



**UPR Submission: Israel  
July 2017**

**Summary**

Israel's abuse of human rights within the Occupied Palestinian Territories further deteriorated since its last Universal Periodic Review in 2012. This submission covers five categories of systematic Israeli violations during this period, many of which have recurred consistently over the past 50 years of prolonged military occupation: (1) unlawful killings and war crimes without accountability; (2) illegal settlements and institutional discrimination; (3) forced displacement; (4) prolonged closure of Gaza and unjustified movement restrictions in the West Bank; and (5) abusive detention. While the submission focuses on violations by Israel, as the state under review, Human Rights Watch has documented severe rights violations by the Palestinian Authority, Hamas and Palestinian armed groups.

**1. Unlawful killings and war crimes without accountability**

In its last UPR review of Israel, a number of states recommended Israel to "fight impunity by thorough and impartial investigations on all the allegations of human rights violations, including when these allegations involve members of security forces or settlers." However, Israel has continued to fail to credibly investigate unlawful killings and hold violators to account for wrongdoing.

In the single bloodiest escalation during the review period, Israeli forces killed 1,462 Palestinian civilians in Gaza, including 551 children, in July-August 2014 according to UN figures. Many of these attacks amounted to violations of international humanitarian law, some war crimes, including: the targeting of civilians and apparent civilian structures; indiscriminate attacks on civilians, including the use of weapons with wide area affects; and the failure to take all feasible precautions to spare civilians. Armed Palestinian groups also committed war crimes during this period and at other times, including rocket attacks targeting Israeli population centers.

Israel's military advocate general received over 500 complaints from individuals and human rights groups with regard to 300 attacks that occurred during this war, but launched criminal investigations into only 37. At time of writing, Israeli authorities had filed criminal charges against only three soldiers, for theft.

In policing situations in the West Bank and Gaza, Israeli security forces repeatedly used excessive force, killing or grievously wounded demonstrators, rock-throwers, suspected assailants and others with live ammunition when lesser means could have averted a threat or maintained order.

In October 2015, a new escalation of violence broke out, characterized by demonstrations, some violent, in the West Bank and at the Gaza border with Israel that Israeli forces have suppressed, often using live fire. There has also been a wave of stabbings and attempted stabbings during this period by Palestinians

against Israeli passersby and security forces, both in the West Bank and Israel, it appears in most cases by people acting without the sponsorship of any armed group.

Israeli security forces used lethal force against Palestinians suspected of committing attacks in Israel and the West Bank, killing more than 160. Video footage, eyewitness accounts and forensic evidence indicate that Israeli forces used excessive force on numerous occasions—intentionally using lethal force when not absolutely necessary to protect human life.

In a March 2016 incident captured on film, an Israeli soldier, Elor Azaria, fatally shot 21-year-old Abdel Fattah al-Sharif, who along with another Palestinian had stabbed a soldier at a checkpoint in Hebron. Soldiers fatally shot one of the assailants and wounded al-Sharif. A few minutes after the incident, as al-Sharif lay unmoving on the ground, a video showed Azaria shooting him in the head. In 2017, a military court convicted him of manslaughter and sentenced him to 18 months in prison. The prosecution has appealed the lightness of the sentence, and Azaria has appealed the conviction.

This verdict, though, marked a rare exception—Israeli official investigations into alleged security force abuses have largely failed to hold the preparators to account. In May 2016, the Israeli human rights organization B'Tselem announced that after 25 years of referring to the IDF reports of alleged human rights and humanitarian law abuses by its personnel and urging the IDF to investigate them, it would henceforth halt such referrals, describing the IDF's apparatus for investigating abuses as a "whitewash mechanism." The impunity for illegally killing Palestinians, encouraged by statements made by senior officials who advocate a shoot to kill policy, make these abuses likely to continue.

The restrictions imposed by Israel authorities on the space for local and international rights defenders to operate in Israel and Palestine further hamper efforts to combat impunity. A law passed by the Knesset in July 2016 targets human rights groups, imposing burdensome financial reporting requirements that encumber their advocacy. In addition, Israeli authorities have systematically barred human rights workers from traveling into and out of Gaza, impeding their ability to bring relevant information to light.

Israeli authorities often fail to apprehend or prosecute Israeli settlers who attack Palestinians and destroy or damage Palestinian mosques, homes, schools, olive trees, cars, and other property in the West Bank, even though required as the occupying power to protect Palestinians. According to the Israeli human rights group Yesh Din, between 2005 and 2014, police closed 92 percent of cases of reported settler violence without prosecuting anyone.

