

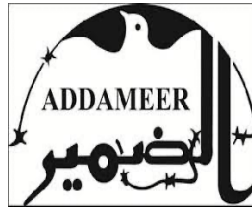
**Joint Parallel Report to the Committee on the Rights of Persons with Disabilities for its  
List of Issues on Israel's Initial Report**

**Submitted by:**

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Addameer Prisoner Support and Human Rights Association

Palestinian Centre for Human Rights (PCHR)



**Submitted: August 2023**

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# Joint Parallel Report to CRPD for its List of Issues on Israel's Initial Report

## 1. Introduction

1. Al-Haq, Law in the Service of Man, Addameer Prisoner Support and Human Rights Association, and the Palestinian Center for Human Rights (hereinafter 'our organisations') are honoured to submit this joint parallel report to the Committee on the Rights of Persons with Disabilities (hereafter 'the Committee') regarding the initial report submitted by Israel in 2017 on the Convention on the Rights of Persons with Disabilities (hereinafter 'the Convention' or 'CRPD'),<sup>1</sup> as well as the list of issues in relation to Israel's initial report,<sup>2</sup> and Israel's replies to the list of issues.<sup>3</sup> In doing so, our organisations relied on the aforementioned documents in preparing this joint parallel report, in addition to our organizations' documentation and monitoring of human rights violations committed by Israel against the Palestinian people, including Palestinian persons with disabilities since our last parallel report to the Committee in 2020.<sup>4</sup>

2. This joint parallel report is submitted as part of our organisations' commitment to the promotion and protection of the rights of the Palestinian people, including the rights of persons with disabilities in Palestine. The submission examines Israel's violation of its obligation to respect, protect, and fulfil the human rights of all Palestinians, including Palestinian persons with disabilities, focusing on Israel's violations of the rights to life, health, access to justice, the liberty of movement and nationality, situations of risk, and freedom from arbitrary detention as well as torture and other ill-treatment in Israeli prisons and detention centres.

## 2. The Overarching Israeli Settler-colonial and Apartheid Regime

3. Palestinian disability rights must be understood within the broader context of Israel's settler-colonial and apartheid regime imposed over the Palestinian people as a whole to maintain Israeli Jewish domination. Since 1948, the segregationist apartheid regime has been enforced through the ongoing denial of 12 million Palestinian refugees their right of return, the strategic fragmentation of the Palestinian people, the ongoing forcible transfer of the Palestinian people on both sides of the Green Line, expanding land dispossession, and the violent mass suppression of any unified

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<sup>1</sup> CRPD, 'Initial report submitted by Israel under Article 35 of the Convention, due in 2014', (8 March 2019), UN Doc CRPD/C/ISR/1 (hereinafter 'Israel Report on CRPD').

<sup>2</sup> CRPD, 'List of issues in relation to the initial report of Israel', (16 October 2020), UN Doc. CRPD/C/ISR/Q/1. (hereinafter 'CRPD List of Issues on Israel').

<sup>3</sup> CRPD, 'Replies of Israel to the list of issues in relation to its initial report', (26 October 2022), UN Doc. CRPD/C/ISR/RQ/1. (hereinafter 'Israel's Replies to CRPD List of Issues').

<sup>4</sup> Al-Haq and others, 'Joint Parallel Report to CRPD for its List of Issues on Israel's Initial Report' (24 July 2020), (hereinafter '2020 Joint Parallel Report on CRPD'), available at: [https://www.alhaq.org/cached\\_uploads/download/2020/07/29/pdc-al-haq-addameer-hurryyat-joint-crpdc-parallel-report-24-july-2020-1596023469.pdf](https://www.alhaq.org/cached_uploads/download/2020/07/29/pdc-al-haq-addameer-hurryyat-joint-crpdc-parallel-report-24-july-2020-1596023469.pdf).

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Palestinian resistance, ultimately denying the Palestinian people the exercise of their inalienable collective right to self-determination.<sup>5</sup>

4. In 2017, the UN Economic and Social Commission for Western Asia (ESCWA) issued a report, which found that Israel's strategic fragmentation of the Palestinian people constitutes the main tool through which it carries out its apartheid regime.<sup>6</sup> The report outlined the "four domains" Israel has fragmented the Palestinian people into: Palestinian citizens of Israel, subject to Israeli civil law; Palestinians in Jerusalem, subject to Israeli permanent residency law; Palestinians, including refugees, subject to Israeli military law in the West Bank and the Gaza Strip; and Palestinian refugees and exiles living abroad, whose right of return is denied.<sup>7</sup> Building on the ESCWA analysis, a group of Palestinian civil society organisations, including our organisations, submitted a parallel report to CERD in 2019, urging "the Committee to recognise and declare that Israel's discriminatory laws, policies, and practices have established, and continue to maintain, an apartheid regime of systematic racial domination and oppression over the Palestinian people as a whole...in violation of Article 3 of ICERD".<sup>8</sup> In 2019, CERD concluded that Israeli policies and practices of racial segregation and apartheid disproportionately impacted Palestinians on both sides of the Green Line, and urged Israel "to eradicate all forms of segregation ... and any such policies or practices which severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory."<sup>9</sup> In the past years, there has been a growing international recognition by states, policymakers, civil society, UN bodies and experts, scholars, and human rights organisations, including Amnesty International, and Human Rights Watch, that Israel has established an apartheid regime over the Palestinian people, including in Israel and the Occupied Palestinian Territory.<sup>10</sup>

5. In her 2022 report on the right to self-determination of the Palestinian people, UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, Francesca Albanese highlighted that if considered alone, the apartheid framework in the Palestinian context does not address the root causes of Israel's racially discriminatory laws, orders and policies and its intention to seize Palestinian land, and displace Palestinians, while replacing them with its nationals. Rather, she added: "This is the hallmark of settler-colonialism, and a war crime under

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<sup>5</sup> Al-Haq, 'Joint Submission to the UN Commission of Inquiry on the OPT, and Israel: Zionist Settler Colonialism and Apartheid as the Root Causes of Israel's Violations of the Rights of the Palestinian People' (May 2022), available at: [https://www.alhaq.org/cached\\_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf](https://www.alhaq.org/cached_uploads/download/2022/06/28/coi-submission-root-causes-of-israel-s-violations-1656395537.pdf).

<sup>6</sup> ESCWA, 'Israeli Practices towards the Palestinian People and the Question of Apartheid', (2017), UN Doc. E/ESCWA/ECRI/2017/1.

<sup>7</sup> *Ibid.*

<sup>8</sup> Al-Haq and others, 'Joint Parallel Report to CERD', (10 November 2019), para. 153(i), available at: [http://www.alhaq.org/cached\\_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19thperiodic-reports-10-november-2019-final-1573563352.pdf](http://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19thperiodic-reports-10-november-2019-final-1573563352.pdf).

<sup>9</sup> CERD, 'Concluding observations on the combined seventeenth to nineteenth reports of Israel', (12 December 2019), UN Doc CERD/C/ISR/CO/17-19, para. 23.

<sup>10</sup> See, Al-Haq, 'Israeli Apartheid: Tool of Zionist Settler Colonialism', (29 November 2022), 33-36, available at: [https://www.alhaq.org/cached\\_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf](https://www.alhaq.org/cached_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf).

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the Rome Statute... Realizing the inalienable right of the Palestinian people to self-determination requires dismantling once and for all the Israeli settler-colonial occupation and its apartheid practices.”<sup>11</sup> In 2022, our organisations and a group of Palestinian civil society organisations issued a major report examining Israeli apartheid as a tool of Zionist settler colonialism against the Palestinian people, concluding that: “without the complete and radical dismantling of Israeli apartheid and of Zionist settler colonialism, dignity, justice, liberation, and self-determination have no future in Palestine, or elsewhere on Earth.”<sup>12</sup> **Our organisations recommend that your esteemed Committee take into consideration the conclusions and recommendations by the aforementioned reports, which are essential to the genuine protection and promotion of the individual and collective rights of the Palestinian people, including Palestinian persons with disabilities.**

**6.** The continuing erasure of the Palestinian people, and their forcible transfer, is a hallmark of Israel's settler-colonial apartheid regime, and evident from Israel's reporting to various UN bodies, including its initial report on CRPD, and its replies to the list of issues. In these two documents, Israel does not refer to the Palestinian people, including those subjugated under its 56-year illegal belligerent occupation of Occupied Palestinian Territory (OPT). Even when referring to Palestinian citizens of Israel, the State report erases the Palestinian identity by referring to indigenous Palestinians as “the Arab population,”<sup>13</sup> and goes further in acknowledging that the Israeli government lacks sufficient statistical data on the situation of “the Arab population” with disabilities inside the Green Line.<sup>14</sup> The complete denial of the rights of Palestinians in Israel's reporting to international treaty bodies, constitutes in itself additional evidence of the settler-colonial and apartheid nature of Israel's regime. **As such, our organisations urge the Committee to consider Palestinian disability rights within the framework of Israel's overarching system of settler-colonialism and apartheid imposed over the Palestinian people as a whole, which denies them the ability to exercise their individual and collective rights, including to self-determination and return. We specifically urge the Committee to call on Israel to end its illegal apartheid regime imposed over the Palestinian people, including by repealing discriminatory laws and policies dominating the Palestinian people, ensuring the exercise of the right to self-determination of the Palestinian people, the return of Palestinian refugees and the restitution of their lands, as well as ending the illegal occupation in the West Bank and the Gaza Strip.**

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<sup>11</sup> UNGA, ‘Situation of human rights in the Palestinian territories occupied since 1967’, (21 September 2022) UN Doc. A/77/356, paras 10-c and 66.

