

## HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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# ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

### State of Israel

Head of state: **Reuven Rivlin**

Head of government: **Benjamin Netanyahu**

New legislation entrenched discrimination against non-Jewish citizens. Israeli forces killed more than 290 Palestinians, including over 50 children; many were unlawfully killed as they were shot while posing no imminent threat to life. Israel imposed an illegal blockade on the Gaza Strip for the 11<sup>th</sup> year in a row, subjecting approximately 2 million inhabitants to collective punishment and exacerbating a humanitarian crisis. Freedom of movement for Palestinians in the West Bank remained restricted through a system of military checkpoints and roadblocks. Israeli authorities unlawfully detained within Israel thousands of Palestinians from the Occupied Palestinian Territories (OPT), holding hundreds in administrative detention without charge or trial. Torture and other ill-treatment of detainees, including children, remained pervasive and was committed with impunity. Israel continued to demolish Palestinian homes and other structures in the West Bank and in Palestinian villages inside Israel, forcibly evicting residents. The Israeli justice system continued to fail to adequately ensure accountability and redress for victims of grave violations of international humanitarian and human rights law. The authorities continued to deny asylum-seekers access to a fair or prompt refugee status determination process; hundreds of African asylum-seekers were deported and thousands were threatened with deportation. Conscientious objectors to military service were imprisoned.

### BACKGROUND

The Israeli authorities continued to expand illegal settlements and related infrastructure in East Jerusalem and elsewhere in the occupied West Bank, including by legalizing outposts built without state authorization on private Palestinian land. They held local elections in October across Israel and in illegal settlements including in occupied East Jerusalem and the occupied Golan Heights.

Negotiations between Israeli and Palestinian authorities remained stalled. On 15 May, the USA moved its embassy from Tel Aviv to Jerusalem in violation of international law. Two police investigations recommended that Prime Minister Benjamin Netanyahu be indicted over corruption allegations. The attorney general had not yet ruled on the recommendations by the end of the year.

Waves of armed hostilities broke out between Israel and Palestinian armed groups in the Gaza Strip. Israeli forces launched dozens of air strikes on Gaza, killing 46 people. Palestinian armed groups launched hundreds of rockets into Israel, killing one Palestinian civilian. On 13 November 2018, after two days of intense hostilities by both sides, a ceasefire between Israel and Palestinian armed groups, brokered by Egypt, was announced. Individual Palestinians, most unaffiliated to armed groups, attacked Israelis in the West Bank and in Israel, killing at least 13. Attacks by settlers on Palestinians resulted in the death of a Palestinian woman.

Israel reportedly conducted scores of air strikes inside Syria.

### DISCRIMINATION

Israel continued to pass legislation that discriminates against non-Jewish citizens, particularly Palestinians. The Basic Law: Israel as the Nation-State of the Jewish People, passed in July, described the Israeli state as being only for the Jewish people, confirming the status of the almost one fifth of the population who are Palestinian citizens of Israel as second-class citizens.

## UNLAWFUL KILLINGS

Israeli military and security forces killed at least 195 Palestinians, including at least 41 children, in demonstrations in Gaza and the West Bank. Many were unlawfully killed as they were shot while posing no imminent threat to life.

Israeli forces killed scores of Palestinians in the Gaza Strip during sustained protests that started in March for the right to return of refugees to land from which they were displaced 70 years earlier, and against the Israeli blockade of the Gaza Strip. According to the Palestinian Centre for Human Rights, 180 were killed, among them 35 children, three paramedics and two journalists. While some protesters engaged in violence, including by burning tyres, unleashing incendiary kites and balloons towards Israel or throwing stones and Molotov cocktails in the direction of Israeli soldiers, social media videos, as well as eyewitness testimonies gathered by Amnesty International, Palestinian and Israeli human rights groups, show that Israeli soldiers shot and killed journalists, medical staff, bystanders and unarmed protesters who posed no threat to life; many were at distances of around 150-400m from the fence separating Gaza and Israel when they were shot. Some of these unlawful killings appeared to be wilful, which would constitute war crimes. Israeli forces also injured at least 13,458 Palestinians, many of them seriously, including more than 7,000 shot by live ammunition, according to the Palestinian Centre for Human Rights. In May, the UN Human Rights Council established a commission of inquiry into the killings and other abuses in the OPT since the protests began.

On 27 July, Majdi Ramzi al-Satri, 12, was killed after being shot in the head by a live bullet fired by Israeli security forces while standing 50m away from the fence, during his participation in a protest in Rafah.

Israeli air strikes and shelling killed at least 13 Palestinian civilians in the Gaza Strip not directly participating in hostilities. On 28 October, an Israeli drone missile killed three children, Khalid Bassam Abu Sa'ed, 14, Abdul Hamid Mohammed Abu Thaher, 14, and Mohammed Ibrahim al-Satri, 15, when they tried to cross the Gaza/Israel fence. For almost two hours ambulance crews were unable to enter the area due to shooting by Israeli forces from the other side of the fence.

