



AL-HAQ

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CELEBRATING FORTY YEARS OF
DEFENDING HUMAN RIGHTS IN PALESTINE

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IN THIS ISSUE



AL-HAQ

- 3..... Self-determination and the Tragedy of Great Power Politics*
- 6.....Al-Haq named 2019 recipient of Human Rights and Business Award
- 10.....PHROC Condemns the Death of Palestinian Sick Prisoner Sami Abu Diyak
- 12.....PHROC, ADALAH, and PNGO Condemn Statement by US Secretary of State Mike Pompeo on the Legal Status of Israeli Settlements under International Law
- 16.....To Humanitarian Groups and Non-Profits Receiving Airbnb Funds: Say No to Dirty Money
- 17.....Al-Haq condemns practice of “targeted killings” in Gaza, calls for an immediate investigation into deaths of Gazan civilians, including children
- 20.....Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination
- 24— PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad
- 25.....PHROC Condemns Israel’s Judicial Decision to Deport Human Rights Watch Omar Shakir
- 26.....Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti
- 27.....Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively Revoke his Residency Status
- 30.....Prosecuting Judges for Exercising their Right to Freedom of Expression is a Violation of the Law and International Standards
- 32.....Al-Haq’s Position Paper on the Law by Decree on Cybercrimes and Blocked Websites
- 37.....Al-Haq Field Report on Human Rights Violations in November 2019

Humanity, Vol. I, No. 5, November 2019

Self-determination and the Tragedy of Great Power Politics*



AL-HAQ



Prof. John Quigley

THE RIGHT OF THE PALESTINIAN PEOPLE TO SELF-DETERMINATION IS BASED ON THE NORM OF LAW THAT ACCEPTS THE ATTACHMENT OF A PEOPLE TO THEIR TERRITORY

The right of the Palestinian people to self-determination is based on the norm of law that accepts the attachment of a people to their territory, and their right to control their fate. The antecedent of this norm is observed during the period of colonialism, when the European powers acknowledged an obligation to promote the interests of indigenous populations, even if they did not implement that obligation in practice. The norm was developed during the period of the League of Nations through the mandate system and through international oversight of the rights of minority populations. The populations in the states created upon the demise of the Turkish empire were identified in Article 22 of the Covenant of the League of Nations as people entitled to full independence, albeit under the temporary administration of European powers - Britain in the case of Palestine.

Self-determination for Palestine was eroded, however, in that same time period. The Powers that fashioned the mandate system undermined self-determination by injecting into the mix the promotion of a “Jewish national home” in Palestine. The origin of that promotion would be comical were the impact not so tragic. During World War I, Britain and Germany vied to woo the Jewish populations of Europe to their side. The competition between them was especially intense in the year 1917. Each side feared that the other would succeed. Britain wanted to solidify support from America, support that was critical to winning the war, and it thought that President Woodrow Wilson would be stronger in his support if Britain declared itself for Jewish rights in Palestine. Germany responded by organizing meetings with representatives of the

Jewish community and promising improvements in the situation of Jews in Germany. Britain also thought that championing Zionism would help keep Russia in the war against Germany. Britain guessed, probably wrongly, that Russian Jews backed Zionism. None of these aims were in fact achieved for Britain or for Germany. Russia pulled out of the war entirely after the Bolshevik Revolution, and Germany eventually lost the war. The result, however, was that Britain attached itself to the Zionist cause, issuing the Balfour letter that called for a “Jewish national home” in Palestine. Britain’s World War I allies signed on to supporting Zionism, and Britain kept a Jewish national home as part of its commitment when it sought control over Palestine. The Palestine Mandate approved by the League of Nations called for Britain as Mandatory power to apply the Balfour Declaration.

The Allies’ treaty with Turkey, the Peace Treaty of Lausanne (1923), specified that the territories being created out of the Turkish empire’s Arab lands were states. The Zionist Organization aimed at statehood for Jews in Palestine, statehood that would inure to the benefit of Jews worldwide. Britain took its obligation to mean that it should facilitate immigration of Jews into Palestine, even in numbers that would allow the Zionist Organization to take control of the territory.

That migration jeopardized the effectuation of national rights by the Arab population of Palestine. The incorporation of the Balfour Declaration into the Palestine Mandate, at least as construed and implemented by Great Britain, rendered the League’s promise of eventual full independence illusory. When the Arab population of Palestine took up arms against Britain in 1936 to try to stop the immigration, British troops brutally suppressed their resistance.

The self-determination norm found further development by its inclusion in the United Nations Charter, and

Humanity, Vol. I, No. 5, November 2019



by provision in the Charter for a trusteeship system in replacement of the mandate system. In regard to Palestine, however, the United Nations did little to protect the right to self-determination. As Arabs were driven out of their home areas in 1948 by militias operating on behalf of the Jewish Agency, the Security Council of the United Nations did nothing to stop the expulsions, even though Arab representatives were explaining to the Security Council what was occurring. Self-determination has little meaning if the population entitled to it is driven out of its territory by force of arms.

Here again the tragedy was precipitated by two Powers pursuing their own aims. Jewish statehood gained momentum at the United Nations largely because of the combined efforts of the United States and the Soviet Union. In both countries, the foreign ministries thought that support should be given to the establishment of a single state in Palestine. The US Department of State experts on the Middle East consistently advocated that aim. But they were overridden by President Harry Truman's domestic advisors, who saw promotion of Jewish statehood as helping Truman in the upcoming 1948 presidential election. Through 1947 and 1948, these two elements within the US government fought each other. The domestic advisors succeeded in getting the United States to support the Partition Resolution. When partition did not work out, however, the Department of State experts prevailed, getting the United States to back off partition and to promote a United Nations trusteeship for Palestine. As Britain was about to withdraw from Palestine, however, the domestic advisors prevailed on Truman to commit to recognizing a state that the Jewish Agency was about to declare.

In Moscow, in 1947 the Foreign Ministry circulated a paper internally calling for the Soviet Union to support

the Arab position on Palestine. So the Soviet experts on the Middle East were of the same mind as the US experts on the Middle East. But as in the United States so in the Soviet Union the top leadership decided on the opposite course. The Soviet leadership came out for partition, overriding the Foreign Ministry, based on a guess that a Jewish state would be friendly to the Soviet Union. In Autumn 1947, when the Ad Hoc Committee on the Palestinian Question debated what recommendation to make on the "future government of Palestine," the Soviet Union supported partition in lock step with the United States.

Partition was not seen as a fair, or appropriate status for Palestine during the 1947 debates in the Ad Hoc Committee on the Palestinian Question. Partition was not viewed as promoting self-determination for the Arab population of Palestine. In the Ad Hoc Committee on the Palestinian Question, one state after another said that a partition recommendation would lead to war, but they advocated for it nonetheless as the only solution they thought possible.

Zionist officials understood at the time that they needed both the Soviet Union and United States if partition was to be recommended by the UN General Assembly. The Jewish Agency developed a careful policy of cultivating each side while taking care to offend neither.

When the forcible expulsion of the Arab population out of Palestine gained momentum in 1948, the UN Security Council – in which the Soviet Union and the United States were the strongest voices – sat on its hands.

The irony of the Soviet-American support for partition is that neither country achieved its political aim. Truman had hoped to win the electoral votes of the State of New York, where what at the time was called "the Jewish vote" was deemed important. Truman did not carry New York in the 1948 election. The Soviet Union

PARTITION WAS NOT VIEWED AS PROMOTING SELF-DETER- MINATION FOR THE ARAB POPULATION OF PALESTINE

Humanity, Vol. I, No. 5, November 2019



THE UNITED NATIONS HAS TAKEN NO EFFECTIVE ACTION TO ENSURE THE PRACTICAL IMPLEMEN- TATION OF SELF-DETER- MINATION FOR PALESTINE

Humanity, Vol. I, No. 5, November 2019

likewise did not achieve its aim. In 1950, when Israel backed the West over the war in Korea, the Soviet Union realized that Israel was firmly in the Western camp. Overnight the Soviet Government dropped its support for Israel. The tragedy is that it was these two miscalculations – each made for reasons unrelated to the well-being of the population of Palestine – plunged the country into chaos.

The General Assembly did adopt a resolution late in 1948 to require Israel to repatriate the displaced Arabs, but when Israel ignored the resolution, nothing was done by the United Nations to secure compliance. Self-determination was written into two major human rights treaties. As colonial peoples increasingly asserted their claims to self-determination, the UN General Assembly gave guidelines for implementation of self-determination in a resolution it adopted in 1960. In this resolution the General Assembly forbade military force to prevent effectuation of self-determination and called for transition to independence of dependent territories. The resolution positioned self-determination as necessary to preservation of international peace. It further specified that considerations of readiness for independence could not be used to deny self-determination.

The UN Security Council used its powers under the UN Charter a few years later when effectuation of self-determination was threatened in Southern Rhodesia. The Security Council declared that a declaration of independence there, to be carried out in a way that excluded the majority indigenous population from political participation, was a threat to international peace. This action by the Security Council showed that self-determination is violated when one group in a territory takes control to the exclusion of another. In the case of Palestine, however, the Security Council took no similar implementation action.

The issue of Palestine statehood became a technical legal issue when the Government of Palestine filed a declaration in 2009 with the International Criminal Court to grant the Court jurisdiction over war crimes committed in Palestine during the military invasion by the Israel Defense Force at the end of 2008. Such a declaration to grant jurisdiction for war crimes committed in a territory is valid only if the entity filing it is a state. The Court's Prosecutor entertained submissions on the issue of whether Palestine is a state. Three years later, however, the Prosecutor said that the question should be decided by the United Nations General Assembly or by the States Party to the Rome Statute of the International Criminal Court. In 2012 the General Assembly indicated by a resolution that the observer mission of Palestine at the United Nations was the observer mission of a state, thus specifying that Palestine is a state.

Nonetheless, to date the United Nations has taken no effective action to ensure the practical implementation of self-determination for Palestine. The damage that was done by the Great Power rivalry during World War I and after World War II has not been repaired. Self-determination for Palestine is being pursued today within the constraints imposed by the tragic decisions made by the League of Nations and by the United Nations.■

¹This paper was delivered at Al-Haq Seminar on: The right of the Palestinian people to self determination, which was held in Ramallah on July 13, 2019.

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Al-Haq named 2019 recipient of Human Rights and Business Award



HUMAN RIGHTS AND BUSINESS AWARD FOUNDATION

Geneva, 26 November 2019 – At the annual United Nations (UN) Forum on Business and Human Rights, our foundation is naming Al-Haq as recipient of the 2019 Human Rights and Business Award. An independent Palestinian organization based in Ramallah (West Bank), Al-Haq “Law in the Service of Man” was founded in 1979 “to protect and promote human rights and the rule of law in the Occupied Palestinian Territory”. Al-Haq

documents and monitors violations of international humanitarian law and international human rights law in Occupied Palestinian Territory and works to stop violations against Palestinians whether by Israel, by the Palestinian Authority, or by others including companies.

The award, recognizing “outstanding work by human rights defenders in the Global South or former Soviet Union addressing the human rights impacts of business”, is accompanied by a \$50,000 grant.

In recent years Al-Haq has done ground-breaking work drawing



Al-Haq

**Recipient of the 2019
Human Rights and Business Award**

for outstanding work by human rights defenders in the Global South or former Soviet Union
addressing the human rights impacts of business in those regions

awarded by the Human Rights and Business Award Foundation
at the United Nations Forum on Business and Human Rights, Geneva, November 2019

Humanity, Vol. I, No. 5, November 2019



Humanity

*“AL-HAQ DOES
EXCEPTIONAL
WORK IN DIF-
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SEARCH AND
ADVOCACY.”*

attention to how certain companies operating in Occupied Palestinian Territory, including firms doing business with or in Israeli settlements, are involved in human rights abuses and breaches of international humanitarian law, notably the Hague Regulations and the Fourth Geneva Convention.

The Board members of the Human Rights and Business Award Foundation – Christopher Avery, Regan Ralph and Valeria Scorza – said in a joint statement today: “Al-Haq does exceptional work in difficult circumstances, using international law as the basis of its research and advocacy. It is encouraging that an increasing number of human rights defenders in the Middle East are giving attention to the behavior of companies – Al-Haq is a recognized leader in this development.”

The foundation’s Advisory Network members who nominated Al-Haq for the award praised the organization for:

- its professionalism, meticulous research and resolute advocacy;
- its wide network of field researchers in communities across Occupied Palestinian Territory who closely monitor business activities and their impact on people;
- its contributions to the treaty on business and human rights being drafted at the UN; and
- its capacity-building activities – helping other NGOs in the Middle East develop their work on human rights concerns relating to business.