<sup>12</sup> Al-Haq, ‘Israeli Apartheid: Tool of Zionist Settler Colonialism’, (29 November 2022), 4.

<sup>13</sup> Israel Report on CRPD, paras. 46, 50, 240, 241, and 353(e).

<sup>14</sup> Israel Report on CRPD, para. 353(e).

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### 3. The Applicability of the Convention in the OPT

7. In Israel's replies to the list of issues regarding the provision of information related to "measures taken to fulfil the obligations of State party under the Convention towards persons with disabilities in the Occupied Palestinian Territory,"<sup>15</sup> Israel has completely disregarded the effective control it exercises over the OPT. This is part of its systematic failure to acknowledge its obligations as the Occupying Power towards Palestinians in the OPT, both under international humanitarian law (IHL) and under international human rights law (IHRL), including the Convention. In essence, Israel refuses to recognize the applicability of international human rights treaties' extraterritorial "beyond its territory".<sup>16</sup> In 2019, the Committee on Economic, Social and Cultural Rights (CESCR)<sup>17</sup> reiterated "its deep concern about Israel's position that the Covenant is not applicable beyond its sovereign territory" and reminded Israel that the International Court of Justice has reaffirmed "the applicability of its human rights obligation in the Occupied Palestinian Territory, as well as the concurrent application of international human rights law and international humanitarian law in a situation of armed conflict or occupation"<sup>17</sup>. Notably, Israel only applies *ad hoc* what it considers to be the customary provisions of the Fourth Geneva Convention and it does not apply the Fourth Geneva Convention *in toto*, thereby depriving the protected Palestinian population of basic and minimum humanitarian guarantees. Israel's argument against applying the Fourth Geneva Convention is rooted in its dualist legal system, meaning that "international conventions [...] only apply if they are formally legislated by the Knesset".<sup>18</sup>

8. In its military administration of the OPT, Israel has referred to the distinction between international humanitarian law (IHL) and international human rights law (IHRL) and suggested that they "remain distinct and apply in different circumstances".<sup>19</sup> However, the International Court of Justice Advisory Opinion, on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* distinguished between situations where only IHL applies, those exclusively regulated by IHRL, and those that "may be matters of both these branches of international law", such as situations of military occupation, thus advancing a complementary approach whereby both laws are interpreted in light of each other.<sup>20</sup> The CESCR further supported this view by referring to "the relevant resolutions of the General Assembly and the reports of the

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<sup>15</sup> CRPD List of Issues on Israel, para. 1.

<sup>16</sup> Israel's Replies to CRPD List of Issues, para. 12.

<sup>17</sup> CESCR, 'Concluding observations on the fourth periodic report of Israel' (12 November 2019), UN Doc. E/C.12/ISR/CO/4, para. 7.

<sup>18</sup> CAT, 'Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure', (16 February 2015), UN Doc. CAT/C/ISR/5, para. 65.

<sup>19</sup> *Ibid*, paras. 66-69.

<sup>20</sup> ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004, I.C.J. Rep. 136, para. 106-113; see also ICJ, *Armed activities in territory of Congo, (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Rep. 2005, para. 216.

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Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, the Secretary-General and the United Nation High Commissioner for Human Rights.”<sup>21</sup>

**9.** Israel is obliged to respect, protect and fulfil the human rights of the Palestinians in the OPT under its effective control, by virtue of prolonged occupation since 1967. There is currently significant consensus on the illegality of Israel's occupation of the OPT, which was lastly reaffirmed by the UN Commission of Inquiry on the OPT, and Israel.<sup>22</sup> Israel's occupation of the Palestinian territory breaches the right to external self-determination of the Palestinian people, which includes the exercise of the right of the Palestinian people to an independent State. The special status of the right of the Palestinian people to external self-determination was recognised under Article 22 of the League of Nations Charter which classified Palestine as a Class A mandate, whose “existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.” As the International Court of Justice outlined in the Namibia advisory opinion, the “ultimate objective” of the Mandate as a sacred trust was the “self-determination and independence of the peoples concerned.” Taking the precedent as established in the Namibia advisory opinion, which similarly examines the legality of the subsequent occupation of a Mandate territory, the ICJ concluded, “that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter”. Further, from the outset, Israel's occupation has been illegal as it started with an unlawful act of aggression against Egypt, violating Article 2(4) of the UN Charter. Hence, “[t]he subsequent establishment of a military administration in the Palestinian territory is accordingly a continued unlawful use of force and an act of aggression”, illegal under the law governing the use of force.”<sup>23</sup> The length and scale of this occupation, in particular the settler enterprise, has reached a point where we are no longer witnessing an occupation but a prohibited *de jure* and *de facto* annexation of the OPT,<sup>24</sup> amounting to an act of aggression.<sup>25</sup> **In light of the above, we urge the Committee to reiterate the applicability of the CRPD for the benefit of persons with disabilities in the OPT and the occupied Syrian Golan, and to call on Israel, the Occupying Power, to respect, protect, and fulfil the rights of all persons with disabilities under its effective control as well as to report to the Committee on its compliance with the Convention therein. We further call on the Committee to address the illegality of Israel's prolonged belligerent occupation when addressing the applicability of the Convention.**

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<sup>21</sup> CESCR, ‘Concluding observations on the fourth periodic report of Israel’ (12 November 2019), UN Doc. E/C.12/ISR/CO/4, para. 7.

<sup>22</sup> UNGA, ‘Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel’, (14 September 2022), UN Doc A/77/328.

<sup>23</sup> Al-Haq, ‘Al-Haq Position Paper- ICJ Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the OPT’, (29 July 2023), 4, 8-10, available at: <https://www.alhaq.org/advocacy/21686.html>.

<sup>24</sup> *Ibid*, 5, 13-16,

<sup>25</sup> Rome Statute, Article 8bis(2)(a).

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### 4. The Right to Life and Situations of Risk (Articles 10 and 11)

**10.** In our joint parallel report in 2020 to the Committee, we highlighted Israel's systematic resort to its excessive use of force, including lethal force and its shoot-to-kill policy against Palestinians, including against Palestinian persons with disabilities. Al-Haq's documentation of the number of Palestinians killed in the OPT by the Israeli Occupying Force (IOF) and settlers between October 2015 and early July 2020, amounts to 754 Palestinians.<sup>26</sup>

**11.** Since then, Al-Haq has documented a serious escalation in Israeli killings of Palestinian people. These killings, happening in a context of an illegal apartheid regime and belligerent occupation, occur mainly during intensified wide-scale military attacks, arrest and raid operations, the suppression of protests,<sup>27</sup> and as part of extrajudicial killings and shoot to kill policies.<sup>28</sup> In 2021, Al-Haq documented the killing by the IOF and settlers of 324 Palestinians, including 75 children in the OPT,<sup>29</sup> and another 192 Palestinians, including 44 children in 2022.<sup>30</sup> So far this year, and as of 10 August 2023, 208 Palestinians have been killed, including 38 children by the IOF and settlers in the OPT.<sup>31</sup>

**12.** In the list of issues, the Committee asked Israel to "prevent armed operations in the Occupied Palestinian Territory, including East Jerusalem".<sup>32</sup> Since the illegal blockade and closure on the Gaza Strip in 2007, Israel has conducted various massive and deadly military attacks against the two million Palestinians therein, while continuing to deny the 1.7 million refugees in Gaza their right to return to their homes and properties that they were displaced from during the *Nakba* of 1948.<sup>33</sup> Since our last reporting to your committee in 2020, another three massive Israeli military attacks have been launched against the Gaza Strip, which were all marked by wilful killings, destruction of civilian property and infrastructure, as well as the causing of excessive incidental death and injury, which may amount to war crimes under the Rome Statute of the International

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<sup>26</sup> Joint Parallel Report on CRPD, paras 13 and 14.

<sup>27</sup> See, Al-Haq and others, 'Joint Submission to the UN Commission of Inquiry on the OPT, and Israel: Violent Suppression of Demonstrations and Ensuing Wilful Killing and Injuries' (2 February 2023), available at: [https://www.alhaq.org/cached\\_uploads/download/2023/02/03/230202-coi-submission-1675415560.pdf](https://www.alhaq.org/cached_uploads/download/2023/02/03/230202-coi-submission-1675415560.pdf)

<sup>28</sup> See, Al-Haq, 'Urgent Appeal to UN Special Procedures on Israel's Extrajudicial Killing of Three Palestinian Men in Nablus', (3 March 2022), available at: [https://www.alhaq.org/cached\\_uploads/download/2022/03/13/urgent-appeal-extra-judicial-killings-nablus-1647198805.pdf](https://www.alhaq.org/cached_uploads/download/2022/03/13/urgent-appeal-extra-judicial-killings-nablus-1647198805.pdf)

<sup>29</sup> Of those, 240 Palestinians, including 60 children were killed during the Israeli military offensive on Gaza. Al-Haq, 'Field Report on Human Rights Violations in 2021', available at: [https://www.alhaq.org/cached\\_uploads/download/2022/03/15/2021-annual-report-in-english-1647327979.pdf](https://www.alhaq.org/cached_uploads/download/2022/03/15/2021-annual-report-in-english-1647327979.pdf)

<sup>30</sup> Al-Haq, 'Field Annual Field Report on Human Rights Violations in 2022', available at:

[https://www.alhaq.org/cached\\_uploads/download/2023/06/05/al-haq-annual-field-report-2022-en-1685960523.pdf](https://www.alhaq.org/cached_uploads/download/2023/06/05/al-haq-annual-field-report-2022-en-1685960523.pdf)

<sup>31</sup> Another three Palestinians from the OPT were killed by Israelis inside the Green Line. According to Al-Haq's documentation.