## FREEDOM OF MOVEMENT AND RIGHTS TO HEALTH, WATER AND SANITATION

Israel's illegal air, land and sea blockade of the Gaza Strip entered its 11<sup>th</sup> year, restricting the movement of people and goods into and out of the area, and collectively punishing Gaza's 2 million residents. Israel increased the restrictions in July, saying this was in response to the launching of incendiary kites and balloons, rockets and mortars from Gaza into Israel. Several human rights organizations petitioned against these restrictions on the grounds that they constituted collective punishment prohibited under international humanitarian law. Israeli authorities lifted the additional restrictive measures on 20 October.

Throughout much of the year, the Gaza Strip suffered fuel shortages that resulted in a maximum of four hours of electricity per day. In October, the UN brokered a deal to allow Gaza's main electricity plant to be refuelled as part of a plan to increase electricity supply to eight hours per day. Electricity cuts worsened Gaza's water and sanitation crisis.

Israel reduced to a record low the number of medical permits issued to residents of the Gaza Strip to allow them to enter Israel and the West Bank for treatment. Denial of medical permits led to the deaths of at least eight Palestinians, according to the Al Mezan Center for Human Rights.

On 20 June, Masoud Abdul Hai Abu Saqer, 49, died at Erez checkpoint between Gaza and Israel, where he had presented himself for an interview with Israeli security services in the hope of being able to travel to an East Jerusalem hospital to obtain treatment for kidney cancer. Since he was diagnosed in December 2017 he had submitted four applications for a medical permit. The first three were rejected by the Israeli military. On the fourth occasion, he was summoned for an interview.

Almost 100 Israeli checkpoints and roadblocks continued to heavily restrict the movement of Palestinians in the West Bank. Palestinians are denied access to tens of roads in the West Bank that are designated for the use of Israelis only.

## ARBITRARY ARRESTS AND DETENTIONS

Israeli authorities conducted hundreds of raids throughout the West Bank to arrest Palestinians without judicial orders detailing the reason for arrest. They placed in detention or continued to detain thousands of Palestinians from the OPT in prisons in Israel in violation of international humanitarian law. Israeli authorities used renewable administrative detention orders to hold Palestinians without charge or trial. Palestinian civilians were prosecuted in military courts that did not meet international standards of fair trial and more than 5,500 Palestinians, including 480 administrative detainees, were held in

Israeli prisons at the end of the year, according to Palestinian human rights organization Addameer. Among those held were civil society leaders, NGO workers and journalists.

Khalida Jarrar, a member of the Palestinian Legislative Council and board member of the NGO Addameer, and Addameer staff member Ayman Nasser, remained held under administrative detention orders since their arrest in February 2017 and 17 September 2018 respectively.

## **TORTURE AND OTHER ILL-TREATMENT**

Israeli soldiers, police and Israel Security Agency (ISA) officers tortured and otherwise ill-treated Palestinian detainees, including children, with impunity, particularly during arrest and interrogation. Reported methods included beatings, slapping, painful shackling, sleep deprivation, use of stress positions and threats. Prolonged solitary confinement, sometimes for months, was commonly used as a punishment. Many families of Palestinian detainees and prisoners in Israel, particularly those in Gaza, were not permitted entry to Israel to visit their relatives.

Four Palestinians died in custody as a result of alleged torture or other ill-treatment by Israeli forces. One of them, Mohamed Khatib al-Rimawi, died from heart failure after Israeli forces beat him during a pre-dawn raid at his home in the West Bank village of Beit Rima on 18 September. Soldiers shackled him while unconscious before taking him away. An autopsy was conducted on 24 September in the presence of Israeli and Palestinian doctors. The Palestinian doctor's report noted that he had bruises on the torso, the right thigh and the back. It concluded that the fear and anxiety resulting from his arrest, coupled with a genetic condition of narrow arteries, led to a fatal restriction of blood flow to the heart. The Israeli military denied the beating and said the cause of death was still to be investigated.

Israel held 230 Palestinian children in prison, including 41 under the age of 16. According to Defense for Children International-Palestine, many children were beaten, threatened and intimidated after arrest, interrogated without their parents, and handed disproportionately harsh sentences. It added that children were tried in front of a military judge and placed with adults in the same prison facilities. Under international law, detention of children should be a measure of last resort and for the shortest appropriate time.

Some Palestinian prisoners were denied adequate medical care or received treatment in humiliating conditions. Raja'i Abdel-Qader, for example, received eight hours of continuous chemotherapy while his hands and feet were shackled.

## **FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The authorities used a range of measures, including detentions, movement restrictions, judicial harassment and incitement campaigns, both in Israel and the OPT, to target activists, including human rights defenders, who criticized Israel's continuing occupation of the West Bank and Gaza Strip.