While this is the first award that Al-Haq has received specifically for its work on business and human

rights, it has previously received prestigious awards for its broader work, including:

- 2018 Human Rights Prize of the French Republic, awarded by the French Government jointly to Shawan Jabarin (General Director of Al-Haq) and Hagai El-Ad (Executive Director of B’Tselem, an Israeli human rights organization)
- 2009 Geuzen Award given jointly to Al-Haq and B’Tselem: a Dutch award for those who have fought for democracy and against dictatorship, racism and discrimination. This award takes its name from a Dutch resistance group during World War II, members of which were executed by German forces.
- 1990 Reebok Human Rights Award given to Shawan Jabarin, General Director of Al-Haq: the award honored activists under 30 who fight for human rights through non-violent means.
- 1989 Carter-Menil Human Rights Prize given jointly to Al-Haq and B’Tselem: an award established by former U.S. president Jimmy Carter and philanthropist Dominique de Menil to “promote the protection of human rights throughout the world”.

When receiving the 2018 Human Rights Prize of the French Republic, Shawan Jabarin said: “It is a great honor for Al-Haq to receive this prestigious award jointly with our colleagues at B’Tselem, who are our partners in the struggle for justice and a better future free from oppression and occupation. Together, we are working to end the culture of impunity so that Palestinians can

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

enjoy the full realization of their human rights.” In [this video](#) Shawan Jabarin is interviewed on the occasion of receiving the Human Rights Prize of the French Republic. Al-Haq and its staff have been targeted for their human rights work. The Observatory for the Protection of Human Rights Defenders [Observatory] has repeatedly raised concerns about attacks and threats against Al-Haq, including multiple death threats against Al-Haq’s General Director Shawan Jabarin and against its representative before the International Criminal Court. In July 2019 the Observatory issued an [urgent appeal](#) after 4IL – the official site of Israel’s Ministry of Strategic Affairs – published an article accusing Shawan Jabarin of “terrorism”, which led to death threats against him on its public platforms. “4IL platform’s online visitors launched into an incitement to violence and hate speech against Al-Haq, including calling for Mr. Shawan Jabarin’s killing. These comments were not filtered nor regulated by 4IL moderators.” The Observatory has also called attention to cyber-attacks against Al-Haq; the hacking of Al-Haq staff e-mail, land-line phones and mobile phones; and a smear campaign sending to Al-Haq’s European donors false allegations against the organization, allegations purported to have been from Ernst & Young and an alleged official of the Palestinian Authority (PA) – the firm and the PA confirmed that these allegations were false and unfounded. It should be noted that Shawan Jabarin was banned from international travel by Israel between 2006 and 2012.

Al-Haq’s research and advocacy

8

on concerns about business involvement in abuses of human rights and breaches of humanitarian law, listed on its website particularly in [this section](#), has included:

- Al-Haq has called on companies to pull out of the Jerusalem Light Rail project insofar as it runs through Occupied Palestinian Territory, connects Israeli settlements built on Palestinian land, fragments Palestinian land, and restricts free movement of Palestinians. For example, see Al-Haq’s [Feb 2019](#) and [May 2019](#) statements about Canadian company Bombardier. Companies that withdrew from bidding for the Light Rail project include Bombardier, French firms Alstom and Systra, German firm Siemens, and Australian firm Macquarie. In 2012, the UN Human Rights Council had expressed its “grave concern” at “The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions” ([Resolution 19/17](#), paragraph 4e).
- A [2019 submission](#) to the UN working group developing a draft treaty on business and human rights, and continued advocacy and analysis in that regard.
- A [2019 submission](#) to the UN Human Rights Council Advisory Committee in support of a treaty on the right to development.



Café Café is a chain of cafés in Israel. West Bank branch in the Jordan Valley.

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

- Raising concerns in a [2019 statement about Airbnb](#) and a [2019 letter to Booking.com](#), that by listing properties in Israeli settlements in Occupied Palestinian Territory, these firms are transgressing international law.
- [2018 advocacy](#) and research on Ireland’s Control of Economic Activities (Occupied Territories) Bill 2018, to prohibit the import of settlement products and services to Ireland.
- Al-Haq’s advocacy, including a [2018 joint briefing paper](#), calling for corporate accountability in situations of armed conflict to be included in the International Law Commission’s (ILC’s) draft principles on the protection of the environment. The principles adopted by the ILC in 2019 did include such a principle.
- A [2018 joint communication](#) to the International Criminal Court about the alleged pillage of Palestinian natural resources by private actors including Israeli and multinational corporations.
- A [2018 letter to Honda Motor Co.](#), highlighting Honda’s complicity (through its Israeli affiliate Mayer) in violations of international humanitarian law perpetrated in Israeli settlements in Occupied Palestinian Territory. Honda failed to respond to these concerns when invited to do so by Business & Human Rights Resource Centre.
- Raising concerns in 2018

Humanity, Vol. I, No. 5, November 2019

about Chinese company Hubey Pengdun Group, in relation to its partnership with a winery based in an Israeli settlement in Occupied Palestinian Territory: [“Grapewashing the Occupation: The Case of the Chinese Hubey Pengdun Group”](#).

- [Responding to German multinational HeidelbergCement in 2017](#) about its quarries in Occupied Palestinian Territory, expropriating natural resources in contravention of international law. In June 2015 Norway’s largest pension fund KLP had excluded HeidelbergCement from its investment portfolio, due to its operations in the occupied West Bank.
- A [2015 letter calling on the Dutch Government](#) to prevent the export of dogs by Dutch firms to the Israeli security forces, given their use to attack and intimidate Palestinian civilians. The letter includes links to videos of dogs attacking a -53year old woman and a -20year-old boy.
- A 2013 report on the discriminatory appropriation of water in the occupied West Bank (for sale to Israeli settlers) by Mekorot, the national water company of Israel: [“Water For One People Only: Discriminatory Access and ‘Water-Apartheid’ in the OPT \[Occupied Palestinian Territory\]”](#). ■

PHROC Condemns the Death of Palestinian Sick Prisoner Sami Abu Diyak



AL-HAQ

On 26 November 2019, Palestinian prisoner Sami Abu Diyak died in al-Ramleh Prison Clinic.

Abu Diyak was arrested on 17 July 2002, two of his friends were killed during his arrest and another injured. After his arrest, he went through intensive interrogation at the Jala-meh interrogation center where he was subjected to various types of physical and psychological torture. During the interrogation period, he was transferred to the hospital three times as a result of the torture and after each time the Israeli occupation forces brought Sami Abu Diyak directly from the hospital to the interrogation rooms once again. After 75 days of this intensive interrogation and torture, the military occupation court sentenced Sami Abu Diyak to three life sentences and 30 years in prison. He has served 17 years, many of them being transferred in and between prisons, clinics, and hospitals.

In 2015, Sami Abu Deyak was in Rim-on Prison when he began suffering from abdominal pain. The prison clinic gave him painkillers without properly diagnosing him, and two weeks later Sami lost consciousness and was transferred to Soroka hospital. In the hospital, he had a surgery to remove his appendix. Two days after the operation, and within 48 hours, Sami was transferred five times between Ramleh prison clinic and Soroka hospital without being diagnosed while suffering from constant pain. He was transferred to Assaf Harofeh Hospital for the sixth time. When he entered the hospital, they performed



Sami Abu Diyak

an operation and removed 30 cm of his intestines and diagnosed him with cancer. While in Assaf Harofeh Hospital, he underwent four operations and stayed for four months. His critical medical condition was exacerbated by the wrong diagnosis and appendectomy he was given at Soroka Hospital, and he went into a coma for 34 days. Sami was transferred to Ramleh Prison Clinic where he began chemotherapy and continued treatment for 8 months. After these 8 months, he was transferred back to Rimon Prison. In 2017, Sami

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

Humanity

began to feel pain again and was taken back to Ramleh Prison Clinic. After some tests, it was found that there was a cancerous mass in his stomach. In the past two weeks, Sami was transferred once to Assaf Harofeh and then transferred back to al-Ramleh Prison Clinic which lacks the adequate standards of health care.

With Abu Diyak's death, the number of prisoners who died in prison is (222) prisoners since 1967 including 67 prisoners who died because of medical negligence. Five out of those prisoners died in 2019; Faris Baroud (51 years old) who spent 28 year in prison including 17 years in isolation and he died because of medical negligence; Nassar Taqatqa who died due to torture and the difficult circumstances he suffered from during interrogations; Omar Younis who died due to targeting him with live ammunition during his arrest; Bassam al-Sayeh and Sami Abu Diyak who died be-

cause of medical negligence.

With Sami's death, the number of withheld bodies of Palestinian prisoners becomes five out of 51 Palestinian bodies since 2015. Those five prisoners have died inside Israeli prisons Aziz Ewisat, Faris Baroud, Nassar Taqatqa, Bassam al-Sayeh and today Sami Abu Diyak. On 8 September 2019, the Israeli High Court approved the Israeli policy of withholding Palestinian bodies, despite the decision this policy have a long history in the occupied Palestinian territory.^[1]

The number of sick prisoners is around 700 and they suffer from different illnesses. Documentation by Palestinian prisoners' organizations shows that there are around 26 female prisoners who suffer sickness and around 160 male prisoner who requires constant medical care. Several of those prisoners had their medical files closed under the pretext that there are no treatments from their medical situations.

Medical negligence has become a systematic Israeli policy used against Palestinian prisoners which should force international bodies including the ICRC and WHO to pressure towards holding the Israeli occupying authorities accountable to their crimes.■

^[1] For further information, <http://www.alhaq.org/advocacy/15175.html>

Humanity, Vol. I, No. 5, November 2019

PHROC, ADALAH, and PNGO Condemn Statement by US Secretary of State Mike Pompeo on the Legal Status of Israeli Settlements under International Law



The Palestinian Human Rights Organizations Council (PHROC) and the Palestinian Coalition for Economic, Social, and Cultural Rights (ADALAH), and the Palestinian NGO Network (PNGO) condemn as a gross misrepresentation of international law, the recent statement by the Secretary of State of the United States of America, Mike Pompeo, that Israeli settlements in the Occupied Palestinian Territory (OPT) are “not per se inconsistent with international law.”

Secretary Pompeo’s unwarranted statement is premised on a calculated misrepresentation of well-established and recognized international law, with the intention of rubber-stamping Israel’s unlawful acquisition of territory in the West Bank through use of force and prolonged military occupation, in flagrant disregard of international law principles.

PHROC, ADALAH, and PNGO urge the United States, and the international community, to recognize the rights of Palestinians to self-determination, to take immediate action to prevent the proliferation of the illegal Israeli settlements and annexation of the Jordan Valley, through the implementation of effective countermeasures. Israeli policies in the OPT, including the de facto annexation, the denial of the Palestinian people’s right to self-determination and the existence of segregation amounting to an ‘apartheid’ system, are all violations of basic norms of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) and are considered internationally wrongful acts of a serious nature which elicit third state obligations under international law.

1. Misrepresentation of International Law on Settlements

“The establishment of Israeli civilian settlements in the West Bank is not per se inconsistent

with international law.” (Pompeo, November 2019)

The Secretary’s main assertion that international law does not provide for an explicit prohibition against the establishment and maintenance of Israeli settlements in the occupied West Bank is a gross and reckless misrepresentation of international law. The establishment of civilian settlements in occupied territory and the transfer of Israeli nationals therein, forcible displacement of the Palestinian population from areas slated for settlements, appropriation of Palestinian public and private lands for illegitimate political purposes, and destruction of civilian property, alongside the alteration of Palestinian laws by Israel, the Occupying Power to facilitate the re-zoning of Palestinian lands for settlement, are all expressly prohibited under international humanitarian law, in particular Article 49 of the Fourth Geneva Convention. Furthermore, unlawful deportation or transfer of a protected person, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly amount to grave breaches of the Geneva Conventions, which all High Contracting parties to the Geneva Conventions, including the United States and Israel, are obligated to prosecute. Additionally, the act of forcible transfer is a recognized war crime and crime against humanity under Articles 8(2)(b)(viii) and 7(1)(d) of the Rome Statute, within the jurisdiction of the International Criminal Court (ICC). In December 2018, the Office of the Prosecutor of the ICC reported that settlements were being considered as war crimes for preliminary examination:

“The Office has focused its analysis on alleged war crimes committed in the West Bank, including East Jerusalem, since 13 June 2014. Namely, the Israeli authorities have allegedly



US Secretary of State Mike Pompeo

Humanity, Vol. I, No. 5, November 2019



Humanity

been involved in the settlement of civilians onto the territory of the West Bank, including East Jerusalem, and the forced removal of Palestinians from their homes in the West Bank and East Jerusalem.”

Israeli settlements are virtually entirely built upon land appropriated as “State land” from indigenous Palestinian residents. The assertion that Israeli settlements are not explicitly and unconditionally prohibited under international law is further inconsistent with the authoritative interpretations of the United Nations Security Council and the International Court of Justice (ICJ). UN Security Council resolution 2334 (2016) specifically reaffirms that “the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law”. Meanwhile, in its authoritative 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the ICJ concluded “that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”.