<sup>32</sup> CRPD List of Issues on Israel, para 10 (b).

<sup>33</sup> UNRWA, available at: <https://www.unrwa.org/where-we-work/gaza-strip#:~:text=The%20Gaza%20Strip%20has%20a,has%20been%20in%20steady%20decline.>



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Criminal Court.<sup>34</sup> The three military offensives on Gaza in May 2021,<sup>35</sup> August 2022,<sup>36</sup> and May 2023,<sup>37</sup> have resulted in the killing of 306 Palestinians, including 73 children.<sup>38</sup>

**13.** As part of Israel's subjugation of the Palestinian people to Israel's settler-colonial apartheid regime, including through recurrent military attacks, Palestinian persons with disabilities in the Gaza Strip have been disproportionately affected by such violations and crimes. One such case is the killing of A.Y.S, 19, suffering since birth from paraplegia and cerebral palsy, alongside his mother, A.A.S, 58, as the IOF bombed their home in the densely populated Al-Shati' Refugee Camp in the west of Gaza City on 11 May 2021, during an eleven-day military offensive on Gaza that month. On 11 May 2021, at around 4:30 am, Israel bombed a seven-story residential building, made up of 13 apartments in the Al-Shati' Refugee Camp. As a result, two members of the S family were killed in their homes as they were sleeping. In his affidavit to Al-Haq, A's brother, A.Y.S, 25, recalled the day of the bombing of their home and the killing of his mother and brother:

*At around 4:30 a.m. on 11 May 2021, while I was sleeping, I felt very strong air pressure and vibration in the place. Then, the walls and ceiling collapsed above us. At that time, I did not think of myself. I only thought of my mother and my brother A, who is disabled, and cannot move without help. I lifted the furniture and rubble above me and hurried to check on my mother and A. I found my mother lying on the floor and the ceiling of the apartment had collapsed on top of her. She was motionless, her head was open and she was pouring blood... In the hospital, the doctors pronounced my mother dead. Thirty minutes later, civil defense officers, who had been searching for my brother under the rubble, brought him to the hospital. The doctors pronounced him dead immediately... Since the martyrdom of my mother and brother, and the destruction of our home, we live in a rented apartment in Al-Nasr neighbourhood in Gaza in very difficult circumstances.<sup>39</sup>*

**14.** Palestinians endure multi-layered impacts as a result of Israel's military attacks. In many cases, more than one family member has been killed during the systemic bombardment of civilian homes in Gaza. Those survivors are left to grieve the loss of their loved ones, as well as the displacement

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<sup>34</sup> Rome Statute, Articles 8(2)(b)(i), 8(2)(a)(i), 8(2)(b)(iv)

<sup>35</sup> See, Al-Haq and others, 'A Statistical report of civilian casualties and damage to private and public properties by Israeli occupation forces during Israel's full-scale military operation on the Gaza Strip between 10-21 May 2021', (January 2022), available here:

[https://www.alhaq.org/cached\\_uploads/download/2022/02/07/gaza-report-english-1-page-view-light-1644233950.pdf](https://www.alhaq.org/cached_uploads/download/2022/02/07/gaza-report-english-1-page-view-light-1644233950.pdf)

<sup>36</sup> Al-Haq, 'Israel's Indiscriminate and Disproportionate Attacks on Palestinian Civilians Violates International Humanitarian law, Indicate War Crimes', (08 August 2022), available at:

<https://www.alhaq.org/advocacy/20394.html>.

<sup>37</sup> Al-Haq, 'Israel's Five-Day Military Offensive on Gaza Was Yet Again Marked by Wilful Killing, Destruction of Civilian Property, and Absolute Impunity', (03 June 2023), available at:

<https://www.alhaq.org/advocacy/21555.html>.

<sup>38</sup> According to Al-Haq's documentation.

<sup>39</sup> Al-Haq Affidavit 298/2021, given by A.Y.S, 25, resident of Al-Shati Refugee Camp, Gaza City, on 6 June 2021.

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from their homes. In many cases, they also sustain injuries as a result of the IOF's shelling of their homes, leaving many with life-altering health impacts. On 12 May 2021, at around 1:30 am, Israeli warplanes bombed the apartment of **M.O.T**, 32 located on the third floor of a residential building in Tal Al-Hawa neighborhood, west of Gaza City. The bombing resulted in the killing of his pregnant wife, R, 31, and two children, Z, 5, and M, 3, in addition to a child from the neighbouring house and two resistance fighters who were in the apartment. The body of his daughter R was found under the rubble of her home 10 days later. Meanwhile, M suffered a critical injury and remained in a coma. He suffered a brain crush, and fractures in the left thigh. On 23 November 2021, M, while still in coma, was transferred to Egyptian hospitals. He underwent surgeries, whereby he had platinum installed to treat his thigh fractures, and a tube was placed to regulate intracranial pressure. On 15 March 2022, he was sent back to hospitals in Gaza, and remained there until he was pronounced dead on 27 October 2022. His medical report stated the cause of death was from a cardiopulmonary arrest, as a result of explosive injury, severe traumatic brain injury, tracheostomy and coma.<sup>40</sup>

15. In another recent case during the May 2023 military offensive on Gaza, **Y.J.K**, 15, lost his parents and brother and his home was destroyed. During the attack he sustained an injury to his knee. The IOF bombed two apartments in a residential building, located in Al-Remal neighbourhood of Gaza City on 9 May 2023 destroying the home of Y.J.K, and resulting in the killing of six Palestinians; J.K, 52, his wife, M, 44 and their son, Y, 19, as well as T.I.A, 48, along with his daughter, M, 10, and son, A, 8. Giving his affidavit to Al-Haq, while using his cane, Y.J.K, stated:

*I live with my parents and four siblings [M (9), M (17), Y (13), and Y (19) (medical student)]. My father, J, 52, is a well-known dentist. He is humble, ethical, helpful and does not belong to any political organisation. At around 1:30 am on 9 May 2023, my family and I were sleeping. I suddenly woke up terrified. I felt the whole apartment collapsing and I saw furniture and stones flying and the walls had fallen. I felt something hit my leg strongly and I was in pain. Then, I saw missiles falling on us and the neighbour's apartment below. Later, paramedics evacuated us. In the hospital, as the doctors were stitching my knee injury, I was informed that my parents, my brother Y (19) and our neighbours, M (10), A (8) and their father T are martyrs. I really don't understand why they bombed us. What is my fault to lose my parents and brother and to have my home destroyed? What is the fault of the children A and M and their father, T.E.E who were sleeping safely in their home! Oh God, I miss my brother and parents. In one moment, the occupation deprived me of them and destroyed my home, the only refuge I have. Nothing in the world can compensate my loss and my siblings'. Israel made us orphans in a moment. I was born on wars in Gaza and lived through wars. I*

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<sup>40</sup> According to Al-Haq's documentation.

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*hope that this ugly Israeli occupation will be held accountable. They don't have any humanity or consideration for the lives of civilians.*<sup>41</sup>

**16. During Israel's military offensives on the Gaza Strip, Palestinian** persons with disabilities have been disproportionately affected by the displacement resulting from the destruction of their homes. One case from the May 2023 military offensive on the Gaza Strip, which was marked by widespread destruction of civilian properties,<sup>42</sup> showcases these impacts. The N family building, located in Jabalia town in the northern Gaza governorate, was bombed and destroyed on 13 May 2023. The four-story building consisted of eight apartments and housed six nuclear families of the N family of around 38 members, including 23 children, and five persons with disabilities. In his affidavit to Al-Haq, K.K.N, 35, recalled the bombing of his family home on 13 May 2023 at around 2:15 pm. Prior to the bombing of the building, K received a phone call from the Israeli intelligence ordering him to immediately evacuate the building and to inform the neighbours to evacuate as well before the bombing. K, who was not in his home when he received the call, asked the Israeli officer to give him another 15 minutes as he ran towards his home. He recalled:

*As soon as I arrived, I started shouting, "the Israeli army wants to bomb the house now". I asked everyone to evacuate the building immediately. A state of fear and panic prevailed among my family and the neighbours. The problem is that our house has a large number of people living in it, including children and five persons with disability; My brother J [27] and sisters A [25], A [24] and H [17], all suffer since birth from a permanent movement disability and cannot walk normally. They also suffer from an increase in the percentage of electricity in their body, and convulsions and fainting from time to time. Likewise, R [4], my niece, has been suffering from bowed legs since she was born. We were able to get everyone out of the home with the help of the neighbours. It was heart-breaking, especially for my disabled siblings who cannot walk on their own. At about 2:15 pm, the Israeli warplanes bombed our house. Everything was lost before our eyes under the rubble. We could not take anything out of the house. We could not even take the treatment of my disabled siblings, neither the denis brown device of my niece R. We are a big family, with persons with disabilities, who need special care. Who will meet their needs? I don't know why they bombed our house. My siblings and I are all poor skilled workers. We rely on aid provided by the World Food Programme, and it was stopped this month and I don't know why. Also, my father relies on social welfare assistance to provide for my disabled siblings. Three months ago, my father got a work permit to work inside the Green Line, and the social welfare assistance has been stopped. We urgently need a home, one that is suitable for my disabled siblings.*<sup>43</sup>

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<sup>41</sup> Al-Haq Affidavit 2023-05-0422-GA-K-A1-IL-CLD, Y.J.K, 15, resident of Al-Remal neighbourhood, Gaza City, on 18 May 2023. See also, Al-Haq, 'Israel's Targeted Killings of Three Military Commanders in Gaza Leaves 13 Palestinians Dead and 20 Injured', (9 May 2023), available at: <https://www.alhaq.org/advocacy/21489.html>.

<sup>42</sup> See Al-Haq's reporting on the May 2023 military attack here: <https://www.alhaq.org/advocacy/gaza-strip>

<sup>43</sup> Al-Haq Affidavit 2023-05-0455-NG-D-A1-IL-DIS, K.K.N, 35, resident of Jabalia town in the northern Gaza governorate, on 20 May 2023.

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17. The year 2022 was identified as the deadliest year since the second *Intifada* for Palestinians in the West Bank, including Jerusalem, with 157 killed in the year.<sup>44</sup> So far this year and as of 10 August 2023, 174 Palestinians have been killed in the West Bank, including Jerusalem.<sup>45</sup> The rise of killings in the West Bank is due to mainly a shift in increased and concerted pattern of massive and destructive military attacks and raids since 2022 on Palestinian areas in the occupied West Bank, particularly in Jenin and Nablus, with the intention of suppressing the growing Palestinian resistance therein. In fact, of the 157 Palestinians killed in 2022 in the West Bank, 84 were killed in the Jenin and Nablus governorates. Of the 174 Palestinians killed as of 10 August 2023 in the West Bank, 113 were killed in Jenin and Nablus.

18. In May 2023, Al-Haq's Forensic Architecture Unit launched an interactive platform that investigated two deadly Israeli attacks on Jenin on 26 January 2023 and on Nablus on 22 February 2023.<sup>46</sup> In these two military attacks, and at least another three destructive military attacks on the two governorates this year,<sup>47</sup> Al-Haq has observed Israel's utilisation of military means and methods that have not been used in the West Bank since the second *Intifada*. This includes the use of strategic aerial drone attacks and bombardments in Jenin in June and July 2023, and the use of oversized military D9 armoured caged bulldozers in Jenin in July 2023.<sup>48</sup> More generally, these military attacks have been marked by the use of advanced military warfare methods and acts, including the use of a full force of IOF, including undercover units, in civilian disguise, and ground sniper force. Moreover, the IOF have used civilian vehicles, accompanied by various military vehicles, including bulldozers and jeeps, who distribute themselves and scatter around the attacked area, effectively blockading it and obstructing all access to or exit from it. This has in turn, prevented Palestinian ambulances and medical teams from accessing the attacked areas while the military attacks are ongoing, to transport injured Palestinians, who remain unattended until the IOF withdraw. During the attacks on Jenin, Al-Haq documented cases where the IOF, including the ground sniper force, raided residential homes, turning tower blocks of apartments, where entire families reside, into military bases. In these raids, the IOF have drilled holes in the apartment's walls or broken the grills on windows to use them as sniping and shelling positions. Sometimes, the IOF have held an entire family, including children, hostage in their home while soldiers stationed in the residential homes engaged in live bullet shooting and shelling of bombs, terrorizing them and subjecting their lives to danger. Further, these military attacks have seen the destruction and damage of civilian homes, properties and infrastructure, including by shelling and bulldozing them. Another tactic observed during these military attacks is known as the colloquially termed

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<sup>44</sup> Al-Haq 2022 Annual Field Report.

<sup>45</sup> *Ibid.*

<sup>46</sup> See Al-Haq's Forensic Architecture interactive platform on: <https://raids.alhaq.org/>.

<sup>47</sup> See, Al-Haq, 'Israel Attacks Jenin Refugee Camp, Killing 12 Palestinians, Injuring 120, and Destroying Civilian Roads, Properties and Infrastructure, with Intent', (6 July 2023), available at: [https://www.alhaq.org/cached\\_uploads/download/2023/07/06/jenin-special-procedures-6-7-23-1688672706.pdf](https://www.alhaq.org/cached_uploads/download/2023/07/06/jenin-special-procedures-6-7-23-1688672706.pdf).

<sup>48</sup> *Ibid.*

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'pressure cooker' procedure. This involves progressively escalating the use of force against a targeted structure, in an attempt to compel any individuals inside to surrender. If they fail to do so, the IOF may ultimately demolish the building, resulting in the killing of all those present. This excessive use of force and lethal force is used against Palestinian subjugated to an illegal occupation and apartheid regime in densely populated civilian areas such as the Jenin Refugee Camp and the Old City of Nablus.

19. Indeed, Israel's military offensives and excessive use of force, is directed against the protected Palestinian population held under Israel's effective control. This disproportionality affects Palestinian persons with disability. In our last submission to the esteemed CRPD committee, we highlighted the killing of 14 Palestinian persons with disability between 2018 and 20 July 2020.<sup>49</sup> The following cases illustrates the killing of two Palestinian persons with disabilities, in 2022 and 2023, in the context of Israel's widespread military raids and attacks in the West Bank, and reflects its shoot-to-kill policy, which disproportionately affects Palestinian persons with intellectual and developmental disabilities. Notably, the IOF employs force at Palestinians, "on mere suspicion or as a precautionary measure", or under broad criteria of what constitutes "life threatening" events which includes, stone-throwing during protests.<sup>50</sup>

20. On 13 June 2023, an Israeli soldier shot and killed **F.A.M.H**, 19, a Palestinian with an intellectual disability. At around 1:00 am, the IOF, including undercover units, accompanied by military vehicles, a military bulldozer, and a drone, raided the Balata Refugee Camp in Nablus. The IOF scattered around the Camp and surrounded the home of I.H.A, 20, located in al-Hashaheen neighbourhood, in the Camp. Some of the IOF positioned themselves on the rooftops of surrounding buildings. Then, the IOF fired heavy bullets and shells at the besieged house, while I and his family were inside. The IOF called on I via speakers to turn himself in. At around 2:00 am, and during a gathering of around 25 of the Camp's residents, including women, and children, near the targeted and besieged home, where Israeli military vehicles were located, some Palestinians were throwing stones at a military vehicle around 90 meters away from them and were cowering behind the walls of the alleys. At that time, an Israeli soldier fired three consecutive bullets at F.A.M.H, resident of al-Hashaheen neighborhood. F was shot as he was advancing through the alley and trying to look from behind one of the homes walls at those forces, who were around 80 meters away from him. F was carrying a stone, but he was unable to throw it, as he was immediately shot and fell to the ground directly. At 3:00 am on the same day, F was pronounced dead, as a result of a live bullet in the right-hand side of his waist. The military raid also left eight

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<sup>49</sup> Joint Parallel Report on CRPD, para 14.

<sup>50</sup> UN, 'Annual Report of the UN High Commissioner for Human Rights', (25 January 2017), UN Doc A/HRC/34/36, para. 11; B'Tselem, 'Open-fire Regulations and Rules of International Humanitarian Law', (January 2011), available at: <http://www.btselem.org/firearms>.