Israel started implementing the 2017 amendment to the Entry into Israel Law, which banned entry into Israel or the OPT of anyone supporting or working for an organization that promotes a boycott of Israel or Israeli entities, including settlements. As a result, human rights defenders, lawyers, students and doctors were denied entry. Human Rights Watch staff member Omar Shakir had his work permit revoked on 9 May based on allegations that he supported such a boycott. He challenged the decision; the legal process was continuing at the end of the year.

On 25 May, the Ministry of Strategic Affairs published a report that listed European and Palestinian human rights organizations that allegedly support terrorism. The EU responded that Israel was spreading disinformation.

Israeli authorities continued to obstruct attempts to document human rights by denying human rights bodies entry to the OPT, including the UN Special Rapporteur on the human rights situation in the OPT.

Political leader Raja Eghbaria, a Palestinian citizen of Israel, was held first in detention for a month and then under house arrest without access to telephones or the internet, during his ongoing trial for Facebook posts that, according to the Israeli prosecution, contained incitement to terrorism. His lawyer argued that the posts, while praising Palestinians who were killed after shooting members of Israeli security forces, included no call to violence and that their meaning in Arabic had been altered by the state's Hebrew translation. Amnesty International agreed with this assessment.

## **FORCIBLE TRANSFERS, FORCED EVICTIONS AND DEMOLITIONS**

Israel demolished 148 Palestinian properties in the West Bank, including East Jerusalem, 139 for lack of permits and nine for punitive reasons, according to Israeli human rights organization B'Tselem; 425 people, including 191 children, were

left homeless as a result. Punitive demolitions constitute collective punishment and are expressly prohibited under international law.

The Knesset (parliament) debated a bill that would raise the legal fees for contesting demolition orders in the West Bank, and prohibit non-profit organizations from submitting petitions against demolition orders if they were not directly affected by them.

In September, the Supreme Court approved the demolition of Khan al-Ahmar village and forcible transfer of its residents to make way for illegal Jewish settlements. The village was home to 180 members of the Bedouin community and a school that educated 170 children in the area. The Office of the Prosecutor of the International Criminal Court released a statement in October reminding Israel that extensive destruction of property without military necessity and population transfers in an occupied territory constitute war crimes under the Rome Statute.

On 9 August, an Israeli air strike targeted and destroyed the al-Mishal cultural centre in Gaza, in violation of international law, which prohibits the destruction of cultural buildings unless they are being used for military purposes.

The authorities also demolished Palestinian homes inside Israel that they said were built without permits, including in Palestinian towns and villages in the Triangle (a concentration of Palestinian communities adjacent to the north-west of the West Bank), the Galilee and “unrecognized” Bedouin villages in the Negev/Naqab region. In August, Israeli police forcibly demolished the Bedouin village of al-Araqib for the 132<sup>nd</sup> time.

## **IMPUNITY**

The authorities failed to adequately ensure accountability in the aftermath the 2014 Gaza-Israel conflict, during which Israeli forces killed some 1,460 Palestinian civilians, many in evidently unlawful attacks including war crimes. They had previously indicted only three soldiers for looting and obstructing an investigation. In August, the Military Attorney General closed the case relating to an attack on Rafah on 1-4 August 2014, when between 135 and 200 civilians were killed.

In May, the Supreme Court rejected a petition by Israeli human rights groups to order the army to stop using lethal force against demonstrators in the Gaza Strip.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

Violence against women persisted in Israel. At least 20 women were killed as a result of gender-based violence, according to the group Women Against Violence. The group said the authorities prosecuted all cases involving the killing of Jewish women, but only half of those involving women who were Palestinian citizens of Israel. The group, along with other organizations and some legislators, criticized the lack of police action to bring perpetrators of such crimes to court, in particular with regard to so-called “honour killings”.

## **REFUGEES AND ASYLUM-SEEKERS**

The authorities continued to deny asylum-seekers from Eritrea and Sudan access to a fair and prompt refugee status determination process. Some 6,530 asylum claims were closed or denied unlawfully in 2018, while some 15,000 were pending at the end of the year. Only 11 claimants from Eritrea or Sudan had been granted refugee status since 2008.

In January, Israel accelerated its deportations of Eritreans and Sudanese asylum-seekers. As a result, 668 were deported to Rwanda and Uganda or their countries of origin. Another 300 or so were detained in Saharonim prison for refusing to leave Israel; the practice ended in April, after the Supreme Court found the detentions unlawful.

As a result of a decision by the interior minister in May, about 300 Sudanese people were given temporary residency status in order to close pending appeals and avoid a Supreme Court ruling obliging Israel to grant refugee status to all Sudanese asylum-seekers.

## **CONSCIENTIOUS OBJECTORS**

At least six Israeli conscientious objectors to military service were imprisoned. One of them, Adam Rafaelov, was awaiting trial at the end of the year.