



مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



Select Recommendations to the State of Israel 17th Session of the Universal Periodic Review

The Palestinian Human Rights Organizations' Council and the Civic Coalition for Palestinian Rights in Jerusalem have prepared this reference charter for the second Universal Periodic Review (UPR) of Israel 2013 to highlight key human rights concerns in the Occupied Palestinian Territory (OPT). It uses information prepared by the stakeholders, based on documented violations of international human rights and humanitarian law, as a foundational basis upon which suggestions are made for ensuring, protecting and promoting the rights of the Palestinian people.

Israel's persistent non-compliance with all recommendations made to it in 2008 related to the occupied Palestinian population and, in general, with its international law obligations, continues to prevent the exercise of the right to self-determination of the Palestinian people. This charter is intended as a reference point for States and other actors wishing to engage the State of Israel on pertinent issues of international law as a means of utilising to full and optimum effect the UPR process, thus (re)asserting the mechanism's two fundamental principles: equality and universality.

Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
1. Israel's suspension of cooperation with the Office of the High Commissioner for Human Rights, the Human Rights Council and its subsequent mechanisms			
Most pressing amongst the recommendations made in 2008, given the context of this briefing, are those calling on Israel to strengthen dialogue and cooperate with all Special Procedures of the Human Rights Council. Indeed, Israel has done the opposite, by suspending its relations with the Human Rights Council, including its Special Procedures, and with	<ul style="list-style-type: none"> - Cuba - Egypt - Jordan - Kuwait - Malaysia - Maldives - Palestine 		Israel must fully and meaningfully re-engage with the United Nations Human Rights Council, including all of its subsequent mechanisms, and the OHCHR.

the Office of the High Commissioner for Human Rights (OHCHR). Israel's refusal to participate in its scheduled review in January 2013 has already set a worrying precedent whereby a State that moves to disengage from core mechanisms of the United Nations human rights system is, in fact, avoiding accountability and being granted the privilege of negotiating its participation in the work of the highest international human rights body.	<ul style="list-style-type: none"> - Saudi Arabia - South Africa - South Korea - Sudan - Yemen 		
Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
2. Israel's lack of accountability and ongoing disregard for international law and international legal mechanisms			
<p>Notwithstanding recurring State recommendations to Israel during its first cycle review to respect and comply with its obligations under international humanitarian law to the occupied Palestinian population, Israel refuses to recognise the <i>de jure</i> applicability of the Fourth Geneva Convention, incumbent upon it as the Occupying Power. This position is in defiance of numerous UN resolutions, the 2004 International Court of Justice (ICJ) Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and countless statements issued by governments worldwide.</p> <p>Consecutive Israeli governments have also refused to recognise the State's obligations under</p>	<ul style="list-style-type: none"> - Argentina - Azerbaijan - Brazil - Denmark - France - Ireland - Italy - Jordan - Latvia - Mexico - Qatar - Slovenia - Switzerland 	<p>Is the state of Israel willing to recognize</p> <p>a) the unlawfulness of permanent annexation of occupied territory;</p> <p>b) the <i>de jure</i> applicability of the Fourth Geneva Convention; c) the applicability of its obligations under human rights law to the occupied Palestinian population in the</p>	<p>Immediately recognise a) the <i>de jure</i> applicability of the Fourth Geneva Convention; b) the applicability of its obligations under human rights law to the occupied Palestinian population in the OPT.</p>

international human rights law with regard to the Palestinian population of the OPT, despite 2008 State recommendations. In its submissions and responses to UN treaty bodies, Israel persists in advancing this position. [i] Notably, Israel does adhere to its obligations under international human rights law with regard to the Israeli settler population living in the OPT.		OPT?	
Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
3. Israel's policies of annexation of Palestinian land and forcible transfer in/from the OPT, including East Jerusalem			
<p>Israel's settlement policies in the West Bank manifest themselves in a variety of practices that contribute towards creating an increasingly unliveable environment for Palestinian communities. Addressed in turn, these practices include the illegal appropriation of Palestinian land and water resources for the establishment and expansion of settlements and the imposition of harsh building and movement restrictions, which hinder the ability of Palestinians to develop as a people and remain in their communities.</p> <p>Since 1967, Israel has effectively appropriated hundreds of thousands of <i>dunums</i> (1.000 square meters) of land throughout the West Bank. Israeli authorities have utilised four complementary methods to seize control of land in the West Bank: (i) the declaration of land as abandoned property; (ii) requisition for military needs; (iii) expropriation</p>			<p>Cease at once the transfer of its civilian population into the occupied territory. Immediately and unconditionally withdraw from and end the construction of settlements in the West Bank, including East Jerusalem.</p> <p>Afford all victims of the settlement enterprise effective legal remedy and reparations, in accordance with international law standards.</p>

