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Human rights in the Middle East and North Africa: Review of 2019; Israel and Occupied Palestinian Territories

Israel continued to impose institutionalized discrimination against Palestinians living under its rule in Israel and the Occupied Palestinian Territories (OPT). Israeli forces killed 38 Palestinians, including 11 children, during demonstrations in the Gaza Strip and West Bank; many were unlawfully killed while posing no imminent threat to life. Israel failed to ensure accountability and redress for victims of such grave violations of international humanitarian and human rights law. Israeli air strikes and shelling in the Gaza Strip killed 28 Palestinian civilians who were not directly participating in hostilities, including 10 children. Israel maintained its illegal blockade on the Gaza Strip, subjecting its residents to collective punishment and deepening the humanitarian crisis there. It continued to restrict freedom of movement of Palestinians in the OPT through checkpoints and roadblocks. Israeli authorities unlawfully detained in Israel thousands of Palestinians from the OPT, holding hundreds in administrative detention without charge or trial. Torture and other ill-treatment of detainees, including children, were committed with impunity. Israel displaced over 900 Palestinians in the West Bank as a result of home demolitions. The authorities used a range of measures to target human rights defenders, journalists and others who criticized Israel's continuing occupation of the West Bank, Gaza Strip and Syrian Golan Heights. The authorities denied asylum-seekers access to a fair or prompt refugee status determination process. Conscientious objectors to military service were imprisoned.

Background

Israel held legislative elections on 9 April, but no party leader was able to form a governing coalition. As a result, new elections were triggered and held on 17 September. No government was formed and third elections were scheduled for March 2020. On 21 November Prime Minister Benjamin Netanyahu was indicted on charges of bribery, fraud and breach of trust.

Israel continued to expand illegal settlements and related infrastructure in the occupied West Bank, including in East Jerusalem, by legalizing outposts built without Israeli state authorization, including on private Palestinian land. On 19 November, the US government announced that it would not consider Israeli settlements in the West Bank as illegal under international law. On 25 March, US President Donald Trump had recognized Israel's sovereignty over the occupied Golan Heights, contravening UN Security Council resolutions that declared Israel's annexation illegal.

On 20 December, the Prosecutor of the International Criminal Court (ICC) announced that the preliminary examination into the “Situation in Palestine” had concluded that war crimes had been committed in the OPT and that “all the statutory criteria... for the opening of an investigation have been met.” However, before proceeding with an investigation, the Prosecutor decided to seek confirmation from the ICC's judges that the territory over which the Court may exercise its jurisdiction comprises the West Bank, including East Jerusalem, and the Gaza Strip.

In March, Palestinian armed groups fired a rocket from the Gaza Strip into central Israel, wounding seven civilians. Israel retaliated by striking Hamas targets in Gaza. Between 3 and 6 May, Israeli forces launched hundreds of air strikes and artillery shells on Gaza, killing 25 people; Palestinian armed groups fired hundreds of rockets into Israel, killing four. Between 12 and 16 November, after Israel killed a leading member of the Palestinian Islamic Jihad armed group, in an air strike, hostilities flared up again. Israel launched air strikes killing 33 people, including 15 civilians, while Palestinian armed groups fired rockets into Israel, causing injuries.

Israel also launched air strikes against Iranian and Hizbullah targets in Syria, Lebanon and Iraq.

Unlawful killings

Israeli military and security forces killed at least 38 Palestinians, including 11 children, during demonstrations in the Gaza Strip and West Bank, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Many were unlawfully killed by live ammunition or other excessive force when posing no imminent threat to life. Many of the unlawful killings appeared to be wilful, which would constitute war crimes.

Palestinians in the Gaza Strip continued weekly “Great March of Return protests” that began in March 2018. According to the Palestinian Centre for Human Rights, by 27 December, 215 Palestinians had been killed, among them 47 children, four paramedics and two journalists. Some Palestinian protesters engaged in violence, including by throwing stones and Molotov cocktails towards Israeli soldiers.

On 28 February, the UN Commission of Inquiry into violations committed in the context of the protests in Gaza between March and December 2018 found that Israeli forces may have committed war crimes, including by deliberately firing at Palestinian civilians.^[1] In July, Israeli media reported that the Israeli military had decided to change their open-fire regulations, which had allowed snipers to fire at protesters’ lower limbs above the knee, but only after over a year of it being aware that they were leading needlessly to deaths and devastating injuries; snipers were briefed, in the future, to shoot below the knee.

On 16 May, the Israeli army closed the investigation into the killing of Ibrahim Abu Thuraya, who used a wheelchair, during the Gaza protests in December 2017, without pressing any charges.

On 30 October, the army sentenced an Israeli soldier who shot dead 15-year-old Palestinian Othman Halas during a protest in Gaza in July 2018 to community service and reduced his rank for “endangering a life by deviating from orders”.

Israeli air strikes and shelling in the Gaza Strip killed 28 Palestinian civilians who were not directly participating in hostilities, including 10 children; 13 civilians were killed in the hostilities of 3-6 May and 15 in those of 12-16 November. Some of the attacks in which civilians were killed or injured appeared to have been indiscriminate or disproportionate or to have been carried out without adequate precautions to spare civilians.

