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Amnesty International Report 2016/17 - The State of the World's Human Rights - Israel and Occupied Palestinian Territories

Israeli forces unlawfully killed Palestinian civilians, including children, in both Israel and the Occupied Palestinian Territories (OPT), and detained thousands of Palestinians from the OPT who opposed Israel's continuing military occupation, holding hundreds in administrative detention. Torture and other ill-treatment of detainees remained rife and was committed with impunity. The authorities continued to promote illegal settlements in the West Bank, including by attempting to retroactively "legalize" settlements built on private Palestinian land, and severely restricted Palestinians' freedom of movement, closing some areas after attacks by Palestinians on Israelis. Israeli forces continued to blockade the Gaza Strip, subjecting its population of 1.9 million to collective punishment, and to demolish homes of Palestinians in the West Bank and of Bedouin villagers in Israel's Negev/Naqab region, forcibly evicting residents. The authorities imprisoned conscientious objectors to military service and detained and deported thousands of asylum-seekers from Africa.

Background

Israeli-Palestinian relations remained tense. International efforts to revive negotiations failed, with Israel continuing to develop illegal settlements on territory it occupied. In December the UN Security Council passed a resolution calling on Israel to cease all settlement activities in the West Bank.

In June the government announced a reconciliation agreement between Israel and Turkey which saw the two countries restore diplomatic relations. Israel agreed to pay compensation to the families of Turkish citizens killed by Israeli forces when they intercepted the humanitarian aid ship *Mavi Marmara* in 2010.

In September the government of the USA agreed to increase its military aid to Israel to \$3.8 billion annually for 10 years from 2019.

The year saw stabbing, car-ramming, shooting and other attacks by Palestinians on Israelis in the West Bank and in Israel. The attacks, mostly carried out by Palestinians unaffiliated to armed groups, killed 16 Israelis and one foreign national, mostly civilians. Israeli forces killed 110 Palestinians and two foreign nationals during the year. Some were killed unlawfully while posing no threat to life.

Palestinian armed groups in Gaza periodically fired indiscriminate rockets and mortars into Israel, without causing deaths or serious injuries. Israeli forces responded with air strikes and artillery fire, killing three Palestinian civilians, including two children, in Gaza.

Freedom of movement – Gaza blockade and West Bank restrictions

Israel's military blockade of the Gaza Strip entered its 10th year, continuing the collective punishment of Gaza's entire population. Israeli controls on the movement of people and goods into and from Gaza, combined with Egypt's almost total closure of the Rafah border crossing and funding shortages, damaged Gaza's economy and hindered post-conflict reconstruction. Some 51,000 people were still displaced from the 2014 war, and unexploded ordnance from that conflict continued to cause civilian deaths and injuries. The number of Palestinians leaving Gaza via the Erez Crossing declined during the year, as the Israeli authorities denied, delayed or revoked permits for businesspeople, staff of international organizations, and medical patients and their companions.

Israeli forces maintained a "buffer zone" inside Gaza's border with Israel and used live fire and other weapons against Palestinians who entered or approached it, killing four and wounding others. Israeli forces also fired at Palestinian fishermen in or near the "exclusion zone" that they maintained along Gaza's coastline.

In the West Bank, the Israeli authorities severely restricted the movement of Palestinians on a discriminatory basis, particularly around illegal Israeli settlements and near the fence/wall. In response to Palestinian attacks on Israelis, the military authorities imposed collective punishment, revoking permits of attackers' family members to work in Israel and closing off entire areas and villages.

Arbitrary arrests and detentions

The authorities detained or continued to imprison thousands of Palestinians from the OPT, holding most of them in prisons in Israel, in violation of international law. Many prisoners' families, particularly those in Gaza, were not permitted entry to Israel to visit their relatives in prison. The Israeli authorities continued to arrest hundreds of Palestinian children in the West Bank including East Jerusalem. Many were subjected to abuse by Israeli forces including beatings and threats.

The authorities held hundreds of Palestinians, including children, under renewable administrative detention orders based on information that they withheld from the detainees and their lawyers. The numbers held under such orders since October 2015 were the highest since 2007; more than 694 were held at the end of April 2016 (the last month for which reliable data was available). Some detainees undertook lengthy protest hunger strikes; Palestinian detainee Bilal Kayed remained on hunger strike for 71 days. He was released without charge in December. Anas Shadid and Ahmad Abu Farah ended their hunger strike on 22 December after 90 days without food.

Three Israeli Jews held as administrative detainees were released.