of land for public needs; and (iv) the declaration of vast portions of land as 'State land.' ^[iii] Each of these methods is derived from a distinct legal foundation, combining the manipulation of legislation existing prior to the occupation and subsequent Military Orders issued by the Israeli army. ^[iii]			
<p>The UN Human Rights Council Fact Finding Mission on Settlement report indicates that Israeli "government investment in the settlements has not been made explicit in the Public Budget, but allocated through hidden provisions." Government investment, excluding military expenses, has fluctuated over the years with an estimated peak of 795.8 million US dollars in 2005. Quasi-Governmental organizations, funded by the Government, including the World Zionist Organization (WZO), also provide funds to the settlements. ^[iv]</p> <p>The Fact Finding Mission's report further indicates that "a governmental scheme of subsidies and incentives has been put in place to encourage Jewish migrants to Israel to move to settlements and to boost settlements' economic development." ^[v]</p>			Immediately cease all financial support, subsidies and incentives to settlements and settlers in the OPT.
The United Nations Office for Coordination of Humanitarian Affairs highlights that "under the planning regime applied by the Israeli Civil Administration, Palestinian construction is effectively prohibited in some 70 percent of Area C, or approximately 44 percent of the West Bank, in areas that have been largely designated for the use			Transfer planning authority over the occupied territory to the local Palestinian population, allowing them to develop master and local plans for the entire West Bank, including East Jerusalem.

<p>of Israeli settlements or the Israeli military. These include areas that have been placed under the jurisdiction of Israeli settlements' Local and Regional councils (the majority of which was previously declared as "State" land), areas closed by the Israeli military for training, along with nature reserves, Israeli military bases and a "buffer zone" around the Barrier. In the remaining 30 percent of Area C (approximately 18 percent of the West Bank), there are a range of other restrictions that greatly reduce the possibility of obtaining a building permit. [vi]</p>			
<p>2008 recommendations to recognise, accept and implement the 2004 ICJ Advisory Opinion on the Wall; and to end restrictions of movement in the OPT have all been ignored. Israel continues to construct the Annexation Wall in direct contravention of the 2004 ICJ Advisory Opinion, which declared the parts of the Wall built on the east side of the Green Line, on occupied Palestinian land, to be unlawful. The Wall is not only tantamount to annexation, but also infringes upon other fundamental rights, such as the right to self-determination, as well as the rights to work, education, and adequate housing.</p>	<ul style="list-style-type: none"> - Belgium - Brazil - Egypt - Italy - Jordan - Kuwait - Maldives - Mexico - Morocco - Pakistan - Palestine - Qatar - South Africa - Yemen 	<p>In 2004, at the request of the UN General Assembly, the International Court of Justice adopted an Advisory Opinion which, inter alia, declared that the construction of the Wall is illegal under international law, and represents a violation of several human rights of the Palestinian population. What steps, if any, has the Government of Israel taken to abide by international law and, consequently, to put an end to the</p>	<p>Recognise, accept and implement immediately the 2004 International Court of Justice Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.</p>

		construction of the Wall, to dismantle the already existing parts of the wall, to redress the human rights violations committed against the Palestinians as a result of the construction of the Wall, and to ensure reparations for the victims?	
<p>2008 State recommendations to Israel to cease the demolition of houses belonging to Palestinian families in East Jerusalem have gone unheeded, with an accelerated rate of demolition witnessed in the intervening period between 2008 and 2012. [vii]</p> <p>The overall impact of such dispossession policies is to alter the demographic composition of the territory by forcible population transfer.</p>	<ul style="list-style-type: none"> - Egypt - Jordan - Pakistan - Palestine - Switzerland 		<p>Immediately cease demolitions and destruction of private and public civilian property in breach of Article 53 of the Fourth Geneva Convention and Articles 46, 53 and 55 of the Hague Regulations.</p>
<p>In the course of 46 years of occupation, Israel has developed a “greater Jerusalem” that forms the core of a large metropolitan area with West Jerusalem as its centre. “Greater Jerusalem” has been developed based on the “Metropolitan Jerusalem Plan”, an unofficial master plan designed by the Jerusalem Institute for Israel Studies (1994-95) for the declared purpose of boosting Jewish settlement in and around occupied East Jerusalem. The plan was adopted informally by the Labour</p>	<ul style="list-style-type: none"> - Egypt - Jordan - Pakistan - Palestine - Switzerland 	<p>Please explain the concept of “greater Jerusalem”, including its geographic scope and the so-called “settlement blocs” envisioned as a part of same. Please elaborate on how</p>	<p>Recognise that the construction of “greater Jerusalem” violates its obligations under international human rights and humanitarian law and undertake practical steps to cease these violations, including an immediate halt of all expansion of the “greater Jerusalem” settlement blocs and related infrastructure.</p>

