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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Human rights situation in Palestine and other  
occupied Arab territories**

### **Human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

#### **Report by the Secretary-General\***

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 22/28 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem. It highlights human rights issues in Gaza, including the firing of rockets into civilian areas in Israel, the blockade and access restricted areas. It examines the situation in the West Bank, including East Jerusalem, including limitations on freedom of movement, forcible transfers, violence by some settlers and lack of accountability, excessive use of force by Israeli security forces and violations by the Palestinian Authority. In addition, the report addresses the situation of Palestinians detained by Israel.

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\* Late submission.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	3
II. The situation in Gaza .....	5–23	3
A. Killing and injuries in the course of hostilities .....	5–9	3
B. Restrictions imposed by the Israeli authorities on the civilian population in Gaza.....	10–23	5
III. The situation in the West Bank .....	24–52	9
A. Settlements and related policies, practices and plans that affect Palestinian human rights .....	24–36	9
B. Excessive use of force by Israeli security forces .....	37–48	12
C. Violations of human rights by the Palestinian Authority.....	49–52	14
IV. Palestinians in Israeli detention.....	53–57	15
V. Enhancing Palestinian institutions and civil society actions in relation to human rights.....	58–60	17
VI. Conclusion and recommendations .....	61–73	17
A. Recommendations to the Government of Israel.....	62–70	17
B. Recommendations regarding accountability of the de facto authorities and Palestinian armed groups in Gaza.....	71	18
C. Recommendations to the Government of the State of Palestine.....	72–73	18

## I. Introduction

1. The present report examines progress made in the implementation of Human Rights Council resolution 22/28 of 22 March 2013, entitled “Human rights situation in the Occupied Palestinian Territory, including East Jerusalem”. The resolution demanded, among other things, that Israel respect its obligations under international law, including with regard to practices and actions that violate the human rights of the Palestinian people. The report covers the period of 30 November 2012 to 25 May 2013. The information contained in the report is based primarily on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities in the Occupied Palestinian Territory. It also contains information obtained from Israeli, Palestinian and international non-governmental organizations (NGOs), human rights defenders and media sources.

2. The report highlights selected human rights issues related to Gaza, including the firing of rockets and mortars into Israel, the blockade and the access restricted areas (ARAs) and their enforcement mechanisms. It examines the situation in the West Bank, including East Jerusalem, including limitations on freedom of movement, forcible transfers, settler violence and lack of accountability, excessive use of force by Israeli security forces<sup>1</sup> and violations of human rights by the Palestinian Authority. The report also addresses the situation of Palestinian detainees in Israeli prison facilities.

3. Several issues identified in resolution 22/28 are addressed in reports of the Secretary-General submitted to the General Assembly for its sixty-eighth session, including Israeli settlements in the Occupied Palestinian Territory. The human rights situation in the Occupied Palestinian Territory is also reviewed in the recent report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1 (A/HRC/22/35 and A/HRC/22/35/Add. 1).

4. The applicable international legal framework has been set out in previous reports of the Secretary-General and United Nations High Commissioner for Human Rights. The High Commissioner’s first periodic report on the situation of human rights in the Occupied Palestinian Territory contains a detailed analysis of the legal framework applicable and the basis for the obligations of the different duty-bearers in the Occupied Palestinian Territory, namely the State of Israel as the occupying Power, the Palestinian Authority and the de facto authorities in Gaza (A/HRC/12/37, paras. 5–9). This analysis remains valid.

## II. The situation in Gaza

### A. Killing and injuries in the course of hostilities

5. The escalation in hostilities between Israel, the de facto authorities in Gaza and armed groups in Gaza<sup>2</sup> ended with a ceasefire understanding between Israel and the de facto authorities on 21 November 2012. The understanding was generally observed by the parties despite a number of incidents that occurred during the reporting period, especially

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<sup>1</sup> The phrase “Israeli security forces” refers to law enforcement, military, governmental and intelligence agencies of Israel.

<sup>2</sup> From 14 to 21 November 2012, Israel conducted a military operation in Gaza. During the escalation 174 Palestinians, of whom 101 are believed to have been civilians, and six Israelis, including four civilians, were killed.

since March 2013. According to the United Nations Department of Safety and Security (UNDSS), 27 home-made rockets, four grad rockets and nine mortar shells were fired from Gaza towards Israel, while an additional two rockets and five mortar shells fell short and landed in Gaza, and three rockets exploded at the launching site. Based on the information available, the majority of projectiles fired into Israel struck empty land. No injuries were reported, although the rocket fire had an impact on Israeli civilians living near Gaza. A Salafist jihadist armed group called the Mojahideen Shura Council claimed responsibility for a number of rockets fired towards Israel.<sup>3</sup> The de facto authorities reportedly arrested at least two persons alleged to have been involved in rocket firing following the 21 November agreement.<sup>4</sup> Israel conducted five air strikes in Gaza. On 30 April, the Israeli air force targeted and killed one person and injured another, both allegedly members of an armed group.<sup>5</sup> In addition, at least 23 incursions<sup>6</sup> up to 300 metres within the fence were conducted by the Israeli Defense Forces (IDF).

6. Six months after the end of the escalation in hostilities,<sup>7</sup> there are serious concerns that neither Israel nor the de facto authorities have taken adequate measures to investigate credible allegations of violations of international law and to provide an effective remedy to victims. There is no information available in the public domain on investigations conducted into violations of international law committed by the de facto authorities and Palestinian armed groups. This is of particular concern following the findings of the recent report of the United Nations High Commissioner for Human Rights to the Human Rights Council (A/HRC/22/35/Add.1), especially with regard to the direct targeting of civilians and the indiscriminate nature of rockets fired towards Israel, as well as the summary execution of alleged collaborators.

7. Human rights organizations in Gaza filed 96 complaints with the Israeli military justice regarding alleged violations, calling for investigations. The Israeli Military Advocate General (MAG) is responsible for investigating offences that occur during military operations, including allegations of violations of international humanitarian law and human rights law. Complaints filed do not automatically trigger a criminal investigation. On 11 April 2013, the MAG issued a public document indicating that it found no basis to open criminal investigations in relation to approximately 65 incidents during Operation "Pillar of Defence".<sup>8</sup>

8. While it is positive that the MAG issued this update to outline steps taken by Israel to ensure accountability, it failed to provide sufficient information on the basis for deciding not to open criminal investigations. For example, according to information gathered by OHCHR in the case of the Al-Dalou family (A/HRC/22/35/Add.1, para. 17), on 18 November 2012, 12 people, including five children and four women, were killed in an Israeli air strike that hit a three-storey house in a heavily populated area in Gaza City without prior warning. The MAG claimed that the casualties were caused by "an attack aimed against a senior terrorist operative and several other terrorists" and had the aim "to

<sup>3</sup> The claims were made online at the following links which have since been removed: <http://www.as-ansar.com/vb/showthread.php?t=84618> and <http://www.as-ansar.com/vb/showthread.php?t=75141>.