**Recommendations:**

- Refrain from indiscriminate and deliberate attacks on civilians in any ongoing or future conflicts; investigate alleged violations of the laws of war with civilian oversight and prosecute those violations, including at the senior, policy-making level of the military
- Issue clear directives publicly and privately to all security forces to only use intentional lethal force when strictly necessary to protect life
- Conduct independent, thorough and impartial investigations into all incidents in which Israeli military or police forces may have been responsible for human rights violations, including in the Gaza Strip
- Facilitate access to and from Gaza for Palestinian and international human rights workers

- Ensure adequate steps by law enforcement authorities to investigate and prosecute Israeli civilians who attack Palestinians or their property

## **2. Illegal settlements and institutional discrimination**

Since its last UPR review, Israel continued to systematically expand its settlements in the West Bank, including East Jerusalem, and to transfer Israeli citizens into the settlements in violation of Article 49 of the Fourth Geneva Convention barring an occupying power's transfer of its civilians to occupied territory. By 2017, Israel had established 237 settlements in the West Bank and East Jerusalem, housing approximately 580,000 settlers. Israel has unlawfully confiscated Palestinian land and resources to support its settlement enterprise and forcibly displaced Palestinians from their land.

To facilitate its settlement enterprise, Israel maintains an entrenched system of institutionalized discrimination against Palestinians in the West Bank. Israel applies Israeli civil law to settlers, affording them legal protections, rights, and benefits that it does not extend to Palestinians living in the same territory, who are subject to Israeli military law. Israel provides settlers with infrastructure, services, and subsidies that it denies to Palestinians, creating and sustaining a separate and unequal system of law, rules, and services.

In January 2017, the Knesset passed legislation legalizing previously unauthorized settlements it calls "outposts," which the government built on land stolen from individual Palestinian landowners.

A number of laws within Israel itself also discriminate against non-Jewish citizens of Israel.

### **Recommendations:**

- Accept that human rights prohibitions against discrimination, including with regard to the rights to housing, education, medical care, freedom of movement, access to water and other rights, apply to Israel's actions in the West Bank, including East Jerusalem
- Cease construction and expansion of settlements, dismantle existing settlements and bring its citizens inhabiting settlements in West Bank and East Jerusalem back within its existing recognized borders
- Suspend unlawful and discriminatory policies that privilege settlers and harm Palestinians and afford Palestinians treatment that is at least equal to that afford to settlers
- Cease providing financial incentives, including subsidies for development costs in settlements and lower tax rates, to Israeli and international businesses located in the occupied West Bank

## **3. Forced displacement**

In the period under review, Israel continued to expropriate thousands of acres of Palestinian land for settlements and their supporting infrastructure. Discriminatory burdens, including making it nearly impossible for Palestinians to obtain building permits in East Jerusalem and in the 60 percent of the West Bank under exclusive Israeli control (Area C), have effectively forced Palestinians to leave their homes or to build at the risk of having their "unauthorized" structures bulldozed. For decades, Israeli authorities have demolished homes on the grounds that they lacked permits, even though the law of occupation prohibits destruction of property except for military necessity.

Israel continues to apply similar discriminatory policies towards the Palestinian Bedouin citizens of Israel, refusing to legally recognize their communities and making it virtually impossible for residents to build homes lawfully. Eighty thousand Bedouin live under constant threat of home demolitions in 35 villages that Israel does not recognize in the Negev. Israeli authorities consider their homes built illegally even though most of the villages existed before the state of Israel was established in 1948 and others were created in the 1950s on land to which Israel transferred Bedouin citizens. The establishment of Jewish towns and cities uprooted many Bedouin communities. A succession of Israeli governments has subsequently moved them from place to place, failing to provide adequate housing. Israeli authorities refused to prepare plans for the communities or approve construction permits, and rejected plans that the communities submitted that would allow them to build lawfully.

Israel has also punitively demolished Palestinian homes of families of Palestinians suspected of attacking Israelis, even though international humanitarian law prohibits such collective punishment.

Israel has also arbitrarily excluded hundreds of thousands of Palestinians from its population registry, restricting their ability to live in and travel from or to the West Bank and Gaza. Israeli authorities have justified these actions by citing general security concerns, but have not conducted individual screenings or claimed that those excluded posed a threat themselves. Israel has also revoked the residency of many Palestinians in the West Bank and East Jerusalem, largely on the claim that they had been away too long.

**Recommendations:**

- End the forced displacement of Palestinians, including through unreasonable restrictions on access to their lands and homes
- End selective enforcement of planning, permit, and building laws and regulations that subject Palestinian property to higher rates of demolition orders in the West Bank compared to Israeli settlers
- Ensure that demolition of Palestinian homes and other property are carried out only as a last resort, are strictly necessary as required by a legitimate state purpose in accordance with Israel's human rights obligations and its obligations as an occupying power, and are fully compensated
- Declare an immediate moratorium on demolitions of Bedouin homes and create an independent commission to investigate pervasive land and housing discrimination against Bedouin citizens in the Negev

**4. Gaza closure and unjustified restrictions on movement in the West Bank**

Israel has further tightened its effective closure of the Gaza Strip since 2006 and continued to restrict the movement of Palestinians in the West Bank. These measures adversely affect nearly every aspect of everyday life.