government of Yitzhak Rabin shortly after the signing of the Declaration of Principles (Oslo Agreement) with the PLO. ^[viii] “Greater Jerusalem”, as it now exists, is predominantly located in the occupied West Bank.		the former is compatible with Israel’s international human rights law and international humanitarian law obligations?	
Despite a 2008 State recommendation to suspend the Citizenship and Entry into Israel Law (Temporary Order of 31 May 2003), an Israeli High Court decision on 11 January 2012 upheld the <i>2003 Temporary Amendment to the Citizenship and Entry into Israel Law as amended in 2007</i> . This law denies permission to Palestinian citizens of Israel and Palestinians residing in occupied East Jerusalem, through family reunification, to live with their spouses from the OPT. Since the overwhelming majority of Israeli citizens wishing to marry spouses from the OPT are Palestinian, the law severely discriminates against Palestinians in its application.	<ul style="list-style-type: none"> - Holy See - Switzerland 	Is Israel willing to abolish the Temporary Citizenship and Entry Into Israel Law (2007) which prohibits family reunification in Israel and occupied East Jerusalem with spouses and children from the OPT?	Repeal without delay the 2003 Temporary Amendment to the Citizenship and Entry into Israel Law (as amended in 2007).
In occupied East Jerusalem, the Israeli annexation and settlement policy has been accompanied by a policy of geographic separation from the occupied West Bank and systematic discrimination of the Palestinian population, in particular with regard to freedom of movement into East Jerusalem, and the rights to residency, property, housing, and an adequate standard of living in the occupied city. In light of the many UN resolutions, the ICJ Advisory		Please explain what has prevented legislation of a constitutional right to equality in Israel? Please elaborate also on the practical measures Israel intends to	Abolish access permits and grant free movement into East Jerusalem to all Palestinian residents of the OPT. Revoke the Absentees’ Property Law (1950). Revoke the “demographic balance” policy limiting the Palestinian population in Jerusalem to 30-40%.

Opinion of 2004 and recommendations of human rights treaty committees in this regard, including the recommendations resulting from the 2008 UPR, it is important to obtain concrete and express Israeli answers to the question which of the repeatedly recommended measures Israel is willing to adopt and implement.		implement in the short term, in order to end discrimination and forced displacement of Palestinians in/from occupied East Jerusalem?	<p>Adopt an urban development policy guided by the rights and needs of the occupied Palestinian population.</p> <p>Amend the Entry into Israel Law (1952) and the Entry into Israel Regulations (1974) in a manner that prohibits revocation of legal resident status and guarantees a constitutional right to residency and family reunification for Palestinians in occupied East Jerusalem.</p>
Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
4. Impunity for settler violence against Palestinians			
<p>Israel consistently ensures impunity to settlers responsible for acts of violence against Palestinians and their properties, thus failing to fulfil its international legal obligation to prosecute the perpetrators of such criminal acts.</p> <p>Israeli human rights organization Yesh Din has found that 627 out of 688 cases against settlers (91 per cent), processed by the investigations and prosecution bodies of the Israeli police in the West Bank, were closed without filing an indictment; 84 per cent of these 688 cases were closed on grounds that suggest investigatory failures or defaults.[ix]</p> <p>The failure of the State of Israel to react against such acts, and to give in to the demands of settlers,</p>	<ul style="list-style-type: none"> - Austria - Canada - Sweden 		<p>Bring to an end all settler violence and incitement against Palestinians, in accordance with its obligations under international human rights law, by enforcing the laws to combat hate crimes and deter all forms of violence against protected Palestinian populations.</p> <p>Ensure full protection for the Palestinian population in the occupied West Bank, including East Jerusalem, from settler violence.</p> <p>Ensure that all victims of settler violence are afforded access to effective legal remedy,</p>

<p>can be interpreted as an unwillingness to enforce the law against settlers or to adequately protect the Palestinian population.</p> <p>The systematic failure of law enforcement against Israeli settlers responsible for such criminal acts, along with the protection granted to settlers at the expense of Palestinian rights, has produced a climate of impunity further perpetuating such violations.</p>			including compensation and reparations.
Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
5. Appropriation and exploitation of Palestinian natural resources			
<p>Since 1967, Israel has exerted considerable military and political efforts, including the establishment of settlements, a series of military orders, and the conclusion of provisions in the Oslo Accords that breach international law, to illegally exercise sovereign rights over Palestinians water resources. This has facilitated Israel's exclusive control over the shared water resources in the region.</p> <p>Israel has extensively and unlawfully appropriated water resources for the benefit of those residing in Israel and in Israeli settlements beyond the Green Line.</p> <p>Israeli <i>per capita</i> consumption of water for domestic purposes is four to five times higher than that of the Palestinian population in the OPT, while settlers in</p>			<p>Immediately grant Palestinians use and access to their rightful share of their water resources in accordance with the principle of equitable and reasonable utilisation and adhere to the obligations of an Occupying Power under international humanitarian law to provide water to the occupied population without discrimination</p>

