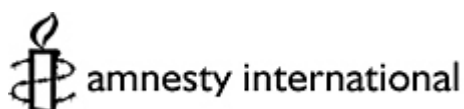


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Amnesty International Report 2010 - Israel and the Occupied Palestinian Territories

STATE OF ISRAEL

Head of state: Shimon Peres

Head of government: Binyamin Netanyahu (replaced Ehud Olmert in March)

Death penalty: abolitionist for ordinary crimes

Population: 7.2 million (Israel); 4.3 million (OPT)

Life expectancy: 80.7 years (Israel); 73.3 years (OPT)

Under-5 mortality (m/f): 6/5 per 1,000 (Israel); 23/18 per 1,000 (OPT)

Adult literacy: 97.1 per cent (Israel); 93.8 per cent (OPT)

Israeli forces committed war crimes and other serious breaches of international law in the Gaza Strip during a 22-day military offensive code-named Operation "Cast Lead" that ended on 18 January. Among other things, they carried out indiscriminate and disproportionate attacks against civilians, targeted and killed medical staff, used Palestinian civilians as "human shields", and indiscriminately fired white phosphorus over densely populated residential areas. More than 1,380 Palestinians, including over 330 children and hundreds of other civilians, were killed. Much of Gaza was razed to the ground, leaving vital infrastructure destroyed, the economy in ruins and thousands of Palestinians homeless.

Israeli forces continued to impose severe restrictions on the movement of Palestinians in the Occupied Palestinian Territories (OPT) throughout 2009, hampering access to essential services and land. The restrictions included a military blockade of the Gaza Strip, which effectively imprisoned the 1.5 million residents and resulted in a humanitarian crisis. Despite this, Israel often stopped international aid and humanitarian assistance from entering Gaza. Permission to leave Gaza to receive medical treatment was denied or delayed for hundreds of seriously ill Palestinians and at least 28 individuals died while waiting for permission to travel. Israeli forces continued to forcibly evict Palestinians, demolish their homes and expropriate their land in the occupied West Bank, including East Jerusalem, while allowing Israeli settlements to expand on illegally confiscated Palestinian land.

Throughout the year, Israeli forces used excessive and, at times, lethal force against Palestinian civilians. Allegations of ill-treatment against Palestinian detainees continued and were rarely investigated. Hundreds were administratively detained without charge; others were serving sentences imposed after unfair military trials. Israeli soldiers and settlers who committed serious human rights abuses against Palestinians enjoyed virtual impunity.

Background

Israeli parliamentary elections in February saw a growth in support for right-wing parties and the formation of a coalition government that included the Labour party, the right-wing Likud party and the ultra-right Yisrael Beitenu.

The US government increased calls for Israel to stop settlement building as an initial step in reviving the peace process, but its calls were not heeded.

Operation 'Cast Lead'

The 22-day Israeli military offensive on Gaza, launched without warning, had the stated aim of ending rocket attacks into Israel by armed factions affiliated to Hamas and other Palestinian groups. The offensive killed more than 1,380 Palestinians and injured around 5,000, many of them seriously. More than 1,800 of the injured were children. Thousands of civilian homes, businesses and public buildings were destroyed. Entire neighbourhoods were flattened. The electricity, water and sewage systems were severely damaged, as was other vital infrastructure. Large swathes of agricultural land and many industrial and commercial properties were destroyed. Much of the destruction was wanton and deliberate, and could not be justified on grounds of military necessity. Thirteen Israelis were killed during the fighting, including three civilians killed by rockets and mortars fired by Palestinian armed groups into southern Israel (see Palestinian Authority entry).

Before and during Operation "Cast Lead" the Israeli army refused to allow into Gaza independent observers, journalists, human rights monitors and humanitarian workers, effectively cutting off Gaza from the outside world. The authorities also refused to co-operate with an investigation by the UN Human Rights Council (HRC).

The HRC report, issued in September and known as the Goldstone report, accused Israel and Hamas of war crimes and possible crimes against humanity in Gaza and southern Israel. It recommended that those responsible for war crimes be brought to justice.

The Israeli authorities did not establish any independent or impartial investigation into the conduct of its forces during Operation "Cast Lead", although there were a number of internal investigations.

Unlawful killings

Hundreds of civilians were killed by Israeli attacks using long-range high-precision munitions fired from combat aircraft, helicopters and drones, or from tanks stationed several kilometres from their target. Victims were not caught in the crossfire or when shielding militants, but killed in their homes while sleeping, carrying out daily tasks or playing. Some civilians, including children, were shot at close range when posing no threat to the lives of Israeli soldiers. Paramedics and ambulances were repeatedly attacked while rescuing the wounded, leading to several deaths.