<sup>4</sup> [http://www.fnp.net/ar/news/111960\\_%D8%A3%D8%AC%D9%87%D8%B2%D8%A9\\_%D8%AD%D9%83%D9%88%D9%85%D8%A9\\_%D8%AD%D9%85%D8%A7%D8%B3\\_%D8%AA%D8%B9%D8%AA%D9%82%D9%84\\_%D8%B3%D9%84%D9%81%D9%8A%D9%8A%D9%86\\_%D8%A8%D8%B9%D8%AF\\_%D8%A5%D8%B7%D9%84%D8%A7%D9%82\\_%D8%A7%D9%84%D8%B5%D9%88%D8%A7%D8%B1%D9%8A%D8%AE.html](http://www.fnp.net/ar/news/111960_%D8%A3%D8%AC%D9%87%D8%B2%D8%A9_%D8%AD%D9%83%D9%88%D9%85%D8%A9_%D8%AD%D9%85%D8%A7%D8%B3_%D8%AA%D8%B9%D8%AA%D9%82%D9%84_%D8%B3%D9%84%D9%81%D9%8A%D9%8A%D9%86_%D8%A8%D8%B9%D8%AF_%D8%A5%D8%B7%D9%84%D8%A7%D9%82_%D8%A7%D9%84%D8%B5%D9%88%D8%A7%D8%B1%D9%8A%D8%AE.html).

<sup>5</sup> <http://www.idf.il/1153-18879-EN/Dover.aspx>

<sup>6</sup> Data provided by UNDSS.

<sup>7</sup> A/HRC/22/35/Add.1 was devoted to the November 2012 escalation of hostilities.

<sup>8</sup> [http://www.law.idf.il/SIP\\_STORAGE/files/4/1364.pdf](http://www.law.idf.il/SIP_STORAGE/files/4/1364.pdf)

reduce the scope of missile and rocket launchings towards Israel". Various precautions were reportedly taken in the attack, and it was stated that operations staff had not foreseen the civilian harm that resulted. However, even if one member of the Al-Dalou family was affiliated with an armed group, it would appear that the attack would not have met the legal requirement of proportionality in light of the fact that the other 11 persons killed were civilians. Given that the house, located in a residential area of Gaza City, totally collapsed, and numerous adjacent houses sustained damage, it is difficult to understand how the extent of civilian harm could not have been foreseen. If it could not have been foreseen for lack of sufficient information on the extent of civilian presence, the attack should not have been carried out. The lack of clarity regarding the compliance of the attack with international law would appear to require that an investigation be carried out.

9. There are concerns regarding the ability of Palestinians to seek redress for harm suffered as a result of Israeli military operations. Palestinians face a myriad of procedural requirements and legal obstacles that are effectively insurmountable, including unreasonable time limits imposed on accessing the civil court system for compensation, high fees for court guarantees and impracticable procedural requirements related to power of attorney from Gazan clients to Israeli lawyers. Further, recent legislative developments have widely expanded an exemption in liability afforded to the State of Israel for "an act done in the course of a military operation by the IDF".<sup>9</sup>

## **B. Restrictions imposed by the Israeli authorities on the civilian population in Gaza**

### **1. Blockade**

10. The movement of Palestinians out of Gaza and access to basic utilities, housing, education, work, health and an adequate standard of living continued to be severely restricted due to Israel's blockade. The unemployment rate remained one of the highest in the world, with 32.2 per cent of Gaza's workforce unemployed.<sup>10</sup> Despite the easing of the blockade following the ceasefire understanding,<sup>11</sup> Gaza's imports remained significantly short of pre-2007 levels. In February 2013, Israel's Coordinator of Government Activities in the Territories (COGAT)<sup>12</sup> announced measures regarding the movement of goods to Gaza,<sup>13</sup> and in December 2012, Israel and Egypt lessened certain restrictions on importing construction materials.<sup>14</sup> Israel allowed a daily quota of 20 truckloads of aggregates for use by the commercial sector. This amounts to about 15 per cent of the estimated need. Egypt permitted the entry of construction materials for Qatar-funded projects through the Rafah crossing. Although important, these measures remained insufficient given the limited volumes and materials allowed through the crossings.<sup>15</sup>

<sup>9</sup> Update on accountability for violations of international law during the escalation of hostilities in Gaza and southern Israel between 14 and 21 November 2012, OHCHR, 21 May 2013. In February 2013, the Israeli Southern Central Court in Be'er Sheva dismissed 15 civil cases filed by Gazan human rights organizations, a major setback to the right of victims to access justice and remedy.

<sup>10</sup> [http://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_LFSQ42012E.pdf](http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ42012E.pdf)

<sup>11</sup> For the consequences of the escalation in hostilities on the Palestinian population of Gaza, see A/HRC/22/35 and A/HRC/22/35/Add.1.

<sup>12</sup> COGAT is Israel's body responsible for implementing its policy vis-à-vis the Gaza Strip.

<sup>13</sup> <http://www.cogat.idf.il/901-10767-en/Cogat.aspx>

<sup>14</sup> Since June 2010, import of construction materials was limited to international organizations implementing projects pre-approved by Israel (and the Palestinian Authority in Ramallah), see [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2013\\_01\\_28\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2013_01_28_english.pdf).

<sup>15</sup> Ibid.

11. These improvements were negatively affected by the decision of Israeli authorities, following rocket fire from the Gaza Strip, to close Kerem Shalom, the only commercial crossing between Gaza and Israel, for several days between 27 February and 30 April 2013, and to restrict movement of people at the Erez crossing to humanitarian cases.<sup>16</sup> As a result, the level of Gaza's imports during February, March and April decreased by 17.5 per cent compared to the previous three months,<sup>17</sup> and to around 36 per cent of the pre-closure level. The blockade also continued to severely restrict Gaza's exports, preventing the population from maintaining their livelihoods. During the reporting period, Gaza exports equalled less than 2 per cent of the pre-blockade level.<sup>18</sup>

12. The United Nations and other international organizations continued to report significant delays and costs associated with the Israeli project approval process and the importation of materials for humanitarian purposes.<sup>19</sup>

## 2. Access restricted areas

13. The November 2012 understanding included the easing of restrictions to the ARAs imposed by Israel on land and at sea. At sea, access for Palestinians was extended from 3 to 6 nautical miles.<sup>20</sup> Regarding the ARA on land, a lack of clarity regarding the restrictions in place heightened concern regarding the protection of civilians.