the West Bank, including East Jerusalem, consume six times the amount used by the Palestinian population of the West Bank. The level of unrestricted access to water enjoyed by those residing in Israel and Israeli settlers demonstrates that the lack of sufficient water for Palestinians is a direct result of Israel's discriminatory policies in water management.			
<p>Since Israel occupied the West Bank in 1967, it has denied Palestinians physical access to the riverbanks and their equitable and reasonable share of the Jordan River's water resources.</p> <p>Israel further diverts the Jordan River's flow upstream through its National Water Carrier (NWC), depriving Palestinians from this crucial source of water and contributing to a rapid and unprecedented drop in the Dead Sea's water levels.</p>			<p>Allow Palestinians access to and use of its rightful share of the Jordan River in accordance with the customary principle of 'equitable and reasonable utilisation' as codified in international water law.</p>
<p>One of the primary ways through which the Israeli authorities maintain control of Palestinian water resources is by virtue of their effective veto power in the Joint Water Committee (JWC) established under Oslo II as part of a five year interim arrangement, but still meeting 18 years later.</p> <p>The establishment of the JWC should have been a positive reform for Palestinians. However, the consensus system still allows for Israel to veto any proposal, including the maintenance of existing water infrastructure that has fallen in disrepair, or any alterations to the <i>status quo ante</i> in the extraction levels.</p>			<p>Refrain from using its veto in the Joint Water Committee approval process to hamper Palestinian development of their water sector.</p> <p>Grant approval for all Palestinian projects that draw from the Eastern Aquifer, allowing them to extract up to the levels agreed upon under the Oslo Accords as a minimum.</p> <p>Grant approval for Palestinian projects that would draw from the major Western Aquifer and the North-Eastern Aquifer, allowing them access to and use of their rightful share of this</p>

Up to the present day, Israel has chosen to veto all applications for Palestinian production wells in the major Western Aquifer Basin, while agreeing to 85 per cent of applications that draw from the small Eastern Aquifer Basin. Furthermore, Israel only approves major Palestinian projects, especially wells, if the Palestinians agree to Israeli demands to construct new and enlarged water supply systems benefitting settlements in the West Bank. Even when the Palestinian side exercises its right of veto through the JWC, Israel proceeds with water projects that serve the settlements.			water resource in accordance with the international legal principle of equitable and reasonable utilisation.
As a result of the over-five-year-long Israeli illegal regime of closures imposed on the Gaza Strip, the population therein does not have access to the majority of the materials necessary to maintain the water and sanitation infrastructure, nor to the amount of fuel necessary to keep the wastewater treatment and desalination plants operating. Until Israel allows access to the necessary building materials, it is estimated that the quality of water in the Coastal Aquifer will continue to deteriorate and may become unusable by 2016, when, in the absence of any alternatives, the Gaza Strip could become unfit for human habitation.			Allow for the development of water infrastructure, which includes the acquisition of the necessary tools for Palestinians to construct or rehabilitate wells and wastewater treatment facilities in the Gaza Strip, in accordance with its duty under international human rights law.
Since 1967, Israel has developed wells, which are mainly located in the Jordan Valley and are run by Israel's national water company 'Mekorot', to supply water to the settlements. Israel has also constructed a water network that is linked with the Israeli national network. According to the		How is it possible that the Palestinian Water Authority is forced to purchase water against a price set by	Prevent Israel's national water company 'Mekorot,' from inequitably extracting water from the Palestinian share of the transboundary water resources.

<p>Palestinian Water Authority, there are 38 Israeli wells located in the West Bank, 29 of which are in the Jordan Valley.</p>		<p><i>'Mekorot'</i> to meet its annual needs, when this water should have been allocated to the Palestinians by virtue of their riparian share in the West Bank's aquifer system?</p>	
<p>The Israeli cosmetic company Ahava Dead Sea Laboratories Ltd. is located in the settlement of <i>'Mitzpe Shalem,'</i> on the western shore of the Dead Sea in the OPT, and utilises the natural resources of the occupied territory. It is the only cosmetics company licensed by the Israeli government to mine mud in this area. [x]</p> <p>Mining and extracting natural resources for the economic benefit of the Occupying Power and its nationals amounts to the war crime of pillage, entailing international and criminal responsibility for the State of Israel and for individuals who commit such a crime. International humanitarian law protects property, whether private or public, against pillage. The prohibition of pillage reflects customary international law and is codified both in Article 47 of the 1907 Hague Regulations and Article 33(2) of the Fourth Geneva Convention. Both norms confer duties of a positive nature on the State, which is therefore not only prohibited from ordering as well as authorising the commission of pillage, but is also obliged to prevent and stop pillage committed by private individuals.</p>			<p>Immediately withdraw the mud mining permission granted in 2004 to Ahava Dead Sea Laboratories Ltd.</p>