2. Misrepresentation of International Law on Negotiated Resolutions

“International law does not compel a particular outcome, nor create any legal obstacle to a negotiated resolution [to the situation in the OPT].” (Pompeo, November 2019)

Contrary to the Secretary’s assertions, international law does contain explicit requirements regarding the rights of Palestinians as occupied people, and Israel as an Occupying Power. Firstly, High Contracting parties to the Fourth Geneva Convention cannot conclude special agreements which would “adversely affect the situation of protected persons, as defined by the present Convention,

nor restrict the rights which it confers upon them”. Additionally, protected persons cannot be deprived of rights enshrined in the Convention, “by any agreement concluded between the authorities of the occupied territories and the Occupying Power”. Therefore, any resolution Israel or the United States may suggest which does not conform to these requirements would be invalid under international law. The United States, as a High Contracting party specifically, has positive obligations under international law to ensure that any resolution reached is in conformity with these principles.

Secondly, the Palestinian people continues to have inalienable rights to self-determination. The right to self-determination has been affirmed and reaffirmed by the international community myriad times and is correctly seen as “one of the essential principles of contemporary international law”, and constitutive of a jus cogens norm giving rise to obligations erga omnes. The respect of this principle, and the recognition of this right of the Palestinian people is therefore binding on all States, including the United States. Further, Article 47 of the Fourth Geneva Convention explicitly prohibits all forms of annexation “of the whole or part of the occupied territory”. In instances of annexation, therefore, the United States has a positive obligation to refrain from recognizing any instances of annexation of occupied territory.

The context of Secretary Pompeo’s statement is deeply concerning from this standpoint: this shift in policy comes days after the recent killing of numerous civilians, including children, in Gaza, and follows in line with the decision of the United States to move its embassy to occupied Jerusalem and to recognize the unlawful extension of Israeli sovereignty over the occupied Syrian Golan as legitimate, as well as Israeli Prime Minister Benjamin Netanyahu and his

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

party's announcement of intentions to formally annex settlements in the occupied West Bank and to annex and impose Israeli sovereignty upon the Jordan Valley. The United States is therefore, through Secretary Pompeo's statement and its prior conduct, willfully in breach of its obligations under international law.

3. Misrepresentation of the Reality on the Ground

"The Israeli legal system affords an opportunity to challenge settlement activity" (Pompeo, November 2019)

The Israeli High Court of Justice (IHCJ), has deliberately impeded the application of Article 49 of the Fourth Geneva Convention to the settlements, and has for some 52 years, devolved the question of settlements as a matter to be considered politically in a peace settlement and therefore outside the remit of the Court, while also arguing that only some of the customary provisions of the Geneva Conventions apply, with Article 49 not included. In *Ayub v Minister of Defense*, the IHCJ actually endorsed the presence of illegal settlements obiter, stating that, "as long as a state of belligerency exists, Jewish settlements in occupied territories serve actual and real security needs". Israeli courts, particularly the High Court of Justice, have shown themselves willing to go to concerning lengths to support actions of the State and its military; as noted by David Kretzmer in his study of the High Court of Justice's jurisprudence:

"In almost every legal crossroad, in almost every point where the court had to interpret international law, to establish the boundaries of authority, to declare the legality of a policy ... [it] dismissed legally well-established petitions in the cost of breaking basic tenants of legal interpretation and it even sacrificed the consistency of its

own decisions when it had to."

At the same time, it is impossible for Palestinian's to have effective access to justice in the Israeli courts. The Office of the Prosecutor of the International Criminal Court, has observed that "on the one hand, the Palestinian authorities are unable to exercise jurisdiction over the alleged Israeli perpetrators, while on the other hand, the Israeli government has consistently maintained that settlements-related activities are not unlawful and the High Court of Justice ... has held that the issue of the Government's settlement policy was non-justiciable."

The reality of the situation in the OPT is that Palestinians enjoy no meaningful recourse of any kind in Israeli courts. Within the OPT, Palestinians suffer under an apartheid regime and are subject to an entirely separate legal system to Israeli settlers, who enjoy the full suite of rights under Israel's Basic Law, a luxury denied to the former. Secretary Pompeo's assertion that recourse for the establishment and maintenance of Israeli settlements exists for Palestinians in Israeli courts, under Israeli law, is a manifest misrepresentation of the legal reality of apartheid and colonization within which these illegal structures operate.

4. Disregard of International Law Throughout Secretary Pompeo's statement, numerous attempts are made to downplay and trivialize the importance of international law: The Secretary claims "dwelling on legal positions didn't advance peace"; "calling the establishment of civilian settlements inconsistent with international law hasn't worked. It hasn't advanced the cause of peace"; and "arguments about who is right and wrong as a matter of international law will not bring peace". Secretary Pompeo further claims that the shift in US policy is "based on the unique facts, history, and circumstances presented by the establishment of



Road signs of Israeli settlements in the Jordan Valley

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

civilian settlements in the West Bank". PHROC, ADALAH, and PNGO stress that the Israeli occupation of the OPT, and the subsequent settlement enterprise imposed on Palestinians, does not pose any unique conundrums which require a radical reinterpretation of international law. Existing treaties, customary law, peremptory norms, and bodies such as the Security Council and International Court of Justice are exceedingly clear: Israeli settlements are fundamentally unlawful under international law, and are not of a sui generis character exempting them from this designation. The shift in policy announced by Secretary Pompeo, willfully asserted but with no accompanying analysis of international law, does not change the character and substance of existing law, and has no bearing on the illegality of Israel's settlement enterprise.

Recommendations

In light of these events, our organizations:

- Demand the immediate reversal of this policy by the United States, in line with its obligations under international law;
- Urge the United States to immediately rescind its unlawful and unfounded recognition of Israeli sovereignty over the occupied Syrian Golan and occupied East Jerusalem;
- Urge all States with embassies to Israel in Jerusalem to immediately relocate their premises and personnel;
- Call upon all States to condemn any and all measures towards the annexation of the West Bank, particularly the Jordan Valley;
- Urge the Prosecutor of the International Criminal Court to complete her preliminary investigations and move

promptly to open a formal investigation into the situation in Palestine;

- Call upon the international community to immediately impose sanctions on the State of Israel and illegal Israeli settlements, in line with previous practice regarding the Russian occupied Crimea, until such a point as Israel complies with its obligations as Occupying Power;
- Call on regional organizations to impose travel bans and asset freezes against persons involved in violations of the State of Palestine's territorial integrity.
- Urge immediate action by third states, through the United Nations and other mechanisms, to prevent the annexation of the West Bank, particularly the Jordan Valley, in line with their legal obligations vis-à-vis the Palestinian right to self-determination and to ensure respect of Israeli obligations under international law;
- Call on third states to take measures against Israel's annexationist measures in the Jordan Valley, such as refraining from acquiring any weapons from Israel, cessation of diplomatic, trade and cultural relations with Israel, and suspension of economic, financial and technological assistance and cooperation with Israel.
- Call on third states to implement domestic legislation to prohibit and criminalize the import of illegal settlement goods and services into their territory.
- Urge the United Nations High Commissioner for Human Rights to immediately release the Database of businesses operating in illegal Israeli settlements.■

Humanity, Vol. I, No. 5, November 2019

To Humanitarian Groups and Non-Profits Receiving Airbnb Funds: Say No to Dirty Money



Al-Haq and the 146 members of the Palestinian Non-Governmental Organizations Network (PNGO), in the West Bank including East Jerusalem and the Gaza Strip, refuse all funds from Airbnb, and we call upon humanitarian groups across the world to join us in solidarity. Airbnb, your funds are tainted by your complicity in perpetuating the illegal occupation of Palestinian lands.

Adding insult to injury, Airbnb then announced that the profits from the listings on occupied Palestinian land would be given to humanitarian groups. Donating profits generated from the proceeds of crime does not make the appropriation of Palestinian lands any more legal or ethical. Mr. Brian Chesky, CEO of Airbnb, did not reply to an Al-Haq letter dated 13 November 2019, requesting that Airbnb “remove all listings in illegal Israeli settlements in the Occupied



We recall when Airbnb stood up for Palestinian rights – almost. One year ago today, on 19 November 2018, Airbnb [announced](#) that it would no longer list accommodations in unlawful Israeli settlements in the West Bank, in a move to end Airbnb’s complicity in Israel’s unlawful colonisation of the West Bank. And we remember when Airbnb backed down, and agreed to continue listing vacation rentals on land stolen from Palestinians.

Palestinian Territory (OPT), from your website”.

We say no to dirty money. We say Airbnb has no business violating international law. We say Airbnb cannot whitewash its role in the illegal occupation of Palestinian land through corporate charity. We say no more profiting from stolen land.

Join us and say no to Airbnb’s dirty money.■



Al-Haq condemns practice of “targeted killings” in Gaza, calls for an immediate investigation into deaths of Gazan civilians, including children

**“TARGETED
KILLINGS”
BARE A
STRONG RE-
SEMBLANCE
TO THE RE-
LATED PRAC-
TICES OF EX-
TRAJUDICIAL
EXECUTIONS,
SUMMARY
EXECUTIONS,
AND ASSASSI-
NATIONS, ALL
OF WHICH ARE
PLAINLY ILLE-
GAL UNDER
INTERNATION-
AL LAW**

Al-Haq condemns the recent escalation by the Israeli Occupying Forces (IOF) in the Gaza Strip, and its indiscriminate attacks on the civilian population. On Tuesday, 12 November 2019, the IOF assassinated Baha Abu Al-Atta, a member of the Islamic Jihad in Gaza City by destroying his home with a missile. The attack, which killed Al-’Ata, also resulted in the killing of his wife, Asmaa Al-Atta, and wounded a further seven civilians, including four children and two women.^[1] Further attacks involved missiles being fired, seemingly indiscriminately, at a motorcycle in Beit Lahiya, North Gaza, wherein two men were critically wounded. The IOF also announced that all movement in and out of Gaza would be suspended, and that the fishing zone available to fishermen would be reduced, thereby accentuating the existing policies of domination and fragmentation which Al-Haq and its partners recently recognized as constituting the maintenance of a regime of apartheid.^[2] Israel has a long history of engaging in extraterritorial assassinations; an article in American magazine Foreign Policy identifies Israel as having carried out the highest number of assassinations worldwide, estimated at some 2,300 at the time of the article’s publication.^[3] Senior Israeli officials have not shied away from calling for a continuation of this supposedly abandoned tactic: in March of 2016, then-Intelligence Minister Yisrael Katz hinted towards the “targeted assassination” of leaders of the Boycott, Divest, Sanctions movement^[4], whereas in reference to the killings of Al-Atta, Israeli Prime Minister Benjamin Netanyahu and IOF Chief of General Staff, Aviv Khoavi, evoked the sophistic language of the “ticking time bomb”, the hypothetical scenario often deployed to justify the use of torture against Palestinians as being authorized by military necessity.^[5]

The recent attacks on the Gaza Strip have been described, both in the media and by Israeli officials, as pinpoint, or “targeted killings”^[6], a concept brought into common usage by Israel, which has no definition under international law.^[7] As identified by the former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, “targeted killings” are intention and pre-meditated attacks, directed towards a pre-identified target, with the express intention to kill, which may be conducted using a wide array of means and methods of warfare.^[8] As such, “targeted killings” bare a strong resemblance to the related practices of extrajudicial executions, summary executions, and assassinations, all of which are plainly illegal under international law.^[9] The terminology of “targeted killings” implies a level of precision and precaution which is plainly absent in Israel’s recent attacks: as noted above, a total of ten innocent civilians were killed or injured in the attack targeting Al-Atta. At the time of writing, 34 Gazans have been reported killed by Israeli attacks since Tuesday, including eight children and two women.^[10] A further 85 Palestinians were reported injured by Gaza’s health ministry, including 30 children.^[11] These attacks were described as having “struck a number of Islamic Jihad terror targets” by the IOF,^[12] indicating a concerted attempt to use the language of “targeted killings” to mask the indiscriminate and reprehensible use of force against a civilian population, and to dehumanize those injured and killed by labelling them as “terrorists”.^[13] The Israeli use of “targeted killings” was considered by the Israeli High Court of Justice in a landmark 2006 decision, wherein it stressed that: “Harming such civilians [who take a direct part in hostilities], even if the result is death, is permitted, on the condition that there is no other less harmful means, and on the condi-

tion that innocent civilians nearby are not harmed. Harm to the latter must be proportionate” (emphasis added).^[14]

While not supported by the majority, Vice President E Rivlin, in his separate judgement, adopted the dangerous language put forward by the State of Israel, arguing for exceptional measures against what he dubbed “uncivilised civilians”, a markedly-s veiled synonym for the Bush archetype of the “unlawful combatant”^[15]; neither of these categories are supported by existing international humanitarian or human rights law. Subsequent Israeli practice, doubtlessly including the recent attacks on Gaza, have been recognised as having violated this, and other, requirements set out by the Court.^[16]

The attacks on the Gaza Strip in the past few days may amount to war crimes, and therefore come under the jurisdiction of the International Criminal Court. The Office of the Prosecutor of the Court must therefore include these attacks in her future investigation into the situation in Palestine, which has become of the utmost urgency. Further, Israel must ensure transparency and accountability for the deaths and injuries of Palestinian civilians, in particular those of children. As noted by Special Rapporteur Alston:

“In order to ensure that accountability is meaningful, States must specifically disclose the measures in place to investigate alleged unlawful targeted killings and either to identify and prosecute perpetrators, or to extradite them to another State that has made out a prima facie case for the unlawfulness of a targeted killing.”^[17]

In cases where a “targeted attack” is to take place in a populated urban area, the Rapporteur further concluded that it was incumbent on the attacking power to provide advance warning to the surrounding civilian population. It is also worth noting the Rapporteur’s observation that “[a]lthough the use of civilians

as ‘shields’ is prohibited, one side’s unlawful use of civilian shields does not affect the other side’s obligation to ensure that attacks do not kill civilians in excess of the military advantage of killing the targeted fighter”^[18], due to Israel’s traditional use of this line of argument in defense of its attacks.