14. On 25 February 2013, COGAT reported on its website that Palestinian farmers were permitted to access land up to 100 metres from the fence. Previously, it had verbally informed various international organizations about this decision. On 20 February and 10 March, the IDF spokesperson, in written responses to an Israeli human rights organization, provided different information, stating that the residents of Gaza were prohibited from getting closer than 300 metres from the fence. COGAT subsequently removed its 25 February statement from its website. Exacerbating the lack of clarity, media reports, attributed to the then-Deputy Head of Hamas' political bureau, claimed a complete lifting of the ARA on land.<sup>21</sup>

15. Prior to the November 2012 escalation, in practice, the ARA on land was enforced by the Israeli military up to several hundred metres and often more than the officially declared 300 metres from the fence.<sup>22</sup> Following the November understanding, farmers and non-farmers started to access land that they had not been able to access for years. Farmers reported to OHCHR that they were able to cultivate land up to 300 metres from the fence, although in some cases restrictions were perceived to be enforced beyond 300 metres. Some farmers noted that access had not changed after the November understanding.

<sup>16</sup> [http://www.gisha.org/item.asp?lang\\_id=en&p\\_id=1970](http://www.gisha.org/item.asp?lang_id=en&p_id=1970)

<sup>17</sup> Ibid.

<sup>18</sup> Data compiled from the Office for the Coordination of Humanitarian Affairs (OCHA) and Gisha.

<sup>19</sup> United Nations Special Coordinator for the Middle East Peace Process, "Briefing to the Security Council", 22 May 2013, available at: <http://www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Briefing%2022%20May%202013.pdf>. See also Norwegian Refugee Council, *Overview of the Housing Situation in the Gaza Strip*, 2013, pp. 45, 51 and 52.

<sup>20</sup> The fishing limit agreed at the 1993 Declaration of Principles on Interim Self-Government Arrangements (Oslo I Accord) was 20 nautical miles.

<sup>21</sup> Al-Resalah reported that an official stated that the agreement included an "end to restrictions in the ARA", see <http://alresalah.ps/ar/index.php?act=post&id=63237>.

<sup>22</sup> Office for the Coordination of Humanitarian Affairs and the World Food Programme, "Between the fence and a hard place: the humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip", *Special Focus* (August 2010), p. 5, available at: [http://www.ochaopt.org/documents/ocha\\_opt\\_special\\_focus\\_2010\\_08\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf).

Despite the apparent increase in access, some farmers were not prepared to risk cultivating anything other than low-yielding rain-fed crops, due to the lack of clarity and unpredictability of the situation.

16. During the reporting period, three Palestinians were killed and 56 were injured in Gaza, including 16 children. Thirty-seven were injured in the context of demonstrations or other civilian activities in the areas up to, and at times beyond, 300 metres from the fence.<sup>23</sup> Several such incidents occurred on Fridays and, on some occasions, demonstrators threw stones at Israeli soldiers and their vehicles positioned across the fence.<sup>24</sup> In two separate cases, two 20-year-old men were killed close to the fence, one on 30 November 2012 east of the village of Al-Shouka,<sup>25</sup> and the other one on 11 January 2013, in Jabalia, in the context of demonstrations. The latter was shot in his abdomen about 50 to 60 metres from the fence, which he continued to approach notwithstanding tear gas and warning shots fired by the IDF. He was reportedly unarmed and did not pose any apparent threat to Israeli soldiers. No rockets were being fired from Gaza around the time of the incident.<sup>26</sup>

17. On 21 March, IDF and COGAT announced that the ARA at sea would again be reduced to 3 nautical miles in response to rocket fire from Gaza.<sup>27</sup> The ARA at sea was subsequently re-established at 6 nautical miles on 21 May 2013.<sup>28</sup> The means used by the Israeli navy to enforce the ARA at sea continued to put fishermen at risk. Numerous incidents of warning shots fired towards fishermen who were within the imposed limits were recorded. Six fishermen were injured and 45 were detained<sup>29</sup> during the reporting period. Eight fishing boats were confiscated, 16 boats were damaged and the engines of nine boats, the fishing equipment of several boats and approximately 400 fishing nets were damaged by Israeli naval forces.<sup>30</sup>

18. On 21 January 2013, a boat with three Palestinian fishermen about 5 nautical miles from the shore was approached by an Israeli naval vessel and told to throw their catch back into the sea. Then they were told to take off their clothes, jump into the sea and swim to the Israeli vessel. Once aboard, they were given clothes, blindfolded, had their hands tied and were taken to Israel. After a medical examination and interrogation by the IDF, they were taken to the Erez crossing to return to Gaza.<sup>31</sup>

19. On 19 February 2013, a boat with six fishermen was 3 nautical miles from shore when two Israeli naval vessels approached. Once the naval vessels were around 50 metres from the Palestinians, the naval vessels started to shoot into the water in close vicinity of the Palestinians. The Israeli forces then shot with live ammunition towards the boat and damaged its front and engine. Two fishermen were hit in their legs with shrapnel. Shortly after, the naval vessels left the area.<sup>32</sup>

<sup>23</sup> Data provided by the Protection Cluster database.

<sup>24</sup> OHCHR monitored some of these cases.

<sup>25</sup> [http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=9092:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-29-nov-05-dec-2012&catid=84:weekly-2009&Itemid=183](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=9092:weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-29-nov-05-dec-2012&catid=84:weekly-2009&Itemid=183)

<sup>26</sup> Case monitored by OHCHR.

<sup>27</sup> See section II.B.3 below.

<sup>28</sup> "Briefing to the Security Council" (footnote 19 above).

<sup>29</sup> Exact figures are not available. Information gathered suggested that most of them were released within short periods of time.

<sup>30</sup> Information provided by the Union of Agricultural Work Committees.

<sup>31</sup> Case monitored by OHCHR.

<sup>32</sup> *Idem*.

20. The ARA undermines the livelihoods of tens of thousands of Gazans, violating their human rights, including the rights to work, to freely dispose of their natural wealth and resources, to an adequate standard of living and to food, which includes the possibility of feeding oneself directly from productive land or natural resources. Israel's methods of enforcement often violate Palestinians' civil rights, including the rights to life, liberty and security.

### 3. Punitive measures that affect civilians

21. Restrictions on the freedom of movement of Gazans and imports and exports to and from Gaza began to be put in place by Israel in the 1990s. In 2007, following the takeover of Gaza by Hamas, such restrictions were tightened, although they were eased considerably in 2010 to allow the import of items not designated by Israel as "dual use", i.e. having the potential to be used in weapon production.

