



**Submission by Al-Haq to the Special Rapporteur on the situation of  
human rights in the Palestinian territories occupied since 1967**

**An Update on the Human Rights Situation in the OPT  
October 2014 - May 2015**

**15 June 2015**

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## **1. Introduction**

Al-Haq is an independent Palestinian non-governmental human rights organization based in Ramallah, West Bank. 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 the 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.

In its submission to the Special Rapporteur in October 2014, Al-Haq underscored Israel's excessive use of force in the context of military operations in the West Bank and the Gaza Strip, especially between June and August 2014. While the previous submission provided stark and extreme examples of Israel's human rights violations, as noted in the Special Rapporteur's January report on the "striking" and "deliberate targeting" of civilian infrastructure, the current period is exemplified by Israel's unrelenting policy aimed at control of Palestinian land and resources, as well as the displacement and harassment of Palestinian civilians. This policy is carried out via the settlement enterprise, the use of force by both Israel and settlers, and collective punishment, amongst other means.

Al-Haq remains concerned about the continuous Israeli violations of international human rights law (IHRL) and international humanitarian law (IHL) in the OPT. The violations fragment the OPT, and place severe obstacles to the realization of the Palestinian population's basic human rights, including the inherent Palestinian right to self-determination which includes the right to sovereignty over and access to natural resources.

This submission will provide an update pertaining to human rights violations committed by Israel as an Occupying Power in the West Bank, including East Jerusalem, and the Gaza Strip, between October 2014 and May 2015 as documented by Al-Haq.

## **2. Impact of settlement enterprise and control over Palestinian development on Palestinian human rights**

### **2.1 Land appropriation and settlement expansion in the West Bank**

In 2014, the Occupying Power confiscated at least 17,433 *dunums* of Palestinian owned land in a continued policy of land appropriations, exploitation and control that began 48 years ago.<sup>1</sup> The Israeli authority confiscates land under the pretext of use as closed military zones, archaeological sites, nature reserves, absentee property, or state land declarations. State land declarations lay the path for settlement expansion and the resultant control over Palestinian land and resources.

The process of land confiscation to settlement development and expansion has a systematic and protracted impact on Palestinian communities. For example, in the early 1970s, Israel confiscated privately owned Palestinian land in the town of Abu Dis, two kilometres away from Jerusalem. It prevented the residents from using this land for

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<sup>1</sup> Statistic provided by the Land Research Centre

farming or grazing, claiming that it was a military training zone. Towards the late 1970s, Israeli settlers set up caravans on this land creating two outposts that grew into two settlements. During those years, the Israeli authorities also built a waste landfill on 150 *dunums* of the town's land following its confiscation. This waste landfill was used by the Israeli Jerusalem municipality and neighbouring settlements. Following the construction of the Annexation Wall around the town in 2004, which separated it from East Jerusalem, an additional 1,500 *dunums* of the town were annexed.

In March 2013, the Israeli Civil Administration (ICA) announced in the local paper its intention to build a new area for Bedouin communities on approximately 100 *dunums* of land owned by residents of Abu Dis (owned by the Issa, Shihada, and Mohsen families), but considered state land by Israel. Currently, the Israeli authorities are in the process of forcibly transferring about 250 Palestinian Bedouin families from across the Jerusalem periphery and the Jordan Valley onto these lands in Abu Dis. (Al-Haq Affidavit No. 10493/2015) According to the Al-Haq field research, in early 2015, Israeli forces began excavation work in the aforementioned lands in order to forcibly transfer the Abu Nuwwar Bedouin community to the land in Abu Dis.

Another example of the sustained policy of the settlement enterprise is that of Muhammad Khaled Isma'il, one of eight heirs to agricultural land located in Wadi Al-Jamous, Tulkarem. An illegal Israeli settlement known as Avni Hefets is located one kilometre east of Muhammad's land. The settlement was established in 1987 on Palestinian-owned land belonging to the nearby Shofa village. On 14 January 2015, Israeli military forces and the ICA arrived on Muhammad's land.

*"One of the ICA officers spoke to me in English, which I understand well, and told me that this land is a governmental land. The land includes 150 dunums of which my family owns 70 dunums and the rest is owned by the Odeh family of Tulkarem. He said we are not allowed to work on the land. He also added that there will be a court session on 25 February 2015 at Ofer Israeli Military court to resolve the matter between the family and the State. The officer ordered me not to work on the land or else we would be sentenced to pay a fine. I was not given any confiscation papers or notice. The ICA also confiscated the remaining 80 dunums owned by the Odeh family and a house under construction there. On 15 March 2012, the ICA delivered notices of confiscation for 33 more dunums owned by our family and 15 more owned by the Odeh family. However, on 14 January 2015, we were surprised to learn that the confiscation includes an additional 48 dunums – so the total amount of land confiscated is 246 dunums. My family and the other owners have documentation proving ownership of the land confiscated."*

Affidavit of Muhammad Khaled Isma'il, resident of Wadi Al-Jamous, Tulkarem.  
Affidavit No. 10413/2015, taken on 17 January 2015.

