, abuse of detainees, and other violations; an Israeli inquiry is still ongoing at this writing.

Another HRC committee reported in September that Israel's investigations into dozens of cases of violations during "Operation Cast Lead," including alleged intentional and reckless killings of civilians and wanton destruction of civilian property in 2008-2009, were incomplete, as the authorities failed to investigate some cases of alleged wrongdoing and to examine the responsibility of "high-level decision-makers." The committee found a conflict of interest in the role of the Military Advocate General (MAG), who approved plans for the offensive but was also responsible for prosecuting alleged violations by Israeli soldiers.

As part of the MAG's investigations, the IDF's military justice system convicted three soldiers for crimes during the conflict: one was sentenced to jail for stealing a credit card, while two others were demoted and given suspended sentences for using a boy as a human shield. A fourth soldier was indicted for manslaughter for shooting a civilian waving a white flag. In January Israel paid US\$10.5 million for its damage to UN facilities during the conflict.

### **Blockade**

Israel's blockade of the Gaza Strip, imposed since Hamas's takeover of Gaza in June 2007, continued to have severe humanitarian and economic consequences for the civilian population.

International pressure as a result of the May 31 flotilla killings led Israel to ease import restrictions. However, as of September imports amounted to only one-third of pre-blockade levels, the UN reported. Israel approved in principle imports of construction materials for designated UN projects worth \$15 million, and work began on upgrading two waste water treatment plants, but as of October materials needed for new schools and health clinics had not yet entered Gaza. The UN Relief and Works Agency for Palestine Refugees (UNRWA) reported that Israeli restrictions had prevented it from building new schools, and that in 2010 it had to refer 40,000 students to Hamas-run schools due to lack of classroom space in its own schools.

Israel continued to impose near-total export restrictions. As of August more than 65 percent of Gaza's factories remained closed, and the rest were working at 20 to 60 percent of their capacity, according to the Palestinian Trade Center. The number of Gaza residents registered with UNRWA living in "abject poverty" tripled since 2007 to 300,000, while unemployment in Gaza increased to 44 percent in the second quarter of 2010.

Israeli officials stated that the blockade, an unlawful form of collective punishment against residents of an occupied territory, would remain in place until Hamas releases soldier Gilad Shalit who was captured in 2006. Israel is Gaza's major source of electricity (Egypt supplies some as well) and sole source of fuel, which Israel does not permit from other sources. In addition, Gaza's sole power plant operated at low capacity due to the PA's failure to pay Israel for industrial fuel shipments. Gaza residents suffered daily blackouts lasting 8 to 12 hours.

Israeli forces regularly shot at Gaza residents up to 1.5 kilometers from the armistice line, creating a "no-go" zone that comprises 30 percent of Gaza's agricultural land. The Israeli navy regularly shot at Palestinian fishing boats that sailed more than two nautical miles from the coast, prohibiting access to some 85 percent of Gaza's maritime area.

Egypt shares responsibility for the blockade by restricting the movement of goods and people at the Rafah crossing it controls on Gaza's southern border. Egypt eased movement restrictions in June for Palestinians needing medical care or with foreign passports and visas, but not others, and continued to restrict imports and exports of goods.

Hamas's rocket attacks from Gaza greatly diminished since 2009. As of October Palestinian armed groups in Gaza had fired 75 largely locally made rockets at population centers in Israel during 2010. In March Ansar al-Sunna, a previously unknown armed

group in Gaza, claimed responsibility for a rocket attack that killed a Thai migrant worker in Israel. Israeli police reported that at least four mortars containing white phosphorus were fired from Gaza.

Hamas released two reports claiming that rocket attacks into Israel during "Operation Cast Lead" targeted military objectives, and that civilian casualties were unintended. These claims were belied by repeated attacks toward population centers by rockets that cannot be targeted with any precision and by statements from Palestinian armed groups and leaders indicating an intent to harm civilians as reprisals for Israeli attacks. Rocket, mortar, or other attacks on civilians are never justified under the laws of war, even as reprisals. In September the UN found that Hamas had failed to conduct credible investigations into unlawful rocket attacks or the killings or mistreatment of alleged collaborators or political rivals.

The Hamas Interior Ministry carried out, for the first time, five judicial death sentences, all by firing squad. Three of the men executed had been sentenced to death by military courts for collaboration with Israel, after detentions and trials that violated due process. Hamas civil and military courts also sentenced a further six men to death.

The internal security service of the Interior Ministry and Hamas police in Gaza allegedly tortured 132 people as of August 31, according to complaints received by the Independent Commission for Human Rights (ICHR), a Palestinian rights body.

Hamas continued to detain incommunicado Israeli soldier Gilad Shalit, captured in June 2006, subjecting him to cruel and inhuman treatment by refusing to allow him to communicate with his family or receive visits by the International Committee of the Red Cross.

Hamas police continued to harass, detain, and in some cases torture people suspected of "morality" offenses, including homosexuality and extra-marital sex, and to arbitrarily close or restrict businesses that allowed unmarried and unrelated men and women to "mix." The Interior Ministry closed six NGOs in Rafah in June, and closed a French NGO that provided medical care in August.

## **West Bank**

### **Palestinian Authority**

Complaints of torture committed by West Bank PA security services increased in 2010, with the Independent Commission for Human Rights receiving 106 complaints as of September.