22. While parties to an armed conflict may take security measures, such measures must comply with international law and should be necessary and proportional.<sup>33</sup> Numerous statements made by Israeli officials in their professional capacities have made clear that the blockade is being imposed to apply pressure to the de facto authorities, and in response to acts committed by various groups in Gaza, including Palestinian armed groups, towards or in relation to Israel.<sup>34</sup> However, the blockade and related restrictions target and impose hardship on the civilian population, effectively penalizing them for acts they have not committed. As such, these measures contravene article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Convention IV) prohibiting collective penalties.<sup>35</sup>

<sup>33</sup> See, in particular, article 27 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Convention IV), and articles 57 and 58 of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I).

<sup>34</sup> In September 2007, Israel's Security Cabinet declared Gaza a "hostile territory", and as a result decided that sanctions would be imposed on the Hamas regime in order to restrict the passage of various goods to the Gaza Strip, reduce the supply of fuel and electricity and restrict the movement of people to and from the Gaza Strip, see <http://www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hostile%20territory%2019-sep-2007.aspx>. The Defense Ministry Spokesperson Peter Lerner, according to Agence France Presse, stated that the opening of the crossings will be reviewed on a daily basis and will be subject to Palestinian militants halting their rocket fire against southern Israel, see <http://www.google.com/hostednews/afp/article/ALeqM5iflhCqMdfmP6fA2nNDMm-fygUu7w>. According to Gisha, on 4 April 2013, top security officials called to "refrain from using the border crossings as a means for pressuring Hamas because they are not used for smuggling weapons. Therefore, closing them only increasing feelings of isolation and frustration among Gaza's residents, rather than among senior members of terrorist organizations", see <http://www.gisha.org/UserFiles/File/publications/Creeping-Punishment/Creeping-Punishment-may2013-eng.pdf>.

<sup>35</sup> Article 33 reads: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited". See also the statement of 13 June 2012 by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, available at: [http://www.ochaopt.org/documents/ochaopt\\_vamos\\_statement\\_on\\_gaza\\_2012\\_06\\_13\\_english.pdf](http://www.ochaopt.org/documents/ochaopt_vamos_statement_on_gaza_2012_06_13_english.pdf). See also the statement of the Special Rapporteur on the situation of human Rights on Palestinian territories occupied since 1967, Richard Falk, on 9 December 2008, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8380&LangID=E>; the Report of the United Nations Fact-Finding Mission on the Gaza Conflict, 25 September 2009,

23. As a recent example of the ongoing punitive measures against the civilian population of Gaza, the IDF and COGAT announced on 21 March<sup>36</sup> that “in response to rocket fire”, the permitted fishing zone for Palestinians in the Gaza Strip would be narrowed from 6 to 3 miles as instructed by the Prime Minister and the Minister of Defence.<sup>37</sup> A Salafist jihadist group had claimed responsibility for the rocket attacks.<sup>38</sup> The mentioned restrictions were not directed towards members of this group, but instead targeted the civilian population by penalizing them for acts they had not committed. As noted above in paragraph 17, the fishing zone was subsequently re-extended to 6 nautical miles on 21 May 2013.

### III. The situation in the West Bank

#### A. Settlements and related policies, practices and plans that affect Palestinian human rights

##### 1. Settler violence and accountability

24. Acts of violence by Israeli settlers continued to be perpetrated against Palestinians and their property, impacting negatively upon their physical security, access to livelihoods and natural resources, as well as access to education. One hundred ninety-one such incidents were recorded, including 62 that resulted in 98 Palestinian casualties, and 129 that resulted in destruction of or damage to private property. At least 3,793 productive trees were destroyed or damaged in settler attacks. Five incidents hindered access to education for 1,616 children<sup>39</sup> and one incident at an educational facility was recorded.<sup>40</sup> During the same period, 27 incidents of violence by Palestinians against Israelis, resulting in 47 Israeli casualties, were recorded, including the killing of a resident of Yitzhar settlement on 30 April 2013.

25. Israel, as the occupying Power, has the obligation to maintain public order and ensure that protected persons – Palestinian civilians – are safeguarded against all acts or threats of violence (A/67/375, para. 30). This includes the obligation to protect Palestinians from settler violence, and to ensure the effective, prompt, thorough and impartial investigation of criminal attacks and prosecute those allegedly responsible. Despite repeated concerns raised by the Secretary-General, as well as statements by Israeli officials noting that steps would be taken to address this phenomenon, Israeli authorities continue to fail to prevent settler violence, protect Palestinians and their property, and ensure accountability for these criminal acts.<sup>41</sup>

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A/HRC/12/48, paras. 74, 78, 1328 and 1329; International Committee of the Red Cross, press release of 14 June 2010, available at: <http://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm>; and “How can Israel’s blockade be legal? UN independent experts on the ‘Palmer Report’”, OHCHR news release, 13 September 2011, available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11363&LangID=E>.

<sup>36</sup> <http://www.idf.il/1153-18596-en/Dover.aspx>

<sup>37</sup> See paragraph 17 above.

<sup>38</sup> <http://www.as-ansar.com/vb/showthread.php?t=84600>

<sup>39</sup> According to the United Nations Children’s Fund (UNICEF), in March 2013, two incidents affecting the access to education of Palestinian children took place, while single similar incidents were recorded in January, February and April 2013.

<sup>40</sup> Data provided by UNICEF.

<sup>41</sup> See, inter alia, A/67/375 and A/66/364.

26. A lack of accountability opens the door to further violence. As referred to in a previous report (A/67/375, para. 38), the analysis of an Israeli human rights organization of 781 complaints registered from 2005 to 2011 found that an indictment was filed by Israeli authorities in less than 9 per cent of investigations, which are opened as a result of a complaint being made. Approximately 84 per cent of the investigations were closed due to investigatory failures.<sup>42</sup> Furthermore, Palestinians who file complaints with the Israeli police often do not have access to information regarding the status or progress of any investigation following from their complaint.

## 2. **Forcible transfer of Palestinians in Area C of the West Bank: Bedouin and herding communities in the Jerusalem periphery and the Masafer Yatta communities**

27. The Israeli Civil Administration in the West Bank maintains (A/67/372, paras. 36–37 and 55) its plans to transfer approximately 2,300 Palestinians currently living in the eastern Jerusalem periphery, in connection with its plans to expand settlements in the area.<sup>43</sup> An Israeli plan for a new Bedouin village in Area C, within the Jericho Governorate, is expected to be deposited for public comments later in 2013.<sup>44</sup> If implemented, some Bedouin and herding communities in the Jerusalem periphery and the Jordan Valley would apparently be forcibly transferred to the new village, which would have the capacity for approximately 6,000 residents.<sup>45</sup> Despite the prevailing coercive environment in Area C, the communities potentially affected by the different plans continue to oppose any transfer from their current locations.<sup>46</sup> Such transfers would adversely affect the traditional economy and would likely lead to the disintegration of the social fabric of the affected communities.