While many state land declarations are clearly connected to settlement expansion, others more broadly serve the state of Israel in maintaining its colonial settlement enterprise at the expense of the Palestinian civilian population. In February 2015 for instance, the Israeli authorities approved a plan to build a solid waste landfill on 546 *dunums* of privately owned Palestinian land that had been confiscated from the villages of 'Anata

and Al-‘Eisawiyya, in East Jerusalem, expelling 30 Palestinian families from their homes.<sup>2</sup>

In some instances, land grab is carried out by Israeli settlers, while still receiving the support from the Israeli authorities. For instance, in 2002 Israeli settlers stole seven *dunums* of land located near the Kiryat Arba’ settlement from the Ja’bari family in Hebron. The settlers had illegally set up a tent and turned it into a synagogue. On 19 January 2015, the family received a document issued by the Kiryat Arba’ local council, requiring them to pay around USD 22,430 in property taxes for the land that had been confiscated and turned into a synagogue by the settlers. The document stated that if the family did not pay the amount, the land in question would be sold at auction.<sup>3</sup> (Al-Haq Affidavit No. 10368/2015) According to Abd Al-Karim Al-Ja’bari, the synagogue was demolished and reconstructed at least four times since January 2015. By 15 June 2015, settlers were still present on the land, having set up plastic chairs, performing their prayers, and harassing Palestinians in the area. The family is also awaiting an Israeli court's order to be issued soon.

## **2.2 Israel's exploitation of Palestinian natural resources:**

Israel uses confiscated private and public Palestinian land to construct residential, industrial and agricultural settlements and their relevant infrastructure, including settler bypass roads.

As such, there are at least 20 industrial settlements and a number of agricultural settlements<sup>4</sup> operating in the West Bank. Israel provides economic incentives for businesses and individuals, whether Israeli or multinational, to be located in settlements. A significant number of products manufactured and grown in these settlements are thereafter exported to external markets abroad, providing a vital source of revenue for these settlements.

Israel's exploitation of Palestinian natural resources encompasses the exploitation of extractive industries within the OPT, including water, gas and oil<sup>5</sup>, stone quarries, as well as minerals and mud from the Dead Sea. Since 1967, Israel has been appropriating Palestinian land in the Dead Sea area, while restricting Palestinian movement, access, and planning there. This has led to an increase in the population of settlements and a diminishing Palestinian presence. Two of these settlements, *Mitzpe Shalem* and *Kalia*, own almost 44.5 per cent of Ahava Dead Sea Laboratories which is the only licensed

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<sup>2</sup> **Neighbourhoods of East Jerusalem: Between Land Grab, Lack of Infrastructure and a Waste Landfill**, Al-Haq, Weekly Focus, 1 March 2015, available at: [<http://www.alhaq.org/documentation/weekly-focuses/901-neighbourhoods-of-east-jerusalem-between-land-grab>]

<sup>3</sup> **Israeli Settlers Confiscate Palestinian Land, Build a Synagogue then Tax Palestinian Land Owners**, Al-Haq, Weekly Focus, 2 February 2015, available at: [<http://www.alhaq.org/documentation/weekly-focuses/892-israeli-settlers-confiscate-palestinian-land-build-a-synagogue-then-tax-palestinian-land-owners>]

<sup>4</sup> There are at least 31 settlements in the Jordan Valley, an area known for its fertile land and hence its profitable agriculture for business. Many of the settlements there, if not all, depend on agriculture for their development [<http://www.popularstruggle.org/content/eye-jordan-valley>]

<sup>5</sup> See attached report, **Preventing Development of Palestinian Natural Gas Resources in the Mediterranean Sea**, Al-Haq, 2014, also available at: [<http://www.alhaq.org/publications/publications-index/item/preventing-the-development-of-palestinian-natural-gas-resources-in-the-mediterranean-sea>]

company by Israel to mine and manufacture products from the mud extracted from the occupied Dead Sea.

The oil and gas industries are another clear example of Israel's control over resources and corresponding deliberate stagnation of the Palestinian economy. The Meged oil field spans from the West Bank Palestinian village of Rantis to Rosh HaAyin in Israel. Since 1948, Israel has repeatedly expropriated land from Rantis and its surrounding area for so-called "military training zones"<sup>6</sup> and settlement construction and expansion. More land was confiscated in 2003 for the construction of the Annexation Wall, which effectively created an enclave around Rantis. Although the Palestinian Authority (PA) issued a global tender for oil exploration in 2014, any development of hydrocarbons by the PA in Rantis is unlikely as it straddles both Area B and Area C, and would therefore require Israeli permission. Instead, Israel continues to mine and exploit oil at Meged-5, a well extending into Palestinian territory at Rantis, for its own benefit. By September 2014, Givot Olam, the Israeli company operating the Meged oil field, had sold 598,000 barrels of oil from Meged-5 amounting to \$64 million (USD).<sup>7</sup>

Israel - as the occupying power - has no sovereign rights over Palestinian territory under international law and may only administer immovable natural resources like water and natural gas and oil - under the temporary rules of *usufruct*.<sup>8</sup> And this means that the Israeli occupying power must safeguard the capital of properties that harbour natural resources within occupied territory so that when the occupation ends, the value of their natural resources can be utilised at a similar value as prior to the occupation. Israel's unjustified appropriation of Palestinian land also obstructs the Palestinian right to self-determination and sovereignty over natural resources. The right to self-determination has been reiterated by several UN bodies and constitutes an essential principle of international law where all people have the right to determine their social, economic and cultural development. As an Occupying Power, Israel is obliged to administer the occupied territory in the interests of the occupied population, and not to destroy or deplete the natural resources present in the OPT.