Israeli settler attacks against Palestinians in the West Bank resulted in the killing of two Palestinians and the injuring of 112, according to OCHA. There has been a pattern of Israeli forces failing to intervene to stop such attacks and the Israeli judiciary failing to hold perpetrators to account.

Freedom of movement, right to health

Israel’s illegal air, land and sea blockade of the Gaza Strip, restricting the movement of people and goods in and out of the area, continued to have a devastating impact on the human rights of Gaza’s 2 million inhabitants for the 12th year in a row. The measures amounted to collective punishment. In January, the World Health Organization warned that the Israeli blockade of fuel into Gaza was severely impacting hospitals and other health services. Between 26 August and 1 September, following rocket attacks into Israel, the Israeli authorities halved the fuel supply to Gaza, resulting in a daily maximum of four hours of electricity.

In June, the Palestinian Centre for Human Rights reported an acute medicine shortage for patients with cancer and chronic diseases in Gaza. Israel continued to arbitrarily deny medical permits to Gaza residents to allow them to enter Israel or the West Bank for treatment. In January, Israel expanded the fishing limits off the Gaza coast to 12 nautical miles, still below the 20 nautical miles agreed in the Oslo Accords signed by Israel and the Palestine Liberation Organization in the 1990s.

In the West Bank, at least 100 Israeli checkpoints and roadblocks continued to heavily restrict the movement of Palestinians, and holders of Palestinian identification cards faced an ongoing bar on using roads built for Israeli settlers.

Detention

Arbitrary arrests and detentions

Israeli authorities conducted hundreds of raids throughout the West Bank to arrest Palestinians, usually at their homes at night. They were detained in prisons in Israel, along with thousands of other Palestinians from the OPT arrested in previous years. This violates international humanitarian law, which prohibits the transfer of detainees into the territory of the Occupying Power.

Israeli forces arrested Khalida Jarrar, a former member of the Palestinian Legislative Council and former board member of the Addameer Prisoner Support and Human Rights Association, on 31 October. She was charged with “holding a position in an illegal association” and remained in detention at the end of the year.

Israeli authorities used renewable administrative detention orders to hold Palestinians without charge or trial. Some 4,638 Palestinians from the OPT, including 458 administrative detainees, were held in Israeli prisons as of 30 November, according to the Israel Prison Service. Many families of Palestinian detainees in Israel, particularly those in Gaza, were not permitted entry to Israel to visit their relatives.

Palestinian civilians, including children, from the OPT were prosecuted in military courts that did not meet international fair trial standards.

Children in custody

Israel held 182 Palestinian children in prison, including two in administrative detention, as of 30 November. Defence for Children International-Palestine said that children were interrogated without their parents present and placed with adults in prison. Under international law, detention of children should be a measure of last resort and for the shortest appropriate time.

On 22 January, Israeli forces arrested 14-year-old Suleiman Abu Ghosh from Qalandia refugee camp and held him in administrative detention for four months.

Discrimination

In September, the Israel Prison Service refused a request to translate prison regulations into Arabic filed by the Association for Civil Rights in Israel. It argued that it was not required to do so by the nation-state law, a law of constitutional nature that makes self-determination a right reserved for Jews and discriminates against Palestinian civilians, including by downgrading the status of the Arabic language.

Torture and other ill-treatment, deaths in custody

Israeli soldiers, police and Israel Security Agency (ISA) officers continued to torture and otherwise ill-treat Palestinian detainees, including children, with impunity. Reported methods included beating, slapping, painful shackling, sleep deprivation, use of stress positions and threats. Prolonged solitary confinement, sometimes for months, was commonly used as a punishment.

On 29 September, the Ministry of Justice launched an investigation after Samir Arbeed was hospitalized with broken ribs and kidney failure following torture by Israeli forces during interrogation.^[2]

Four Palestinians died in custody allegedly as a result of torture or other ill-treatment by Israeli forces. One of them, Nassar Taqatqa, who was interrogated by the ISA, died on 16 July in prison within a month of arrest. The Israel Prison Service said it was investigating his death. The authorities refused to release the bodies of three of the prisoners.

Right to housing, forced evictions

Israel demolished 621 Palestinian residential and livelihood structures in the occupied West Bank, including East Jerusalem, displacing 914 people, according to OCHA. Israeli authorities said many of the buildings demolished lacked Israeli-issued permits; these are virtually impossible for Palestinians to obtain. The law of occupation prohibits such destruction unless absolutely necessary for military operations. On 22 July, Israeli forces demolished up to 16 residential buildings in the West Bank village of Sur Baher because of their proximity to the fence/wall, which Israel largely built on Palestinian land.^[3]

Israel punitively demolished at least 14 Palestinian homes in the West Bank, including East Jerusalem, which left 36 people, including 15 children, homeless, according to B'Tselem, an Israeli human rights organization. Punitive demolitions constitute collective punishment and are prohibited under international law.