28. In July 2012, Israeli military authorities confirmed their intention to “remove” eight Palestinian farmer and shepherd communities, comprising approximately 1,000 persons, living in the Masafer Yatta area, in order to enforce a “closed military zone” (“Firing Zone 918”).<sup>47</sup> In 1999, the Israeli military evicted most of the residents from the area (some 700 Palestinians) and destroyed or confiscated most of their homes and property.<sup>48</sup> The Israeli High Court of Justice, in response to a petition from the residents, allowed some of them to return until a final court decision was taken. This decision was still pending as of 25 May 2013. The affected communities have been living in the Masafer Yatta area for decades, many since before the Israeli occupation began in 1967, and the majority of residents have titles to prove ownership of their land. They are experiencing increasing pressure to leave, but continue to peacefully oppose their eviction and transfer from the area.

29. Under international humanitarian law, the forcible transfer of protected persons is prohibited, although temporary evacuations may be undertaken in the context of active hostilities where the security of the protected population or imperative military reasons so demand. Neither of these circumstances applies in the cases of the above-mentioned communities. A transfer is forcible, and thus unlawful, unless the affected persons choose

<sup>42</sup> Yesh Din, “Law enforcement upon Israeli civilians in the West Bank”, *Yesh Din Monitoring Update* (March 2012).

<sup>43</sup> In December 2012, Israeli planning institutions provided initial approval for the construction of 3,426 housing units in the E1 area. See, for example, *Kfar Adumim v. Ministry of Defence*, H CJ (5665/11).

<sup>44</sup> Bimkom and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Al Jabal: a Study on the Transfer of Bedouin Palestine Refugees*, East Jerusalem, 2013, p. 7.

<sup>45</sup> Information provided by the Israeli NGO Bimkom (<http://bimkom.org.il/eng>).

<sup>46</sup> For example, the Letter of the Protection Committee for Bedouin Communities of 3 December 2012.

<sup>47</sup> Attorney General’s Response, H CJ Petition 517/00 and 1199/00, July 2012.

<sup>48</sup> OCHA case study, “Life in a ‘Firing Zone’: the Masafer Yatta Communities”, May 2012.

to move voluntarily without the threat of force or coercion, which is not presently the case. Accordingly, the implementation of the proposed Israeli plans to transfer Palestinian Bedouin and herding communities in the Jerusalem periphery and Jordan Valley from their current locations and to evict Palestinians in the eight villages of the Masafer Yatta area for the enforcement of “Firing Zone 918” would appear to amount to individual and mass forcible transfer, contrary to Israel’s obligations under international humanitarian law. It also appears to amount to forced evictions contrary to Israel’s obligations under international human rights law. Moreover, if the implementation of these plans were to entail the destruction or confiscation of the private property of protected persons, it would give rise to additional serious concerns regarding the compliance by Israel with its obligations under international humanitarian law and international human rights law.

### **3. Freedom of movement and the respect of unity, continuity and integrity of the territory of the Occupied Palestinian Territory**

30. Restrictions on the freedom of movement of Palestinians living in the Occupied Palestinian Territory continued to represent a major human rights concern. The principal restrictions consisted of physical obstacles, including the Wall, checkpoints and roadblocks, as well as administrative and legal restrictions, including closed military zones, prohibited roads and permit requirements. These restrictions severely limit Palestinian vehicular and pedestrian movement, including between the Gaza Strip and the West Bank, movement within the West Bank itself, and movement between East Jerusalem and the remainder of the Occupied Palestinian Territory.

31. Israel has recently commenced construction of a highway through Beit Safafa in East Jerusalem, attempting to link West Jerusalem with settlements in the West Bank. This highway, if completed, would cut through the Beit Safafa community and negatively affect the livelihoods of 9,300 Palestinians, cutting off local roads and blocking access to kindergartens, schools, health clinics, offices and places of worship.

32. The construction of the Wall in the West Bank continued to have a negative impact on the human rights of Palestinian communities. Approximately 55,000 East Jerusalem Palestinians are physically separated from the urban centre of Jerusalem and must cross burdensome checkpoints to access health, education and other services to which they are entitled. Moreover, approximately four million Palestinians from the remainder of the Occupied Palestinian Territory continue to be generally prohibited from entering East Jerusalem. The Wall and related restrictions on Palestinian movement are decisively cutting off East Jerusalem from the rest of the Occupied Palestinian Territory. Planned settlement expansion in the Jerusalem area would exacerbate this separation.

33. In April 2013, the Special Appeals Committee of the Tel Aviv Magistrate’s Court, citing security concerns, approved the planned route of the Wall around the Cremisan Monastery in the West Bank. This route would surround the Salesian Nuns Convent and Primary School from three sides, confiscate most of the convent’s lands, and separate landowners from their private property. Overall, the completion of the Wall would cut the Bethlehem urban area from its agricultural hinterland and reduce access for approximately 23,000 Palestinians to Bethlehem, a major services centre for health, education, markets and trade.

34. In a positive development, on 2 May 2013 the Israeli High Court of Justice ordered a halt to the building of the Wall in one particular area close to Bethlehem, referring to the

cultural heritage and livelihood values of the agricultural terraces in the village of Battir.<sup>49</sup> The Court requested the military to submit, within three months, the reasons why the route of the Wall should not be nullified or changed in this area.<sup>50</sup>

#### 4. Demolitions and forced evictions

35. Israeli planning policies continue to severely restrict the construction of new housing for Palestinians in East Jerusalem and Area C, where Israel retains full authority for planning and zoning. Permits for new houses are rarely given, and homes of West Bank and East Jerusalem identification holders are frequently demolished on the basis that they were built without permission and are therefore illegal structures. From 1 December 2012 to 21 May 2013, 271 Palestinian-owned structures in East Jerusalem and Area C were demolished due to lack of permits, resulting in the displacement of 476 Palestinians, including 263 children.<sup>51</sup>

36. Approximately 33 per cent of Palestinian homes in East Jerusalem lack Israeli-issued building permits, placing at least 93,100 residents at risk of displacement. Moreover, 70 per cent of Area C in the West Bank is allocated to Israeli settlements or the Israeli military. An additional 29 per cent is heavily restricted by Israel, thus greatly limiting prospects for Palestinian construction, and less than 1 per cent of Area C has been planned for Palestinian development.

## B. Excessive use of force by Israeli security forces

### 1. Excessive use of force

37. Under international law, Israeli authorities are obliged to respect the right to life and protect the civilian population in the Occupied Palestinian Territory. In a law enforcement context, Israeli security forces are bound by the general principles on the use of force by law enforcement officials, including the principles of necessity and proportionality contained in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials<sup>52</sup> and the Code of Conduct for Law Enforcement Officials.<sup>53</sup> The intentional lethal use of firearms is only permitted when strictly unavoidable in order to protect life.