Al-Haq also notes the previously recognized engagement of third state responsibility in the occupied Palestinian territory : the UN Office of the High Commissioner for Human Rights, in the context of the ongoing Great Return March and closure of Gaza, has noted that “[i]f Israel will not take credible and effective steps to investigate, and indeed, where it has congratulated its military forces for their use of force, then the international community must fill the investigatory void to ensure respect for international law.”^[19] More recently, the UN Commission of Inquiry has noted that third states, particularly those party to the Geneva Conventions, have both treaty obligations “take action to safeguard compliance with the Conventions”.

^[20] Similarly, the events which have taken place in the Gaza Strip over the past two days trigger similar obligations, thus Al-Haq urges the international community to take immediate and positive action to ensure that further attacks on the civilian population in the Gaza Strip are not carried out. As part of this, we call upon the Prosecutor of the International Criminal Court to quickly conclude her preliminary examination, and move promptly to investigate these incidents, as well as the wider situation in the Occupied Palestinian Territories.■

^[1] Al-Haq Field Report (13 November 2019).

^[2] Al-Haq, Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination (12 November 2019), available at: <http://www.alhaq.org/advocacy/16183.html>.

**AL-HAQ URGES
THE INTERNATIONAL COMMUNITY TO
TAKE IMMEDIATE AND POSITIVE ACTION
TO ENSURE
THAT FURTHER
ATTACKS ON
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POPULATION
IN THE GAZA
STRIP ARE NOT
CARRIED OUT**



War on Gaza, Nov. 2019



[alhaq.org/advocacy/16183.html](http://www.alhaq.org/advocacy/16183.html).

^[3] Foreign Policy, ‘How Far is Too Far for Israel’s Targeted Killings?’ (9 February 2019), available at: <https://foreignpolicy.com/2018/02/09/how-far-is-too-far-for-israels-targeted-killings/>.

^[4] +972, ‘Senior Israeli minister: Male BDS activists in Israel “pay a price”’ (16 June 2016), available at: <https://972mag.com/senior-israeli-minister-says-working-to-make-bds-activists-in-israel-pay-a-price/120084/>.

^[5] Reuters, ‘Israel kills Islamic Jihad commander, rockets rain from Gaza’ (12 November 2019), available at: <https://www.reuters.com/article/us-israel-palestinians-blast/israeli-forces-kill-islamic-jihad-field-commander-in-gaza-strike-idUSKBN1XM08E>; see also comments of Israeli Defense Forces Chief of General Staff LTD Aviv Kohavi, available at: <https://twitter.com/IDF/status/1194213948167540737>.

^[6] Electronic Intifada, ‘Media use of “targeted killing” whitewashes Israeli attacks’ (14 November 2019), available at: <https://electronicintifada.net/blogs/michael-f-brown/media-use-targeted-killing-whitewashes-israeli-attacks>.

^[7] UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on targeted killings (28 May 2010) UN Doc. A/HRC/24/14/Add.6 at para 7.

^[8] Ibid. at paras 8-9.

^[9] Michael N. Schmitt, ‘State Sponsored Assassination in International and Domestic Law’ (1992) 17 Yale Journal of International Law 611-612.

^[10] Electronic Intifada, ‘No justifying Israel’s bloodshed in Gaza’ (14 November 2019), available at: <https://electronicintifada.net/blogs/maureen-clare-murphy/no-justifying-israels-bloodshed-gaza>.

^[11] Electronic Intifada, ‘Three children killed as Israel escalates Gaza attacks’ (13 November 2019), available at: <https://electronicintifada.net/blogs/tamara-nassar/three-children-killed-israel-escalates-gaza-attacks>; in addition to the three children killed, as reported on 13 November by Electronic Intifada, Haaretz and the Guardian report a further killing of five children early Thursday morning, see Haaretz, ‘Live Updates // Gaza Rockets Intercepted Over Southern Israel Hours after Cease-fire with Islamic Jihad Goes into Effect’ (14 November 2019), available at: <https://www.haaretz.com/israel-news/islamic-jihad-israel-gaza-rockets-ceasefire-tel-aviv-hamas-syria-1.8122258>, and the Guardian, ‘Gaza attacks: tentative truce after Israel strike kills eight Palestinian family members’ (14 November 2019), available at: <https://www.theguardian.com/world/2019/nov/14/gaza-attacks-tentative-truce-after-israel-strike-kills-six-palestinian-family-members>.

^[12] See <https://twitter.com/IDF/status/1194738204370440199>.

^[13] On the dehumanizing and counter-productive use of the terms “terrorist” and “terrorism” in the absence of a comprehensive and precise internationally-recognised definition, see UN Economic and Social Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin (28 December 2005) UN Doc. E/CN.98/2006/4 at para 50.

^[14] The Public Committee against Torture in Israel and Palestinian Society for the Protection of Human Rights and the Environment v Israel, HCJ 769/02, 13 December 2006, at para 60, available at: <https://casebook.icrc.org/case-study/israel-targeted-killings-case>.

^[15] Separate Judgement of Vice President E Rivlin, at para 2, available at: <https://casebook.icrc.org/case-study/israel-targeted-killings-case>.

^[16] UN Human Rights Council (note 9) at para 16.

^[17] Ibid. at para 90.

^[18] Ibid., conclusions.

^[19] Office of the High Commissioner for Human Rights, UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces (17 April 2018), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22950>.

^[20] UN Human Rights Council, Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory (18 March 2019) UN Doc. A/HRC/40/CRP/2, at para.775.

Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination

In November 2019, eight Palestinian, regional, and international organisations, including Al-Haq, BADIL, the Palestinian Center for Human Rights (PCHR), Al Mezan Centre for Human Rights, Addameer, the Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ), the Cairo Institute for Human Rights Studies (CIHRS), and Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN), submitted a comprehensive 60-page report to the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) ahead of Israel's upcoming review in December 2019.

The joint parallel report details Israel's creation of an institutionalised regime of systematic domination and oppression over the Palestinian people as a whole, including Palestinian citizens of Israel, Palestinians in the occupied Palestinian territory (oPt), and Palestinian refugees and exiles abroad, which amounts to the crime of apartheid under international law. In the report, the organisations argue that Israel has created and maintained an apartheid regime over the indigenous Palestinian people, in violation of its obligations under Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which enshrines: "States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction." The report outlines that since 1948 the State of Israel has instituted a series of discriminatory laws, policies, and practices – constituting the legal foundation of the State – which seek to maintain a racialized regime

of dispossession, domination, and systematic fragmentation of the Palestinian people. This conduct by the State serves to persistently deny the right of reparation, including consensual return to their homes, lands, and property, to Palestinian refugees and other persons displaced in the waves of ethnic cleansing carried out since the State's establishment. Moreover, the report details how Israel has continued to confer public functions of the State to the World Zionist Organization/Jewish Agency and the Jewish National Fund, which are chartered to carry out material discrimination against non-Jewish persons. By exploiting and diverting Palestinian natural resources for the benefit of Israeli-Jewish settlers, these parastatal institutions have historically prevented the indigenous Palestinian people on both sides of the Green Line from accessing or exercising control over their means of subsistence.

In addition, the organisations examine the manner in which Israel has maintained its apartheid regime, embedded in a system of impunity and the inability to meaningfully challenge Israel's suspected crimes, as underpinning Israel's continued domination over the Palestinian people. Through denial of Palestinian refugee return, restrictions on freedom of movement and residence, and the closure of Jerusalem and of the Gaza Strip, Israel has further entrenched the fragmentation of the Palestinian people and of the oPt, while it has continued to pursue ongoing policies and practices of demographic manipulation and population transfer, designed to create a coercive environment for Palestinians. Finally, the report highlights Israel's increased efforts



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"Welcome to Elyaho Terminal This terminal is for Israelis only. Crossing and/or transporting anyone who is not Israeli through this terminal is forbidden!" - Picture taken at Qalqilia Checkpoint.



Humanity

to silence opposition to its apartheid regime through intimidation and institutionalised harassment, including mass arbitrary detention, torture and other ill-treatment, widespread collective punishment, including punitive residency revocation, intense surveillance and intervention in communications, and Government-led smear campaigns. These efforts are intended to delegitimise the work of human rights defenders and organisations that defend the rights of Palestinians and are fuelled by racist hate speech and incitement to racial hatred and violence.

Overall, the organisations urged the UN Committee to recognise and to declare that Israel's policies have

created, and continue to maintain, an institutionalised regime of racial domination and oppression over the Palestinian people as a whole, which amounts to the crime of apartheid under Article 3 of ICERD. The organisations further recommended that the Committee demand that Israel cease all measures and policies that contribute to the fragmentation of the Palestinian people and repeal all legislation enshrining racial discrimination, domination, and oppression, including the Jewish Nation-State Law (2018), which is antithetical to the object and purpose of the Convention and has the purpose of nullifying the recognition, enjoyment, and exercise, on an equal footing, of all human rights and fundamental free-

doms in the State Party. Overall, the organisations stressed that "only by examining Israeli policy toward the Palestinian people as a whole can we begin to undo the political, legal, and geographic fragmentation imposed on the Palestinian people that underpins Israel's apartheid regime."■



Bedouin camp at Ein El Helweh, Al Maleh, Jordan Valley. Israeli occupation army puts a warning at the entrance to every camp declaring it a firing area.

⚠️ **DANGER** خطر

שטח אש הכניסה אסורה!

منطقة إطلاق نار

الدخول ممنوع!

FIRING AREA ENTRANCE FORBIDDEN

PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad

On 26 October 2019, Amnesty International staff member, Laith Abu Zeyad, Campaigner on Israel and the Occupied Palestinian Territory, was prevented from travelling by the Israeli authorities for alleged "security reasons" while trying to attend a relative's funeral in Jordan. Earlier in September 2019, Israeli authorities denied Mr. Zeyad's request for a humanitarian permit to accompany his mother for medical treatment in Jerusalem. The Israeli authorities have not publicly provided evidence for Mr. Zeyad's travel ban.^[1] Israel's arbitrary movement restrictions and travel ban against Mr. Zeyad must be viewed within the context of Israel's growing institutionalized repression, intimidation and attacks against civil society organizations, human rights defenders and activists working for Palestinian rights.

Such institutionalized campaign, led by the Israeli authorities and other lobbying groups, is an attempt to silence Palestinian and international human rights organisations and hinder their work in monitoring and documenting human rights violations and from seeking accountability. According to a statement made by Kumi Naidoo, the Secretary-General of Amnesty International, travel bans are being used as punishment against Palestinian human rights defenders and those who are willing to criticize Israel's discriminatory acts and policies.^[2]

The case of Laith Abu Zeyad is illustrative to Israel's arbitrary policy of travel bans against human rights defenders and activists. Mr. Abdullatif Ghaith, former Addameer Prisoner Support and Human Rights Association Chairperson, has been banned from travelling abroad and from leaving Jerusalem.^[3] In 2006, Israel imposed a travel ban on Shawan Jabarin, the General Director of Al-Haq.^[4] In April 2019, Omar Barghuoti, the co-founder of the BDS movement was prohibited from travelling to the United States from the Ben Gurion Airport in Tel Aviv.^[5] The Palestinian Human Rights

Organisations Council (PHROC) stands in solidarity with Mr. Laith Abu Zeyad and Amnesty International. PHROC strongly condemns the movement restrictions imposed against Mr. Abu Zeyad and associated infringements on the right to freedom of movement and family life. PHROC demands the travel ban and movement restrictions immediately be lifted. PHROC further reaffirms the critical role of Palestinian and international human rights organisations, defenders and activists in promoting and protecting the rule of law and human rights standards in Palestine and for the Palestinian people – which will not be hampered by Israel's smear campaigns and acts of intimidation. ■

^[1] Linah Alsaafin, "Punitive": Palestinian rights activist slams Israel's travel ban' (Al Jazeera, 2 November 2019) <https://www.aljazeera.com/news/2019/11/palestinian-rights-activist-slams-israel-travel-ban-191102181730987.html> accessed 5 November 2019.

^[2] 'Israel/ OPT: Amnesty staff member faces punitive travel ban for human rights work' (Amnesty International, 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/> accessed 5 November 2019.