Israeli settler organizations initiated, with the support of Israeli authorities, forcible evictions of Palestinians from their homes in East Jerusalem. OCHA estimated in January that around 200 Palestinian households had eviction cases pending against them, placing 877 adults and children at risk of displacement.

On 10 July, Israeli authorities forcibly evicted the Palestinian Ilham Siyam and her family from their home in Silwan, East Jerusalem, after the Jerusalem District Court ruled in favour of the Israeli settlers' foundation Elad over the ownership of the house, ending a legal battle that had lasted nearly 30 years.

On 28 January, the Israeli authorities announced a plan to forcibly transfer 36,000 Palestinian Bedouin citizens living in “unrecognized” villages in the Negev/Naqab in Israel to government-planned townships; Israel refuses to recognize these villages as legal or provide them with municipal services. In December, Israeli authorities demolished the Palestinian Bedouin village of al-Araqib for the 169th time.

Freedom of expression and association

The authorities used a range of measures, including raids, incitement campaigns, movement restrictions and judicial harassment, to target human rights defenders, journalists and others who criticized Israel's continuing occupation of the West Bank, Gaza Strip and Syrian Golan Heights.

In February, the Ministry of Strategic Affairs published a report that listed Palestinian human rights workers and Boycott Divestment and Sanctions (BDS) activists, labelling them as “terrorists in suits”. Among them were Shawan Jabarin, general director of the Palestinian human rights group Al-Haq; Raja Sourani, director of the Palestinian Centre for Human Rights; and Salah Hamouri, a French-Palestinian researcher with Addameer. On 19 September, Israeli forces raided the office of Addameer in Ramallah and seized equipment.^[4]

Israel continued to deny human rights bodies entry to the OPT, including the UN Special Rapporteur on the human rights situation in the OPT. In October, Israel prevented Amnesty International's campaigner on Israel and the OPT, Laith Abu Zeyad, from leaving the West Bank for “security reasons”, apparently as a punitive measure against the organization's human rights work.^[5]

During the night of 21/22 July, Israeli authorities attempted to forcibly deport Palestinian photojournalist Mustafa al-Kharouf to Jordan, where he has no citizenship or residency rights, apparently because he had documented human rights violations by the Israeli authorities in East Jerusalem. Jordan blocked the attempt, which would have amounted to a war crime. He was held in arbitrary detention from 22 January until his conditional release on 24 October.

The Anti-Boycott Law was used to target activists and organizations critical of Israel's policies. In November, the Israeli Supreme Court upheld a deportation order against Human Rights Watch's Israel and Palestine director, Omar Shakir, which had been initiated under the law. On 25 November, he was deported. In June, the state energy company Energix used the law to sue Al-Marsad - Arab Human Rights Centre in Golan Heights after it published a report on the company's large wind energy project on private lands owned by Syrians in the occupied Golan.

Gender-based violence

Violence against women persisted in Israel, especially against female Palestinian citizens of Israel. At least 13 women were killed as a result of gender-based violence.

Refugees, asylum-seekers and migrant workers

Israel continued to deny asylum-seekers access to a fair and prompt refugee status determination process, leaving many without access to basic services. About 30,000 asylum-seekers were living in Israel. As of 30 June, no asylum claims had been granted, while about 15,000 claims remained pending.

In September, the Supreme Court rejected a petition to freeze the deportation of Israel-born children of migrant workers residing in Israel without a legal status.

Conscientious objectors

At least three Israeli conscientious objectors to military service were imprisoned. In August, conscientious objector Roman Levin was released after 82 days in solitary confinement.

^[1] Amnesty International, *Israel/ OPT: Findings of UN inquiry into Gaza killings must pave way for justice over war crimes* (Press release, 28 February 2019), <https://www.amnesty.org/en/latest/news/2019/02/israel-opt-findings-of-un-inquiry-into-gaza-killings-must-pave-way-for-justice-over-war-crimes/>

^[2] Amnesty International, *Israel/ OPT: Legally-sanctioned torture of Palestinian detainee left him in critical condition* (Press release, 30 September 2019, updated 30 October 2019), <https://www.amnesty.org/en/latest/news/2019/09/israel-opt-legally-sanctioned-torture-of-palestinian-detainee-left-him-in-critical-condition/>

[3] Amnesty International, *Israel continues policy of systematic forced displacement with wave of home demolitions in Sur Baher* (Press release, 22 July 2019) <https://www.amnesty.org/en/latest/news/2019/07/israel-continues-policy-of-systematic-forced-displacement-with-wave-of-home-demolitions-in-sur-baher/>

[4] Amnesty International, *Israel ramps up assault on civil society with chilling raid on Palestinian NGO Addameer* (Press release, 19 September 2019), <https://www.amnesty.org/en/latest/news/2019/09/israel-ramps-up-assault-on-civil-society-with-chilling-raid-on-palestinian-ngo-addameer/>

[5] Amnesty International, *Israel/ OPT: Amnesty staff member faces punitive travel ban for human rights work* (Press release, 31 October 2019), <https://www.amnesty.org/en/latest/news/2019/10/israel-opt-amnesty-staff-member-faces-punitive-travel-ban-for-human-rights-work>

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