38. During the reporting period, the use of force by Israeli security forces, including the IDF and the Israeli Border Police, resulted in 10 deaths, including four children and one woman, and 2,952 injuries<sup>54</sup> in the West Bank. This constitutes a marked increase in the killing of civilians in the West Bank compared to the rest of 2012.<sup>55</sup> OHCHR monitored and documented nine fatalities and several injuries. The monitoring and documentation by OHCHR identified serious concerns regarding potentially unlawful and unnecessary use of

<sup>49</sup> [www.haaretz.com/news/diplomacy-defense/high-court-orders-defense-ministry-to-halt-construction-of-part-of-west-bank-barrier.premium-1.518888](http://www.haaretz.com/news/diplomacy-defense/high-court-orders-defense-ministry-to-halt-construction-of-part-of-west-bank-barrier.premium-1.518888)

<sup>50</sup> The petition was submitted to the Israeli High Court of Justice by Friends of the Earth Middle East, see <http://www.skollfoundation.org/friends-of-the-earth-middle-east-helps-preserve-heritage-and-agricultural-site/>.

<sup>51</sup> Information provided by Office for the Coordination of Humanitarian Affairs.

<sup>52</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

<sup>53</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

<sup>54</sup> Statistics on injuries compiled from the Office for the Coordination of Humanitarian Affairs, Protection of Civilians Weekly Reports (November 2012–April 2013).

<sup>55</sup> OCHA, from January to end November 2012, reported seven casualties resulting from the Israeli–Palestinian conflict, see <http://www.ochaopt.org/poc.aspx?id=1010002>.

force against unarmed Palestinians. The following cases, documented by OHCHR, are examples of recent incidents of possible excessive use of force by Israeli security forces.<sup>56</sup>

39. On 12 January, an unarmed 21-year-old Palestinian man was shot in the back and killed while attempting to enter Israel through a gap in the Wall near the village of al-Ramadin. Witnesses reported that no warnings were issued prior to the shooting. The victim was evacuated by Israeli forces to a hospital in Israel and pronounced dead upon arrival.

40. On 15 January, a 17-year-old boy was shot dead on the outskirts of the village of Budrus. The victim was part of a group of boys playing in a restricted area near the Wall, a short distance from their school. A witness indicated that an Israeli soldier fired at the victim, without prior warning, from a distance of between 5 to 10 metres. The boy turned away and started running toward the village when another soldier fired three bullets, hitting him in the head and back. According to the statements to the media by Israeli authorities, the boys had thrown stones at the soldiers.

41. On 18 January, a 15-year-old boy was shot in the head from an IDF observation tower near the Ayda refugee camp, close to Bethlehem. The boy had been walking with another boy on a road leading towards the tower. He died of his injuries on 23 January. While there had been demonstrations and clashes in front of the camp in the weeks leading up to the incident, witnesses stated that no confrontations were occurring at the time of the incident. This is supported by video footage from a surveillance camera at a nearby children's centre. According to Israeli authorities, the victim had attempted to enter Rachel's Tomb while some 30 other Palestinians gathered next to the military post threw stones, as well as a fake bomb, at the soldiers.

42. On 23 January, a 22-year-old woman was shot in the head and killed by an IDF soldier in the al-Arrub refugee camp. Another woman was injured in the incident. The two were allegedly walking out of a college when what appeared to be a civilian car stopped on the road. Witnesses reported that a uniformed IDF soldier got out of the car and shot at the women from a distance of around 150 metres. An Israeli spokesperson stated that the soldiers had been attacked by Palestinians, who had hurled multiple firebombs at them and therefore the IDF soldier had returned fire.<sup>57</sup> However, witnesses reported that there had been no clashes, confrontations or any similar incident in the area prior to the shooting.

43. On 3 April, IDF soldiers shot three Palestinian teenagers, two of whom were killed, outside of Anabta in the Tulkarem area. The Palestinians stated that they intended to throw stones at an IDF observation tower at the Ennab IDF checkpoint, near the settlement of Einav. This tower is fortified by concrete blocks, barbed wire and surveillance cameras. One teenager threw a stone when the group was 10 to 20 metres from the tower. IDF emerged from the tower and shouted at the teenagers to stop, whereupon the teenagers turned away and began to run back to their village. IDF allegedly opened fire as they ran back towards their village. Amer Nassar died from a gunshot wound in the back. Naji al-Bilbisi also died from a gunshot wound in the back. Fadi Abu al-Assal was treated for a gunshot wound to his upper arm and released from the hospital.

44. On 20 February, while conducting an arrest operation in the village of Birqin north of the West Bank, IDF soldiers allegedly opened fire at Rajih Qablawi, who was leaving his brother's house. The soldiers who were surrounding the house allegedly shot at Mr. Qablawi without firing any warning shots or being exposed to any threat. Mr. Qablawi,

<sup>56</sup> For other examples, see A/HRC/22/35 para.23 and A/67/375, para. 43.

<sup>57</sup> <http://elderofziyon.blogspot.com/2013/01/a-small-detail-about-eyewitness-to-idf.html>

who informed OHCHR that he had not even been aware of the presence of the IDF in the area, was struck in his thigh and transferred to a hospital.

45. During a demonstration held in the village of Abud on 22 February 2013, four Palestinians were shot and injured by rubber-coated steel bullets. One of them, Mohammad Sameeh Asfour, was shot with a rubber-coated steel bullet that penetrated his forehead and settled in his skull. He was evacuated to Rafidya hospital in Nablus and subsequently transferred to an Israeli hospital, where he died from his injuries on 7 March 2013.

## 2. Accountability

46. Under international law, the State of Israel has the obligation to conduct independent, impartial, thorough, prompt and effective investigations into incidents involving the potential excessive use of force by law enforcement officials; to open judicial and/or disciplinary proceedings against perpetrators; and to ensure access to justice and an effective remedy for victims. In April 2011, in a positive development, the MAG announced a new policy pursuant to which a military police investigation is opened automatically in every case where an “uninvolved” civilian is killed by a soldier in the West Bank (A/66/356, para. 18).

47. Military police investigations were opened in six out of the seven cases referred above, with the outcome still pending at the time of writing.<sup>58</sup> In addition, on 18 March 2013, an IDF soldier was convicted of negligent homicide in relation to the killing of a young Palestinian<sup>59</sup> trying to cross to Israel for work, following a plea bargain. On 13 May 2013, the soldier was sentenced to nine months’ imprisonment.