^[3] 'Yet another Palestinian civil society leader targeted by Israel: Addameer chairperson Abdullatif Ghaith receives ban from leaving the country' (Al-Haq, 9 August 2012) <http://www.alhaq.org/advocacy/6842.html> accessed 5 November 2019. 'Israel Renews Travel Ban on Abdul-Latif Ghaith' (The Palestinian Information Center, 27 August 2017) <https://english.palinfo.com/news/2017/8/27/israel-renews-travel-ban-on-abdul-latif-ghaith> accessed 6 November 2019

^[4] Human rights organisations call on Israel to lift travel ban on Shawan Jabarin' (Al-Haq, 29 November 2011) <http://www.alhaq.org/advocacy/6959.html> accessed 5 November 2019.

^[5] 'PHROC Condemns U.S. Entry Ban on Omar Barghouti' (Al-Haq, 23 April 2019) <http://www.alhaq.org/palestinian-human-rights-organizations-council/6065.html> accessed 5 November 2019.



Laith Abu Zeyad

Humanity, Vol. I, No. 5, November 2019



PHROC Condemns Israel's Judicial Decision to Deport Human Rights Watch Omar Shakir

On 5 November 2019, Israel's Supreme Court upheld the decision to deport Omar Shakir, Director of Human Rights Watch, based on the 2017 Amendment No. 28. The decision is based on Israel's anti-boycott law which prohibits the grant of a permit for entry to, and residence in Israel, to any person who has knowingly published a public call to engage in a boycott against Israel or has made a commitment to participate in such a boycott.^[1] The Supreme Court's ruling gave Mr. Shakir 20 days to leave Israel.^[2] The decision to deport Mr. Shakir illustrates Israel's continued escalating institutionalized targeting of human rights defenders and organizations aimed to suppress and delegitimize work that monitors, documents and criticizes its policies and systemic violations against Palestinians.

In response to Israel's decision to deport Mr. Shakir, the Palestinian Human Rights Organisations Council (PHROC) reminds that this decision reaffirms that the Occupying Power does not tolerate criticism or allows for freedom of expression. The decision further proves that Israel's judiciary merely provides a rubber stamp for the Israeli authorities' arbitrary policies and measures, including against human rights organizations, defenders and activists working to uphold the rule

of law and promote human rights standards for the Palestinian people. PHROC stands in solidarity with Omar Shakir and Human Rights Watch and strongly condemns the decision of Israel's Supreme Court. PHROC calls on the international community, including relevant UN bodies and third States to take immediate action to ensure the protection of civil society and human rights organisations working for Palestinian rights, and to ensure their continued work and presence without limitations. PHROC reaffirms the importance of human rights defenders and organizations in promoting and protecting human rights and the rule of law in Palestine, who will not be hampered by Israel's smear campaigns, acts of intimidation and arbitrary measures, including deportation and movement restrictions. ■

^[1] 'Statement: Israeli High Court Orders the Deportation of Human Rights Watch Director Omar Shakir' (Al-Haq, 17 April 2019) <http://www.alhaq.org/advocacy/6067.html> accessed 6 November 2019.

^[2] Jeffrey Heller, 'Israel's top court clears way for deportation of Human Rights Watch official' (Reuters, 5 November 2019) <https://www.reuters.com/article/us-israel-rights/israels-top-court-clears-way-for-deportation-of-human-rights-watch-official-idUSKBN1XF16M> accessed 6 November 2019.



Omar Shakir

Humanity, Vol. I, No. 5, November 2019

Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti

On November 6, 2019, four Palestinian and regional groups, including Al-Haq, the Cairo Institute for Human Rights Studies (CIHRS), BADIL, and Community Action Center at Al-Quds University (CAC) sent a joint urgent appeal to five United Nations (UN) special procedures, calling on them to take action to prevent the imminent risk of [deportation](#) of Palestinian human rights defender Omar Barghouti, following the initiation by the Israeli Interior Minister of proceedings to punitively revoke his residency status for so-called 'breach of allegiance' to the State.

As a Palestinian human rights defender and co-founder of the nonviolent Boycott, Divestment and Sanctions (BDS) movement for Palestinian rights, Omar Barghouti has been repeatedly targeted by Israel for his calls for freedom, justice, and equality for the Palestinian people in accordance with international law. On 6 October 2019, Israeli Interior Minister Arye Deri announced that he is working towards revoking the residency status of Omar Barghouti, placing him at imminent risk of deportation. Prior to this announcement, Israel's Attorney-General, Dina Zilber, had confirmed that the Minister of Interior has the prerogative to revoke the residency status of a person who is accused of 'breaching allegiance' to Israel.

In the joint urgent appeal sent to UN human rights experts on Nov. 6, the four Palestinian and regional organisations argued that the threatened revocation of Barghouti's residency status on the basis of his human rights work, including his calls for justice and

accountability, has grave implications for further repression, silencing, and intimidation by the Israeli Government of anyone advocating for the rights of the Palestinian people and seeking to challenge Israel's institutionalised regime of racial domination and oppression. Israel's policy and practice of revoking the residency status of Palestinians, including on punitive grounds for so-called 'breach of allegiance' to the State, is in clear violation of its obligations under international law and has been used as a tool to suppress Palestinians' activism and to restrict their right to freedom of expression when challenging Israel's violations and suspected crimes.

The joint urgent appeal was addressed to the UN Special Rapporteur on the situation of human rights in the occupied Palestinian territory, Mr. Michael Lynk, the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Clément Nyaletsossi Voule, and the Independent Expert on human rights and international solidarity, Mr. Obiora C. Okafor.

In their urgent appeal, the organisations urged the relevant special procedures mandates to recognise Israel's policy and practice of residency revocation as illegal and to call on Israel to repeal its racist Entry into Israel Law, including the 'breach of allegiance' criterion used to threaten the residency rights of Palestinians. ■



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Omar Barghouti

Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively Revoke his Residency Status

"I plan to act quickly to revoke Omar Barghouti's resident status in Israel" Arye Deri, Israel's Interior Minister, 6 October 2019

On 6 October 2019, Israeli Interior Minister Arye Deri announced that he is working towards revoking the residency status of Palestinian resident and human rights defender Omar Barghouti. The Israeli Interior Minister has "instructed the legal department of the Population, Immigration and Borders Authority to prepare the legal framework to revoke Barghouti's resident status," placing him at imminent threat of deportation. Prior to this announcement, Israel's Attorney-General, Dina Zilber, confirmed that the Minister of the Interior has the prerogative to revoke the residency status of a person who is accused of 'breaching allegiance' to Israel. Barghouti is a resident of Israel, a status he received in 1994, following a process of family unification with his wife who is a Palestinian citizen of Israel.

According to the Interior Minister's announcement, he plans to act quickly to revoke Barghouti's resident status, because "[h]e is a person who is doing everything to hurt the country, and therefore, he cannot enjoy the privilege of being a resident of Israel." As a Palestinian human rights defender and co-founder of the Boycott, Divestment and Sanctions (BDS) Movement, Omar Barghouti has been targeted by Israel for his calls for freedom, justice, and equality for the Palestinian people in accordance with international law. Accordingly, Barghouti's threatened residency revocation amounts to a clear assault on his right to freedom of expression, including his work as a human rights defender

and his calls for accountability for Israel's widespread and systematic human rights violations against the Palestinian people.

The statement made by Interior Minister Deri, dated 6 October 2019, is only the latest manifestation of Israel's State-led repression against Omar Barghouti for his human rights work. To date, several Israeli ministers, including Deri, have targeted Barghouti, frequently delaying the renewal of his travel document, which in effect means banning him from travel, threatening his right to family life and unity by calling for the revocation of his residency status, and making statements containing threats to his life and personal safety. Barghouti's threatened residency revocation comes in light of an ongoing and systematic effort led by the Israeli Government to create a coercive environment designed to silence and undermine the work of human rights defenders and activists promoting the rights of the Palestinian people and challenging Israel's widespread violations and suspected crimes. It is within this context that the Israeli authorities have increasingly resorted to smear and de-legitimation campaigns against human rights defenders, activists, and civil society organisations advocating for the rights of Palestinians and calling for justice and accountability.

In addition, Israel's practice of punitive residency revocation on the basis of so-called 'breach of allegiance' to the State, has been used as a tool to suppress Palestinians' activism and to restrict their right to freedom of expression when challenging Israel's systematic violations of international law. On 17 October 2017, in response to a request based on the Freedom



AL-HAQ

of Information Act, the Israeli Interior Ministry acknowledged it had revoked the residency status of 13 Palestinians on the basis of 'breach of allegiance' to Israel. This overbroad criterion could be widely applied to Palestinians voicing opposition to the Israeli authorities in their exercise of their fundamental right to freedom of expression. Israel's policy of silencing opposition through threatened deportations and punitive residency revocation stands in clear violation of international human rights standards and treaties, which Israel is bound to respect, protect, and fulfil towards the Palestinian people, in particular the right to freedom of expression and to freedom of movement and residence, including to leave one's country and to return.

In light of the above, the undersigned organisations call on the international community to:

- 1/ Act immediately to prevent the revocation of Omar Barghouti's residency status on the basis of 'breach of allegiance' to Israel or on the basis of any other criteria, which, if carried out, will result in violations of his rights to freedom of expression, freedom of movement and residence, and would contribute to the commission of the serious crime of population transfer of the Palestinian people under international law;
- 2/ Call on the international community and UN member states to exert pressure on Israel to comply with international law, by immediately revoking its Entry into Israel Law, which has been used to systematically violate the right of Palestinian citizens to freedom of movement and residence, including to leave their country and to return.

1. Cairo Institute for Human

Rights Studies (CIHRS)

2. Al-Haq

3. 7amleh - Arab Center for the Advancement of Social Media

4. Albanian Media Institute

5. Addameer

6. Adil Soz

7. The African Centre for Democracy and Human Rights Studies (ACDHRS)

8. BADIL Resource Center for Palestinian Residency and Refugee Rights

9. Cartoonists Rights Network International (CRNI)

10. Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ)

11. CIVICUS

12. Community Action Center – Al Quds University

13. Defense for Children International - Palestine

14. Free Media Movement - Sri Lanka

15. Freedom of Expression Institute (FXI)

16. Hurriyat - Center for Defense of Liberties and Civil Rights

17. IJC Moldova

18. International Service for Human Rights (ISHR)

19. Jerusalem Legal Aid and Human Rights Center (JLAC)

20. Media Institute of South Africa (MISA) - Zimbabwe

21. Pacific Islands News Association (PINA)

22. Pakistan Press Foundation (PPF)

23. Palestinian Counseling Center

24. Palestinian Non-Governmental Organizations Network (PNGO)

25. Ramallah Center for Human Rights Studies

26. ROADH / WAHRDN endorses.

27. Southern Africa Human

ISRAEL'S POLICY OF SILENCING OPPOSITION THROUGH THREATENED DEPORTATIONS AND PUNITIVE RESIDENCY REVOCATION STANDS IN CLEAR VIOLATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS AND TREATIES

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

Rights Defenders Network (SAHRDN)

28. Syrian Center for Media and Freedom of Expression (SCM)

29. The African Centre for Democracy and Human Rights Studies

30. Vigilance for Democracy and the Civil State

31. Visualizing Impact

ANNEX: Background Information

Barghouti is not the first Palestinian to have been threatened with punitive residency revocation on the basis of 'breach of allegiance' by the Israeli authorities, despite the illegality of the practice. Following a request sent to the Ministry of the Interior based on the Freedom of Information Act, the Interior Ministry acknowledged on 17/10/2017 that it had revoked the residency status of 13 Palestinians on the basis of 'breach of allegiance'.

The first punitive residency revocation carried out by the Israeli authorities dates back to 2006, when the Minister of the Interior revoked the residency status of three Palestinian parliamentarians in addition to the former Palestinian Minister of Jerusalem, claiming they had 'breached allegiance' to Israel. The revocation of the residency status of Palestinians in a punitive manner has thus already been used by Israel against politically active Palestinians, in a manner, which violates their rights to freedom of expression and association.

In 2006, the four Palestinians filed a petition (HCJ 7803/06) to the Israeli Supreme Court. Rendering its judgment on 13 September 2017, more than eleven years after the petition had been filed, the Israeli Supreme Court acknowledged the

absence of any legal grounds in Israeli legislation permitting punitive residency revocation on the basis of so-called 'breach of allegiance.' Despite this conclusion, the Supreme Court nevertheless upheld the revocation of the petitioners' residencies for six months, allowing the illegality to continue, and gave the Israeli Parliament (the Knesset) this period of time to change the law in order to legalise punitive residency revocation on the basis of 'breach of allegiance' to the State of Israel.

