

Israel and Palestine

Events of 2021

People in the Gaza Strip stand near the site of the collapsed al-Shorouk tower after an Israeli airstrike on May 12 leveled the building, which contained numerous businesses, and caused a portion of the structure to collapse on al-Sousi building, destroying other businesses and displacing several families.

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Across two governments, each in power for roughly half of 2021, Israeli authorities doubled down on policies to repress Palestinians and privilege Jewish Israelis. The government's policy of maintaining the domination of Jewish Israelis over Palestinians across Israel and the Occupied Palestinian Territory (OPT), coupled with the particularly severe repression against Palestinians living in the OPT, amounts to the crimes against humanity of apartheid and persecution.

In May, amid discriminatory efforts to force Palestinians out of their homes in occupied East Jerusalem, 11 days of hostilities broke out between the Israeli government and Palestinian armed groups in Gaza. The Israeli military said it struck about 1,500 targets in Gaza with ground- and air-launched munitions, which, according to UN figures, killed at least 120 Palestinian civilians. Palestinian armed groups, including Hamas, launched more than 4,000 rockets and mortars towards Israel, resulting in the deaths of 12 civilians in Israel and at least 7 Palestinians in Gaza.

Human Rights Watch documented serious violations of the laws of war and apparent war crimes during the hostilities, including Israeli strikes that killed scores of civilians and

Palestinian armed groups towards Israeli cities.

These attacks took place amid Israel's sweeping restrictions on the movement of people and goods into and out of Gaza. With rare exceptions, Israel's closure policy, which is not based on an individualized assessment of security risk and is exacerbated by Egyptian restrictions on its border with Gaza, rob the more than two million Palestinians of Gaza of their right to freedom of movement, severely limit their access to electricity, health care, and water, and have devastated the economy. More than 80 percent of Gaza's population depend on humanitarian aid.

In June, a broad range of political parties formed a new Israeli coalition government, with Naftali Bennett as prime minister. This government continued to facilitate the transfer of Israeli citizens into settlements in the occupied West Bank, a war crime. In October, it advanced plans and issued tenders for more than 4,000 new settlement units.

During the first eight months of 2021, Israeli authorities demolished 666 Palestinian homes and other structures in the West Bank, including East Jerusalem, displacing 958 people, a 38 percent increase compared to the same period in 2020, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Most buildings were demolished for lacking building permits, which authorities make nearly impossible for Palestinians in these areas to obtain. In July, Israeli authorities razed for the sixth time in less than a year the homes of most residents of the Palestinian community of Khirbet Humsah in the Jordan Valley for being in a designated "firing zone," displacing 70 people, 35 of them children.

Israeli authorities in late 2021 designated six prominent Palestinian civil society organizations as "terrorist" and "illegal" organizations, moves that permit closing their offices, seizing their assets, and jailing their staff and supporters.

The Palestinian Authority (PA) manages affairs in parts of the West Bank, where it systematically arrests arbitrarily and tortures dissidents. In April, the PA postponed planned parliamentary and presidential elections, which would have been the first in 15 years. In June, PA critic Nizar al-Banat died in custody shortly after PA forces arrested and beat him outside a relative's home. The PA violently dispersed popular protests and rounded up scores of Palestinians demanding justice for al-Banat's death.

Gaza Strip

During the May hostilities, 260 Palestinians were killed, including 66 children, and 2,200 were wounded, "some of whom may suffer a long-term disability requiring rehabilitation," according to OCHA. Authorities in Gaza said that 2,400 housing units were made uninhabitable and over 50,000 units were damaged. 8,250 people remained internally

physical damage and \$190 million in economic losses.

Israeli Closure

For a 14th consecutive year, Israeli authorities blocked most of Gaza's population from traveling through the Erez Crossing, the sole passenger crossing from Gaza into Israel through which Palestinians can travel to the West Bank and abroad. A generalized travel ban applies to all, except those whom Israeli authorities deem as presenting "exceptional humanitarian circumstances," mostly persons needing vital medical treatment and their companions, as well as prominent business people. Even the few seeking to travel under these narrow exemptions, including those seeking urgent medical care outside Gaza, often face denials or failures to respond to in a timely manner to their requests.