The natural resources of the occupied population should be used for the benefit of the occupied population. However, over the years, the exploitation of natural resources in the OPT, including extractive industries has served as a driving force behind the Israeli occupation and the continued violation of Palestinian human rights.

### **2.3 House and infrastructure demolitions:**

Palestinians in Area C and East Jerusalem are subject to Israel's recurring policy of house demolitions as a result of Israel's discriminatory building license system. Over 90 per cent of applications for permits for construction, building rehabilitation, or simple infrastructure projects submitted by Palestinians are rejected by Israel. Palestinians must then build without a permit in order to accommodate natural growth or necessary

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<sup>6</sup> Declaring land as military zones are one method of appropriation of land by Israel. According to OCHA, approximately "18% of the West Bank has been designated as a closed military zone for training or "firing zone". [http://www.ochaopt.org/documents/ocha\\_opt\\_firing\\_zone\\_factsheet\\_august\\_2012\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf)

<sup>7</sup> 2014 Givot Olam Report Filed on Stock Exchange (in Hebrew only – translation on file with Al-Haq).

<sup>8</sup> Article 55, Hague Regulations (1907)

renovation. Between October 2014 and the end of May 2015, Al-Haq documented 224 demolitions of houses and structures for lack of licenses in these areas, leaving at least 472 Palestinians displaced, including 232 children. The discriminatory permit system and consequent house demolitions are another method used by Israel to evict Palestinians from these areas and forcibly transfer them.

*“On May 2014, I received a stop-construction order from the ICA claiming that my residence is located in a closed military area. I submitted all necessary paperwork proving my ownership of the land and tried to acquire a building permit for my property through the ICA. However, almost a year later, instead of receiving a licence, my home and animal sheds were demolished without prior notice. The ICA arrived to my home on 11 March 2015 and informed me that our property, which consists of tents and tin-sheet structures, would be demolished and levelled. My family immediately evacuated and tried to get all the cattle out as well. We were given five minutes to evacuate. I have two wives and 12 children, seven of whom are under the age of 18. My brother, Waleed, his wife and five children had their house demolished at the same time. We are now all displaced.”*

Affidavit of Ahmad Matar Abu Al-Kabash, resident of Zibda, Jenin. Affidavit No. 10503/2015, taken on 14 March 2015.

Israel also targets vital structures for demolition, including wells and water collection systems owned by Palestinians. By demolishing such structures, Israel prevents Palestinians from maintaining and constructing water infrastructure in the OPT.

For example, on Monday 9 February 2015, Israeli forces demolished and destroyed an earthen pond in Al-Nuwe’ima, Jericho, classified as Area C. The pond had been designed to collect about 10,000 cubic metres of water for the use of the village farmers. The demolition occurred without prior notice. (Al-Haq Affidavit No. 10454/2015)

Similarly, on 24 March 2015, Israeli forces demolished and destroyed a privately owned Palestinian water well in Khirbet Al-Hafira, Jenin. The well was built approximately one year ago for agricultural and drinking purposes, and is about 30 metres deep. The owner of the land, Abd Al-Rahman Sadeq Zayud, said that he was not given prior notice for the demolition. Khirbet Al-Hafira is not connected to water networks, similar to most other Palestinian communities in Area C. Therefore, the residents depend on water wells for water collection and use. (Al-Haq Affidavit No. 10577/2015) The lack of access to water and Israel’s policy of destroying water infrastructure creates harsh living conditions, ripe for transfer, for Palestinians.

### **3. Excessive use of force by Israel**

The total number of Palestinians killed in 2014 in the OPT amounted to **2,290** and over **17,000** were injured. Throughout Israel’s 52-day offensive "Operation Protective Edge"

in 2014 against the Gaza Strip<sup>9</sup>, more than 2,215 Palestinians, including 556 children, were killed. In the West Bank, Israel killed 61 Palestinian civilians, 18 of whom were children, and injured an additional 5,686 Palestinians, of whom 1,188 were children.

Between October 2014 and May 2015, the Israeli authorities killed 27 Palestinians in the West Bank and the Gaza Strip.<sup>10</sup> Fifteen, including four children, were killed since the beginning of 2015. The Israeli Occupying Forces (IOF) use excessive, and often indiscriminate, force against Palestinian civilians, irrespective of the environment. Cases have been documented where the IOF targeted peaceful demonstrations using excessive use of force. Individuals walking near the buffer-zone in the Gaza Strip or near the Annexation Wall in the West Bank were also met with excessive force. This was also the case at checkpoints, at homes located in villages where frequent non-violent demonstrations take place and even in cases where Palestinians were walking on the street.