48. However, recent figures raise concerns with regard to ensuring accountability in practice. As noted by an Israeli legal NGO with regard to investigations opened by the Israeli military, the data for the years 2009, 2010 and 2011 shows that 14 investigation files out of the 534 opened during those three years produced indictments; i.e., only 2.62 per cent.<sup>60</sup> In 2012, a total of 240 complaints were submitted to the Israeli military, and only 78 criminal investigations were opened. Yet no indictment was filed as a result of these investigations.<sup>61</sup>

## C. Violations of human rights by the Palestinian Authority

49. During the reporting period, the Palestinian security services in the West Bank reportedly carried out dozens of arbitrary arrests of Palestinians, often based on the person’s political affiliation. The Palestinian Independent Commission for Human Rights registered 91 complaints of arbitrary arrest during the period of January to March 2013.<sup>62</sup>

50. Ill-treatment, sometimes amounting to torture, was reported to have taken place in Palestinian places of detention.<sup>63</sup> The allegations concern various methods including *shabeh*,<sup>64</sup> beatings, threats, deprivation of sleep and solitary confinement. Allegations of ill-

<sup>58</sup> Based on information received by NGO sources and media. See paragraphs 38–44 above.

<sup>59</sup> See paragraph 39 above.

<sup>60</sup> Yesh Din, “Law enforcement upon IDF soldiers in the territories”, *Data Sheet* (January 2013), available at: <http://www.yesh-din.org/userfiles/file/datasheets/Law%20Enforcement%20upon%20-%202012.pdf>.

<sup>61</sup> Ibid.

<sup>62</sup> <http://www.ichr.ps/en/2/5>

<sup>63</sup> Testimony collected during OHCHR visits to Palestinian detention centres.

<sup>64</sup> *Shabeh* refers to forcing a detainee to hold a painful position for extended periods of time.

treatment mostly arose during security campaigns carried out by the Palestinian Authority following serious incidents against its officials or institutions.

51. On 29 January 2013, Saleh Husni Abdulrahman Shomali, a Palestinian police officer on duty at Hebron Police Station, was arrested on suspicion of armed robbery and transported to Ramallah for interrogation. Mr. Shomali states that interrogators beat him continuously with a cable while his arms were tied with a rope attached to the ceiling. Two officers allegedly sprayed tear gas directly into his face, causing him to lose consciousness. During the 13-day interrogation period, he reportedly was deprived of sleep for many hours, cursed, slapped, confined in a tiny cell and subjected to *shabeh* for many hours. He was then transferred to Addahiriya interrogation centre, where he was again subjected to *shabeh*.<sup>65</sup>

52. In a positive development, on 14 May 2013, President Mahmoud Abbas decreed that all Palestinian agencies must abide by the provisions of the Palestinian Basic Law, which prohibits all forms of torture and degrading treatment, and any behaviour that diminishes human dignity.<sup>66</sup>

#### IV. Palestinians in Israeli detention

53. As of March 2013, approximately 6,000 Palestinians were held in Israel detention facilities,<sup>67</sup> of which 164 were in administrative detention.<sup>68</sup> The majority was held in prisons and detention centres located in Israel, in violation of international humanitarian law establishing that residents of an occupied territory shall be detained and serve their sentences within the occupied territory.<sup>69</sup> Israeli authorities restrict family visits through burdensome bureaucratic procedures to obtain a permit for entry into Israel.

54. On 14 May 2012, Israeli authorities agreed to certain demands made by detainees who had launched a mass hunger strike (A/67/372, para. 25). According to NGO sources,<sup>70</sup> the agreement has so far been partially implemented. In July 2012, visits from families based in Gaza took place. However, not all prisoners were able to see their families, in particular those detained in prisons in the north of Israel. Solitary confinement was reportedly lifted for all hunger strikers except one, who was reportedly still in isolation for security reasons.<sup>71</sup> Several hunger strikers were released or agreements not to renew their administrative detention were reached.<sup>72</sup>

55. On 23 February 2013, Arafat Jaradat, a 30-year-old Palestinian, died while detained in the Israeli Megiddo prison. An autopsy report by the Director of the Palestinian Medico-Legal Institute indicated that his death was caused by nervous shock resulting from severe

<sup>65</sup> Case monitored by OHCHR.

<sup>66</sup> <http://english.wafa.ps/index.php?action=detail&id=22381>

<sup>67</sup> [http://www.btselem.org/statistics/detainees\\_and\\_prisoners](http://www.btselem.org/statistics/detainees_and_prisoners)

<sup>68</sup> The Committee on the Elimination of Racial Discrimination urged Israel to “end its current practice of administrative detention, which is discriminatory and constitutes arbitrary detention under international human rights law” (CERD/C/ISR/CO/14-16, para. 27).

<sup>69</sup> Article 76 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Convention IV).

<sup>70</sup> Information provided by the Addameer Prisoners’ Support and Human Rights Association.

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

<sup>72</sup> [http://www.addameer.org/files/Quarterly%20Update%202001\\_09\\_12%20to%2015\\_01\\_13%281%29.pdf](http://www.addameer.org/files/Quarterly%20Update%202001_09_12%20to%2015_01_13%281%29.pdf). See also [http://www.btselem.org/administrative\\_devention/20120223\\_adnan\\_ends\\_hunger\\_strike](http://www.btselem.org/administrative_devention/20120223_adnan_ends_hunger_strike).

pain caused by multiple injuries allegedly inflicted through torture.<sup>73</sup> Israeli authorities had previously announced that he died of a heart attack, although this statement was subsequently withdrawn.<sup>74</sup> International human rights obligations towards all Palestinian detainees and prisoners in Israeli custody must be fully respected, including the absolute prohibition on torture.

56. By 30 April 2013, there were 236 Palestinian children in Israeli detention, 44 of whom were under the age of 16.<sup>75</sup> Data collected by UNICEF through affidavits<sup>76</sup> and reports of victims collected by OHCHR show that the rights of Palestinian children were often violated by Israel. Thirty per cent of children reported being aggressively taken into custody in the middle of the night by armed Israeli soldiers. Night arrests are deeply traumatic for children, as they are akin to military operations and often include smashed windows and shouted verbal threats. Few children or parents were informed where the child was being taken, why or for how long. Parents were not allowed to accompany them, and 87 per cent of children were not informed of their right to legal counsel. Ninety-one per cent of children were painfully handtied and blindfolded and subjected to physical violence, including beating, slapping, kicking and/or verbal abuse during the journey to interrogation and detention.