Israeli authorities tightened the closure amid the Covid-19 pandemic. During the first nine months of 2021, an average of 86 Palestinians in Gaza exited via Erez each day, just 17 percent of the daily average of 500 in 2019 and less than 1 percent the daily average of more than 24,000 before the beginning of the Second Intifada or Palestinian uprising in September 2000, according to the Israeli rights group Gisha.

Gaza's exports during this period, mostly produce destined for the West Bank and Israel, averaged 300 truckloads per month, compared to the monthly average of 1,064 truckloads prior to the June 2007 tightening of the closure, according to Gisha. During the May hostilities and up until August, Israeli authorities banned the entry of construction materials and other vital materials and limited access to Gaza's territorial waters for Palestinian fishermen, measures targeting Gaza's general civilian population that amount to unlawful collective punishment. Authorities continue to severely restrict the entry of construction materials and other items they deem "dual-use" materials that could also be used for military purposes. The list of such items also includes X-ray and communications equipment and spare parts.

The closure limits access to basic services. During the first nine months of 2021, families in Gaza on average had to make do without centrally provided electricity for more than 11 hours a day, according to OCHA. Chronic prolonged power outages encumber many aspects of everyday life, from heating and cooling and sewage treatment to health care and business, in particular for people with disabilities who rely on light to communicate using sign language or equipment powered by electricity, such as elevators or electric wheelchairs, to move. OCHA found that Gaza's groundwater, its sole natural water source, is "almost completely unfit for human consumption." According to the World Health Organization (WHO), 42 percent of "essential" medicines were at less than one month's supply as of June.

Palestinians crossed monthly in both directions, less than the monthly average of over 40,000 before the 2013 military coup in Egypt, according to Gisha.

Hamas and Palestinian Armed Groups

Rocket attacks by Palestinian armed groups resulted in the deaths of 13 people in Israel, all during the May hostilities.

Hamas authorities provided no information about two Israeli civilians with psychosocial disabilities, Avera Mangistu and Hisham al-Sayed, whom they have apparently held in violation of international law for more than six years after they entered Gaza.

Hamas authorities detained opponents and critics for their peaceful expression and tortured some in their custody. The Palestinian statutory watchdog, the Independent Commission for Human Rights (ICHR), received 75 complaints of arbitrary arrests and 72 of torture and ill-treatment against Hamas authorities between January and September 2020.

Since they took control in Gaza in June 2007, Hamas authorities carried out 28 executions following trials marred with due process violations, but none during the first nine months of 2021. Courts in Gaza had, as of October 24, sentenced 19 people to death this year and 161 since June 2007, according to the Gaza-based Palestinian Center for Human Rights.

In February, Hamas authorities issued new restrictions that allow male guardians to request local authorities to block unmarried women from leaving Gaza when such travel will cause “absolute harm,” a broad term that allows men to restrict women’s travel at will.

West Bank

Israeli Use of Force and Detentions

In the West Bank, including East Jerusalem, Israeli security forces, as of October 14, killed 67 Palestinians—nearly triple the figure for all of 2020 and including 14 children—and wounded more than 1,000 Palestinians with live ammunition, according to OCHA. This total includes non-violent demonstrators and bystanders, as well as those alleged to have attacked Israelis.

On July 28, Israeli officers shot and killed 11-year-old Mohammad Abu Sarah in the back of his father’s car at the entrance to their village of Beit Ummar near Hebron in a situation where neither posed any apparent threat to Israeli soldiers, as documented in video footage published by the Israeli rights group B’Tselem.

against Palestinians in the first half of 2021 was more than double the figure for the first half of 2020 and more than all of 2019, according to government data. As of October 16, Palestinians killed one Israeli settler and wounded 37 Israeli soldiers and 72 settlers in the West Bank.

Israeli authorities have rarely held accountable security forces who used excessive force or settlers who attacked Palestinians.

Israeli authorities closely monitor online speech by Palestinians, in part relying on predictive algorithms to determine whom to target, and have detained Palestinians based on social media posts and other expressive activity.