On Monday 29 December 2014, the IOF shot and killed 16-year-old Imam Jamil Duweikat, south of Nablus. Imam was shot with live ammunition that entered through his back and exited through his chest, damaging his spinal cord, kidney, spleen, and heart. At the time of the shooting, there were no protests or clashes taking place in the area.<sup>11</sup> In another incident, on 31 January 2015, the IOF shot and killed 19-year-old Ahmad Ibrahim Abu Azza in the face from a five-metre distance. Ahmad and two of his friends, who were later arrested, were caught throwing a Molotov cocktail at a settler bypass road near Nablus.<sup>12</sup>

On 31 March 2015, 12-year-old Zakariyya Al-Joulani was walking home from school in Shu'fat refugee camp, East Jerusalem, when he was shot by the IOF in his left eye. The injury required his eye to be removed. Zakariyya recalls the following from that day:

*"There were plenty of school children in the area watching Israeli forces construct parts of the Annexation Wall. I was approximately 50 metres away from the Wall on my way home in Ras Khamis neighbourhood. At one point I stopped because I saw two IOF officers in one of the buildings nearby shooting at students on the street to prevent them from going closer towards the Wall. They shot at least 25 bullets. I retreated and hid between two parked cars. When the shooting stopped, I moved a little bit forward only to see an officer in the same building pointing her gun at the street where I was standing. Within seconds, I felt something hit my left eye, felt a little pain at the beginning then dizzy. I was bleeding heavily when two men carried me to a nearby medical centre. There, I was terrified but did not cry. I was transferred to another hospital where I underwent surgery. I was sad to hear that my left eye was removed but did not*

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<sup>9</sup> See attached report "**Divide and Conquer: A Legal Analysis of Israel's 2014 Military Offensive against the Gaza Strip**", Al-Haq, 2015, also available at: [<http://www.alhaq.org/publications/publications-index/item/divide-and-conquer>]

<sup>10</sup> This figure excludes Palestinians from the Gaza Strip who have died later as a result of injuries sustained during the 2014 Israeli offensive on the Strip.

<sup>11</sup> **Israeli Forces Shoot Palestinian Boy Dead near Nablus**, Al-Haq, Weekly Focus, 13 January 2015, available at: [<http://www.alhaq.org/documentation/weekly-focuses/888-israeli-forces-shoot-palestinian-boy-dead-near-nablus>]

<sup>12</sup> **Israeli Forces Shoot and Kill a Palestinian near Nablus**, Al-Haq, Weekly Focus, 7 February 2015, available at: [<http://www.alhaq.org/documentation/weekly-focuses/894-israeli-forces-shoot-and-kill-a-palestinian-near-nablus>]

*cry. At the beginning, I did not want my friends to visit me so they don't see my eye but I'm starting to accept it more now. The bullet that hit was as big as a plastic cup and coated with a black sponge."*

Affidavit of Zakariyya Yehia Al-Joulani, resident of Ras Khamis, East Jerusalem. Affidavit No. 10594/2015, taken on 8 April 2015.

In the Gaza Strip, Palestinian farmers and fishermen are targeted by IOF who control the buffer zone at land and sea. More often than not, the Palestinian victims are farming or fishing within permitted zones when they are fired at, often leading to death or injury.

On 7 March 2015, Tawfiq Sa'id Abu Rayala, 32 years old, was shot and killed with live ammunition by Israeli naval forces while fishing on his vessel within the permitted nautical miles near Al-Sudaniyya beach in Gaza city<sup>13</sup>.

The cases mentioned above are a few examples that demonstrate Israel's continued blatant disregard of Palestinian life in the OPT. IHRL obliges Israel to respect the right to life of Palestinians by ensuring that the use of force and firearms is proportionate, causes the least injury, and preserves human life. As such, Article 3 of the Universal Declaration of Human Rights, Article 6 of both the United Nations Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR) recognize every individual's inherent right to life and the necessity of protecting that right.

Furthermore, Article 3 of the Code of Conduct for Law Enforcement Officials states that the use of firearms is permitted only in the case of self-defence or in the defence of others against imminent threat of death or serious injury. As such, live ammunition should only be used in extreme situations. On the contrary, and as seen over the past year and a half, the excessive use of force by Israeli soldiers has resulted in the killing, including instances of wilful and extrajudicial killings, and the injury of thousands of Palestinian civilians, including hundreds of children, throughout the OPT.

Alongside IHRL, under international humanitarian law, as an Occupying Power Israel must ensure and respect the right to life of the occupied Palestinian population as per Article 27 of the Fourth Geneva Convention and Article 46 of the Hague Regulations. In addition, the unlawful targeting of protected persons constitutes grave violations of IHL which may also amount to war crimes.

The impunity that Israeli law enforcement personnel enjoy reinforces the systematic use of force against Palestinian civilians. Israeli domestic investigations fail to address these incidents or hold perpetrators accountable as required under international law. In light of this, third states and international bodies should ensure that such violations do not go unpunished.