Scores of civilians were killed and injured by less precise weapons, such as artillery shells and mortars, and flechette tank shells.

White phosphorus was repeatedly fired indiscriminately over densely populated residential areas, killing and wounding civilians and destroying civilian property.

Many of these attacks violated international law as they were disproportionate and

indiscriminate; directly targeted civilians and civilian objects, including medical personnel and vehicles; failed to take all feasible precautions to minimize the risks to civilians; and failed to allow timely access to and passage of medical and relief personnel and vehicles.

- On 4 January, Sa'adallah Matar Abu Halima and four of his children were killed in a white phosphorus attack on their home in the Sayafa area in north-west Gaza. His wife Sabah was seriously burned and told Amnesty International that she had watched her baby girl Shahed melt in her arms. Soon after the attack Israeli soldiers shot dead at close range cousins Matar and Muhammad Abu Halima as they tried to take their burned relatives to hospital.
- During the night of 6 January, 22 members of the al-Daya family, most of them women and children, were killed when an Israeli F-16 aircraft bombed their home in the al-Zaytoun district of Gaza City.

Attacks on civilian objects

Israeli forces attacked hospitals, medical staff and ambulances as well as humanitarian facilities, including UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) buildings. At least 15 of the 27 hospitals in Gaza were damaged, some extensively; around 30 ambulances were hit and 16 health workers were killed. Amnesty International found no evidence that Hamas or armed militants used hospitals as hiding places or to carry out attacks, and the Israeli authorities did not provide evidence to substantiate such allegations.

- Three paramedics – Anas Fadhel Na'im, Yaser Kamal Shbeir and Raf'at Abd al-'Al – were killed on 4 January in Gaza City by an Israeli missile as they walked towards two wounded men. A 12-year-old boy, Omar Ahmad al-Barade'e, who was showing them the way, was also killed.
- At about 6am on 17 January a white phosphorus artillery shell exploded in the UNRWA primary school in Beit Lahia, where more than 1,500 people were sheltering. Two children – Muhammad al-Ashqar and his brother Bilal – aged five and seven respectively, were killed. More than a dozen other civilians sheltering in the school were injured.

Use of civilians as 'human shields'

On several occasions Israeli soldiers used Palestinian civilians, including children, as "human shields" during military operations, or forced them to carry out dangerous tasks. Israeli soldiers also launched attacks from near inhabited houses.

- For two days from 5 January, Israeli forces held Yousef Abu 'Ida, his wife Leila and their nine children as "human shields" in their home in Hay al-Salam, east of Jabalia, while they used the house as a military position. They then forced the family out and destroyed the house.

Humanitarian assistance blocked

Israeli forces deliberately blocked and otherwise impeded emergency relief and humanitarian assistance. They also attacked aid convoys and distribution centres, and medical personnel, prompting UNRWA and the ICRC to cut back on their operations in Gaza during the offensive.

- Several members of the al-Sammouni family bled to death in the days following an attack on 5 January on their home in the al-Zaytoun neighbourhood of Gaza City because the Israeli army did not allow ambulances or anyone else to rescue them. Children lay for three days without food or water next to the bodies of their dead relatives. In all, 29 members of the al-Sammouni family perished.

Gaza blockade – humanitarian crisis

The continuing Israeli military blockade of Gaza, in force since June 2007, deepened the ongoing humanitarian crisis. Mass unemployment, extreme poverty, food insecurity and food price rises caused by shortages left four in five Gazans dependent on humanitarian aid. The scope of the blockade and statements made by Israeli officials about its purpose showed that it was being imposed as a form of collective punishment of Gazans, a flagrant violation of international law.

Operation "Cast Lead" pushed the crisis to catastrophic levels. After it concluded, the blockade hampered or prevented reconstruction efforts. As a result, there was a further deterioration of water and sanitation services; more power cuts, causing severe problems in the summer heat and for public and health institutions; greater overcrowding in schools; more challenges for an already overstretched health system struggling with damaged facilities and higher demand; and little or no chance of economic recovery. Israel continued to deny farmers access to their land within 500m of the Gaza-Israel border, and to ban fishing further than three nautical miles from the shore.

Among those trapped in Gaza were people with serious illnesses who needed medical care outside Gaza, and students and workers needing to travel to take up university places or jobs in the West Bank or abroad.

- Samir al-Nadim died on 1 November after his exit from Gaza for a heart operation was delayed by 22 days. By the time the Israeli authorities allowed him to leave on 29 October, he was unconscious and on a respirator. He died of heart failure in a hospital in Nablus in the West Bank.