The authorities gave circus performer Mohammed Faisal Abu Sakha two additional six-month administrative detention orders in June and December, based on secret evidence. His first six-month detention order had been issued in December 2015.

Palestinians from the West Bank who were charged with protest-related and other offences faced unfair military trials, while Israeli civilian courts trying Palestinians from the Gaza Strip issued harsh sentences, even for minor offences.

Mohammed al-Halabi, a Gaza-based humanitarian worker, was denied access to his lawyer and interrogated intensively for three weeks after his arrest in June. He was charged in August with embezzling money from the charity World Vision and passing it to Hamas, the de facto administration in Gaza. World Vision said it had not seen any substantive evidence to support the charge.

Torture and other ill-treatment

Israeli soldiers, police and Israel Security Agency (ISA) officers subjected Palestinian detainees, including children, to torture and other ill-treatment with impunity, particularly on arrest and during interrogation. Reported methods included beatings, slapping, painful shackling, sleep deprivation, use of stress positions and threats. Although complaints alleging torture by ISA officers have been handled by the Ministry of Justice since 2014, and more than 1,000 had been filed since 2001, no criminal investigations were opened. Complaints that the Israeli police used torture or other ill-treatment against asylum-seekers and members of the Ethiopian community in Israel were also common.

The UN Committee against Torture conducted its fifth periodic review of Israel, criticizing continued reports of torture and other ill-treatment, impunity, and the authorities' failure to proscribe torture as a crime under the law. Israeli officials noted that legislation criminalizing torture was being drafted by the Ministry of Justice, but it was not put before the Knesset (parliament).

In September the High Court upheld a 2015 law allowing the authorities to force-feed hunger-striking detainees; the law was not used in 2016.

Unlawful killings

Israeli soldiers, police and security guards killed at least 98 Palestinians from the OPT in the West Bank, including East Jerusalem; eight in the Gaza Strip; and three in Israel. In addition, one Palestinian citizen of Israel, responsible for killing three Israelis in Tel Aviv on 1 January, was killed by Israeli police inside Israel. Most of those killed were shot while attacking Israelis or suspected of intending an attack. Some, including children, were shot when they were posing no immediate threat to others' lives and appeared to be victims of unlawful killings.

Extrajudicial executions

Some of those killed appeared to have been victims of extrajudicial executions. They included 16-year-old Mahmoud Shaalan, shot dead by Israeli soldiers at a Ramallah checkpoint in February; Mohammed Abu Khalaf, killed in February by Israeli border police in East Jerusalem; and Maram Abu Ismail and her 16-year-old brother Ibrahim, who were shot dead at Qalandia checkpoint in April by private contractors employed by the Israeli Ministry of Defence.

Excessive use of force

Israeli forces used excessive, sometimes lethal, force against Palestinian protesters in the West Bank and Gaza Strip, killing 22 and injuring thousands with rubber-coated metal bullets and live ammunition. Many protesters threw rocks or other projectiles but were posing no threat to the lives of well-protected Israeli soldiers when they were shot.

Freedoms of expression, association and assembly

The authorities used a range of measures to target human rights defenders, in both Israel and the OPT, who criticized Israel's continuing occupation of the Palestinian territories.

On 11 July the Knesset passed the so-called Transparency Law, which imposed new reporting requirements on organizations that receive more than 50% of their funding from foreign governments, almost all of which were human rights groups or other NGOs critical of the Israeli government.

Using military orders prohibiting unauthorized demonstrations in the West Bank, the authorities suppressed protests by Palestinians and arrested and prosecuted protesters and human rights defenders. Following the annual "Open Shuhada Street" protest in Hebron on 26 February, the authorities prosecuted Palestinian human rights defenders Issa Amro and Farid al-Atrash on charges that included participating in a march without a permit and entering a closed military zone. They were apparently prosecuted on account of their peaceful exercise of the rights to freedom of expression and peaceful assembly. Issa Amro also faced charges arising from his peaceful activism in previous years.

For months after he filmed the extrajudicial execution of Abed al-Fatah al-Sharif by an Israeli soldier on 24 March in Hebron, B'Tselem volunteer Imad Abu Shamsiyeh received death threats from Israelis in nearby illegal settlements. Police turned him away and threatened to arrest him when he sought to lodge a complaint in August.

Palestinians and foreign nationals assisting human rights NGOs such as Al-Haq with their work in connection with the ICC received death threats.

A number of prominent Israeli human rights organizations and their staff, including Breaking the Silence, B'Tselem and Amnesty International Israel, were targeted by a government campaign to undermine their work.