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other Palestinians injured, including two children. Six of the injured were shot with live bullets and two sustained serious injuries in the back.<sup>51</sup>

**21.** On 26 July 2022, the IOF killed **H.H.Q**, 59, a Palestinian with a mental disability. H, resident of Awarta village, southeast of Nablus, had had a mental disability for 17 years and received medical treatment and sedatives on a regular basis in a mental and psychiatric hospital in Bethlehem. On 26 July 2022, at around 10:00 pm, at the Huwwara military checkpoint, located at the southern entrance of Nablus, the IOF, who were stationed in the military tower at the checkpoint, fired live bullets at H, while he was walking about two meters from the military tower. It is worth noting that the military tower is high, built of cement, whereby the soldiers are in the top control room. H did not pay attention to the source of the gunshots, and continued walking. At that moment, a military vehicle arrived at the scene and closed the road. Two soldiers, equipped with M16 weapons dismounted from the vehicle and started walking towards H, as he walked another two meters away from them. Then, the soldiers shouted at him in Arabic “stop, stop” as they pointed their weapons at him. H did not pay attention to the soldiers, and he continued walking, when one of the soldiers shot at him. At this moment, H walked toward the soldiers for a distance of one meter, when one of the soldiers immediately fired a second bullet at him from a distance of around 2-3 meters. H fell on the ground on his face. Q was transferred to Beilinson Hospital inside the Green Line, where he underwent two surgeries. He had been shot with three live bullets in the stomach. Q stayed in the intensive care unit under Israeli guard. On 29 July, he was pronounced dead. The Israeli occupying authorities withheld his body until 1 August 2022. It is worth noting that this is not the first time H was shot by the IOF. On 28 February 2017, he was shot with live bullets by an Israeli soldier also at Huwwara checkpoint in his right leg, and left side of his waist. He was hospitalized for seven days and underwent another 50 days of home treatment.<sup>52</sup>

**22.** It is worth reiterating that Israel's occupation of the Palestinian territory is illegal *jus ad bellum* and results from an unlawful use of force. All subsequent deployments of force by Israel to maintain the occupation are also illegal. Israel's systematic use of excessive force against Palestinians not only leads to the deprivation of life but in many cases inflicts life-altering injuries, leaving many disabled. During the two years of the Great Return March, Al Mezan documented the injury of hundreds of Palestinians, whereby at least 178 Palestinian protesters, including 64 children have been left disabled. Of those, at least 100 required amputations, 19 Palestinians developed visual disabilities, 12 speech disabilities, 14 motor disabilities, 1 intellectual disability, and 12 developed sexual dysfunctions.<sup>53</sup>

**23.** Since then, Israel's systemic shoot-to-maim policy has continued especially in the context of suppression protests. Between May 2021 and May 2021, Israel forcibly suppressed protests that

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<sup>51</sup> According to Al-Haq's investigation.

<sup>52</sup> According to Al-Haq's investigation.

<sup>53</sup> Al Mezan and others, 'Joint Submission to CRPD ahead of Israel's First Review', (August 2023), para 27.

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took place in Beita town, in Nablus. Beita residents have been protesting the illegal establishment in May 2021 of the Evyatar colonial outpost on their land. As per its systematic policy of suppression protests, Israel has deployed excessive and disproportionate use of force against the protesters in Beita, killing ten Palestinians, and injuring 6,454 Palestinian protesters, including 178 injuries with live bullets, and 997 with rubber-coated metal bullets in the year between 10 May 2021 and 20 May 2022.<sup>54</sup> Most of the injuries targeted the protesters' lower limbs.<sup>55</sup> The IOF have also deliberately used rubber-coated bullets at the protesters' heads: an area particularly vulnerable to rubber-coated bullets, as injuries can lead to morbidity and disability.<sup>56</sup> In fact, as a result of the rubber-coated bullets injuries, six Beita residents lost their eyes, while two suffer serious injuries in the eye, three suffer lacerations in the skull, and four suffer fractures in the jaw.<sup>57</sup> For example, B.J.H, 26, resident of Beita, had his eye removed as a result of a rubber-coated bullet shot at him in the eye by an Israeli soldier on 13 April 2022. As the IOF raided the village at around 5:00 am that day, as they conducted home raids and arbitrary arrests, confrontations took place between a group of Beita residents and the IOF near the village's old cemetery. B who in that area, saw around 30 Israeli soldiers, including two in a kneeling position, 10 meters away from him, who were firing rubber-coated metal bullets at the protesters. During this time, he was shot with a rubber-coated bullet in the eye. Upon hospitalisation, doctors had to completely remove his left eye. After three days, on 15 April 2022, B underwent an operation in the left eye, to restore the bones of the eye cavity, which were lacerated due to the injury.<sup>58</sup>

**24.** Of those suffering complex injuries in Beita, it is still too early to assess how many of those are at risk of developing disabilities, as many still undergo medical treatments. Those enduring complex injuries, are not only subjected to physical health implications, they also endure socio-economic impacts, and mental health consequences. For example, N.A.H.H, 47, resident of Beita, was shot with a live bullet in the knee, during his participation in a protest against the Evyatar colonial outpost on 23 July 2021. He underwent a surgery to restore the bone through platinum implants in the joint area and has been walking on a cane since his injury. N who is the only provider for his seven children, outlined the economic impact of his injury in his affidavit to Al-Haq:

*I used to work in a stone-cutting factory as a day labourer. I have not been working since my injury, as my job requires physical strength. This has affected me and my family, as my job is our family's only source of livelihood.*<sup>59</sup>

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<sup>54</sup> Al-Haq documentation. The injuries figures are taken from the Palestine Red Crescent Society (PRCS).

<sup>55</sup> Interview with Dr A.J.S.H, 35, Medical Director of the PCRS Field Hospital in Nablus Governorate, on 2 June 2022, on file with Al-Haq.

<sup>56</sup> *Ibid.*

<sup>57</sup> Interview with A.Y.B.S, 34, activist, resident of Beita, and representative of the General Union of Palestinian Injured, on 8 June 2022, on file with Al-Haq.

<sup>58</sup> Al-Haq Affidavit 123A/2022, given by B.J.H, 26, resident of Beita, on 26 April 2022.

<sup>59</sup> Al-Haq Affidavit 462A/2021, given by N.A.H.H, 47, resident of Beita, on 22 September 2021.

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**25.** On 25 June 2021, S.I.K, who was 18 years old at the time, resident of Beita, was shot by an Israeli soldier in the mouth with an expanding 'dumdum' bullet, from a 20-25 meters distance, during a protest in Beita.<sup>60</sup> 'Dumdum' bullets, which are designed to expand upon impact to maximise damage to the targeted individual, are expressly prohibited under international law for causing superfluous injury and unnecessary suffering.<sup>61</sup> S lost consciousness directly after the injury and remained in a coma for eight days.<sup>62</sup> He was hospitalised for 35 days and underwent four surgeries to remove the shrapnel from his lower and upper jaw, and to treat his teeth and tongue.<sup>63</sup> In his affidavit to Al-Haq, S, hardly being able to speak, explained how his injury has changed his life, and that he will undergo treatment for another two years, until he is able to talk, eat and drink, or work as prior to his injury:

*I still suffer huge problems, particularly with regards to eating and drinking. I now only eat after all my food is fully blended. I then eat it with a spoon. I drink liquids with a straw. All of this is a result of my injury by an expanding bullet. After the injury, I couldn't go to work as I no longer have a source of livelihood. I used to work in carpentry, but after the injury, the doctors prevented me from working until I complete my treatment, which will need about two years. The doctors told me to take care of myself and not to expose myself to any effort, in order to recover from the injury, as my upper and lower jaw are completely worn out and there is no bone in this area. I still suffer from trauma and psychological problems due to the injury because it caused a huge disability in my mouth, and the situation is no longer as it was.*<sup>64</sup>

**26.** Another case reflecting the devastating impacts of Israel's excessive use of force on Palestinians is the case of **H.A.A**, 24, resident of al-Rakeez village, in Massafer Yatta. On 1 January 2021, H was shot in the neck with a live bullet from a distance of two meters by an Israeli soldier as he was trying to retrieve a confiscated generator by the IOF during a raid on his community. His injury resulted in a permanent disability including the amputation of his leg. For two years, he suffered serious health repercussions until he succumbed to his wound on 14 February 2023. Based on Al-Haq's field investigation, on 1 January 2021, the IOF raided al-Rakeez village to confiscate equipment used for the maintenance of a livestock barracks. During the raid, the IOF confiscated a generator and walked towards their vehicles. Palestinian residents, including H, had a scuffle with the IOF and attempted to retrieve the generator. After a few minutes, one of the IOF, standing about two meters away from Haroun, fired a live bullet at H's neck. Footage, documenting the shooting of H, can be watched [here](#). Then, the IOF obstructed medical assistance, as they shot at the tire of the vehicle, which was trying to transfer H to the nearest medical clinic. At Al-Ahli Hospital in Hebron on the same day, doctors diagnosed him

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<sup>60</sup> Al-Haq Affidavit 453A/2021, given by S.I.K, 19, resident of Beita, on 20 September 2021.

<sup>61</sup> Declaration (IV,3) concerning Expanding Bullets. The Hague, 29 July 1899.