Following the Supreme Court judgment, the Entry into Israel Law of 1952 was amended on 7 March 2018, thereby granting the Israeli Interior Minister the power to revoke residency rights of Palestinians based on the additional criterion of 'breach of allegiance' to Israel. According to the Law, as amended, 'breach of allegiance' is defined as committing, or participating in, or incitement to commit a terrorist act, or belonging to a terrorist organization, as well as committing acts of treason or aggravated espionage. By using this overbroad and vague definition of 'breach of allegiance,' the Israeli Parliament has made it possible for current and future Israeli Interior Ministers to revoke the residency rights of Palestinians, based solely on their own interpretation that the resident "has committed an act which is considered a breach of allegiance to the State of Israel." With this amendment, Israel has made it possible to revoke the residency status of any Palestinian based on vague, overbroad, and subjective grounds, thereby contributing to the serious crime of population transfer and demographic manipulation, in violation of established norms of international law.■

BARGHOUTI IS NOT THE FIRST PALESTINIAN TO HAVE BEEN THREATENED WITH PUNITIVE RESIDENCY REVOCATION

Humanity, Vol. I, No. 5, November 2019

Prosecuting Judges for Exercising their Right to Freedom of Expression is a Violation of the Law and International Standards

Al-Haq is following closely the recent developments within the judiciary, consisting of the referral of Judge Dr. Ahmad Al-Ashqar to the Disciplinary Board for publishing an article in his name in the media. These developments follow the previous referral of Judge Dr. Ayman Thaher for investigation on the basis of a post he published on his personal Facebook account. These latest developments must be considered in light of the alarming and unfortunate statements and circulars recently issued with respect to the media by the head of the Transitional High Judicial Council. These have resulted in violations of the right to freedom of expression, as guaranteed to judges under the amended Basic Law, international human rights treaties and standards, and the Code of Judicial Conduct. Al-Haq reaffirms the importance of the protection of the right of judges to freely express their opinions and considers that this fundamental right falls within the framework of judicial reform and the independence of the judiciary. In addition, denying judges their right to freedom of expression implies discrimination between judges and non-judges, which is prohibited by the amended Basic Law and international standards. Accordingly, the right of judges to the protection of fundamental freedoms requires guaranteeing this inalienable human right to judges. The international human rights system, and at its forefront, the right to freedom of expression, is indivisible and addresses the inherent rights of

human beings, whether the person is a judge or not, as affirmed by the Universal Declaration of Human Rights (UDHR), and international human right instruments, including: the International Covenant on Civil and Political Rights (ICCPR), the Basic Principles on the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct, the Burgh House Principles on the Independence of the International Judiciary, the regional Riyadh Instrument on the Ethics and Conduct of Arab Judge, the Palestinian Judicial Code of Conduct, and other international and regional treaties protecting and safeguarding the right to freedom of expression of judges.

Al-Haq affirms that the duty of judicial conservatism for judges is of a purely functional nature and does not involve restrictions on the right to freedom of expression under international human rights standards. Instead, the principle is limited to cases brought before the judge. As such, judges have the right to freely express their opinions in the media and on social media, without restrictions, and by any means, they choose. This encompasses the right of judges to freely express criticism as to the performance of the judicial administration, and the state of the judiciary, or others, as enshrined in the Basic Law and international treaties and standards. Accordingly, the right of judges to freedom of expression does not infringe on their independence and impartiality. In addition, any restrictions imposed on the right to freedom of expression



AL-HAQ RE-AFFIRMS THE IMPORTANCE OF THE PROTECTION OF THE RIGHT OF JUDGES TO FREELY EXPRESS THEIR OPINIONS

Humanity, Vol. I, No. 5, November 2019



AL-HAQ RE-AFFIRMS ITS JOINT POSITION PAPER WHICH INCLUDED CALLS BY CIVIL SOCIETY ORGANIZATIONS IN THE WEST BANK AND GAZA STRIP FOR THE REFORM AND UNITY OF THE PALESTINIAN JUDICIARY AND JUSTICE SECTOR

Humanity, Vol. I, No. 5, November 2019

Humanity

shall not rid this right of its contents or jeopardize its exercise.

Al-Haq reaffirms its joint position paper, as issued on 5 September 2019, which included calls by civil society organizations in the West Bank and Gaza Strip for the reform and unity of the Palestinian judiciary and justice sector. In the position paper, the organizations stressed the urgent need to repeal Law by Decree No. 17 of 2019 on the formation of the Transitional High Judicial Council, due to its violation of the Basic Law and the Law on the Judicial Authority. In addition, the organizations considered that the right to judicial reform and unity is a right of Palestinian society in the West Bank and Gaza Strip, also highlighting the repeated attempts by the executive authority to exercise its monopoly over the judicial reform process, which have resulted in its failure. Finally, the position paper also stressed the need to include the Supreme Constitutional Court in reforming and unifying the judiciary, in addition to the need to hold community-based consultations within a specified timeframe and with a clear and transparent methodology, founded in the principle of the rule of law and accountability for interference with judicial affairs.

Accordingly, Al-Haq condemns the assault on the right of judges to freely express their opinions, and affirms the following:

1. The referral of judges for investigation and discipline on the basis of their exercise of

their inherent right to freedom of expression amounts to a violation of the Basic Law, international human rights treaties and standards, and the Code of Judicial Conduct.

2. All circulars issued by the heads of previous Judicial Councils in addition to the current head of the Transitional High Judicial Council, which infringe the right of judges to freedom of expression, must be repealed for violating the provisions of the Basic Law and international standards.
3. All regulations and decisions issued by the Judicial Councils, including the Regulations of Judicial Inspection, must be reviewed. This includes the duty to ensure the cessation of the monopoly of power exercised by the head of the Transitional High Judicial Council in relation to the complaints submitted against judges, including his power to decide in favor or against the referral of judges for judicial inspection. In addition, these regulations and decisions must be brought in line with the provisions of the Basic Law, the Law on the Judicial Authority, and relevant international standards.
4. Al-Haq calls upon President Mahmoud Abbas to issue a decree calling for the organization of general and simultaneous presidential and legislative elections, according to the law, to ensure an enabling environment for the reform of the judiciary and the justice system in Palestine.

Al-Haq's Position Paper on the Law by Decree on Cybercrimes and Blocked Websites

On 17 October 2019, at the request of the Attorney-General of the State of Palestine, the Magistrate Court of Ramallah rendered a decision, ruling for the blocking of 59 websites at once. The Court decision was premised on Article 39 of the Law by Decree on Cybercrimes No. 10 of 2018, which provides:

"(1) The competent authorities of investigation and seizure, in the event they monitor hosted electronic websites broadcasting either inside or outside the State, post any expressions, figures, images, films, advertising materials or else, which may threaten the national security, public order or public morals, shall be entitled to submit a report thereon to the Attorney General, or one of his assistants, and request the permission to block the broadcast of the electronic website(s) or block some of their links.

(2) The Attorney General, or one of his assistants, shall submit the request for a permission to the Magistrate Court within 24 hours, enclosed with a memorandum of his opinion. The Court shall render its decision on the request at the same day it is brought before it; stating either its approval or rejection, provided that the duration of the blockage does not exceed six months, unless the duration is renewed in accordance with the procedures provided under this Article."

This decision was preceded by the blocking of almost 30 websites, all at ones, in 2017, putting journalists on trial on basis of their work in Journalism and publishing activities; where some are currently still on trial under the Palestinian Judiciary in accordance with the Law by Decree on Cybercrimes. In addition to that, and preceding the mentioned decision, the Law by Decree on Cybercrimes received widespread criticism from Al-Haq and many other Palestinian civil society organisations for its infringements of the right to freedom

of opinion and expression, freedom of the press, digital rights, and the right to privacy, prompting the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye (hereinafter as the Rapporteur) to direct a communication to the Palestinian Government, dated 16 August 2017, based on two communications Al-Haq sent to the UN Special Rapporteur Mr. Kaye that included Al-Haq's comments on the Law by Decree on Cybercrime and the abuses of the right to freedom of opinion, press, and digital rights in Palestine.

In his written communication directed to the Palestinian Government, and published to the public, and on the electronic website of the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Kaye expressed his deep concern over information received, which include that the Palestinian Authority (hereinafter referred to as PA) has blocked at least 30 electronic websites, including websites publishing news, or opinions critical of the PA, and that the Palestinian Law by Decree on Cybercrime raises concern over the right to freedom of expression and right to privacy on the internet.

The Special Rapporteur, Mr. Kaye also expressed his "deep concern that the Palestinian Law by Decree on Cybercrimes excessively uses overbroad terms that lack adequately clear definitions; allowing public authorities to criminalise the expression of opinions on the internet, and impose severe sanctions on those who don't comply with its terms. In addition, and in the absence of a law on the Right of Access to Information, the Law by Decree on Cybercrimes may result in huge censorship and self-censorship practiced by media outlets and individuals, over themselves,



AL-HAQ

AT THE REQUEST OF THE ATTORNEY-GENERAL OF THE STATE OF PALESTINE, THE MAGISTRATE COURT OF RAMALLAH RENDERED A DECISION, RULING FOR THE BLOCKING OF 59 WEBSITES AT ONCE

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

THIS DECLINE IN THE FREEDOM OF OPINION AND EXPRESSION AND DIGITAL RIGHTS COMES IN THE BROADER CONTEXT OF THE DETERIORATING PALESTINIAN POLITICAL SYSTEM

particularly those who criticise the Executive Authority. Another concern is also raised in regard to the multiple references to severe sanctions prescribed by the Law by Decree, inconsistent with Article 19 of the International Covenant on Civil and Political Rights (hereinafter referred to as ICCPR... and that the sanctions imposed by the Law by Decree do not comply with the requirement of proportionality established by Article (19) paragraph (3) of the ICCPR".

The Special Rapporteur called on the PA to "take all necessary steps to review the Law by Decree on Cybercrime to ensure it is in consistency with the State of Palestine's obligations under the International Human Rights Law." In September 2017, the Palestinian Government sent a written response to the above-mentioned Special Rapporteur's Communication; the response included 15 clauses, and reaffirmed, among other issues, the "Pledge made by the President of State of Palestine and Prime Minister to amend any article that runs counter to the Palestinian Basic Law or is incompatible with the State of Palestine's obligations under International Conventions." In addition, within its response, the Palestinian Government affirmed that the Palestinian Government is proceeding with taking the necessary procedures to update the Law on Printed Materials and Publication, giving journalists, media representatives and correspondents necessary guarantees for their work in accordance with the Palestinian Basic Law and International Conventions, stressing the importance of continuing the work of the Committee for Review of the Palestinian Law by Decree on Cybercrimes, and the necessity for the committee to complete its functions as soon as possible in order to duly take procedures" However, the Law by Decree on Cybercrimes has not been amended as up to now.

After the failure of three rounds of

dialogue held with the Government in 2017, with participation of Al-Haq and Palestinian civil society organisations, Al-Haq published its detailed comments on the Law by Decree on Cybercrime in 2018, it also sent letters with its' comments on the law by decree to the Prime Minister, Minister of Justice, and Minister of Foreign Affairs in his capacity as Chairman of the National Standing Committee for Following-up on the State of Palestine's Accession to International Conventions and Treaties. Al-Haq stressed, and continues to stress the urge for making substantial amendments to the Law by Decree on Cybercrimes, based on International Human Rights Conventions, standards, and best practice.

This decline in the freedom of opinion and expression and digital rights comes in the broader context of the deteriorating Palestinian political system and situation of human rights in Palestine, caused by the absence of public authorities, unprecedented monopoly of the Executive Authority and its apparatus over the decision-making process. In addition to the years-long absence of the Palestinian Legislative Council (hereinafter as the PLC), and its subsequent dissolution through an unconstitutional decision issued by the Supreme Constitutional Court, this comes along with the efforts made for reforming the Judicial Authority and Justice Sector which failed due to the interference of the Executive Authority and lack of will for the reform, in addition to the absence of community involvement in the decision-making process with the continuous flow of laws by decrees issued by the President for years, and it's problematic constitutionality, which requires a topmost priority of taking an immediate action to hold simultaneous public presidential and legislative elections and guaranteeing its fairness and transparency.

Al-Haq's comments on the Law by Decree on Cybercrimes No. 10 of 2018:



AL-HAQ

There is a need to review the Law by Decree on Cybercrimes to guarantee its full consistency with international human rights treaties, standards, and best practice, including as outlined by International Convention on Cybercrime of the Council of Europe (or Budapest Convention), Article 19 of the ICCPR enshrining the (right to freedom of opinion and expression), Article 17 of the ICCPR on the (right to privacy), and the 2014 International Principles on the Application of Human Rights to Communications Surveillance.

Amending Article 3 of the Law by Decree, which provides that "a specialised cybercrimes unit shall be established within the Police agency and security forces." to instead establish a single cybercrimes unit that operates under the Police agency, and supervised by the Public Prosecution. Moreover, for the purposes of the Law by Decree on Cybercrimes; limiting the judicial police capacity to the police apparatus, to preclude the overlap of tasks within the of Palestinian Security Agencies while prosecuting cybercrimes, which violate rights.

Amending Article 29 of the Law by Decree that allows the dissolution of a juridical person (i.e. a media institution) in Cybercrimes, to ensure compliance with the two conditions of "necessity and proportionality" confirmed by international standards. Where also the court decision issued for the dissolution be restricted to serious felonies of cybercrimes, which shall be provided within the Law by Decree, as the dissolution of a media institutions is a severe punishment which may jeopardise the rights of all the institution's staff.