<p>At present there are ten Israeli and internationally owned quarries in operation in the OPT (Area C). Israeli quarrying companies are being allowed to freely exploit Palestinian land and natural resources, while Palestinians have been excluded from any meaningful form of utilisation of their natural resources.</p> <p>Nonetheless, on 26 December 2011, the Israeli High Court of Justice found, as the quarries contribute to the economy of the Occupied Palestinian Territory, banning their activities would likely harm the occupied population. In reality, the quarries provide employment opportunities to approximately 200 Palestinian workers only. The royalties and leasing fees, when actually paid to the Israeli Civil Administration, have been primarily used to establish and operate District Coordination Offices, which mainly provide public services to Israeli settlements. As a result, the Court's conclusions completely disregarded fundamental principles of the law of occupation, in that they ignored the Occupying Power's obligation to preserve the capital of the 'assets' located in the occupied territory, as well as the definitive prohibition under international humanitarian law against the exploitation of the occupied territory's natural resources for the economic benefit of the Occupying Power and its nationals.</p>			<p>Immediately withdraw all operating permissions granted to quarrying companies in the Occupied Palestinian Territory, which do not guarantee activities carried out in line with the rule of usufruct and Israel's obligations under Article 43 of the Hague Regulations.</p>
Stakeholders' Submission	States with relevant recommendations	Proposed Questions	Proposed Recommendations

	in Israel's 2008 UPR		
6. The regime of military closure on the Gaza Strip			
The healthcare system in the Gaza Strip is severely undermined by Israel's ongoing policy of closures, which prevents the free entry of essential equipment and medicines. Patients face extreme hardship in gaining referrals to hospitals outside the Gaza Strip for treatment, and even when granted referrals, often face arrest, interrogation, coercion, and in some cases torture at the Erez Crossing. From August 2008 to July 2012, at least 11 patients died when travel was denied or while they waited for their permits to be granted. [xi]	<ul style="list-style-type: none"> - Cuba - Egypt - France - Jordan - Netherlands - Pakistan - Switzerland 	Can Israel comment on the information provided by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 indicating that Gaza medical patients are being coerced by the Internal Security Agency (ISA) into providing information about others in exchange for permission to exit the Gaza Strip for treatment?	<p>Immediately and unconditionally lift the ongoing regime of military closure imposed on the occupied Gaza Strip and guarantee the unrestricted access of goods and individuals in and out of the Gaza Strip.</p> <p>Comply with international human rights and humanitarian law, including the cardinal principles of military necessity, distinction and proportionality between combatants and civilians.</p>
The Buffer Zone along the border of Israel and Gaza has been expanding since 2000, now extending 1.5 kilometres from the Israeli border into the Gaza Strip and covers 35 per cent of agricultural land. [xii] Many civilians have been killed and injured in the enforcement of the Buffer Zone. [xiii] Indeed, just days following the 21 November ceasefire, a Palestinian man was killed and at least 10 others injured by Israeli soldiers along the Buffer Zone.	<ul style="list-style-type: none"> - Azerbaijan - Canada - Chile - Cuba - Ireland - Kuwait - Malaysia - Maldives - Mexico - Morocco - Sweden 	Can Israel provide information on the total number of complaints received by the Inspector between 2002 and 2005 which ultimately resulted in the 386 "examinations"?	Issue unequivocal operational instructions to its military officials enforcing the Buffer Zone stating that they may only resort to the use of lethal force against civilians if there is imminent threat of death or injury to the arresting officer or a third person, as required under international human rights law.

	<ul style="list-style-type: none"> - Switzerland - Syria 	Can Israel explain what trends were observed in the complaints which resulted in decisions to not initiate disciplinary measures or criminal investigations? (For example, did Israel find a) no wrong doing b) false allegations or c) "ticking bomb" scenarios etc....).	
Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
7. Prisoner rights and conditions			
Despite Israel's commitment during its 2008 review to restrict the use of administrative detention, the Israeli military authorities have continued its use in a way that does not meet standards set by international humanitarian and human rights law. ^[xiv]	<ul style="list-style-type: none"> - Canada - Denmark - Ireland - UK 	Has Israel ever commissioned an independent expert to examine the compliance of Israeli law, as applied in the military courts, and the practice inside the military courts with the fundamental	Immediately end the systematic use of administrative detention, which does not meet international legal standards.

