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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Israel and the Occupied Palestinian Territories

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The human rights situation in Israel and the Occupied Palestinian Territories (OPTs) continued to be of concern to the UK in 2012. Much of this stemmed from Israel's occupation of the OPTs and actions taken by the Israeli government in contravention of international humanitarian law and international human rights law. We are also concerned about a number of human rights issues that fall under the jurisdiction of the Palestinian Authority in the West Bank and under the *de facto* Hamas rule in Gaza. Major events this year included an increase in hostilities between Gaza and Israel in November, an unprecedented surge in Israeli settlement plans (which are illegal under international humanitarian law, have a corrosive impact on the peace process and threaten the possibility of a two-state solution), local elections in the West Bank, mass hunger strikes by Palestinian prisoners in Israeli prisons and the withholding of Palestinian tax revenues collected on behalf of the Palestinian Authority (PA) by Israel, which has had severe financial consequences on the ability of the PA to deliver services, including health services.

Our objectives for 2012 included working with international partners to encourage Israel to ease restrictions on the movement of people and goods to and from Gaza, lobbying the Israeli government to improve the treatment of Palestinian children in Israeli detention, encouraging the holding of Palestinian elections and improving the policing of peaceful protests by the PA and the Israeli Defence Force (IDF). There have been some positive developments, including a reduction in the amount of time Israel can hold Palestinian children in pre-trial military detention, some limited easing of Israeli restrictions on Gaza, the transparent handling of local elections in the West Bank and improvement in the professionalism of the PA's policing of demonstrations later in the year. But the lack of forward momentum on the Middle East Peace Process continued to impede progress on human rights during 2012.

In 2013, the UK will continue to focus on the treatment of Palestinian detainees, including children in Israeli prisons, on settlement expansion, on reducing incitement to violence by Palestinians and Israelis, on evictions and forced transfer of Palestinian communities and on consolidation of the ceasefire in Gaza and an easing of Israeli restrictions. We will also support a

large-scale international push, under US leadership, to make progress on the Middle East Peace Process. The UK has actively lobbied Israel to re-engage with the Human Rights Council and the Universal Periodic Review process. We note that Israel has requested a postponement of their review, and welcome the recent efforts of the President of the Council on this issue.

Freedom of expression and assembly

We remain concerned about IDF policing of demonstrations in the West Bank, which often involves the use of tear gas and rubber-coated bullets. In 2012, nine Palestinian protesters were killed and 3,025 injured by Israeli forces. Among those killed were off-duty Palestinian Police Officer Rushdi Tamimi in Nabi Saleh, and Hamdi al-Falah in Hebron. Internal investigations into the deaths have been opened but findings have not yet been published.

The Israeli Military Police have concluded their investigation into the death of Palestinian Activist Mustafa Tamimi, who was killed on 9 December during a non-violent protest in Nabi Saleh. We look forward to seeing the results of this investigation, whose findings are now being examined by the Israeli government.

Instances of mishandled policing of public protests by the PA in the West Bank remained an issue this year. In July, Palestinian police used excessive force to disperse a small demonstration near the Presidential Palace. We raised our concerns with the President's Office, the Ministry of Interior and the Ministry of Justice, and President Abbas condemned the way the protest had been handled. We have since noted improvements in how the Palestinian police have dealt with demonstrations, including in their response to widespread protests against price increases and wages in the West Bank in August, which they allowed to proceed. The UK continued to provide expert personnel to an EU-led police and rule of law mission in the OPTs which is helping in the development of the Palestinian civil police and supporting justice sector reform. In 2013, the UK will continue to assist in the professional development of the Palestinian security forces, including training on human rights. The UK also continues to provide support aimed at improving access to effective police and justice services for women victims of violence in the West Bank, and for a media campaign that aims to change attitudes to violence against women.

We are also concerned about internal repression in Gaza under *de facto* Hamas rule, including the closing down of the annual Palestinian Festival of Literature by Hamas police forces. The UK Government places importance on the right to freedom of expression and assembly for all.