While applying Israeli civil law to settlers, Israeli authorities govern West Bank Palestinians, excluding Jerusalem residents, under harsh military law. In so doing, they deny them basic due process and try them in military courts with a near-100 percent conviction rate.

As of October 1, Israel held 4,460 Palestinians in custody for “security” offenses, including 200 children, many for throwing stones, and 492 in administrative detention without formal charges or trial and based on secret evidence, according to figures by the Israeli human rights group HaMoked and Palestinian prisoner rights group Adameer. Israel incarcerates many Palestinians from the OPT inside Israel, complicating family visits and violating international humanitarian law’s prohibition against their transfer outside occupied territory.

In September, six Palestinian prisoners from the OPT escaped from an Israeli prison in northern Israel. In response, Israeli authorities temporarily cancelled family visits to all detainees. Lawyers for several of the men said the escaped prisoners were tortured upon their rearrest.

More than 1,300 complaints of torture, including of painful shackling, sleep deprivation and exposure to extreme temperatures, have been filed with Israel’s Justice Ministry since 2001, resulting in two criminal investigations and no indictments, according to the Israeli rights group Public Committee Against Torture.

In August, the Israeli Supreme Court upheld the Israeli government’s policy of withholding the bodies of Palestinians killed in what they consider security incidents, as leverage to secure Hamas’s release of the bodies of two Israeli soldiers presumed killed in 2014 hostilities, as authorities have acknowledged. As of August, authorities held the bodies of 81 Palestinians killed since 2015, according to the Haifa-based human rights group Adalah.

Settlements and Home Demolitions

The difficulty in obtaining Israeli building permits in East Jerusalem and the 60 percent of the West Bank under Israel's exclusive control (Area C) has driven Palestinians to build structures that are at constant risk of demolition or confiscation for being unauthorized. OCHA considers 46 Palestinian communities in the West Bank to be at "high risk of forcible transfer due to a 'relocation' plan advanced by the Israeli authorities," and more than 100,000 Palestinians in East Jerusalem at risk of displacement. Save the Children considered, as of February, more than 50 kindergartens and primary schools, serving more than 5,000 Palestinian kids in the West Bank, at risk of demolition.

International law prohibits an occupying power from destroying property unless "absolutely necessary" for "military operations."

In the East Jerusalem neighborhoods of Sheikh Jarrah and Silwan, Israeli settler organizations advanced efforts to take possession of Palestinian homes and evict their long-term residents. They have done so under a discriminatory law, upheld by Israeli courts, that allow these groups to pursue claims for land they claim Jews owned in East Jerusalem before 1948. Palestinians, including Sheikh Jarrah residents set to be displaced, are barred under Israeli law from reclaiming property they owned in what became Israel, and from which they fled in 1948. A final court ruling on many of these cases is pending.

Freedom of Movement

Israeli authorities continued to require Palestinian ID holders with rare exceptions to hold difficult-to-obtain, time-limited permits to enter Israel and large parts of the West Bank, including East Jerusalem. B'Tselem describes this as "an arbitrary, entirely non-transparent bureaucratic system" where "many applications are denied without explanation, with no real avenue for appeal." Israeli authorities, as of June 2020, maintained nearly 600 checkpoints and other permanent obstacles within the West Bank, in addition to nearly 1,500 ad-hoc "flying" checkpoints erected between April 2019 and March 2020, according to OCHA. Israeli forces routinely turn away or delay and humiliate Palestinians at checkpoints without explanation, while permitting largely unfettered movement to Israeli settlers.

The separation barrier, which Israel said it built for security reasons but 85 percent of which falls within the West Bank rather than along the Green Line separating Israeli from Palestinian territory, cuts off thousands of Palestinians from their agricultural lands. It also isolates 11,000 Palestinians who live on the western side of the barrier but are not allowed to travel to Israel and whose ability to cross the barrier to access their property and basic services is highly restricted.

Following the death in custody of activist Nizar al-Banat in June, the PA detained activists on manifestly political charges, like insulting “higher authorities” and creating “sectarian strife,” that in effect criminalized peaceful dissent. Between January and September 2021, the ICHR received 87 complaints of arbitrary arrests, 15 of detention without trial or charge pursuant to orders from a regional governor, and 76 of torture and ill-treatment against the PA.