In May the authorities charged former nuclear whistle-blower and prisoner of conscience Mordechai Vanunu with breaching the severe and arbitrary restrictions the authorities have imposed on his rights to freedom of movement and expression. The case was still pending at the end of the year.

Housing rights – forced evictions and demolitions

In the West Bank, including East Jerusalem, the Israeli authorities demolished 1,089 homes and other structures built without Israeli permits, an unprecedentedly high number of demolitions,

forcibly evicting more than 1,593 people. Permits remained virtually impossible for Palestinians to obtain. Many of the demolitions were in Bedouin and herding communities which the Israeli authorities planned to transfer against the residents' wishes. The authorities also collectively punished the families of Palestinians who carried out attacks on Israelis by demolishing or making uninhabitable 25 family homes, thereby forcibly evicting their inhabitants.

The authorities also demolished hundreds of Palestinian homes and other structures inside Israel that they said were built without permits, mostly in Bedouin villages in the Negev/Naqab region. Many of the villages were officially "unrecognized".

Impunity

More than two years after the end of the 2014 Gaza-Israel conflict, in which some 1,460 Palestinian civilians were killed, many in evidently unlawful attacks including war crimes, the Israeli authorities had indicted only three soldiers for looting and obstructing an investigation. In August the Military Advocate General announced the closure of investigations into 12 incidents, despite evidence that some should be investigated as war crimes. Israel's military investigations were not independent or impartial, and failed to deliver justice.

In a rare move, the Israeli military investigated, indicted and tried Elor Azaria, a soldier whose extrajudicial execution by shooting of a wounded Palestinian in Hebron was captured on film. The verdict in his case was expected to be delivered in January 2017. Most members of the Israeli forces who committed unlawful killings of Palestinians faced no repercussions. The Israeli army, Ministry of Justice and police also did not investigate, failed to investigate adequately, or closed investigations into cases of alleged unlawful killings of Palestinians by Israeli forces in both Israel and the OPT.

The authorities prosecuted several Jewish settlers for carrying out lethal attacks on Palestinians. In January, they charged two Israelis with committing an arson attack in July 2015 that killed three members of the Dawabsheh family, including a child aged 18 months. In May, a Jerusalem court sentenced Yosef Ben David to life imprisonment plus 20 years after convicting him of the abduction and murder of 16-year-old Palestinian Mohammed Abu Khdeir in July 2014.

The prosecutor of the ICC continued her preliminary examination of allegations of crimes under international law carried out by Israeli forces and Palestinian armed groups since 13 June 2014. The Israeli government allowed an ICC delegation to visit Israel and the West Bank in October.

Violence against women and girls

There were new reports of violence against women, particularly within Palestinian communities in Israel. Activists reported that at least 21 women were killed by partners or family members during the year. Some women were reportedly killed by abusive partners after police failed to afford them adequate protection.

Refugees and asylum-seekers

The authorities continued to deny asylum-seekers, more than 90% of whom were from Eritrea or Sudan, access to a fair and prompt refugee status determination process. More than 3,250 asylum-seekers were held at the Holot detention facility and at Saharonim Prison in the Negev/Naqab desert at the end of the year.

According to figures provided by the Ministry of Interior, there were more than 37,000 Eritrean and Sudanese asylum-seekers in Israel as of October 2016. More than 18,900 asylum claims were still pending as of October 2016.

In February the Knesset passed the fourth version of an amendment to the Prevention of Infiltration Law, allowing the authorities to detain asylum-seekers for up to one year without charge. Conditions in detention centres were reported to be severely deficient due to inadequate food and medical care, poor sanitation and overcrowding.

In September, a custody appeals tribunal in Jerusalem declared the government's policy of automatically rejecting the asylum requests of Eritrean army deserters invalid, although thousands had been rejected on that basis.

The authorities granted asylum to a Sudanese national for the first time in June but continued to press thousands of Sudanese and Eritrean asylum-seekers, including those detained at Holot, to leave Israel "voluntarily". More than 2,500 were reported to have agreed to depart "voluntarily" by the end of the year. The government refused to disclose details of its reported agreements with Rwandan and Ugandan authorities, as to whether they included guarantees that asylum-seekers who left Israel voluntarily would not be at real risk of serious human rights violations, thus violating the prohibition of *refoulement*.

Conscientious objectors

At least five conscientious objectors to military service were imprisoned. They included Tair Kaminer, who was held for almost six months, longer than any woman conscientious objector previously.