		elements of the right to a fair trial?	
<p>Defence for Children International-Palestine continues to receive reports of ill-treatment against Palestinian child detainees, in some cases amounting to torture. During interrogation, which can last for up to 188 days and where lawyer visits can be denied for the first 90 days, a Palestinian detainee is often subject to some form of torture or cruel, inhuman or degrading treatment or punishment, both physical and psychological. Confessions extracted through these illegal practices are then admissible in court.</p> <p>Since 2001, there have been more than 750 complaints of torture and ill-treatment against the ISA. Not one complaint has resulted in a criminal investigation. Indeed, given that all complaints are reviewed by the Inspector of Interrogee Complaints, who is himself an ISA agent, it is a process that guarantees the absence of credible and impartial investigations. The fact that the Israeli Attorney General has ratified each recommendation not to investigate is further evidence of the institutional impunity which shields the ISA and those who commit torture in Israeli prisons.</p>	<ul style="list-style-type: none"> - Canada - Denmark - France - Palestine - Syria - Yemen 		<p>Halt all use of torture and cruel, inhuman or degrading treatment or punishment of Palestinian prisoners and detainees.</p> <p>Adopt adequate criminal legislation to define and penalise torture under domestic Israeli law.</p> <p>All ISA interrogations of Palestinians must be subject to video recording, in line with the recommendations of the Turkel Commission.</p> <p>Develop and implement an effective mechanism for investigating complaints of ill-treatment and torture of prisoners, and ensure all perpetrators are appropriately punished.</p>
<p>Palestinian prisoners are processed for trial, sentencing and imprisonment in the military court system. In these courts, military orders always take precedence over Israeli and international law. Judges are military officers in the regular or reserve services and most do not have long-term judicial</p>	<ul style="list-style-type: none"> - Yemen 	<p>Why are there different legal procedures for Israeli settlers and Palestinians, both residing in the OPT?</p>	<p>Stop applying the jurisdiction of the military courts in the OPT to civilians in such a broad manner and instead apply it in accordance with the provisions of international law.</p>

<p>training. Many previously served as military prosecutors. A Palestinian can be held without charge for an initial period of 90 days, which can be extended for an additional 90 days. The trials are held in Hebrew, and all court documents are in Hebrew, in direct violation of international law, which requires the tribunals to be held in the native language of the prisoner.</p>			
<p>All central prisons holding Palestinian prisoners are located outside of the OPT, in direct contravention of international law. In these prisons, there is an overcrowding, poor hygiene, humidity, and lack of basic amenities. The average living space per prisoner has dropped from 3.4 to 2.9 square meters, far below the international standard. Between 2007 and 2012, 1,493 Palestinian prisoners were held in isolation, either in solitary confinement or in pairs.</p> <p>Additionally, Israeli authorities regularly neglect their duties to provide medical support to Palestinian prisoners, as required by Articles 76 and 91 of the Fourth Geneva Convention. Medical practitioners in the prison clinics are soldiers employed by the Israeli Prison Service and are not registered members of the Israeli Medical Association. Since 1967, there have been 52 documented cases of death resulting from deliberate medical negligence, five in the past two years alone. All rights are treated as privileges that can be revoked at any moment, including access to education, family visits and use of the canteen.</p>		<p>Why are prison doctors not members of the Israeli Medical Association?</p> <p>Why are prisoners not allowed to cook for themselves and therefore forced to buy from the prison canteen at highly inflated prices? Does Israel view that education is a 'privilege' or a right for Palestinian prisoners?</p> <p>Even though Israel is a signatory to Convention Against Torture, why does it consider that isolation is not a form of</p>	<p>Immediately release all sick prisoners and respect international standards of medical care and cease all complicity of prison doctors in the ill-treatment of prisoners, particularly hunger strikers.</p> <p>Guarantee that minimum standards of detention are respected, particularly with regard to hygiene, nutrition, and access to health care.</p> <p>Immediately end isolation, both short and long-term, as a means of punishment.</p>