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<sup>13</sup> **Israeli Forces Target Palestinian Fishermen in Gaza, Killing One**, Al-Haq, Weekly Focus, 12 March 2015, available at: [<http://www.alhaq.org/documentation/weekly-focuses/904-israeli-forces-target-palestinian-fishermen-in-gaza-killing-one>]

#### **4. Collective Punishment**

Collective punishment is prohibited under IHL and encompasses countless violations of IHL. Collective punishment against Palestinian civilians in the OPT is applied by Israel through a variety of means, such as: the closure of Palestinian areas, unlawfully seizing Palestinian tax money, house demolitions, house raids, and arbitrary arrest and detention.

##### **4.1 Unlawful closure and slow reconstruction in Gaza:**

For the past eight years, Israel has imposed an unlawful closure on the Gaza Strip through land, air, and sea. This has severely affected more than 1.6 million Palestinians living in Gaza, of whom more than half are children. Moreover, gas and electricity shortages and harsh weather conditions, resulting in winter floods, have crippled the Gaza Strip even more. With a slow reconstruction process following the latest Israeli attack on Gaza, which was compounded by damage from preceding Israeli attacks, civilian residents of the Gaza Strip are enduring unbearable living conditions.

As such, many of those who were internally displaced following the offensive are still in the UNRWA schools that are used as shelters or are living in caravans donated by the international community. These individuals lack sufficient food, drinking water, blankets and other supplies. On 16 February 2015, a classroom in the Beit Hanoun UNRWA School, used as a shelter for at least 70 families, caught fire due to an electrical short. That room was inhabited by 17 members of Al-Kafarna family. A nine-month-old baby from the same family died as a result of the fire and his father and another sibling were wounded.<sup>14</sup>

This closure infringes upon Palestinian right to freedom of movement and the right to an adequate standard of living, including "adequate food, clothing and housing, and to the continuous improvement of living conditions,"<sup>15</sup> amongst others. By maintaining the unlawful closure, Israel, as an Occupying Power, is not adhering to its obligations towards protecting the safety, rights and needs of the occupied population. The closure has reinforced the failed reconstruction mechanism and exacerbated the damage caused by three Israeli offensives against the Gaza Strip, driving living conditions to a breaking point. Israel further fragments Palestinian society and undermines its right to self-determination through the imposition of the closure.

##### **4.2 Unlawful closures in the West Bank:**

In 2014, Palestinians in the West Bank were subjected to collective punishment following the disappearance and killing of three Israeli settlers. In response, Israel engaged in large-scale searches, closures and raids across West Bank cities. During these raids and searches, Palestinian private property was destroyed and/or confiscated, while residents were harassed, assaulted, and arbitrarily arrested and detained.

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<sup>14</sup> **Palestinians in the Gaza Strip Lack Safety and a Healthy Environment, Al-Haq, Reflections from the Gaza Strip**, 26 February 2015, available at: [<http://www.alhaq.org/documentation/reflections-from-the-gaza-strip/900-palestinians-in-the-gaza-strip-lack-safety-and-a-healthy-environment>]

<sup>15</sup> CESCR General Comment No. 12: The Right to Adequate Food (Art. 11), adopted on 12 May 1999 by the Committee on Economic, Social and Cultural Rights, available at <http://www.refworld.org/pdfid/4538838c11.pdf>

While last summer's military operation targeted the West Bank in its entirety, the IOF also used collective punishment against specific communities. For example, on 13 and 14 April 2015, the IOF closed down the northern and southern entrances of Hizma, northeast of Jerusalem, with concrete blocks. From the northern entrance, residents were allowed to enter the village but were blocked from exiting. A military checkpoint was set up at the southern entrance prohibiting Palestinians from entering and exiting the town. A banner was set at the south-western entrance which read: *"to the residents of the area: a few of you are responsible for disrupting public order by their acts of riots, and because of them this barrier was set up. You ought not cooperate with them. To guarantee your safety and restore public order to your area, send us any information related to those violating the system and their acts in your area"*. An email address and a phone number were provided. There are approximately 7,000 Palestinians living in Hizma, who were impacted economically and socially as a result of the two-day closure of the town.<sup>16</sup>

In the same month, the IOF closed down Al-Za'ayem, east of Jerusalem, following the killing of a 17-year-old Palestinian boy. The closure negatively affected nearly 6,000 Palestinians residing therein, preventing them from attending school and work. In another incident, the IOF also shut down a main road in Al-Tur, east of Jerusalem, with concrete blocks in response to young Palestinians throwing stones at Israeli soldiers. The main road includes two schools, a pre-school, a cemetery, a mosque, a youth club and includes about 4,000 Palestinian residents.<sup>17</sup>

#### **4.3 Punitive house demolitions:**

Another form of collective punishment against Palestinians is Israel's punitive house demolitions. In 2014, Al-Haq documented 11 cases of punitive house demolitions carried out by Israel, displacing at least 28 Palestinians, including six children.