Violence in Gaza and southern Israel

An escalation of hostilities between Israel and Gaza-based militant groups led to an eight-day conflict in November during which six Israelis (including four civilians, two of them children) and 158 Palestinians (most of them civilians, including 42 children) were killed. A large number of civilians on both sides were injured. The UK encouraged all sides to cooperate with Egyptian-led efforts to reach a ceasefire, and welcomed the ceasefire agreement reached on 21 November. The Foreign Secretary condemned indiscriminate rocket attacks by Hamas and other Gaza-based groups into Israel in violation of international humanitarian law and said that Hamas had, by increasing rocket attacks during 2012, been principally responsible for the crisis. At the same time, he called on Israel to take every opportunity to de-escalate their military action, to abide by international humanitarian law and to avoid civilian casualties.

Following the ceasefire on 21 November, the UK urged all sides to take advantage of the ongoing talks brokered by Egypt to deal with the underlying causes of the Gaza conflict, including securing more open access to and from Gaza for people and goods and an end to the smuggling of weapons into Gaza.

Humanitarian situation in Gaza

The violence of the recent conflict has worsened the already precarious humanitarian situation in Gaza. Gaza has the highest rate of aid dependency per capita in the world; 80% of households are dependent on humanitarian assistance for food, water, shelter or medical treatment. A UN Initial Rapid Assessment identified a number of additional emergency needs as a result of the recent hostilities, including health, infrastructure and psycho-social care. During the conflict, 10,000 individuals living in north and north-east Gaza were temporarily displaced, and an estimated 450 homes were destroyed and 8,000 damaged. On 11 December, Alan Duncan, the Minister of State for International Development, visited Gaza city and announced an additional £1.25 million in aid to address the humanitarian needs of people in Gaza.

The Israelis continue to restrict the movement of people and goods to and from Gaza, including access to agricultural and fishing areas. We believe that these restrictions damage the economy and living standards of ordinary people in Gaza without achieving Israel's security objectives. We welcomed Israel's announcement that it would extend the fishing zone and the improve flow of building materials into Gaza following the ceasefire. However, the measures taken so far have had little significant impact on the humanitarian needs of Gazans. We will continue to press for a further easing of the Israeli restrictions, working closely with the EU, UN and the Office of the Quartet Representative.

Demolitions

We have repeatedly raised our concerns with the Israeli authorities about Israeli demolition of, and evictions from, Palestinian homes and public buildings, including schools, in Area C of the West Bank (the area under full Israeli military and civilian control), as well as in East Jerusalem. The majority of house demolitions and evictions are in breach of Article 53 of the Fourth Geneva Convention. According to UN statistics, 589 structures were demolished in Area C in 2012 and 871 people displaced. Only 5% of building permits requested by Palestinians for Area C were approved. In East Jerusalem, 35% of the land has been confiscated for Israeli settlement use, with only 13% zoned for Palestinian construction, much of which has already been built on. The UK supports the Norwegian Refugee Council in its work to improve access to justice for Palestinians affected by demolitions and displacement.

Settlement construction in East Jerusalem and the West Bank

We have condemned a series of settlement announcements in 2012. We see settlements as a major obstacle to peace, illegal under international law and in direct contravention of Israel's commitments under the 2003 Quartet Roadmap to Peace. Of particular concern was Israel's announcement on 30 November that it would advance the next stage of the planning process for the area of West Bank land known as E1. If implemented, this construction would break territorial contiguity between Palestinian East Jerusalem and the West Bank and severely reduce freedom of movement, economic development and transport links for Palestinians in the West Bank. We were also concerned by the announcement of the construction of 3,500 settlement units in Givat Hamatos, which has profound implications on the potential for East Jerusalem to be the capital of a future Palestinian state. We continue to call for a complete cessation of all settlement activity in both the West Bank and East Jerusalem.

Settler violence

There was a rise in violent attacks and intimidation by extremists among the Israeli settler population against Palestinians and Israeli Arabs and their property in 2012. There was also an increase in the number of "price tag" attacks (a reaction by some extremist settlers to Israeli government policies that they see as being against their interests). These included violence towards Palestinian civilians, vandalism of the Latrun Monastery and an arson attack on a mosque. The UN also reported the destruction of 7,500 olive trees by Israeli settlers. The UK Government

continues to urge the Israeli authorities to investigate thoroughly all instances of violence by extremist settlers and to bring those guilty of such acts to trial.