For the last two decades and especially since 2007, Israel has kept the Gaza Strip mostly closed. Travel through the Erez Crossing, Gaza's passenger crossing to Israel, the West Bank, and the outside world, is limited to what the Israeli military calls "exceptional humanitarian cases," meaning mainly medical patients, their companions, and prominent businesspeople. Israel has restricted entry even for exceptional humanitarian cases; the World Health Organization announced that Israeli authorities only

granted 41.7 percent of applications for hospital appointments in December 2016, marking the lowest approval rate it recorded in more than seven years.

Egypt has kept its border with Gaza, the Rafah crossing, mostly closed since 2013, which has contributed to this de facto closure. These restrictions affect nearly every aspect of everyday life, separating families, restricting access to medical care and educational and economic opportunities, and perpetuating unemployment and poverty. Approximately 70 percent of Gaza's 1.9 million people rely on humanitarian assistance, and as of last year, Gaza's GDP was 23 percent lower than in 1994.

Israeli authorities have also declared an area inside Gaza near the border with Israel, encompassing 17 percent of its territory and 33 percent of its arable land, a "no-go" zone and fired at people who entered it. Citing concerns about weapons smuggling, the Israeli navy, which patrols Gaza's Mediterranean coast, limits Palestinian fishing to a zone south of the Israel-Gaza border and north of the Egyptian border, up to six nautical miles (recently extended on a temporary basis to nine) west of the Gaza coast.

Israel severely restricts the entry and exit of goods into and out of Gaza and refuses to allow Gaza to operate an airport or seaport. Israeli restrictions on the delivery of construction materials to Gaza and a lack of funding have impeded reconstruction of the 17,800 housing units severely damaged or destroyed during Israel's 2014 military operation in Gaza. About 65,000 people who lost their homes remain displaced. Israel allows only limited quantities to enter under the supervision of international organizations.

Israeli restrictions on the movement of Palestinians in the West Bank include checkpoints, both within the West Bank and on the Green Line separating the West Bank and Israel, and the separation barrier, ostensibly solely built for security, but in fact slicing through the West Bank significantly more than it runs along the Green Line, contrary to international humanitarian law, as confirmed by the International Court of Justice. The barrier isolates 11,000 Palestinians to its west, who are not allowed to travel to Israel and forced to cross the barrier to access their own property as well as services in the West Bank.

#### **Recommendations:**

- End the generalized ban on travel to and from Gaza, and permit the free movement of people to and from Gaza, subject to individual security screenings and physical inspection
- Halt construction of the wall inside the West Bank and dismantle the segments of the barrier not built along the Green Line

#### **5. Abusive detention**

In the period since its last UPR review, Israel has placed hundreds of Palestinians in administrative detention based on secret evidence without charge or trial. As of May 31, 2017, Israel held 475 Palestinian administrative detainees, according to Israel Prison Service figures obtained by the Israeli nongovernmental group B'Tselem. While international human rights law may permit administrative detention as a temporary and exceptional measure in declared states of emergency, Israel's continued expansive use of this form of internment after 50 years of occupation raises important due process concerns.

Israeli security forces continued to arrest children suspected of criminal offenses, usually stone-throwing, often using unnecessary force and in some cases beating them. Israeli forces also routinely

interrogate children without a parent present, violating international and domestic Israeli laws that provide special protections for children, detain them with adults immediately post-arrest, and coerce them to sign confessions in Hebrew, which they did not understand. As they do with the majority of Palestinians incarcerated in the occupied territory, the Israeli authorities try children in military courts, which have a near-100 percent conviction rate. Some adults and children are detained or imprisoned for engaging in nonviolent activism.

Israel jails Palestinian detainees inside Israel, violating international law requiring that they be held within the occupied territory and thus leading to restrictions on the ability of family members to visit them, due to Israel's requirement that visiting family members clear security screenings and receive permits to enter Israel. A number of Palestinian prisoners have gone on hunger strike to protest their detention without trial.

**Recommendation:**

- Charge or release Palestinians held in administrative detention for prolonged periods and stop denying them and their lawyers access to evidence of their alleged crimes; end the use of secret evidence as a basis for detention
- Ensure detained children have a parent or lawyer present for interrogations except in the most exceptional circumstances; end the detention of children with adults; uphold international standards that require protections for children accused of crimes and require rehabilitation, not punishment, to be the primary aim