57. Twenty-two per cent of children stated that during interrogations they had been threatened with death, physical violence, solitary confinement and sexual assault, against themselves or a family member. In the majority of cases, the principal evidence against a child was the child's own admission of guilt, often elicited through a document drafted in Hebrew, a language they cannot understand.<sup>77</sup> According to UNICEF, ill-treatment of Palestinian children in the Israeli detention system is widespread, systematic and institutionalized.<sup>78</sup> There are serious concerns that such treatment and combination of practices may, in some cases, amount to torture, as defined by article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Such practices would also violate the Convention on the Rights of the Child (art. 37) and international humanitarian law.<sup>79</sup> Israeli authorities have stated that they will work towards the implementation of the UNICEF recommendations regarding children in military detention.<sup>80</sup>

<sup>73</sup> <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/677-14-palestinian-and-israeli-organisations-condemn-lack-of-accountability-for-torture-against-palestinian-detainees>

<sup>74</sup> <http://www.haaretz.com/news/diplomacy-defense/autopsy-shows-palestinian-prisoner-died-from-torture-says-pa-chief-pathologist-1.505545>

<sup>75</sup> These numbers only include security prisoners. Information provided by B'Tselem.

<sup>76</sup> Through the Monitoring and Reporting Mechanism on grave violations of children's rights in situations of armed conflict, see [http://www.unicef.org/protection/57929\\_57997.html](http://www.unicef.org/protection/57929_57997.html). During the reporting period, UNICEF collected the affidavits of 23 boys arrested and detained by Israeli authorities.

<sup>77</sup> UNICEF, *Children in Israeli Military Detention: Observations and Recommendations*, Jerusalem, 2013, p. 13, available at:

[http://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf).

<sup>78</sup> Ibid.

<sup>79</sup> Articles 32 and 76 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Convention IV).

<sup>80</sup> <http://embassies.gov.il/UnGeneva/NewsAndEvents/Pages/Israel-to-collaborate-with-UNICEF-to-implement-recommendations-Mar2013.aspx>

## **V. Enhancing Palestinian institutions and civil society actions in relation to human rights**

58. In addition to monitoring and reporting on the human rights situation in the Occupied Palestinian Territory, OHCHR continued to provide technical assistance to relevant Palestinian actors for the promotion and protection of human rights, including the Government of the State of Palestine, the Independent Commission for Human Rights and civil society actors. OHCHR also initiated a process of reaching out to community and religious leaders in Gaza, to engage in a dialogue on human rights and raise awareness of international standards.

59. OHCHR continued to support the Government, at its request, in preparing a Palestinian National Plan of Action for Human Rights, which will be an integral part of the Palestinian National Development Plan for 2014–2016. The development of the National Plan of Action, in consultation with Palestinian civil society, will provide concrete and specific targets for the State of Palestine's ongoing efforts to improve its human rights performance in all areas of development.

60. The United Nations system in the Occupied Palestinian Territory is preparing its United Nations Development Assistance Framework for 2014–2016, which defines the ways and means to support national development priorities. The United Nations is committed to providing assistance to the State of Palestine that is grounded firmly in the international human rights framework.

## **VI. Conclusion and recommendations**

61. **Serious violations of international law continue to be committed in the Occupied Palestinian Territory. The general human rights situation remains of heightened concern and needs to be addressed as a matter of urgency. The Secretary-General is deeply concerned about the recurrence of violations already highlighted in several of his previous reports and those of the United Nations High Commissioner for Human Rights. The majority of these violations could be avoided if the relevant duty-bearers would take the necessary preventive and corrective actions as highlighted in the recommendations below.**

### **A. Recommendations to the Government of Israel**

62. **The Government of Israel is under an obligation to conduct investigations into all allegations of serious violations of international human rights law and international humanitarian law. Investigations must be conducted independently, impartially, thoroughly, promptly and effectively. Transparency in investigations should also be ensured. Where appropriate, individuals who are allegedly responsible for violations should be prosecuted and victims should be provided with an effective remedy, including equal and effective access to justice and reparations.**

63. **The Government of Israel should review the methods and mechanisms used to enforce the access restricted areas (ARAs) in Gaza, in order to ensure full compliance with international human rights law and international humanitarian law.**

64. **Notwithstanding legitimate Israeli security concerns, the Government of Israel should fully lift the blockade of Gaza to remedy the ongoing punitive measures against the civilian population. All measures taken to address security concerns should**

comply with international law, including international human rights law and international humanitarian law.

65. The Israeli authorities should take all necessary measures to prevent violence perpetrated by Israeli settlers, and to address all such violence that is perpetrated. Accountability for crimes, including through justice and effective remedy for victims, should be ensured without discrimination. Failure to do so will constitute a violation of Israel's human rights obligations and will perpetuate a culture of impunity.

66. Israeli plans that would result in the forcible transfer of Palestinian civilians should be terminated immediately. Israel, as the occupying Power, has the obligation to protect the Palestinian civilian population and to administer the occupied territory for the benefit of the Palestinians. Israel has an obligation under international law to provide Palestinian communities in Area C, including communities at risk of forcible transfer in the Jerusalem periphery and the Masafer Yatta area, with adequate housing, security of tenure and access to water and services, including health and education, in their current locations. The forcible transfer of the Palestinian population, including that part currently residing in the eastern Jerusalem periphery, would violate Israel's obligations under international humanitarian and international human rights law.

67. In accordance with its international obligations, the Government of Israel should take immediate steps to respect and ensure the respect of the right to freedom of movement for Palestinians in the West Bank, including East Jerusalem, as well as freedom of movement between Gaza and the West Bank.

68. The Government of Israel should review its use of administrative detention, with a view to ending it speedily.

69. The Government of Israel should treat Palestinian children in detention with due consideration of their age and in accordance with international standards, in particular the Convention on the Rights of the Child.

70. The Government of Israel should ensure that any use of lethal force is in compliance with international law, including during law enforcement operations, including a review of regulations on the use of weapons and crowd control in operations carried out by its forces, to ensure that these regulations are in line with Israel's international legal obligations. In cases of excessive use of force, Israel should ensure accountability, including through investigations and, where appropriate, prosecutions.

## **B. Recommendations regarding accountability of the de facto authorities and Palestinian armed groups in Gaza**

71. Accountability for violations of international law committed by the de facto authorities or armed groups in Gaza, including the killing of civilians, must be ensured by relevant actors. This includes violations that occurred in the context of the 14–21 November 2012 hostilities with Israel.

## **C. Recommendations to the Government of the State of Palestine**

72. The Government of the State of Palestine should conduct effective investigations into all suspected violations of international human rights law. Investigations must comply with the standards of independence, impartiality, thoroughness, promptness and effectiveness. Transparency in investigations should

also be ensured. Individuals found responsible should be held accountable and victims compensated. Accountability for crimes must be ensured without discrimination.

73. The Government of the State of Palestine should ensure the adoption of a comprehensive National Plan of Action for Human Rights which prioritizes compliance with international human rights law and establishes concrete targets and goals for integrating human rights into national development efforts, and should, with the assistance of international actors, ensure its full implementation through the Palestinian National Development Plan.

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