Restriction on freedom of movement in the West Bank and East Jerusalem

We are deeply concerned about restrictions on freedom of movement between the West Bank and East Jerusalem. It remains difficult for Palestinians from the West Bank to enter East Jerusalem for work, education, medical treatment or religious worship. They must apply for a permit, which often takes a long time to obtain and can be refused without explanation. They must enter the city through only a limited number of checkpoints, at which there are often lengthy queues.

Palestinians in East Jerusalem risk losing their permanent right to live in East Jerusalem if they cannot prove residency for the previous seven years. More than 14,000 Palestinians have lost their Jerusalem residency status since the Israeli annexation of East Jerusalem in 1967. There has been a freeze on family reunification permits allowing residents of "enemy entities", including West Bankers, to move to Israel since 2000. In addition, those from Jerusalem who move to the West Bank risk losing their Jerusalem residency status. There are no such restrictions on Israeli residents in Jerusalem.

The separation barrier along and within the West Bank contributes to the isolation of East Jerusalem and the West Bank. Where the barrier is constructed on the Palestinian side of the Green Line, it is also illegal under international law. The barrier further separates Palestinian families and denies Palestinian farmers access to their land.

Access to justice and the rule of law

We remained concerned about the dual court system in Israel and the OPTs. All Palestinians except those who are resident in East Jerusalem are subject to the Israeli military court system, regardless of what they are charged with, while Israeli settlers who commit offences against Palestinians or their property have been tried in the Israeli civil justice system. We are also concerned about the lack of convictions against extremist settlers responsible for violence against Palestinians and Palestinian property.

During 2012, the UK continued to support the provision of legal aid to Palestinians in Area C, East Jerusalem and Gaza, improving their access to justice and preventing demolitions and displacement. Palestinians in Area C are governed not by Israeli domestic law but by a combination of Ottoman, British and Jordanian law amended by more than 1,600 Israeli military orders. However, given the lack of Palestinian sovereignty over Area C, the only real means of redress for Palestinians is the Israeli military legal system. This causes serious inequalities in the application and effects of the law.

We have long expressed concern about Israel's excessive use of administrative detention. Under international law, administrative detention should be used only as a preventative, rather than a punitive, measure and only in cases where security concerns make it absolutely necessary. In May, approximately 2,000 Palestinian prisoners participated in a mass hunger strike in protest against the arbitrary use of administrative detention. We called on Israel to ensure that those on hunger strike received appropriate medical care, and encouraged all sides to reach a solution that prevented loss of life. We welcomed the agreement reached on 14 May to end the strike. We particularly welcomed Israel's agreement to limit the use of administrative detention and solitary confinement, and to reinstate family visits for detainees. Following this, the number held by Israeli authorities in administrative detention declined, though it remains high (approximately 200 detainees in September 2012). We continue to monitor closely hunger strikes by Palestinian detainees, including Samer al-Barq and Ayman Sharawna.

Death penalty

PA statutes permit the use of the death penalty, but a moratorium has been in place since the end of 2009 after President Abbas undertook not to ratify any death penalty sentences. The absence of a fully functioning Palestinian parliament has delayed a draft Penal Code which outlaws the use of the death penalty from entering into law.

The *de facto* Hamas government in Gaza executed six people in 2012. A further two death sentences were passed in September. The 27 EU member states condemned the sentences and called for an absolute ban on the death penalty. The UK will continue to urge that the death penalty is abolished in its entirety in both Gaza and the West Bank.

Torture

We remain concerned at reports of mistreatment of detainees by the PA security forces and the *de facto* Hamas government in Gaza. In 2012, the Independent Commission for Human Rights received 312 complaints of mistreatment. There were also 254 complaints made about detention in Gaza. These complaints focused on allegations of torture including beating, psychological pressure, standing in difficult positions for long periods of time and ill-treatment. The Independent Commission for Human Rights believes that procedures followed in cases of allegations of torture are unsatisfactory and cases are not investigated in accordance with clear and independent procedures.

There are continued allegations by NGOs of mistreatment of Palestinian detainees during arrest and in Israeli prisons and detention centres including shackling and the use of stress positions. There has been some progress in 2012; Israeli NGOs Hamoked and B'tselem assess that some work has been done on the conditions within interrogation facilities. This has led to a refurbishment of a facility in Petah Tikva prison, although at present we have no information on whether this has improved the conditions in which detainees are held.