		psychological torture?	
All Palestinian families from the OPT, with the exception of Jerusalem ID holders, are required to apply for an entry permit into Israel to visit a family member in prison. Hundreds of families are denied permits based on “security grounds” and are not given a specific reason for the rejection of their permit except for the standard phrase “forbidden entry into Israel for security reasons.” Only first-degree relatives are allowed to visit the prisons and men between the ages of 16 and 45 are typically denied permits. When allowed, visits only last 45 minutes every fifteen days and take place through a glass divider.			Allow visits of family members according to the principles of international law, including by immediately resuming family visits to all prisoners from the Gaza Strip, extending visitation rights to non-family members and allowing “open visits” and physical contact to all detainees.
Hundreds of women have been subjected to arrest and detention. They are not given any special considerations as provisioned by Convention on the Elimination of All Forms of Discrimination Against Women. They are subjected to beatings, insults, threats, sexual harassment and intimidation during interrogation. In prison, they are subjected to degrading and intrusive body searches during transfers to court hearings and sometimes in the middle of the night as a punitive measure.		Why was the case of Hana Shalabi, who was subjected to sexual assault through intrusive body and cavity searches in the presence of male soldiers, not properly investigated before her deportation to Gaza?	Stop the practice of physical and mental torture and ill-treatment of Palestinian women under interrogation and develop a gender-sensitive policy for the treatment of Palestinian female prisoners.
Although according to international law and Israeli courts no one can be detained for their political opinions, in practice Palestinian political leaders are		Does Israel recognize the Palestinian	Immediately release all PLC members currently detained and cease its policy of targeting Palestinian elected representatives.

<p>routinely arrested and detained as part of an ongoing Israeli effort to suppress the Palestinian political process, and as a necessary result – political sovereignty and self-determination. Over 70 Palestinian Legislative Council (PLC) members have been detained, most of them given administrative detention orders and held without charge or trial.</p>		<p>Authority and if so why does Israel consistently arrest PLC members and imprison them based on ‘secret evidence’ under administrative detention?</p>	
<p>Hundreds of Palestinian human rights defenders who engage in demonstrations against the Apartheid Wall, settlements or other human rights violations have been arrested. Over 300 were arrested in 2011 alone, many of them under the age of 18. Many of these demonstrators are prosecuted in the military courts under Military Order 101, which criminalizes civic activities including organizing and participating in protests, taking part in assemblies or vigils, waving flags and other political symbols, and printing or distributing political material.</p>		<p>Why are human rights defenders protesting against the Annexation Wall and illegal Israeli settlements being systematically targeted?</p>	<p>Reverse Military Order 101 due to its criminalisation of activities that go beyond the limited scope of permitted changes to the penal laws of the occupied territory provided for in Article 64 of the Fourth Geneva Convention.</p>
<p>Several mass and individual hunger strikes have taken place since 2008 due to the further deterioration of prison conditions and treatment of prisoners. Most notably from 17 April until 14 May 2012, 1,200 prisoners started open hunger strikes and 2,300 refused meals from the Israeli Prison Services.</p> <p>Hunger strikers are subjected to harsh conditions in an attempt to break their strike, including being put in isolation, beaten, taken for questioning by</p>		<p>Does Israel recognize the rights of prisoners to go on hunger strike? If so, why are prisoners punished for doing so?</p>	<p>Immediately implement the 14 May 2012 agreement between the prisoners and the Israeli Prison Service (IPS) which brought an end to the mass hunger strike of 2011 and 2012, while granting all current and future hunger strikers access to independent medical care, legal counsel and refrain from the forcible transfer of prisoners upon release agreements.</p>

intelligence officers, confiscation of all belongings and bans on lawyer and family visits. They are also subjected to medical negligence and denied access to independent medical care. The IPS and hunger strikers reached a deal that included the removal of prisoners from isolation, an immediate end to the use of administrative detention, reinstating family visits and improvement of daily conditions. The agreement has since been reneged on, resulting in over 50 individual hunger strikes since 14 May 2012.			
Military Order 1651 Article 186 establishes a military committee, headed by an Israeli Armed Forces officer who is empowered to cancel the reduced sentence granted to prisoners released in any agreement based on secret evidence. The secret evidence is submitted by the special military committee to the court in the presence of a representative of the military prosecution. The information is not disclosed to the prisoner or lawyer. Since the latest prisoner exchange on 18 October 2011, there have been dozens who have been re-arrested and subject to this law, many of them who were previously serving long sentences, including life sentences.		Why is the re-arrest of released prisoners and their subsequent imprisonment under Article 186 of Military Order 1651 based on secret evidence?	Cancel Article 186 of Military Order of 1651 and release all re-arrested prisoners.
While the ill-treatment and torture of Palestinian prisoners continues on a systematic basis there is a serious lack of accountability for those involved in carrying out such abuses. Complaints that are subsequently made are routinely dismissed by the Israeli authorities. In fact, over the last 10 years more than 700 complaints have been submitted,	<ul style="list-style-type: none"> - UK - Canada 	How can Israel explain the large number of complaints by prisoners in comparison to the extremely low	Establish an impartial body to investigate all complaints made by prisoners in a prompt, professional and just manner.