In November 2014, Israel demolished the residence of Abd Al-Rahman Al-Shaludi in Silwan, East Jerusalem, as part of the punitive house demolition policy. Al-Shaludi had driven his car into a tram station earlier that October, killing two Israelis. He was shot and killed at the scene. The Al-Shaludi family lives in a five-story apartment building. On 19 November, Abd Al-Rahman's house, where his parents, two brothers and three sisters live, was raided by the IOF and the family was ordered to evacuate the apartment. The family had received a demolition order a few days prior. The apartment was destroyed with explosives; two other apartments in the same building and an adjacent parking lot were damaged as well. The family is barred from returning and rebuilding the apartment. (Al-Haq Affidavit No. 10167/2014)

#### **4.4 Unlawful economic sanctions:**

From an economic angle, between January and March 2015, Israel unlawfully withheld three months worth of taxes paid by Palestinian individuals and businesses, tantamount to approximately \$400 million. Israel did not transfer the money to the PA as a form of collective punishment following Palestine's ratification of the Rome Statute of the

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<sup>16</sup> **Collective Punishment in East Jerusalem**, Al-Haq, Weekly Focus, 7 May 2015, available at: [\[http://www.alhaq.org/documentation/weekly-focuses/916-collective-punishment-in-east-jerusalem\]](http://www.alhaq.org/documentation/weekly-focuses/916-collective-punishment-in-east-jerusalem)

<sup>17</sup> Ibid.

International Criminal Court (ICC).<sup>18</sup> As a result, the PA employed massive cuts on public sector salaries, affecting ordinary Palestinian families and the economy as a whole. Taxes were also seized by Israel between December 2012 and February 2013 in response to Palestine seeking recognition at the UN.

## 5. Settler Violence

As a result of Israel's continuous expansion of settlements, there are now over 250<sup>19</sup> settlements and outposts in the occupied West Bank, wherein more than 550,000 settlers illegally reside, with a large number residing in East Jerusalem. This has led to an increased number of violent attacks by Israeli settlers against Palestinian civilians in areas of more direct contact, primarily in Hebron and Jerusalem.

Israel grants impunity to settlers engaging in violence against Palestinian civilians and their property. Often, these settlers, even when initiating the attacks, are not held accountable before Israeli courts or even brought to police stations. This includes premeditated and other "price tag" attacks by settlers.<sup>20</sup>

Since June 2014, settler attacks have escalated, as highlighted by the kidnapping of 16-year-old Muhammad Abu Khdeir who was burnt alive and killed by settlers. Settler violence targeting Palestinian civilians, including children, include physical attacks and assaults, including with weapons; the uprooting, cutting, and burning of Palestinian trees; attacks against Palestinian farmers; destruction of places of worship and other property; taking over Palestinian-owned land; hit-and run attacks; and kidnapping attempts. In many instances, Israeli soldiers are present at the time of the attack yet take no action against the settlers.

On 9 May 2015, Israeli settlers threw stones, tiles and bricks at the Abu Markhiya home in Tal Al-Rumeida, Hebron, while the family, including children, were inside. Israeli soldiers were present when the incident occurred. A while later, the soldiers eventually dispersed the settlers who tried to physically assault the owner of the house. Shortly after, the same group of settlers attempted to break into another Palestinian house in the neighbourhood. The owners of the house stood at the front door and stopped them, while the Israeli soldiers stood by idly without intervening. The same group attacked a 17-year-old Palestinian resident and his mother on their way to the main street. (Al-Haq Affidavit No. 10667/2015)

Another incident that illustrates settler violence is the case of 18-year-old Muhammad Yousef Burqan. On Monday 2 February 2015, an Israeli settler shot Muhammad while walking near his uncle's house in Silwan, East Jerusalem.

*"I did not go to school that day as I had missed the bus that morning. It was around 10:00 am and I was walking my uncle's horse in an empty area near an Israeli park known as the Tayelet, not too far from my uncle's house. Then*

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<sup>18</sup> See attached report, **Israel's Retaliatory Seizure of Tax: A War Crime to Punish Palestinian ICC Membership**, Al-Haq, 1 April 2015, also available at: [<http://www.alhaq.org/advocacy/targets/international-criminal-court-icc/908-israels-retaliatory-seizure-of-tax-a-war-crime-to-punish-palestinian-icc-membership>]

<sup>19</sup> **Institutionalized Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory**, Al-Haq, 2013, available at: [<http://www.alhaq.org/publications/publications-index/item/institutionalised-impunity-israel-s-failure-to-combat-settler-violence-in-the-occupied-palestinian-territory>]

<sup>20</sup> Ibid.

*suddenly, five metres away, I saw a settler on the ground pointing his gun at me. He shouted at me in Arabic to put my hands up then I heard a gunshot in the air. I was scared so I started running. As I was running, I heard two more gunshots, one of which hit me in my right foot. I fell to the ground and I was bleeding heavily. I yelled for help. I fell unconscious and woke up in hospital to learn that my cousin had heard me and came to help me. This is not the first time that I'm attacked by settlers. Two years ago, I was walking in Sheikh Jarrah, East Jerusalem, when some settlers started beating me with batons and attempted to choke me. Israeli police were present during the second incident but did nothing to stop the settlers."*

Affidavit of Muhammad Yousef Burqan, resident of Silwan, East Jerusalem.  
Affidavit No. 10415/2015, given on 3 February 2015.