<sup>62</sup> Al-Haq Affidavit 453A/2021, given by S.I.K, 19, resident of Beita, on 20 September 2021.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*



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with quadriplegia. After around nine months of hospitalisation, H returned to his family's cave in Al-Rakeez in unsanitary conditions. His health condition deteriorated over time, whereby he endured chest infections and ulcers as a result of staying on his back permanently. In August 2022, he had his right leg amputated as a result of a gangrene. Later, H's health condition deteriorated further. He developed severe ulcers and gangrene in his left leg, and his condition worsened dramatically. He was admitted to Yatta Governmental Hospital in January 2023, and was pronounced dead on 14 February 2023. His official death certificate stated that the cause of death is "a result of his injury by the IOF which led to quadriplegia, blocked arteries in the legs, which led to its amputation, severe ulcers in the back and pelvis, and severe infections in the lungs."<sup>65</sup>

It is worth noting that the wilful killing of H happened in the context of his attempt to defend against the systemic ethnic cleansing of his community, whereby Palestinians are displaced and replaced with Israeli Jews. Al-Rakeez village, is one of the 12 communities in the Masafer Yatta region which have been designated by the Israeli occupying authorities since the 1980s, as a closed military area. Palestinians living within the area have been at risk of forcible transfer, as they are exposed to repeated demolitions, restricted access to land and natural resources, coupled with expanding settlements and acts of settler violence. The attempt to retrieve the confiscated generator, which was used by the herding community to care for their livestock, reflects the community's restricted access to their own natural resources and the coercive environment enforced by the Israeli occupying authorities who have encircled the Masafer Yatta region with at least seven illegal settlements.<sup>66</sup>

**27. Our organisations urge the esteemed CRPD Committee to contextualize Israel's military attacks and its excessive use force, shoot to kill and maim policies, within its illegal occupation and apartheid regime intended to indefinitely dominate the Palestinian people. As such, we urge you to call on Israel end to its apartheid regime and occupation and to recognise that all uses of force by Israel to sustain the illegal occupation, are also illegal. We further urge you to request information on measures taken by the Israeli occupying authorities to bring its rules of engagement for the use of live fire in line with international human rights law and to put an end to the IOF's systematic shoot-to-kill policy, including against Palestinians with disabilities. We stress that the increased excessive use of force policy against Palestinians has been able to continue on the expense of the lives and rights of Palestinian given Israel's institutionalized impunity, which systematically shields Israeli perpetrators from accountability. As such, we urge you to recognize Israeli judicial mechanisms as unwilling to genuinely prosecute international crimes committed against the Palestinian people and to call for international accountability for Palestinians, including at the International Criminal Court. Further our organisations call for full reparations and remedy for Israel's**

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<sup>65</sup> According to Al-Haq's documentation.

<sup>66</sup> Al-Haq, 'Written Statement to the HRC: 1,200 Palestinians Are at Imminent Risk of Forcible Transfer in Masafer Yatta', (22 August 2022), UN Doc. A/HRC/51/NGO/63.

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**internationally wrongful acts such as *inter alia* property crimes and injury, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.**

### 5. Access to Justice (Article 13)

**28.** Since 1967, the Israeli occupying authorities has issued over 1800 military orders criminalizing all forms of political expression, association, movement, protest, and any other acts that might be considered as protesting against Israel's occupation of the Palestinian territory.<sup>67</sup> This is in clear violation of the Occupying Power's obligation under Article 43 of the Hague Regulations (1907) not to change the existing laws in the occupied territory unless absolutely necessary and for the best interest of the protected occupied population.<sup>68</sup> The operation of a discriminatory military judicial system that relies on such military orders has further reinforced Israel's domination over the Palestinian people, specifically violating their fundamental right to a fair trial.<sup>69</sup> This system constitutes one of the two Israeli avenues "theoretically available to Palestinians in the OPT that seek to obtain justice or bring violation to an end", the other one being the Israeli High Court of Justice.<sup>70</sup> Concerning the military judicial system, while Israeli military orders grant the military courts a wide personal jurisdiction encompassing both Israelis and foreigners, in practice Israelis are not prosecuted by the military courts and those cases are instead adjudicated by Israeli civilian courts.<sup>71</sup> Likewise, Israel's High Court of Justice which considers secret evidence cannot be deemed as an impartial and independent judicial institution serving the rule of law and respecting the guarantees of fair trial and due process of law.<sup>72</sup>

**29.** In the List of Issues, the CRPD Committee asked Israel to provide information on "complaints and investigation mechanism, remedies and reparations, including compensation for persons with disabilities, in cases of violation of their rights, including the context of military operations conducted in the [OPT], including East Jerusalem".<sup>73</sup>

**30.** In our 2020 parallel report to your esteemed Committee, we highlighted the case of the killing of **E.K.A**, 31 a Palestinian person with disability (autistic), by Israeli border police on 30 May 2020 in Jerusalem from an 80-meters distance while posing no threat to anyone in the area.<sup>74</sup> The

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<sup>67</sup> Addameer, 'The Israeli Military Judicial System as a Tool of Oppression and Control: a Review of Military Order No. 1827', (28 May 2020), available at: <http://www.addameer.org/publications/israeli-military-judicial-system-tooloppression-and-control-review-military-order-no>.

<sup>68</sup> UNGA, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', (23 October 2017), UN Doc A/72/43106.

<sup>69</sup> Nada Kiswanson and Susan Power, 'Prolonged Occupation and International Law', (Al-Haq, 2022), 159-160.

<sup>70</sup> *Ibid*, 253.

<sup>71</sup> *Ibid*, 164.

<sup>72</sup> *Ibid*, 256-279.

<sup>73</sup> CRPD List of issues on Israel, para. 13(c).

<sup>74</sup> Joint Parallel Report on CRPD, paras. 19-20, see also Al-Haq, "Urgent Appeal to UN Special Procedures on the Extrajudicial Execution and Wilful Killing of Palestinian Person with Disability I.A", (8 June 2022), available at: <https://www.alhaq.org/advocacy/16963.html>.

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case of E demonstrates “Israel’s sham investigations into extrajudicial executions and excessive use of force as a fig leaf and whitewash mechanism to rubber stamp [its] shoot-to-kill policy.”<sup>75</sup> On 6 July 2023, the Jerusalem District court acquitted the officer who killed E, ruling that the accused acted in “self-defense” and in “good faith” while dealing with a “dangerous situation” that needed a quick decision and that this was “an integral part of military activity”.<sup>76</sup> Worse still, this officer “will return to the force and go to a ‘commanders’ course in a few weeks”.<sup>77</sup> Notably, the officer claimed that E was “a terrorist because he was wearing black gloves and a black face mask which was not unusual given that it was just a few months into the COVID-19 pandemic- and “stopped several times and looked back as he was walking”.<sup>78</sup> Such claims are preposterous, especially that E suffered from “physical disabilities that affected his hearing and movement”.<sup>79</sup>

**31.** In doing so, the court set a dangerous precedent that could be relied on by any Israeli soldier and, by analogy, settler, who killed a Palestinian, including persons with disabilities. In addition, this case is of significant concern to the extent that it further entrenches the well-established culture of impunity for Israeli settlers and soldiers for crimes committed against Palestinians. Tellingly, during the proceedings of the E.A case, the Israeli National Security Minister Itamar Ben-Gvir encouraged the IOF to carry on with their illegal practices of arbitrary killing stating that “hero soldiers who protect the State of Israel with their lives will get a hug and full backing from me and from the Israeli government.”<sup>80</sup>

**32.** In 2021, only 1.2 percent of complaints against Israeli police officers and soldiers ended up in criminal indictments. Even when there is an indictment for serious crimes including murder, the sentencing is so reduced that it operates as a shielding of the perpetrator.<sup>81</sup> For example, E.A, an Israeli soldier, who shot and killed A.F.A in the head, while he lay unarmed and wounded, was released after only nine months of imprisonment.<sup>82</sup> In this respect, it is clear how Israel’s judicial system endorses Israel’s extrajudicial killing policy. **In light of the above, we urge the Committee to request information on measures taken by the Israeli occupying authorities to comply with Article 13 of the Convention. We further request that the CRPD Committee condemns the shielding of Israeli perpetrators of international crimes, and to highlight the**

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<sup>75</sup> Joint Parallel Report on CRPD, para 20.

<sup>76</sup> Al-Jazeera, ‘Israeli court acquits officer of killing autistic Palestinian man’, (6 July 2023), available at: <https://www.aljazeera.com/news/2023/7/6/israeli-court-acquits-officer-of-killing-autistic-palestinian-man>.

<sup>77</sup> Yumma Patel, ‘Israel acquitted E.A’s killer. Then Ben-Gvir called his mom a terrorist’, (Mondoweiss, 7 July 2023), available at: <https://mondoweiss.net/2023/07/israel-acquitted-eyad-al-hallaqs-killer-then-ben-gvir-called-his-mom-a-terrorist/>.

<sup>78</sup> *Ibid.*

<sup>79</sup> Joint Parallel Report to CRPD, para. 19.

<sup>80</sup> Yumma Patel, ‘Israel acquitted E.A’s killer. Then Ben-Gvir called his mom a terrorist’, (Mondoweiss, 7 July 2023), available at: <https://mondoweiss.net/2023/07/israel-acquitted-eyad-al-hallaqs-killer-then-ben-gvir-called-his-mom-a-terrorist/>.

<sup>81</sup> Al-Haq, ‘Impunity for Extrajudicial Killing: Israeli Soldier and Killer of A.F.A. Released after Mere 9 Months in Prison’, (11 May 2018), available at: <https://www.alhaq.org/advocacy/6225.html>.

<sup>82</sup> *Ibid.*

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**intrinsically discriminatory nature of the Israeli High Court of Justice which bases considerations on secret evidence in denial of due process guarantees, and the discriminatory Israeli military courts which unilaterally prosecute Palestinians and subject them to arbitrary detention on secret evidence, while omitting to hear cases of illegally transferred in settlers under its jurisdiction who are instead heard under Israeli domestic courts with full due process guarantees.**

### **6. Liberty and Security of the Person and Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment (Articles 14 and 15)**

**33.** Israel has consistently failed to uphold its obligations under not only the Geneva Conventions, but also international human rights treaties, including the CRPD, leading to severe and widespread human rights violations against disabled Palestinian persons in detention.