none of which resulted in charges, prosecution or conviction of any Israeli interrogator.		number of investigations?	
Stakeholders' Submission	States with relevant recommendations in Israel's 2008 UPR	Proposed Questions	Proposed Recommendations
8. Refugee Rights and Forcible Transfer			
Israel has denied the return of Palestinian refugees through legal and political mechanisms. However, the right of return exists in the law of nationality, customary law, international humanitarian law, international human rights law, and refugee law. In December 1948, the UN General Assembly called upon Israel to respect the Palestinian refugees' right of return in Resolution 194 (III). This resolution explicitly stated that Palestinians had the right of return to their homes of origin. Since Israel is the only state from which Palestinian refugees originated, it is the only state of origin and thus is obligated under international law to receive these refugees.			Adopt practical measure to respect and ensure the fundamental right of Palestinian refugees and Internally Displaced Persons to return to their homes, properties, and lands as well as their right to compensation for losses and damages over the years.

[i] When preparing its report to the UN Human Rights Committee, Israel took the position that “the Covenant and similar instruments do not apply directly to the current situation.” See UN Doc. CCPR/C/SR.1675 paragraph 21. Similarly, in both its initial report to the Committee on Economic, Social and Cultural Rights in 1998 and in a further report in 2001, Israel argued that “the Palestinian population is not subject to its sovereign territory and jurisdiction” and were, therefore, excluded from both the report and the protection of the Covenant (UN Doc. E/C. 12/1/Add.27).

[ii] Oxfam, *On the Brink – Israeli Settlements and their Impact on Palestinians in the Jordan Valley*, 5 July 2012 <<http://www.oxfam.org/en/eu/policy/israel-palestine-on-the-brink>> accessed 15 November 2012.

[iii] R Shehadeh, *Occupier’s Law, Israel and the West Bank* (Institute for Palestine Studies, Washington DC, 1985, 23.

[iv] Report of the Independent International Fact-Finding Mission to Investigate the Implications of the Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People Throughout the Occupied Palestinian Territory, Including East Jerusalem, 18 March 2013

[v] US Congressional Research Service Report 7-5700 RL33222 U.S. *Foreign Aid to Israel*, Jeremy M. Sharp, 12 March 2012.

[vi] Office for the Coordination of Humanitarian Affairs (OCHA), *Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank*, 15 December 2009, 5 <http://www.ochaopt.org/documents/special_focus_area_c_demolitions_december_2009.pdf> accessed 3 January 2013.

[vii] While between 1967 and 2010, Israel demolished 24,800 structures, 2011 marked a record year with 622 Palestinian structures destroyed, nearly a third of them family dwellings. ICAHD, *The Judaization of East Jerusalem: 2011 Displacement Trends*, http://www.icahd.org/?page_id=7728; See also Internal Displacement Monitoring Centre, *Global Figures (2011)*, at [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/98F0726BF7D6AA45C12574B30055BD32?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/98F0726BF7D6AA45C12574B30055BD32?OpenDocument).

[viii] <http://www.fmep.org/reports/special-reports/greater-jerusalem/greater-jerusalem>. See also, B’tselem, *Land Grab*, 2002, p. 100 – 114.

[ix] Yesh Din, *Law Enforcement upon Israeli Civilians in the West Bank, Monitoring update*: http://www.yesh-din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf. B’Tselem notes that some of its cases overlap with Yesh Din. Statistics obtained through correspondence with B’Tselem in October 2011.

iv Al Mezan Database of compiled affidavits and reports, <http://www.mezan.org/en/>

[x] “[I]n the jurisdiction of the Megilot Dead Sea Regional Council there is only one site that practices mining or quarrying. In this site, mud mining permissions were given to the company “Dead Sea Laboratories Ltd.” as of 13/10/2004” (emphasis added). Letter to ‘Who Profits: The Israeli Occupation Industry’ from the public-inquiries officer in the Civil Administration, Second Lieut. Amos Wagner (26 April 2011). As regards the minerals utilised by Ahava for its cosmetic products, the company buys many of them from the Dead Sea Works Ltd.’s excavation sites in Israel. The extensive excavating activities carried out by Dead Sea Works Ltd. have a serious detrimental impact on the sensitive environment of the Dead Sea.

[xi] Al Mezan Database of compiled affidavits and reports, <http://www.mezan.org/en/>.

[xii] Al Mezan Centre for Human Rights, *Factsheet: Displacement in the “Buffer Zone” Three Years after Operation Cast Lead*, 1 January 2012, <http://www.mezan.org/upload/13210.pdf>.

[xiii] OCHA, *Between the Fence and a Hard Place: the Humanitarian Impact of Israeli-imposed Restrictions on Access to Land and Sea in the Gaza Strip*, August 2010, 13.

[xiv] There are currently 285 Palestinians held in administrative detention. B’tselem, *Statistics on Administrative Detention*, Updated 10 July 2012, http://www.btselem.org/administrative_detention/statistics.