Amending Article 31(1) of the Law by Decree that states the obligation on the service providers to provide the competent authorities with the subscriber's information which help uncover the truth, at the request of the Public Prosecution or competent court, and instead; limit this procedure

to the competent court only, and by a reasoned court decision that demonstrates the fulfilment of the two conditions of the necessity and proportionality in order to achieve a lawful objective worthy of protection. In addition to amending paragraph (2) of the same text which requires service providers to block the link, content or application on the internet based on the orders issued forth thereto from the judicial authorities, to instead be based on the commitment to the two conditions of necessity and proportionality, in addition to a reasoned court decision and limited to felonies, and identifying such crimes.

Amending Articles 32 and 33 of the Law by Decree which allows the Public Prosecution or the officers it deposes from officers with judicial capacity (i.e. security services), to obtain the devices, electronic data or information, traffic data, data relating to communication traffic, passing information, information relevant to communications' transactions, subscribers information, the search of information technology means, or obtaining the permission to seize and restrain the information system either wholly or partly copy data, or else. Whereas amending it to exclusively limit such procedure to the competent court and on grounds of a reasoned court decision that demonstrates the availability of the two conditions of necessity and proportionality with the aim of achieving a lawful objective that is deserving of protection.

Amending Article 34 of the Law by Decree that allows the Attorney General or one of his assistants to issue an order to immediately collect and provide any data; including communication traffic, electronic information, traffic data, or subscriber's information which he deems necessary for the benefit of investigations. This provision should be amended by prescribing an obligation that such procedures should be taken once based on a permission

**THERE IS A
NEED TO RE-
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TO GUARAN-
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MAN RIGHTS
TREATIES**

Humanity, Vol. I, No. 5, November 2019



AL-HAQ

**THE URGE FOR
PRESIDENT
MAHMOUD
ABBAS TO IS-
SUE A DECREE,
CALLING FOR
SIMULTANE-
OUS LEGIS-
LATIVE AND
PRESIDENTIAL
ELECTIONS**

from the competent court, in addition to a reasoned court decision, demonstrating the availability of the necessity and proportionality once. Removing Article 39 of the Law by Decree on Cybercrimes which allows the blocking of websites based on reports submitted by the competent authorities of investigation and seizure (Security Services) to the Attorney General or one of his assistants in order to receive permission from the Magistrate Court block the websites within 24 hours, using overbroad terms relevant to national security, public order and public morals, which has been the provision lately used as a ground for blocking all 59 websites by a decision from the Magistrate Court., while such article conflicts with the Basic Law, International Conventions, standards and best practice, and guarantees of a fair trial.

Removing Article 45 of the Law by Decree that provides the sanctioning of any person who perpetrates an act constituting a crime under any enforced legislation which is implemented over the internet or any means of information technology, or that who is involved as an accomplice, or abettor to its perpetration, while the Law by Decree on Cybercrimes did not state the same penalty prescribed for such crime under that other legislation. Where such expansive provision brings tens of "overbroad terms", provided for under Palestinian legislations, particularly penal laws, under the enforcement of Law by Decree on Cybercrimes; of that, crimes committed against the internal and external national security provided under the Penal Code of 1960, inter alia, the crimes of undermining "solemnity of the State" and "weakening the national sentiment" as well as the crimes "Attenuating the Nation's psychology" and tens of other loose terms that violate Article 19 of the ICCPR and relevant international standards on the right to freedom of opinion, freedom of the

press, and digital rights, which for that requires the removal of this article. Adding an article to the Law by Decree on Cybercrimes that ensures the adaptation of International standards of human rights within its provisions overall, as well as ensuring the well-being of the practical implementation. Such article reads as follows: "It shall be prohibited that any provision under this Law by Decree be interpreted or construed in a manner that violates the right to freedom of opinion and expression, freedom of the press, digital freedoms, and right to privacy enshrined in the Amended Basic Law the International Conventions to which the State of Palestine acceded, as well as the relevant international standards."

Accordingly, and in line with of promoting the right to freedom of opinion, freedom of the press and human rights, Al-Haq calls for the following:

The urge for President Mahmoud Abbas to issue a decree, calling for simultaneous legislative and presidential elections to end the crisis, which the Palestinian political system suffers from, and create a free environment for public elections in addition to empowering the citizens, particularly the youth, to freely exercise their right to elect their representatives and participate in the decision-making process, as well as respecting the results of the democratic, free and impartial elections, and maintain its regularity, in respect to the Constitutional Legislature and provisions of the law. The necessity for the full adaptation of the Law by Decree on Cybercrimes No. 10 of 2018 with International Conventions, standards and best practice in regard to the right to freedom of opinion and expression, freedom of the press, digital rights, and the right to privacy.

The immediate withdrawal of the court decisions on blocking websites both taking place in 2017 and in 2019; as

such decisions violate the International Conventions, and standards, as well as on the provisions of the Basic Law, which safeguard the right to freedom of opinion and expression, freedom of the press, and digital rights. This, in addition to taking measures to ensure the non-recurrence in respect to the principle of the rule of law, constitutional legislature's will, and State of Palestine's obligations under International Conventions, particularly the Core Human Rights Conventions that it acceded to without reservations. The necessity for approving a Law on the Right to Access to Information that is fully consistent with international standards and best practice.

The necessity for reviewing and approving a Law on the Higher Council for the Media, which ensures the Council's independence and effectiveness and role in protecting the right to freedom of opinion and expression and freedom of the press. In addition to creating a pluralistic, competitive, and free media environment, and investing in the media sector.

The necessity for approving a modern law for the Palestinian Journalists' Syndicate (hereinafter as PJS) for its importance for promoting the PJS's role in protecting the right to freedom of opinion, the freedom of the press, and digital rights, and protecting the journalists' rights, and defending them. This comes in context where the the enforced Law on the Palestinian Journalists' Syndicate, law No. 17 of 1952, is incongruent with international standards and does not contribute to protecting freedom of the press and journalists' rights.

Limiting the legislations and draft laws on freedom of opinion and freedom of the press and ensuring its full consistency with international standards. This, within a well-defined legislative plan with clear goals and priorities to uplift the right to freedom of opinion, freedom of the press, and digital rights.

Removing confinement in publication cases and replacing it with civil compensation, if relevant, inconsistency with the International Conventions and standards, particularly Article 19 of the ICCPR, to which the State of Palestine acceded, as well as with the General Comment 34 of the UN Human Rights Committee on Article 19 of the ICCPR.

Repealing the application of the "licensing" system imposed on the establishing of audio-visual and print media outlets, enforced by non-democratic regimes; as it violates the International standards and best practice, in addition to its association with the "Security Clearance" condition, which requires that prior approval be obtained from security apparatus on licencing and renewing licences of media outlets, as imposed on licencing and renewing the licences of broadcasting stations, but instead; replacing the licensing system with registrations; as applied in democratic regimes, only by submitting all the required documents, as a right enshrined within the constitution and international standards. as the "security clearance" condition violates the Basic Law and relevant International Conventions and standards, and contravenes with the decision made by the Council of Ministers in its Session No. 133, dated 24 April 2012, which repeals the requirement of the "Security Clearance" condition, under any designation. This decision has not been implemented until today, and requires actual cancellation of the "Security Clearance" condition as well as serious oversight on the ground, to ensure proper enforcement and accountability where no implementation is made.

This position paper was originally published in Arabic on 23 October 2019, available here.■

THE NECESSITY FOR APPROVING A MODERN LAW FOR THE PALESTINIAN JOURNALISTS' SYNDICATE

Al-Haq Field Report on Human Rights Violations in November 2019

War on Gaza, Nov. 2019



Killings

In November 2019, 39 Palestinians were killed, including 34 during the Israeli military offensive on the Gaza Strip. The killed Palestinians included three women and eight children.

The killed Palestinians were as follows:

Ahmed Mohammed al-Shahri (27): At 1:35 am on Saturday, 12 November 2019, an Israeli drone fired a missile on a one-dunum plot of agricultural land. Located in the Al-Mawasi area southeast of the Khan Yunis city, a rural house (summer resort) belonging to a Palestinian was constructed on the targeted land. The missile landed in close proximity to the house. About five minutes later, an Israeli military aircraft fired another missile, completely destroying the house and killing Al-Shahri. His body was pulled from the rubble of the house. Khamis Ayman Abdeen, who was also inside the house at the time it was hit, sustained wounds and contusions in various parts of his body. Both were transported to the Nasser Hospital west of Khan Yunis. Al-Shahri was transferred to the Gaza European Hospital due to the critical wounds. At about 3:55 am, he was pronounced dead. Al-Shahri and his friend Abdeen were sleeping in the house, which consisted of a room, a living room, and a bathroom. Al-Shahri was hired to work as a farmer on an hourly basis. He was employed

by the Abdeen family to tend the land and rural house when the owner was away. As they had to work on the land on the next day, Al-Shahri and Abdeen decided to spend the night in the house. The bombardment also caused various damages to adjacent agricultural land and two greenhouses, belonging to Ayman Khamis Abdeen, father of Khamis, who was injured in the attack.

Omar Haytham al-Badawi (22): At noon on 11 November 2019, Al-Badawi was killed during a raid of the Israeli Occupying Forces (IOF) into the Al-Arrub refugee camp. Al-Badawi left his home to help extinguish a fire that erupted next to the fence surrounding his family's house and a tree. The fire was accidentally caused by Molotov cocktails; which young men had thrown at the IOF during earlier clashes. Meantime, a group of IOF were positioned in a lower area and almost 15 metres away from Al-Badawi. A soldier fired a live bullet, which hit Al-Badawi below the right side of the chest and exited from his back. At the moment he was shot, Al-Badawi was standing on the side of a staircase near the entrance to the western alley of the refugee camp. He fell and rolled over down the stairs. Nearby journalists and Palestinians transported Al-Badawi to a hospital. However, he soon died from sustained critical injuries. The Israeli occupying authorities announced that Al-Badawi had not posed a threat to the lives of Israeli soldiers, when he was shot.¹

The IOF launched a military offensive on the Gaza Strip after the IOF had

¹ "Palestinian Killed by Israeli Soldiers in West Bank Posed No Threat, Initial Army Probe Finds." Haaretz: <https://www.haaretz.com/middle-east-news/palestinians/palestinians-report-one-shot-dead-by-israeli-army-in-west-bank-1.8103358>



AL-HAQ

extra-judicially killed **Baha' Saleem Abu al-Ata** (42), a commander of the Al-Quds Battalions, and his wife **Asma' Mohammed Abu al-Ata** (38). At about 4:00 am on 12 November 2019, the Israeli air force fired a missile on a house belonging to Baha' Abu al-Ata, a senior commander of the Al-Quds Battalions, the armed wing of the Palestinian Islamic Jihad (PIJ) Movement, and the leader of the Northern Region of the Gaza Strip. The missile targeted Abu al-Ata's bedroom on the upper floor of his house, southeast the Al-Shuja'iya neighbourhood. Abu al-Ata's wife was also killed during the air strike. Later, her body was found on the playground of the UNRWA Al-Shuja'iya Elementary Mixed School, which is located opposite to the house. In the same attack, Abu al-Ata's children **Saleem** (19), **Mohammed** (17), **Fatima al-Zahra** (13), and **Layan** (11) were injured by shrapnel in different parts of their bodies. Next door neighbours, including two girls and a young man, also sustained shrapnel wounds and contusions. The attack caused damage to a number of adjacent homes belonging to the Hilles family as well as to Al-Shuja'iya Elementary Mixed School. The IOF admitted that it had approved the assassination and claimed responsibility for extra-judicially killing Abu al-Ata inside his home.²

Ibrahim Ahmed al-Dhabous (25): At about 10:50 am on 12 November 2019, an Israeli reconnaissance aircraft fired a missile on two members of the Al-Quds Battalions, while they were on a motorcycle in

the Al-Salatin neighbourhood in the Beit Lahia town, in the northern Gaza Strip. Both activists were hit by shrapnel in various parts of their bodies. Most shrapnel wounds were sustained in the lower extremities, as well as in the heads and chests. The activists were transported to the Indonesian Hospital in Beit Lahia, where their health condition was diagnosed as critical. One of them

War on Gaza, Nov. 2019



was Al-Dhabous, a young man from the Al-Salatin neighbourhood in Beit

² "Israel Approved Abu al-Ata's Assassination Two Years Ago, but Postponed It Several Times." Haaretz: <https://www.haaretz.com/israel-news/.premium-baha-abu-al-ata-assassination-approved-two-years-ago-postponed-several-times-1.8125616>



AL-HAQ

Lahia. At about 4:35 pm, medical sources announced that he had succumbed to his wounds. The Al-Quds Battalions released a statement claiming Al-Dhabous as "one of the Mujahedeen of the Al-Quds Battalions in the Northern District".