**34.** Disabled Palestinian prisoners in Israeli custody not only face infringement and extreme disrespect to their condition, they endure numerous hardships that are carried out against them, including inhumane treatment, denial of access to adequate medical care, and inhuman, degrading and cruel treatment during interrogation. Out of the 5,000 Palestinians whom Israel unlawfully deprives of their freedoms,<sup>83</sup> about 100 of them are denied their liberty have some form of physical or mental disability that has hindered part, if not all, of their ability to be independent due to already-existing disability or one inflicted during arrest or interrogation.

**35.** The most severe cases of disabled Palestinian prisoners are those detained at Ramleh Prison in a section of it that the Israeli Prison Service (IPS) describes as a 'clinic'. The 'clinic' is widely known among prisoners as 'the slaughterhouse', for its incredibly cruel detention conditions for sick and disabled prisoners. Many of those incarcerated therein are dependent on wheelchairs for movement, and some require the assistance of other prisoners for day-to-day matters, including using the toilet. While no one has ever been allowed to photograph this space, it has been described in significant detail by prisoners who have experienced it. Prisoners describe the pervasive negligence, lack of specialized medical staff, medical devices, and the absence and denial of urgent medical interventions for prisoners who are already diagnosed with grave maladies.<sup>84</sup> Many of the prisoners end up being transferred back to their regular prison cells while their conditions have not shown any signs of improvement.

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<sup>83</sup> As of 13 August 2023, There are 5,100 Palestinian prisoners, including 33 female prisoners, 165 children, and 1200 administratively detained prisoners, available at: <https://www.addameer.org/statistics>.

<sup>84</sup> Al-Haq, 'On Palestinian Prisoners' Day, Civil Society Calls for Urgent Release of Palestinian Prisoners and Detainees in Israeli Prisons', (17 April 2020), available at: <http://www.alhaq.org/advocacy/16736.html>.

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**36.** We present to the esteemed Committee five cases, which have been documented by Addameer, to illustrate the extent of the violations perpetrated by Israel against Palestinian prisoners with disabilities.

**37.** Some of the harshest disabilities that Palestinian prisoners suffer from under their incarceration in Israeli prisons are disabilities that have been caused as a result of Israel's excessive use of force. Such includes the cases of N.A.J' and F.S.

**38.** N.A.J', 27, a Palestinian man from Jenin was arrested by the IOF right after the IOF shot his body with several bullets, one of which penetrated through his spine, causing him full paralysis of the lower half of his body. N suffers from deteriorating health due to the denial of adequate medical care in Israeli custody, an application of Israel's policy of neglecting the medical needs of Palestinian prisoners. Despite his serious health condition, N did not receive the necessary medical attention, violating his right to proper medical care as a prisoner. The deprivation of adequate medical facilities and medical care in detention further exacerbated his disability, violating Article 76 of the Fourth Geneva Convention and Article 25 of the CRPD, both guaranteeing the detainees' right to access adequate medical care, especially in cases of disabilities.

**39.** F.S., 33 is mother to a 5-year-old girl. F was arrested in April 2023 immediately after she had been shot and severely injured by the IOF, for allegedly attempting to stab an Israeli soldier. F was paralyzed in her lower body, requiring her to be continuously attended to by a caretaker to help her with day-to-day matters, including going to the toilet. F was handcuffed to a hospital bed for a month, where she underwent several surgeries to treat her gunshot wounds, including the removal of parts of her kidney and liver. While her physical movement has been impaired, she now uses a wheelchair where she is incarcerated in the notorious 'slaughterhouse' of Ramleh Prison. The IPS's treatment of F fails to meet the standards enshrined in Article 27 of Fourth Geneva Convention, requiring that disabled persons in the occupied territory be provided with special care.

**40.** Addameer also documented the case of **A.H.**, 58, a Palestinian man who on 15 May 2020, rushed to his home as he received a call from his daughters telling him that the IOF had raided their home after detonating the main door. A, who was initially on his way to pick up his wife from the border as she returned from abroad, was detained at a military flying checkpoint in Nablus where he was arrested, cuffed, blindfolded, and beaten up for over an hour, while forced to lie down on the floor of the military jeep. A quickly started to feel something wrong happening in his body, he tried over and over to inform the soldiers around him in Hebrew that he felt as if he will die, only to be answered with "Good, we actually want you to die". A was kept handcuffed and blindfolded when the soldiers sought medical attention. Through back-and-forth transfers from the Interrogation Center of Al Jalamah to civil hospitals, subsequent medical reports concluded that A had sustained damage to his nerve system from his injuries, disabling his mobility to the point that he required a wheelchair. Despite the medical diagnosis, A was denied the use of the wheelchair, and he was instead dragged on the floor of the interrogation center for at least 45 days. Each time the interrogators moved him around, they also threatened him to rape his wife as a part of their

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psychological torture. A recalled that “One day, while dragging me on the floor, my pants slipped away”. Soldiers, guards, and workers at the Center laughed, danced, and made fun of him. “I truly wished I was dead that day”. A was administratively detained for a period of 18 months, while his wife was detained for 8 months.

**41.** The inhumane, degrading treatment and punishment which H faced throughout his arrest and interrogation not only violates the right to dignity, but also articles 2, 5, and 16 of the CRPD, all of which prohibit any form of discrimination against the disabled, and requires that “States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services”.

**42.** In 2015, A.M., 13, was arrested and has since been incarcerated in Israeli prisons since. Following years of imprisonment, including sustained periods of solitary confinement, medical reports found that A suffers from serious mental health problems, including schizophrenia and suicidal ideation. Israeli authorities have repeatedly rejected requests for A's release, citing the retrospectively applied counter-terrorism law as a reason preventing his early release. The occupation's apparatus, through arrest, intimidation, torture, and violence committed against A have deprived him of his liberty, education, social interaction, and most importantly, his childhood. As such, Israel is in breach of its obligations under articles 3, 7, 15, 24 of the CRPD.

**43. In light of the aforementioned violations, we urge the esteemed CRPD Committee to demand that Israel immediately cease all forms of torture, or cruel, inhuman or degrading treatment or punishment against Palestinian political prisoners, including those with disabilities. We further call on the Committee to call on Israel to immediately release all Palestinian political prisoners, including persons with disabilities and stop its excessive use of force during raid and arrest operations. Importantly, Palestinian prisoners, including those with disabilities and sick, should be allowed access to medical care. Israel should also provide appropriate medical care, accommodations, and support services to Palestinian prisoners with disabilities, as well to establish mechanisms to monitor and report on the treatment of disabled prisoners in Israeli custody, ensuring compliance with the CRPD.**

### **7. Liberty of Movement and Nationality and the Right to Health (Articles 18 and 25)**

**44.** Article 18(1)(c) of the Convention provides that State parties shall ensure that persons with disabilities “[a]re not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.” Since the Nakba of 1948, Palestinian refugees and internally displaced persons remain arbitrarily denied their right to return to their homes. Furthermore, in order to ensure the ongoing displacement of the Palestinian people, Israel has been implementing ongoing “forcible transfers policies and measures, as well as creating and maintaining coercive environments across

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historic Palestine.”<sup>85</sup> Israel’s systemic denial of Palestinians’ right to return should be seen as part of the broader settler-colonial and apartheid regime, which aims at fragmenting the Palestinian people, skewing the demographic composition in favour of Israeli Jews and ensuring that the “Palestinian people cannot meet, group, live together, or exercise any collective rights, particularly their rights to self-determination and permanent sovereignty.”<sup>86</sup>

**45.** In the list of issues, your esteemed committee requested information on “[h]ow the permit system and the border crossings operate and affect persons with disabilities in the Occupied Palestinian Territory.”<sup>87</sup> Your esteemed committee further asked Israel to provide information on: “[m]easures to ensure the protection and safety of persons with disabilities in the Occupied Palestinian Territory, including East Jerusalem, to improve their living conditions, and to ensure their freedom of movement, access to humanitarian assistance, and access to services and goods in the community, including water supply, electricity, health care, education, rehabilitation, housing, and work and employment, particularly in the Gaza Strip”.<sup>88</sup>

**46.** We would like to bring to the Committee’s attention two cases shedding light on Israel’s failure to take the above measures. **F.M.A.N, 6**, resident of Khan Yonuis in Gaza, suffered from cerebral palsy and delayed growth since he was three years old. On 24 August 2022, F died. The Israeli authorities had repeatedly refused to issue him a permit for medical treatment. It is also worth noting that F’s treatment is not available in the occupied and besieged Gaza Strip. He obtained a medical referral to Hadassah Ein Kerem Hospital in Jerusalem, and an appointment was booked for him on 12 January 2022. However, despite having submitted papers for a permit, the Israeli authorities responded a day before the appointment that the file is still “under process.” Another appointment was booked for him on 10 August 2022, and again the Israeli authorities responded with the same reply. The denial of his treatment aggravated his medical condition, which eventually led to his death on 24 August 2022.<sup>89</sup>

**47. O.M.A, 41**, is a mother of three children, including A, 16, who suffers from down syndrome, and weak immunity. O was born in Nablus, in the West Bank, and relocated to Gaza in 2003, as she got married to a Palestinian from Gaza City. For 20 years, the Israeli authorities refused her repeated permit applications to visit her family in Nablus. In her affidavit to Al-Haq, O addressed her desire to return to Nablus with her children:

*The living situation is very harsh in Gaza due to the suffocating Israeli blockade. My son needs specialized appointments to treat and follow up on his health and mental condition, which are not available in Gaza. His treatment chances could be better in the West Bank. I*

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<sup>85</sup> Al-Haq, ‘Written Submission to the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Mr. Fabian Salvioli, on Transitional Justice Measures and the Legacy of Human Rights Violations in Colonial Contexts’, (12 May 2021), 8.