PA personal status laws discriminated against women, including in relation to marriage, divorce, custody of children and inheritance. Women’s rights groups have documented an increase in reports of domestic violence since the beginning of the Covid-19 pandemic, with five women killed across the OPT in 2021. Palestine has no comprehensive domestic violence law. The PA is considering a draft family protection law, but women’s rights groups have raised concern that it does not go far enough to prevent abuse and protect survivors.

The penal code in force in the West Bank and Gaza permits corporal punishment of children by parents, which remains a widespread practice.

Israel

During the May hostilities, intercommunal violence broke out in cities where both Palestinian and Jewish citizens of Israelis lived, leaving three people killed and hundreds wounded, including both Palestinians and Jews. According to the Haifa-based Mossawa Center, more than 2,000 people were detained in the aftermath, over 90 percent of them Palestinians. Human rights groups accused the Israeli government of failing to sufficiently protect Palestinians from attacks by armed Jewish mobs.

In July, the Israeli Supreme Court upheld the Nation State Law, a law with constitutional status that affirms Israel as the “nation-state of the Jewish people,” declares that within that territory the right to self-determination “is unique to the Jewish people,” and establishes “Jewish settlement” as a national value.

The Knesset in July failed to renew a temporary order that had been in place since 2003 barring, with few exceptions, the granting of long-term legal status inside Israel to Palestinians from the West Bank and Gaza who marry Israeli citizens or residents. Interior Minister Ayelet Shaked instructed authorities to continue to act as if the law was in place while the Interior Ministry examines the implications of its expiration, prolonging the separation of many families. Such a restriction does not exist for spouses of virtually any other nationality.

Israeli authorities continued to systematically deny asylum claims of the roughly 31,000 Eritrean and Sudanese asylum seekers in the country. Over the years the government has imposed restrictions on their movement, work permits, and access to health care and to education in order to pressure them to leave.

The Covid-19 pandemic continued to affect communities in Israel and the OPT.

The Israeli government had vaccinated more than two-thirds of its citizens and residents and begun offering third booster shots, as of October. Israeli authorities provided vaccines to Palestinian citizens of Israel and residents of occupied East Jerusalem, as well as Israeli settlers in the West Bank, but not to most of the more than 4.7 million Palestinians living under Israeli control in the occupied West Bank and Gaza.

Israeli authorities claim this responsibility falls on the PA, but the Fourth Geneva Convention obliges occupying powers to ensure medical supplies, including to combat the spread of pandemics, to the occupied population. More than 1 million Palestinians in the West Bank, excluding Jerusalem residents, and 466,000 Palestinians in Gaza, were vaccinated as of October 21, according to the WHO, largely through vaccines obtained from external sources and administered by Palestinian authorities.

Key International Actors

During the May fighting, the Biden administration criticized rocket attacks by Palestinian armed groups, but not Israeli conduct, and proceeded with the sale of \$735 million in arms to Israel, including of the kind of precision-guided munitions used in unlawful attacks in Gaza. This funding supplemented the annual \$3.7 billion in security assistance the US provides and an additional \$1 billion authorized in October.

In May, the UN Human Rights Council established an ongoing Commission of Inquiry (COI) to address abuses arising from the May hostilities and their root causes, including systematic discrimination and repression based on group identity across Israel and the OPT, and to promote accountability for those responsible. All Western states on the council abstained or voted against creating the COI.

The European Union condemned Israel's settlement policy and Israeli and Palestinian abuses, but divisions among EU member states have frustrated attempts to adopt more forceful measures.

During the May hostilities, Facebook wrongfully removed and suppressed content by Palestinians and their supporters, including about human rights abuses.

In February, the International Criminal Court (ICC) ruled that it has jurisdiction over serious crimes committed in the OPT. In March, the ICC prosecutor's office announced the opening of a formal investigation into the situation in Palestine.

present within an internationally recognised illegal occupation.”

CORRECTION

4/11/2022: This chapter has been updated to reflect the correct year (2021) in which an average of 13,678 Palestinians crossed the Rafah crossing monthly.

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Keynote



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