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ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

HUMAN RIGHTS IN STATE OF ISRAEL

Head of state **Shimon Peres**
 Head of government **Ehud Olmert**
 Death penalty **abolitionist for ordinary crimes**
 Population **7 million (Israel); 4.1 million (OPT)**
 Life expectancy **80.3 years (Israel); 72.9 years (OPT)**
 Under-5 mortality (m/f) **6/5 per 1,000 (Israel); 22/17 per 1,000 (OPT)**
 Adult literacy **97.1 per cent (Israel); 92.4 per cent (OPT)**

Israeli forces launched a military offensive on an unprecedented scale – code-named “Operation Cast Lead” – on 27 December in the Gaza Strip, killing many civilians and destroying homes and other civilian property. Earlier in the year there had been a marked upsurge in killings of civilians and others by both Israeli forces and Palestinian armed groups in Israel and the Occupied Palestinian Territories (OPT) before a ceasefire was agreed in June (see Palestinian Authority entry). Some 70 children were among the 425 Palestinians killed in the first half of the year. In addition to the large-scale destruction of homes and property in the Gaza Strip, Israeli forces also destroyed scores of Palestinian homes in the West Bank and in Bedouin villages in the south of Israel. Throughout the year, the Israeli army maintained stringent restrictions on the movement of Palestinians in the OPT, including a blockade on the Gaza Strip, which caused an unprecedented level of humanitarian hardship and virtually imprisoned the entire population of 1.5 million. This was further exacerbated by the Israeli offensive launched on 27 December. Hundreds of patients with serious medical conditions requiring treatment not available in local hospitals were refused passage out of Gaza; several died. Hundreds of students could not travel to their universities abroad because they could not leave Gaza, where many fields of study are not available. Most of Gaza’s inhabitants depended on international aid, but the Israeli blockade hampered the ability of UN agencies to provide assistance and services. In the West Bank the movement of Palestinians was severely curtailed by some 600 Israeli checkpoints and barriers, and by the 700km fence/wall which the Israeli army continued to build mostly inside the West Bank. The expansion of illegal Israeli settlements on seized Palestinian land increased to a level not seen since 2001. Israeli soldiers and settlers who committed serious abuses against Palestinians, including unlawful killings, assaults and attacks against property, enjoyed impunity in most cases. Hundreds of Palestinians were arrested by Israeli forces; reports of torture and other ill-treatment were frequent, but investigations were rare. Some 8,000 Palestinians remained in Israeli prisons, many after unfair military trials.

BACKGROUND

Prime Minister Ehud Olmert resigned in September because of a police investigation into his alleged involvement in corruption and fraud, but remained in office pending legislative elections scheduled for February 2009. Peace talks between the Israeli government and the Palestinian Authority (PA) continued, but neither the peace agreement that US President George W. Bush had

undertaken to broker before the end of the year, nor any other concrete progress was achieved by the end of 2008. On the contrary, at the end of the year the Gaza Strip was under an unprecedented level of bombardment – by air, land and sea – by Israeli forces. In addition, the Israeli authorities did not fulfil their undertakings to ease restrictions on the movement of Palestinians in the OPT and to remove illegal Israeli settlements established in recent years. A ceasefire agreed in June between Israel and Palestinian armed groups in Gaza held for four and a half months, but broke down after Israeli forces killed six Palestinian militants in air strikes and other attacks on 4 November.

"The Israeli military offensive launched in late December brought conditions to the brink of human catastrophe"

GAZA BLOCKADE AND OTHER RESTRICTIONS FUELLING HUMANITARIAN HARDSHIP

The continuing Israeli military blockade of the Gaza Strip exacerbated an already dire humanitarian situation, health and sanitation problems, poverty and malnutrition for the 1.5 million residents. The Israeli military offensive launched in late December brought conditions to the brink of human catastrophe. Even before it began, the local economy was paralysed by the lack of imports and a ban on exports. Shortages of most basic necessities fuelled price increases, causing some 80 per cent of the population to become dependent on international assistance. UN and other aid and humanitarian organizations faced additional restrictions which hindered their ability to provide assistance and services to Gaza's people and increased their operational costs. UN reconstruction projects to provide housing for families whose homes had been destroyed by the Israeli army in previous years were suspended due to a lack of construction material. Seriously ill patients in need of medical care not available in Gaza and hundreds of students and workers wishing to study or travel to jobs abroad were among those trapped in Gaza by the blockade; only relatively few were allowed to leave the area by the Israeli authorities. Several patients who were denied passage out of Gaza later died.

- Mohammed Abu 'Amro, a 58-year-old cancer patient, died in October. He had sought a permit to leave Gaza since March. The permit was denied on unspecified "security grounds" but was finally granted a week after his death.
- Karima Abu Dalal, a 34-year-old mother of five who suffered from Hodgkin's lymphoma, died in November due to lack of treatment. The Israeli authorities had repeatedly refused her a permit to travel to the hospital in Nablus, in the West Bank, since November 2007.