<sup>86</sup> Al-Haq, ‘Al-Haq Position Paper- ICJ Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the OPT’, (29 July 2023), 5, available at: <https://www.alhaq.org/advocacy/21686.html>

<sup>87</sup> CRPD List of issues on Israel’, para. 20(a).

<sup>88</sup> CRPD List of issues on Israel, paras 26(b) and 10(a).

<sup>89</sup> According to Al-Haq’s documentation.

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*want to return with my children to the home I grew up in Nablus, with my mother and siblings. Every time I apply for a permit to go to the West Bank, Israel refuses to grant me one without any indicated reason.*

In 2014, O's brother was diagnosed with cancer. O was denied a permit to visit her brother, until he died in January 2022. She was only allowed a 3-day permit to the West Bank, when her work permit papers included his death certificate. O visited her family home for three days, after 20 years of forced absence, as the family was mourning her brother's death. On the way back to Gaza, through the Erez checkpoint, the IOF ordered her go back to Nablus and never to return to Gaza, as her indicated address on her identity card is Nablus. O continued her affidavit:

*One soldier told me through a translator: "You either go back to Nablus, or you give up your address in the West Bank based on your own free will. Then, your address will be transferred to the Gaza Strip, and you will never be allowed to visit the West Bank." They were pressuring me to choose between my family in the West Bank and my family in Gaza forever! They left me in a waiting room for about two hours. I collapsed from crying, and I only was thinking about my son A and my daughters. Then, they pressured me to sign a paper or I won't be allowed entry into Gaza, and I would be transferred immediately to the West Bank. All my concern was to return to my disabled son, and under the insistence of the soldiers, I signed.*

Having returned to her family in Gaza, O applied several times for a permit to the West Bank, which were all denied, based on the paper she signed.<sup>90</sup> **Based on this, we urge the CRPD Committee to call on Israel to immediately lift the illegal blockade on the Gaza Strip, and enable the right to return of Palestinian refugees, including the 1.7 million refugees under blockade in Gaza.**<sup>91</sup> **We further urge your esteemed Committee to request information on steps taken by the Israeli occupying authorities to fulfil the right to health, and the liberty of movement of Palestinians, including access to healthcare for Palestinian patients and persons with disabilities from Gaza.**

48. The List of Issues further calls on Israel to provide information on measures to establish a "humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others" specifically as a result of the COVID-19 pandemic, including in the OPT. The Committee was interested in measures to provide "equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times."<sup>92</sup>

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<sup>90</sup> Al-Haq Affidavit 2023-01-0076-GA-F-A1-IL-WMN, O.M.A., resident of Gaza City, 25 January 2023.

<sup>91</sup> UNRWA, available at :<https://www.unrwa.org/where-we-work/gaza-strip#:~:text=The%20Gaza%20Strip%20has%20a,has%20been%20in%20steady%20decline>.

<sup>92</sup> CRPD List of issues on Israel, para. 11.



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49. During the COVID-19 pandemic, the Israeli occupying authorities implemented a discriminatory policy in its vaccine distribution towards Palestinians.<sup>93</sup> Disregarding its obligations as an Occupying Power, Israel did not share its vaccines with Palestinians, while more than half of its population was vaccinated.<sup>94</sup> This discriminatory policy is of particular concern for persons with disabilities because the “COVID-19 pandemic has had a disproportionate impact on [them].”<sup>95</sup> Furthermore, in June 2021, the Palestinian Authority (hereinafter “PA”) and Israel agreed on a vaccine swap. The PA cancelled the deal later as Israel wanted to send soon-to-expire vaccines.<sup>96</sup> Furthermore, Israel has blocked the entry of COVID-19 vaccines into Gaza in February 2021,<sup>97</sup> aggravating the already collapsed health system as a result of its illegal blockade. The Israeli authorities argued that, pursuant to the Oslo Accords, the PA is responsible for vaccinating Palestinians in Gaza and parts of the West Bank where it does not have full control.<sup>98</sup> In fact, Israel exerts effective control over the West Bank, including East Jerusalem and the Gaza Strip, as evidenced by the repeated military attacks in the OPT, the settlement enterprise in the West Bank, as well as its control over Gaza’s land, airspace and territorial space manifested by a 16-year blockade. This control can further be demonstrated through Israel’s paramount authority exerted over VAT rates, customs, and population registry in lieu of the Palestinian authorities in Gaza.

50. Finally, in your list of issues, you asked Israel to provide information on “the measures taken to monitor and evaluate the effectiveness of social protection policies and programmes and to identify outcomes for persons with disabilities, including ... those living in the Occupied Palestinian Territory.”<sup>99</sup> In 1965, the Palestine Liberation Organisation established the Commission of Martyrs and the Injured, which provides “social services and a social safety net to Palestinian families who had suffered either the loss or permanent injury/disability of a loved one by the Israeli forces, or who had one family member or more imprisoned by Israel.”<sup>100</sup> Since the signing of the Oslo Accords, the Commission has been only assisting families of the

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<sup>93</sup> Al-Haq, ‘Racism and Institutionalised Discrimination in the Roll-Out of the COVID-19 Vaccine’, (18 January 2021), available at: <https://www.alhaq.org/advocacy/17767.html>.

<sup>94</sup> Al-Jazeera, ‘Palestinian Authority calls off vaccine exchange with Israel’, (18 June 2021), available at: <https://www.aljazeera.com/news/2021/6/18/palestinians-to-get-1-million-covid-vaccine-doses-in-israel-swap>.

<sup>95</sup> UN Office of the High Commissioner of Human Rights, ‘COVID-19 and persons with disabilities’, available at: <https://www.ohchr.org/en/covid-19-and-persons-disabilities>.

<sup>96</sup> Ali Sawafta, ‘Palestinians cancel deal for near-expired COVID vaccines from Israel’ (Reuters, 18 June 2021), available at: <https://www.reuters.com/world/middle-east/israel-give-palestinians-1-million-covid-vaccine-doses-israeli-statement-2021-06-18>

<sup>97</sup> Al Mezan, ‘Al Mezan condemns Israel’s blocking of COVID-19 vaccine to Gaza’, (18 February 2021), available at: <https://reliefweb.int/report/occupied-palestinian-territory/al-mezan-condemns-israel-s-blocking-covid-19-vaccine-gaza>.

<sup>98</sup> Ali Sawafta, ‘Palestinians cancel deal for near-expired COVID vaccines from Israel’ (Reuters, 18 June 2021), available at: <https://www.reuters.com/world/middle-east/israel-give-palestinians-1-million-covid-vaccine-doses-israeli-statement-2021-06-18>

<sup>99</sup> CRPD List of issues on Israel, para. 29.

<sup>100</sup> The Palestinian Authority’s (PA) policy position on the social welfare payments to the families of prisoners, available at: <https://www.palestine-australia.com/assets/Uploads/The-Palestinian-Authoritys-PA-policy-position-on-the-social-welfare-payments-to-the-families-of-prisoners-.pdf>.

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injured/disabled and Palestinians killed by the IOF.<sup>101</sup> In 2013, the Welfare Law for Prisoners was adopted, to provide monthly stipends and social welfare services to the families of Palestinian political prisoners.<sup>102</sup> Israel has repeatedly withheld and confiscated PA funds for these bodies. In 2018, the Israeli Knesset approved a law, allowing for the deduction of the amount of the allowance the PA pays to families of Palestinian political prisoners and those killed by IOF from its tax revenues.<sup>103</sup> Israel has further used this policy as a bargaining chip, whenever the PA pursues accountability for Palestinians through international mechanisms. This was evident after the PA requested an advisory opinion by the ICJ this year.<sup>104</sup> **In light of the above, we urge the esteemed Committee to call on Israel to abide by its obligation under article 28 of the Convention to ensure Palestinian persons with disabilities enjoy their right to social protection. We further urge the Committee to call on Israel to end its policy of withholding and confiscating PA funds, which are used as a social welfare assistance to the families of deceased Palestinian killed by the IOF and prisoners, as well as injured Palestinians including those suffering permanent disabilities as a result of Israel's excessive use of force.**

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<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> News News Agency, 'Officials say despite Israeli law, commitment to prisoners is unshakable', (3 July 2018), available at: <https://english.wafa.ps/Pages/Details/94655>.

<sup>104</sup> Yumma Patel, 'New Israeli punitive measures hold PA 'hostage' amid international silence' (Mondoweiss, 13 January 2023), available at: <https://mondoweiss.net/2023/01/new-israeli-punitive-measures-hold-pa-hostage-amid-international-silence/>.