Settler violence and the lack of effective accountability continue to deprive Palestinians of their basic human rights. As an Occupying Power, Israel has an obligation under IHL and IHRL to protect the occupied civilian population by preventing acts of violence against them, investigating crimes against them, and ensuring an effective legal remedy.

## **6. Administrative detention and hunger strikes**

By May 2015, there were 414 Palestinians held under Israeli administrative detention. Two of these administrative detainees, Khadr Adnan Mousa and Muhammad Al-Aqra', commenced a hunger strike protesting their detention. During the same month, three other prisoners who have judgments against them have also engaged in hunger strikes due to ill-treatment. Muhammad Rashdan protested Israel denying him family visits, while Hamza Sawawin protested his solitary confinement, and Saddam Awad was on strike in solidarity with other prisoners.

Currently, Khadr Adnan is the only prisoner on hunger strike. He has been held in administrative detention since August 2014. By 15 June 2015, Khadr entered his 42<sup>nd</sup> day of hunger strike, with a deteriorating health condition.

On Sunday 14 June 2015, the Israeli government approved a bill that would allow for the IOF to force feed Palestinian prisoners on hunger strike, likely in reaction to Khadr's condition. In June of last year, the same bill was introduced but the vote on it never took place due to the escalating political situation on the ground at that time. Force-feeding is defined as torture by the World Medical Association's Declaration of Malta.

Administrative detention violates IHL and IHRL in its practice as a policy. Administrative detention of individuals is only permitted in exceptional cases. Under IHRL, individuals have the right to be informed of the charges against them at the time of arrest, be brought promptly before a judge, challenge the lawfulness of the detention, and the right to access a lawyer among other rights, amongst other due process and fair trial rights.<sup>21</sup> Israel, however, allows for the indefinite renewal of administrative detention orders of six month periods, without charge or trial.

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<sup>21</sup> **Hunger Strikes Protesting Administrative Detention and Israel's Arbitrary Practices against Palestinian Prisoners**, Al-Haq, Press Release, 31 May 2015, available at: [<http://www.alhaq.org/advocacy/topics/civil-and-social-rights/926-hunger-strikes-protesting-administrative-detention-and-israels-arbitrary-practices-against-palestinian-prisoners>]

## 7. East Jerusalem

Alongside the aforementioned violations that have taken place throughout the West Bank, including East Jerusalem, special attention must also be paid to the violation of rights that are unique to Jerusalemites and are aimed at bolstering Israel's illegal annexation of East Jerusalem. Foremost to Israel's policy is the judization of the city. The Israeli authorities carry out discriminatory policies against Palestinian residents in an attempt to create a demographic shift, where the city is drained of its Palestinian inhabitants while the Jewish Israeli population increases.<sup>22</sup>

By the end of 2014, there were 298,000 Palestinians living in East Jerusalem, in addition to 200,000 Israeli settlers.<sup>23</sup> Most Palestinian residents in the city are constantly threatened with revocation of their residency by the Israeli authorities. This obliges them to regularly fulfil their centre of life requirements – by providing documents, such as property tax payments (Arnona), and phone, water and electricity bills to the Israeli Ministry of Interior in order to prove their presence in the city and preserve their residency.

According to the Jerusalem Legal Aid and Human Rights Centre (JLAC), at least 93 Palestinians had their Jerusalem residency revoked in 2014. The policy also hinders family reunification processes among Palestinian families. Around 11,000 applications for family reunifications were submitted between 2002 and 2015 to the Israeli Ministry of Interior, 3,355 of which were refused. Between 2002 and March 2015, around one quarter of child registration applications at the ministry were denied. Further, there are at least 10,000 Palestinian children in Jerusalem who are unregistered.

Due to housing constraints for Palestinians in the city, there are thousands of Palestinian Jerusalemites residing behind the Annexation Wall, in areas like Kufor Akab, 'Anata, and Shu'fat refugee camp, preventing them from accessing the city centre and services, including health and education facilities. In addition, Palestinian residents of the city have been separated from the rest of the West Bank by Israeli military checkpoints and the Annexation Wall, hindering social, cultural and economic ties.

As mentioned above, house demolitions, mostly on the basis of lack of permits, continue in East Jerusalem. The financial requirements necessary for building permits in East Jerusalem exceed the capabilities of an average Palestinian in the city. Meanwhile the Jerusalem municipality only grants 50 to 100 building permits per year for Palestinians. Consequently, Palestinian Jerusalemites are left with two options: build homes without the required Israeli permit, or move to areas considered within the Jerusalem municipality but beyond the Annexation Wall (where they would need to cross checkpoints to reach other parts of the city).