Freedom of religion or belief

In 2012, there were examples of religious intolerance on both sides, with a synagogue defaced in the Jordan Valley and part of the Latrun Monastery outside Jerusalem set on fire. Both incidents were condemned by the Israeli and Palestinian authorities and by the UK.

Because of Israeli restrictions on movement and access, the entire population of Gaza and over 40% of the population of the West Bank are unable to attend Friday prayers at the al-Aqsa Mosque and they are also denied access to the Christian holy sites in Jerusalem.

Approximately four million Palestinians are prohibited from entering East Jerusalem without a permit. We welcomed the temporary easing of restrictions by the Israeli government on entry permits to Israel for Palestinians during Ramadan.

Minority rights

Israel's Declaration of Independence calls for the establishment of a Jewish state with equal social and political rights for all citizens, irrespective of religion, race or sex. We welcome the efforts by the Israeli government to address remaining areas of inequality and discrimination between Jews and Arabs in Israel, and we are concerned by a growing climate of intolerance. A number of minority groups within Israel continue to suffer discrimination, particularly in access to housing, education, employment, healthcare and welfare services.

We continue to monitor the Praver Plan, approved by the Israeli Cabinet in September 2011, which would relocate a large number of Bedouin from unrecognised villages to recognised towns. The plan also budgeted NIS 1.2 billion (£205 million) for economic development in recognised Bedouin communities. This element of the plan was approved on 26 March. We welcomed the government's efforts to engage with Bedouin leaders, which we hope will lead to an agreed and

satisfactory solution to the long-standing issue of the unrecognised Bedouin villages. In July and November 2012, Mr Burt discussed the Prayer Plan with Israeli Minister without Portfolio Benny Begin, who committed to continuing the dialogue with the Bedouin ahead of the plan coming into effect.

In 2012, we worked with a range of partners in Israel to address the issue of inequality and promote co-existence between Jews and Arabs in Israel. We allocated £250,000 for projects involving the Arab Israeli community in 2011-12. As part of this, we funded Tsofen, a non-profit organisation whose aim is to advance the economic and social equality of Arab citizens in Israel by accelerating their entry into hi-tech industry and helping Israeli's hi-tech industry to locate successfully in Arab towns.

Children's rights

We remain deeply concerned about the treatment of Palestinian children under the Israeli military court system. In 2011, the FCO funded an independent report by a team of respected British lawyers into the treatment of child detainees in Israeli military custody. The report, published in 2012, focused on the legal disparities between how the Israeli justice system treats Israeli and Palestinian minors. On the basis of the findings, it argued that Israel is in contravention of various provisions of the UN Convention on the Rights of the Child. It also noted that transportation of child prisoners into Israel and the failure to translate military orders from Hebrew into Arabic are violations of the Fourth Geneva Convention. The UK has pressed the Israeli government to take action on the findings and recommendations of the report. We have welcomed some limited steps the Israeli government has taken, such as a recent military order which reduced the amount of time children could be held in pre-trial detention from eight to four days. We also welcomed the announcement by the Israeli State Attorney to reduce, from April 2013, the amount of time Palestinian minors may be held before they are brought before a judge. The UK will continue to lobby the Israeli government for further improvements, including a reduction in the number of arrests that occur at night, an end to shackling and the introduction of audio-visual recording of interrogations.

Human rights defenders

Bassem Tamimi, from the West Bank village of Nabi Saleh, was convicted of participation in illegal protests by an Israeli military court in May. He was designated a human rights defender by the EU because of his role in the non-violent protest movement and concerns about the nature of his trial and detention. He was sentenced to 13 months' imprisonment, but having spent this long in detention during the trial, was released. He was re-arrested in November, convicted of organising illegal protests in Israeli settlements and sentenced to four months' detention. The EU has expressed its concerns to the Israeli government about the treatment of Mr Tamimi.

Incitement

Incitement to terrorism and violence is unacceptable, and we condemn comments that could stir up hatred and prejudice in a region that needs a culture of peace and mutual respect. FCO Minister of State Alistair Burt condemned statements by Hamas leaders denying Israel's right to exist and comments by a Hamas official in December calling for a third intifada and a suicide campaign. In May, the UK condemned a statement made by Tayeb al-Rahim, Secretary-General of President Abbas' office, which encouraged the acts of terrorism and called on listeners to emulate recent suicide bombers.

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