Restrictions in the West Bank

Israel's 700km fence/wall in the West Bank, which separates many Palestinians from their land, jobs and relatives, combined with long curfews, around 600 Israeli checkpoints, roadblocks and other closure obstacles, continued to disrupt the ability of Palestinians to access basic services, including educational and health facilities.

Right to water

Israel continued to deny Palestinians in the OPT fair access to adequate, safe water supplies, hindering social and economic development and posing threats to health, in violation of its responsibilities as the occupying power. Palestinian water consumption barely reached 70 litres a day per person – well below the WHO's recommended daily minimum of 100 litres. Israeli daily per capita consumption was four times higher. The Israeli army repeatedly destroyed rainwater harvesting cisterns used by Palestinians in the West Bank on the grounds that they had been built without permission.

Forced evictions

Israeli forces forcibly evicted Palestinians and demolished their homes, particularly in East Jerusalem, on the grounds that the buildings lacked permits. Such permits are systematically denied to Palestinians. Simultaneously, Israeli settlements were allowed to expand on illegally confiscated Palestinian land. The Bedouin population of the Negev was also targeted for forced evictions.

Excessive use of force

Israeli forces used excessive force against Palestinian civilians, causing many injuries and some deaths. The security forces used tear gas, rubber-coated metal bullets and live ammunition, often when there was no serious threat to themselves or to others.

- On 17 April, Bassem Abu Rahmeh was hit by a high-velocity Israeli tear gas

canister, causing internal bleeding that quickly killed him. He was taking part in the weekly protest in Bil'in village against the security fence/wall that cuts off Bil'in from much of its agricultural land. Video footage showed that Bassem Abu Rahmeh was unarmed and posing no threat. The Israeli military said it was investigating his death.

Military justice system

Detentions without trial

The number of Palestinians held in Israeli prisons without charge or trial decreased from 564 in January to 278 in December.

- Hamdi al-Ta'mari, a Palestinian student arrested on 18 December 2008 when he was 16 years old, continued to be administratively detained without charge in Ofer Prison near Ramallah in the West Bank until his release on 14 December. He was arrested by Israeli soldiers at gunpoint at his home in Bethlehem and, according to his family, was kicked, beaten and otherwise abused during arrest.

Unfair trials

Palestinians from the OPT, including juveniles, continued to be interrogated without a lawyer present and to be tried in military rather than civil courts, where they suffered other violations to their right to fair trial.

Prison conditions – denial of family visits

Around 900 Palestinian prisoners continued to be denied family visits, some for a third year, because Gazans have not been allowed to travel into Israel since the blockade was imposed.

Torture and other ill-treatment

Torture and other ill-treatment of Palestinians by the General Security Service (GSS) continued to be reported. Methods allegedly used included beatings, sleep deprivation and prolonged periods in stress positions. Israeli domestic law retains "necessity" as a possible justification for torture.

Impunity

Impunity remained the norm for Israeli soldiers, police and other security forces, as well as Israeli settlers, who committed serious human rights abuses against Palestinians, including unlawful killings. Violence by settlers against Palestinians included beatings, stone throwing and damaging their crops and homes. In rare cases where Israeli security personnel were convicted, the punishments were extremely lenient.

- In June, the State Attorney's Office withdrew an indictment against Ze'ev Braude, a resident of Kiryat Arba settlement in Hebron, even though he had been filmed shooting and seriously wounding two Palestinians, Hosni Matriya and his 67-year-old father Abed al-Hai, on 4 December 2008.

Prisoners of conscience – Israeli conscientious objectors

At least six Israeli conscientious objectors were imprisoned during 2009 for refusing to serve in the Israeli army because they opposed the military occupation of the Palestinian Territories or the actions of the army in Gaza. There was increasing harassment of Israeli NGOs supporting conscientious objectors.

- On 29 October, Or Ben David was given her first prison sentence of 20 days after

she refused to serve in the army. She was back in prison at the end of the year after receiving two further sentences.

Amnesty International visits/reports

- Amnesty International delegates visited Israel and the OPT in January, February, June, July, October and November.
- Israel/OPT: The conflict in Gaza: A briefing on applicable law, investigations and accountability (MDE 15/007/2009)
- Israel/OPT: Fuelling conflict – foreign arms supplies to Israel/Gaza (MDE 15/012/2009)
- Israel/Gaza: Operation "Cast Lead": 22 days of death and destruction (MDE 15/015/2009)
- Israel/Occupied Palestinian Territories: Urgent steps needed to address UN Committee against Torture's concerns (MDE 15/019/2009)
- Troubled waters: Palestinians denied fair access to water (MDE 15/027/2009)

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