Moreover, Israeli authorities also infringe upon the residents' freedom of expression and movement in the city. On 30 November 2014, 20-year-old Islam Al-Natsha, was sentenced to administrative detention by the Israeli authorities and accused of incitement on Facebook. The Israeli Intelligence justified Islam's detention based on his status on

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<sup>22</sup> **Collective Punishment in East Jerusalem**, Al-Haq, Weekly Focus, 7 May 2015, available at: [\[http://www.alhaq.org/documentation/weekly-focuses/916-collective-punishment-in-east-jerusalem\]](http://www.alhaq.org/documentation/weekly-focuses/916-collective-punishment-in-east-jerusalem)

<sup>23</sup> UN OCHA, East Jerusalem: Key Humanitarian Concerns, Update August 2014, available at: [\[https://www.ochaopt.org/documents/ocha\\_opt\\_jerusalem\\_factsheet\\_august2014\\_english.pdf\]](https://www.ochaopt.org/documents/ocha_opt_jerusalem_factsheet_august2014_english.pdf)

Facebook that read: "Oh God, grant me martyrdom for the sake of Al-Aqsa". Islam's brother, Muntaser, 36, was later summoned and interrogated with about Islam's activity on Facebook. (Al-Haq Affidavit No. 10357/2015)

Israel has also increasingly implemented a policy of forcible displacement of individuals from their homes in East Jerusalem as well as imposing travel bans on them in an arbitrary manner. Some Palestinians have received orders temporarily banning them from Jerusalem, where they were born and live. Some have even been banned from being in the West Bank more broadly by the Israeli authorities.

Fares Ayman 'Ewisat, 22, is a resident of Jabal Al-Mukabber in East Jerusalem. In December 2014, Fares was summoned to the Israeli police station in West Jerusalem where he was handed a deportation order from Jerusalem, East and West, issued by the IOF. The order to vacate was between 24 December 2014 and 22 May 2015. The officer in charge gave Fares two hours to leave Jerusalem. Fares said goodbye to his wife, child, family, and friends and went to other areas of the West Bank. (Al-Haq Affidavit No. 10414/2015). Fares is now back to Jerusalem with his family.

On 19 February 2015, Jerusalem resident Amjad Mahmoud Abu 'Asab, was travelling to Istanbul from Tel Aviv airport to participate in an international conference on children in the Arab region. Thirty-five minutes before the flight took off while Amjad was in the duty free area, Israeli security forces approached him and informed him that a one-month travel ban had been issued against him by the Israeli Ministry of Interior. According to the officer, the ban was issued on the basis that Amjad is affiliated with activities related to Hamas and that he plans to meet with terrorists during his trip. (Al-Haq Affidavit No. 10492/2015)

## **8. Concluding remarks and recommendations**

In the report of the Special Rapporteur issued on 22 January 2015 and submitted to the Human Rights Council, several recommendations were given to the State of Israel, including to "lift the blockade of Gaza," and to conduct impartial and effective investigations into cases of lethal use of force, amongst others.

However, Israel continues to disregard these recommendations in accordance with its obligations as an Occupying Power. Throughout the timeframe of this report, October 2014 and May 2015, we continue to see persistent and systematic Israeli violations of human rights. The Special Rapporteur on the OPT must, therefore, call upon the international community to take concrete action to ensure that Israel is held to account for its actions, including by providing remedy for Palestinians and ensuring non-repetition and an end of violations of Palestinian rights, in particular the right to life and self-determination.

Based on the information presented above, Al-Haq calls on the Special Rapporteur on the OPT to adopt the following recommendations:

- Conduct an immediate visit to the Gaza Strip and the West Bank, including East Jerusalem, in order to assess the human rights situation on the ground.
- Urge Israel to recognise and abide by its obligations under IHL and IHRL towards Palestinians in the OPT, including the right to self-determination, life, freedom of movement and freedom of expression.

- Call on Israel to halt its policies of settlement expansion and land confiscation in the West Bank.
  - Carry out a mission related to the issue of natural resources in the OPT, with the aim to investigate and record the effects of the exploitation of Palestinian land and natural resources.
  - Urge Israel to stop house demolitions in Area C and East Jerusalem, which has led to the forcible displacement of hundreds of Palestinians.
  - Urge Israel to carry out immediate, transparent and impartial investigations into incidents that have led to the killing and injuring civilians in the OPT and hold perpetrators accountable for excessive use of force and breaches of international law.
  - Urge Israel to halt its activities and policies of collective punishment targeting Palestinian civilians in the OPT, particularly in the Gaza Strip. The unlawful closure of Gaza must end immediately and Palestinians should be guaranteed freedom of movement into and out of the Gaza Strip – as per Security Council Resolution 1860 (2009). Also, the Gaza reconstruction process must be examined and restructured so that it becomes effectual.
  - Call on Israel to protect Palestinian civilians from settler violence and end settler impunity. In addition, as an Occupying Power, Israel must ensure that Palestinians in the OPT who suffer from settler violence are provided with effective legal remedies, including impartial, independent and transparent investigations.
  - Urge Israel to immediately end its illegal policy of administrative detention, and release all administrative detainees.
  - Emphasize the status of East Jerusalem in his next report, including Israel's occupation and illegal annexation of the City as well as the illegal policies which further entrench this annexation. The Special Rapporteur must call on Israel to halt its discriminatory procedures, embodied in biased housing and residency policies that target Palestinian residents of East Jerusalem, and the separation of the City from the rest of the West Bank.
  - Finally, support the preliminary investigations being carried out by the International Criminal Court in providing data and analysis of the situation in the OPT.
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