In the West Bank, some 600 Israeli military checkpoints and barriers restricted the movement of Palestinians, hindered their access to workplaces, education and health facilities and other services. The Israeli army continued its construction of a 700km fence/wall, mostly within the territory of the West Bank. This separated tens of thousands of Palestinian farmers from their land; they were required to obtain permits to access their land but these were frequently denied.

Palestinians were also denied access to large areas of the West Bank close to Israeli settlements established and maintained in breach of international law, and were barred from or had only restricted access to more than 300km of roads used by Israeli settlers.

- In February, Fawziyah al-Dark, aged 66, was denied passage through an Israeli military checkpoint to access Tulkarem hospital after suffering a heart attack. She died shortly after.
- In September, Israeli soldiers refused to allow Naheel Abu Rideh to pass through the Huwara checkpoint and travel to Nablus hospital although she was in labour. She gave birth in her husband's car at the checkpoint; her baby boy died.

KILLINGS OF UNARMED PALESTINIAN CIVILIANS

Some 450 Palestinians were killed and thousands of others were injured by Israeli forces in air strikes and other attacks, most of them in the first half of the year in the Gaza Strip. Up to half of those killed were civilians, including some 70 children. The rest were armed group members killed in armed confrontations or in targeted air strikes. Hundreds of other Palestinian civilians were killed and injured in the last five days of the year in the Israeli military offensive, some as a result of direct attacks on civilians or civilian buildings, others in indiscriminate and disproportionate attacks.

Many killings of Palestinian civilians in the first half of the year and during the December military offensive were in response to indiscriminate rocket and mortar attacks launched by Palestinian armed groups from the Gaza Strip against nearby Israeli towns and villages and against Israeli army positions along the perimeter of the Gaza Strip. Six Israeli civilians and several soldiers were killed in such attacks and 14 other Israeli civilians, including four 17-year-olds, were killed in shooting and other attacks by Palestinians in Jerusalem and elsewhere in the country.

- During a four-day military incursion into the Gaza Strip in late February Israeli forces killed more than 100 Palestinians, about half of whom were civilians not involved in fighting, including some 25 children. Among the victims were 16-year-old Jackline Abu Shbak and her 15-year-old brother Iyad. They were both shot dead with a single bullet to the head in front of their mother and younger siblings, in their home north of Gaza City on 29 February. The shots were fired from a house which had been taken over by Israeli soldiers opposite the children's home.
- On 16 April, Israeli forces killed 15 Palestinian civilians, including 10 children aged between 13 and 17 and a journalist, in three separate attacks, which also injured dozens of other civilians, in the Jouhr al-Dik area in the south-east of the Gaza Strip. First, Israeli tank fire killed six children – 'Abdullah Maher Abu Khalil, Tareq Farid Abu Taqiyah, Islam Hussam al-'Issawi, Talha Hani Abu 'Ali, Bayan Sameer al-Khaldi and Mohammed al-'Assar. Then, Israeli soldiers in a tank fired a flechette shell at Fadel Shana', a Reuters cameraman, killing him, as he was filming the tank. A further tank shell fired immediately after killed two more children, Ahmad 'Aref Frajallah and Ghassan Khaled Abu 'Ateawi, and injured five others. Two of them, Ahmad 'Abd al-Majid al-Najjar and Bilal Sa'id 'Ali al-Dhini, died three days later.

MILITARY JUSTICE SYSTEM

Detentions

Hundreds of Palestinians, including scores of children, were detained by Israeli forces in the OPT and many were held incommunicado for prolonged periods. Most were later released without charge, but hundreds were charged with security-related offences and tried before military courts, whose procedures often failed to meet international standards for fair trial. Some 8,000 Palestinians arrested in 2008 or in previous years were still imprisoned at the end of the year. They included some 300 children and 550 people who were held without charge or trial under military administrative detention orders, including some who had been held for up to six years.

- Salwa Salah and Sara Siureh, two 16-year-old girls, were arrested at night from their homes in June and were still held in administrative detention at the end of 2008.
- Mohammed Khawajah, aged 12, was arrested by Israeli soldiers at his home in Ni'lin village at 3am on 11 September. He was beaten and detained with adults in an army detention camp until 15 September, when he was released on bail. He was charged with throwing stones at soldiers and sent for trial before a military court.

- Dozens of Hamas members of the Palestinian parliament and ministers in the former Hamas-led PA government remained detained without trial, up to two years after their arrest. The Israeli authorities held them apparently to exert pressure on Hamas to release an Israeli soldier held in the Gaza Strip by Hamas' armed wing since 2006.

Almost all Palestinian detainees were held in prisons in Israel in violation of international humanitarian law, which prohibits the removal of detainees to the territory of the occupying power. This made it difficult or impossible in practice for detainees to receive family visits.

Denial of family visits

Some 900 Palestinian prisoners from the Gaza Strip were denied any family visits for a second year. Many relatives of Palestinian detainees from the West Bank were also denied visiting permits on unspecified "security" grounds. Many parents, spouses and children of detainees had not been allowed visits to their detained relatives for more than five years. No Israeli prisoners were subject to such restrictions.