PA courts have not found any security officers responsible for torture or arbitrary detention. In the one case brought to trial, concerning the death of Haitham Amr, 33, after his arrest by the General Intelligence Service (GIS) in 2009, a PA military court ordered the GIS to pay compensation to the family but acquitted all five officers charged with Amr's death due to "lack of evidence" of torture, despite an autopsy confirming the cause of death was "directly due to torture."

The PA's security services arbitrarily prevented or violently dispersed numerous nonviolent protests and press conferences during the year, and assaulted and arbitrarily detained journalists covering the incidents.

## **Israel**

Israeli forces in the West Bank killed at least seven Palestinian civilians as of October. According to B'Tselem, those killed, including two young men collecting scrap metal and two children participating in a demonstration inside their village, posed no danger to Israeli military forces or civilians.

Israeli settlers destroyed or damaged mosques, olive trees, cars, and other Palestinian property, and physically assaulted Palestinians. In October the UN reported 204 attacks by settlers resulting in Palestinian injuries or property damage, almost double the previous year's number. Israeli authorities arrested numerous settlers but convicted few.

### **Home Demolitions and Evacuations**

As of October Israeli authorities had demolished 285 Palestinian homes and other buildings in the West Bank (including East Jerusalem), displacing 340 people, on the grounds that the structures were built without permits; in practice such permits are almost impossible for Palestinians to obtain, whereas a separate planning process available only to settlers grants new construction permits much more readily. Israeli authorities repeatedly demolished the community of al-Farsiye in the northern Jordan Valley, displacing approximately 113 people for living in a "closed military zone." Some of the displaced families had been living there since at least the 1960s.

Settlers also continued to take over Palestinian homes in East Jerusalem, including based on laws that recognize Jewish ownership claims there from before 1948 but that bar Palestinian ownership claims from that period in West Jerusalem.

From November 26, 2009, to September 26, 2010, Israeli authorities "froze" new residential construction in settlements, not including East Jerusalem or roughly 2,000 homes that had already broken ground, or public buildings and infrastructure.

### **Freedom of Movement**

Israel maintained onerous restrictions on the movement of Palestinians in the West Bank, especially in "Area C" which is under exclusive Israeli control. It removed some closure obstacles, but more than 500 remained.

Israel continued construction of the wall or separation barrier. Some 85 percent of the barrier's route falls within the West Bank, placing many settlements on the "Israeli" side of the barrier. The barrier's confiscation of private land separated many farmers and pastoralists from their lands.

### **Arbitrary Detention and Detention of Children as Adults**

Israeli military justice authorities arbitrarily detained Palestinians who advocated non-violent protest against Israeli settlements and the route of the separation barrier. In October a military court sentenced Abdallah Abu Rahme, from the village of Bil'in, to one year in prison on charges of inciting violence and organizing illegal demonstrations, largely on the basis of coerced statements by children. In January the Israeli military released anti-wall activist Muhammad Othman, after detaining him for 113 days without charge.

While Israeli courts define Israelis under 18 years of age as children in accordance with international standards, Israeli military courts continue to treat Palestinians over the age of 16 as "adults," and sentence them as adults according to their age at sentencing even if they were children at the time of the offense. Israel detained at least 286 children under 18, including 20 under the age of 15, as of September. Human rights groups reported dozens of cases in which Israeli authorities detained and questioned Palestinian children without a family member present or access to a lawyer, as required by law, and allegedly mistreated them in custody to coerce them to sign confessions in Hebrew, which they did not understand.

As of September Israel held 189 Palestinians in administrative detention without charge.

### **Israel**

Bedouin citizens of Israel suffered discriminatory home demolitions. From July to

October police and the Israel Land Administration destroyed the Bedouin village of Al-Araqib six times, displacing 300 people. At the time residents were contesting in court the state's claims that they had never owned lands in the area. Some 90,000 Bedouin live in "unrecognized" villages with no basic services and at risk of demolitions.

Israel also refused to recognize the legal status of thousands of homes owned by Palestinian citizens of Israel, including the 600-person village of Dahmash in central Israel, which without legal status lacks any basic services. While residents legally own the land on which their homes sit, Israel refuses to rezone the land from its current agricultural status to residential, rendering their homes illegal.

There are an estimated 200,000 migrant workers in Israel, many of whom work in abusive conditions; employers' withholding of wages and underpayment is also reportedly common. The majority of workers are indebted to recruiting agencies and beholden to a single employer for their livelihood, and are unable to transfer their employment without their employer's consent. The government has deported migrant workers and their children born in Israel, pursuant to policies that restrict migrant workers from forming families.

### **Key International Actors**

Israel is the largest overall recipient of foreign aid from the United States since World War II, receiving US\$2.775 billion in military aid in 2010. The Obama administration pushed for a resumption of direct peace negotiations between Israel and the PA in September, and offered Israel additional aid to renew a partial "freeze" on settlement construction. The US continued to train and equip Palestinian security forces, providing \$350 million for security and program assistance and an additional \$150 million to the PA in direct budgetary support, while the EU gave the PA €230 million (\$315 million) as of October.

Both the HRC and the UN General Assembly passed follow-up resolutions calling for Israel and Hamas to investigate serious laws-of-war violations. The PA, apparently due to external pressure related to negotiations with Israel, conspicuously failed to refer a Human Rights Council expert report on accountability measures after the Gaza war to higher-level UN bodies for consideration.

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