Zaki Adnan Ghannameh (26): At about 1:30 pm on 12 November 2019, an Israeli reconnaissance

The bombing resulted in the killing of Ghannameh, a resident of Beit Lahia, who sustained shrapnel wounds in various parts of his body. Another three members of the group were also injured during the attack. The Al-Quds Battalions issued a statement, mourning the loss of Ghannameh, who was "one of the Mujahedeen of the Al-Quds Battalions in the Northern District".

Abdullah Awadh al-Balbisi (26) and **Abdul Salam Ramadan Ahmed** (28): At about 6:50 pm on 12 November 2019, an Israeli reconnaissance aircraft fired a missile on a group of members of the Al-Quds Battalions in the Izbet Beit Hanun area, in the northern Gaza Strip. As a result, Al-Balbisi and Ahmed died of numerous shrapnel wounds they had sustained. Both arrived dead at the Indonesian Hospital in Beit Lahia. In a military statement, Al-Balbisi and Ahmed were claimed by the Al-Quds Battalions as "Mujahedeen of the Al-Quds Battalions in the Northern District".

Wael Abdul Aziz Abdul Nabi (43), **Jihad Ayman Abu Khater** (23), and **Rani Fayez Abu Nassr** (43): At about 9:15 pm on 12 November 2019, an Israeli reconnaissance aircraft fired a missile on a group of members of the Nidhal al-Amoudi Battalion of the Al-Aqsa Martyrs Brigades, while they were on a "combat mission" northwest of Beit Lahia, in the northern Gaza Strip. All three members of the group died of multiple shrapnel wounds in various parts of their bodies. In an official statement, the Al-Aqsa Martyrs Brigades mourned the loss of the members of the Nidhal al-Amoudi

aircraft fired a missile on a group of members of the Al-Quds Battalions north of the Umm al-Nassr village (Bedouin village) in the Beit Lahia town, in the northern Gaza Strip.

Battalion.

Khaled Mu'awwadh Farraj (38): At about 6:00 am on 13 November 2019, an Israeli reconnaissance aircraft (drone) targeted and immediately killed Farraj, while he was present on a plot of land in the Al-Mughraqa village, in the central Gaza Strip. Later, the Al-Quds Battalions mourned the loss of Farraj in an official statement, claiming him as a field commander in the Central Gaza District.

Ala' Jabr Shteivi (30): At about 8:20 am on 13 November 2019, an Israeli reconnaissance aircraft fired a missile on a group of members of the Al-Quds Battalions, while they were on agricultural land east of the Al-Zaytun neighbourhood, east of Gaza city. As a result, Shteivi died of multiple shrapnel wounds he sustained. His death was mourned by the Al-Quds Battalions as a combatant in the Gaza District.

Yousef Rizq Abu Kmeil (35): At about 4:45 pm on 13 November 2019, an Israeli reconnaissance aircraft fired a missile which immediately killed Abu Kmeil, while he was on agricultural land in the Al-Zarqa area in the Al-Tuffah neighbourhood, east of Gaza city. Having sustained multiple shrapnel wounds, Kmeil arrived dead at the Al-Shifa' Hospital in Gaza. He was claimed by the Al-Quds Battalions as a field commander in the Gaza District.

Ra'fat Mohammed Ayyad (54), and his sons **Islam** (24) and **Amir** (7): At about 9:30 am on 13 November 2019, an Israeli reconnaissance aircraft fired a missile that hit Ra'fat

Ayyad and two of his sons while they were riding a motorcycle. Ayyad was a father of seven sons. Of these, Islam was a university graduate with a degree in engineering and an imam at the Ali Ibn Abu Taleb Mosque. Amir was a second grade student. While Ra'fat was killed on the spot, his sons Islam and Amir died half an hour after the attack. They all sustained multiple shrapnel wounds, particularly in the upper parts of their bodies. According to field investigations and eyewitness accounts, the targeted persons were civilians, as there was no armed activity at the time they were hit. Rather, they were targeted by Israeli reconnaissance aircraft while they were going to visit an injured family member.

Mu'min Mohammed Qaddoum (26): At about 11:15 am on 13 November 2019, an Israeli reconnaissance aircraft fired a missile at two young men, including Qaddoum, while they were riding a motorcycle along the Al-Mansura Street in the vicinity of the Al-Harazin Maternity Hospital. As a result, Qaddoum was immediately killed. The other young man sustained multiple critical shrapnel wounds. The Al-Quds Battalions mourned the death of Qaddoum as one of its combatants in the Gaza District.

Mohammed Abdullah Sharab (28) and **Haytham Hafeth Bakri** (22): At about 1:55 pm on 13 November 2019, an Israeli reconnaissance aircraft fired a missile at three members of the Al-Quds Battalions while they were on agricultural land in the Al-Manarah neighbourhood southeast of Khan Yunis. While Sharab and Bakri were killed, the third member



AL-HAQ

War on Gaza, Nov. 2019



AL-HAQ

suffered moderate wounds. Al-Quds Battalions released a statement on their official website confirming the death of two of their members.

Ahmed Hasan al-Kurdi (27) and **Mohammed Hasan Abu Mu'ammam** (24): At about 8:30 pm on 13 November 2019, an Israeli military aircraft fired a missile at a group of members of the Al-Nasser Salah al-Din Battalions while they were on agricultural land in the Al-Nassr town north of the Rafah city, in the southern Gaza Strip. Al-Kurdi and Abu Mu'ammam, both residents of Rafah, were killed during the attack. They arrived dead at the Abu Yusef al-Najjar Hospital in Rafah. Later, the Al-Nasser Salah al-Din Battalions released a statement, claiming Al-Kurdi and Abu Mu'ammam as members of the group.

Isma'il Ayman Abdul Aal (16), **Mahmoud Daham Hathat** (19), **Suheil Khadher Quneitah** (23), **Ahmed Ayman Abdul Aal** (23), and **Ibrahim Ayman Abdul Aal** (17): At about 9:10 am on 13 November 2019, an Israeli reconnaissance aircraft fired two missiles on a carpentry workshop belonging to Ayman Fat'hi Abdul Aal (50). The workshop was located along the Eastern Line opposite to the Abu Jibbah petrol station, east of the Al-Tuffah neighbourhood, east of Gaza city. The bombing resulted in the killing of all five young men. Of these, three were sons of the owner of the carpentry workshop and two members of armed groups.

Nine deaths from the Al-Sawarkah family: At about 12:25 am on 14 November 2019, an Israeli military aircraft fired four missiles, without

prior warning, at two shanty houses. The two houses belonged to two brothers from the Al-Sawarkah family. The houses were located in the Al-Birkah area south of Deir al-Balah city, in the central Gaza Strip. The bombing resulted in the complete destruction of both houses, while the residents were asleep. Immediately after the attack, eight persons were killed, including two women and five children: **Rasmi Salem al-Sawarkah** (45), his wife **Maryam Salem al-Sawarkah** (33), their children **Muhannad** (12), **Salem** (3), and **Firas** (2); and **Yusra Mohammed al-Sawarkah** (39), the wife of the second brother **Mohammed Salem al-Sawarkah**, and their children **Wasim** (13) and **Mu'ath** (7). Further, another 13 residents of the targeted houses sustained moderate to serious wounds during the air strike. These included 1 woman and 11 children. On 22 November 2019, medical sources at the Ministry of Health announced that Mohammed Salem al-Sawarkah (40) succumbed to his critical wounds.

Fares Bassam Abu Nab (24): On 17 November 2019, Abu Nab was killed when he was passing by an Israeli checkpoint in the Damascus Gate area in the city of Jerusalem. The IOF shot Abu Nab in the head and chest. Al-Haq continues to investigate the circumstances surrounding the killing of Abu Nab.

Fahd Mohammed al-Astal (16): At about 3:00 pm on 29 November 2019, the IOF deployed behind the fence fired live ammunition, rubber coated steel bullets and tear gas canisters towards protestors. Al-Astal sustained a bullet wound in the abdomen while he was almost

50 metres away from the fence. He was transported by an ambulance to the Gaza European Hospital in Khan Yunis, where he arrived in a critical condition. Doctors' efforts to revive him failed, as he was pronounced dead at about 3:30 pm, almost 20 minutes after he had been admitted to the hospital. Another seven Palestinians, including five children, were moderately wounded by live ammunition and rubber coated steel bullets fired by the IOF.

Badawi Khaled Masalmeh (18): At about 6:20 pm on 30 November 2019, Masalmeh and two boys arrived at the Khamat Is'aydeh area, southwest of Beit Awwa village, in the Hebron governorate. On a street west of the village, an Israeli checkpoint is set up, allowing access to only Israeli yellow-plated vehicles to areas inside the Green Line. Masalmeh and the two boys were almost 500 metres east from the checkpoint, south of Beit Awwa. When they approached an area north of the bypass road, the IOF fired as many as 15 bullets, injuring Masalmeh. The boys were arrested. At about 8:00 pm on the same day, an Israeli officer telephoned the boys' parents and reported that they had been in detention, but did not give any further details. The IOF announced that a young man had been killed while he was attempting to throw Molotov cocktails near Beit Awwa. Later, about 9:00 pm on the same day, the Palestinian District Coordination and Liaison (DCL) Office announced the name of the deceased after it had revealed by the Israeli occupying authorities. The IOF continue to withhold the body of Masalmeh. Further, the Palestinian DCL was informed that the body would not be handed over based on

instructions of Naftali Bennett, the newly appointed Israeli Minister of Defence.

Demolitions

In November 2019, the IOF demolished 41 structures, including 28 homes and 13 other privately owned structures.

Homes: The IOF demolished 28 houses, including four on punitive grounds and 24 allegedly due to the lack of Israeli-issued building permits. Of these houses, seven were constructed in Bedouin communities. According to the Oslo designation of the Occupied Palestinian Territory (OPT), targeted houses were as follow: 5 located in the city of Jerusalem, 4 in Area B, and 19 in Area C. While the Israeli Municipality of Jerusalem demolished five houses, the IOF carried out the punitive demolition of four houses. The remaining houses were destroyed by the Israeli Civil Administration and Israeli private companies. 15 house owners were not allowed an opportunity to gather their belongings from their houses before the demolitions were carried out. Three families had their houses demolished at least for the second time. Twenty-one houses were pulled down after midnight or early in the morning. Fifteen houses were located in close proximity to Israeli settlements, settler bypass roads, planned settlement areas, or the Annexation Wall.

Other private structures: The Israeli occupying authorities demolished 13 Palestinian private structures, including two agricultural holdings,



AL-HAQ



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War on Gaza, Nov. 2019

three domestic animal farms, four sheep pens, two water wells, and two commercial premises. Of all those demolished, two structures were located in Area C, and two within the municipal borders of Jerusalem. Nine of the demolished structures constituted the main source of livelihood to the affected families. Seven demolished structures were located in close proximity to Israeli settlements, settler bypass roads, planned settlement areas, land under the threat of confiscation, or the Annexation Wall.

Other Israeli violations

Compared to October 2019, Al-Haq has documented a significant increase in human rights abuses and violations. In November 2019, Al-Haq documented 112 violations, including 77 by the IOF and 35 by Israeli settlers. A major portion of the Israeli violations took place in the village of Burin and cities of Deir al-Balah, Gaza and Nablus.

Most notable of documented Israeli violations in November 2019 was the death of Sami Abu Diyak. Abu Diyak is a Palestinian prisoner who died in an Israeli prison on 26 November 2019. Although he had suffered from cancer, the Israeli occupying authorities insisted to continue to incarcerate Abu Diyak until his last breath.

Also of note, Mu'ath Amarneh, a Palestinian journalist, lost his left eye by a live bullet on 15 November 2019, while covering clashes between Palestinians

and IOF in Sourif town in Hebron Governorate. On 26 November 2019, Abdul Majid Olwan, another Palestinian journalist, sustained a bullet wound while he was covering clashes between Palestinians and IOF in Tulkarem city. In comparison to previous months, this month's incidents reflect an escalating trend of gun-pointing and directly shooting journalists.

Further, Israeli settler attacks on Palestinians and Palestinian property were also on an upward trajectory. Cutting down trees was the most prominent violation committed by Israeli settlers in November 2019. According to Al-Haq documentation, Israeli settlers cut down trees in the Al-Sawiya village (61), Burin town (42), and south of Bethlehem city (144).

Violations by the Palestinian Authority (PA) in the West Bank and de facto government in the Gaza Strip

During November 2019, Al-Haq documented 16 violations committed by Palestinian official authorities. Reported violations mainly included incidents of arbitrary detention, violations of the right to freedom of expression, summons to report to security agencies, and ban on an assembly to commemorate the anniversary of the death of late President Yasser Arafat in the Gaza Strip. The Palestinian Police and Internal Security agencies accounted for the vast majority of reported violations. ■

AL-HAQ ORGANIZATION

40 YEARS DEFENDING HUMAN RIGHTS



AL-HAQ

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah. Established in 1979 to protect and promote human rights and the rule of law in the occupied Palestinian territory (OPT). Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable.



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