Prisoner releases

In July, the Israeli authorities released five Lebanese prisoners, one of them held since 1979 and four captured during the 2006 war. They also gave back the bodies of 199 other Lebanese and Palestinians killed by Israeli forces in previous years in exchange for the bodies of two Israeli soldiers killed by Hizbullah in July 2006. In August and December, the Israeli authorities released some 430 Palestinian detainees, in what were described as goodwill gestures to PA President Mahmoud Abbas.

TORTURE AND OTHER ILL-TREATMENT

Reports of torture and other ill-treatment by the Israeli General Security Service (GSS) increased, especially during interrogation of Palestinians suspected of planning or involvement in armed attacks. Methods reported included prolonged tying in painful stress positions, sleep deprivation and threats to harm detainees' families. Beatings and other ill-treatment of detainees were common during and following arrest and during transfer from one location to another.

INCREASE IN VIOLENCE BY SETTLERS

Violent attacks by Israeli settlers against Palestinians and their property throughout the West Bank increased markedly in the last quarter of the year, especially during the olive harvest and when the army attempted to evacuate a house which had been taken over by settlers in Hebron. Settlers who carried out the attacks were often armed. In Hebron in December a settler shot and injured two Palestinians.

IMPUNITY

Israeli military judges rarely ordered investigations into allegations of torture and other ill-treatment made by Palestinian defendants during their trials before military courts, and no GSS officers were known to have been prosecuted for torturing Palestinians. In October, two Israeli human rights groups filed a court petition requiring the Justice Ministry to disclose information about its handling of complaints of torture and other ill-treatment made by Palestinian detainees against the GSS.

Impunity remained the norm for Israeli soldiers and members of other security forces and for Israeli settlers who committed serious human rights abuses against Palestinians, including unlawful killings, physical assaults and attacks on their property. Few investigations were carried out into such abuses and most were closed for "lack of evidence". Prosecutions were rare and usually

limited to cases publicized by human rights organizations and the media; in such cases, soldiers accused of killing Palestinians unlawfully were charged with manslaughter, not murder, and soldiers and settlers who were convicted of abuses against Palestinians generally received relatively lenient sentences.

- A soldier who shot a Palestinian demonstrator in the foot while the latter was blindfolded, handcuffed and held by the soldier's commander in July was charged with the minor offence of "improper conduct". In September, the army's chief prosecutor rejected a recommendation by the High Court to add more serious charges.

FORCED EVICTIONS, DESTRUCTION OF PALESTINIAN HOMES AND EXPANSION OF ILLEGAL ISRAELI SETTLEMENTS

Israeli forces destroyed many Palestinian homes as well as factories and other civilian buildings in Gaza in the first days of the military offensive launched on 27 December, razing entire neighbourhoods. In the West Bank, including in East Jerusalem, Israeli forces demolished scores of Palestinian homes, forcibly evicting families and leaving hundreds of people homeless. The targeted homes lacked building permits, which were systematically denied to Palestinians. At the same time, the authorities sharply increased the expansion of Israeli settlements on illegally confiscated Palestinian land, in violation of international law.

- In February and March, Israeli forces destroyed several homes and animal pens in Hadidiya, a small village in the Jordan Valley area of the West Bank. Some 65 members of the Bisharat and Bani Odeh families, 45 of them children, were made homeless.
- In March, Israeli soldiers demolished the homes of several families in the Southern Hebron Hills villages of Qawawis, Imneizil, al-Dairat and Umm Lasafa. Most of those rendered homeless were children. Those who lost their homes included three brothers, Yasser, Jihad Mohammed and Isma'il al-'Adra, their wives and their 14 children.
- In nearby Umm al-Khair, Israeli forces destroyed the homes of 45 members of the al-Hathaleen family, most of them children, in October.

REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

In August, the Israeli army forcibly returned scores of refugees, asylum-seekers and migrants to Egypt without allowing them an opportunity to challenge the decision and despite the risk that they could be exposed to serious human rights violations in Egypt or their home countries, including Eritrea, Somalia and Sudan.

PRISONERS OF CONSCIENCE – ISRAELI CONSCIENTIOUS OBJECTORS

In the latter part of the year there was a marked increase in the number of Israeli conscientious objectors imprisoned for refusing to serve in the Israeli army because of their opposition to the Israeli military occupation of the Palestinian Territories. At least seven teenagers were repeatedly imprisoned for short periods. At least two were still detained at the end of the year. Most of the others were eventually classified as "unfit for service" and exempted.

AMNESTY INTERNATIONAL VISITS

Amnesty International delegations visited Israel and the OPT from February to May.

AMNESTY INTERNATIONAL REPORTS

Israel and the Occupied Palestinian Territories: Punitive restrictions: Families of Palestinian detainees denied visits (18 February 2008)

Israel/Occupied Palestinian Territories: Gaza blockade – collective punishment (4 July 2008)

Israel/Occupied Palestinian Territories: Under threat: The West Bank village of ‘Aqaba (14 July 2008)

Israel/Occupied Palestinian Territories: Submission to the UN Universal Periodic Review (23 July 2008)

Israel/Occupied Palestinian Territories: Briefing to the Committee against Torture (30 September 2008)

Israel/Occupied Palestinian Territories (OPT): Health Professional Action: Crushing the right to health – Gaza (17 November 2008)
