



AL - HAQ

***Submission by Al-Haq to the Human Rights Committee
on the occasion of Israel's fourth periodic review***

*Al-Haq has special consultative status with the
United Nations Economic and Social Council*

Alternative Report to the UN Human Rights Committee regarding Israel's
violation and failed implementation of Articles 1, 2, 6, 7, 9, 12, and 14
of the International Covenant on Civil and Political Rights

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I. Introduction

1. Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organisation has special consultative status with the United Nations Economic and Social Council. Al-Haq documents and reports on violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of legal research and advocacy before national and international mechanisms and by holding the violators of international human rights and humanitarian law accountable. (For more information see www.alhaq.org)
2. Al-Haq appreciates the opportunity to submit information to the Human Rights Committee, *hereinafter* the Committee, with regard to the implementation of the International Covenant on Civil and Political Rights, *hereinafter* the ICCPR or the Covenant, by Israel in the OPT.
3. Al-Haq respectfully submits this alternative report to the Committee, in response to its 2012 list of issues prior to the submission of Israel's fourth periodic report. Based on its findings, Al-Haq reports that Israel, as an Occupying Power, violates several of the human rights provisions established by the ICCPR. Particularly, Israel continues to severely hamper the Palestinian right to self-determination both directly and indirectly.
4. As articulated by the Committee in its 2010 concluding observations following the third periodic report of Israel, the provisions of the ICCPR are applicable to the benefit of the Palestinian population in the occupied territory, including East Jerusalem and the Gaza Strip.¹
5. Al-Haq affirms the applicability of the Covenant by Israel towards the Palestinians in the OPT, encompassing the Gaza Strip and the West Bank, including East Jerusalem. Field research throughout the past four years illustrates that Israel continues to publicly deny the applicability of the ICCPR in the OPT in contradiction with set standards of international law.
6. The limitations of this report should not be understood to indicate that Israel complies with Articles of the Covenant that are not mentioned here. The facts presented in this report are samples of the ongoing human rights violations practiced against the Palestinian population in the OPT.

¹ Human Rights Committee, Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding observations, Israel, 3 September 2010, para. 5 (CCPR/C/ISR/CO/3). See also: International Court of Justice (ICJ), Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004, para. 111.

II. Article 1: The Right to Self-determination

7. Recalling and welcoming the Committee's reiteration to Israel of the applicability of the Covenant to the OPT, it is vital to recognize that Israel's human rights violations in the OPT are directly connected to its continued occupation of the territory and the denial of the Palestinians' right to self-determination as a whole. The Committee's General Comment 12 highlights that the implementation of the right to self-determination is interrelated with the implementation of other provisions in the ICCPR. Indeed, the situation in Palestine is testament to the fact that continued violations of various provisions of the ICCPR contribute profoundly to the denial of the right to self-determination.

8. Despite Israel's obligation to guarantee the Palestinians' right to self-determination, the State evidently disregards any implementation of this right, illustrated by its policies of control over natural resources, suppression of cultural identity, land confiscation and annexation, as well as continued construction of Israeli settlements. The policy of land confiscation is a clear attempt to systematically change the facts on the ground,² and is the foundation for Israel's denial of Palestinian self-determination.

A. Sovereignty over Land and Natural Resources

9. The fundamental right to self-determination for all peoples places particular emphasis on the principle of sovereignty over land and natural resources. Israel's pervasive expansionist policies, facilitated by the demolition of Palestinian homes and structures, increased settlement construction, and movement restrictions imposed by the Annexation Wall and checkpoints situated across the occupied territory, have severely hindered Palestinians' access to their land and natural resources in the OPT. Natural resources in the OPT to which Palestinian access has been restricted include, *inter alia*, water, minerals and oil and gas reserves – all of which Israel has been exploiting for years by means of a number of extractive industries.

10. In the 1970s, Israel opened stone quarries in the OPT and since then it has also contracted third parties to exploit the Palestinian share of oil and gas reserves in the region, and has granted a mud license to the well-known Israeli cosmetic company, Ahava Dead Sea Laboratories Ltd., to extract mud from the western shore of the Dead Sea, located in the OPT. None of these activities stand to benefit the local Palestinian people under occupation, but are carried out in the interests of the Israeli economy and, by extension, multinational corporations involved in the extraction and distribution of these resources throughout the world. These examples are part of an established incentive-structure, aimed at prolonging the occupation of Palestinian territory for the benefit of the Occupying Power and its economy, through the continued denial of the right to self-determination.

² ICJ, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004.

11. The General Assembly has often linked the right to self-determination with ‘permanent sovereignty over natural resources’ – which is also considered a fundamental principle of customary international law and a basic ingredient of the right to self-determination.³ As such, the principle entitles a people to dispose freely of their natural wealth and resources⁴ and contains the right to ‘prospect, explore, develop and market’ the natural resources; it must be exercised in the interest of the national development and the well being of the people of the territory concerned.⁵ This means that the Palestinian people have an inalienable right over their natural resources,⁶ including land and water, and that the violation of this right is contrary to the spirit and principles of the ICCPR, as well as the United Nations Charter.⁷ In 1983, the Secretary General of the United Nations explicitly expressed the applicability and importance of the principle of sovereignty over natural resources for the Palestinian people.⁸

12. Regardless, field research indicates that Israel continues to restrict Palestinian access to natural resources while providing its own corporate entities and population, as well as in some cases multinational corporations, with unrestricted access to the OPT and its natural resources.

1. Water

13. Through its discriminatory policies, Israel illegally exercises sovereign rights over Palestinian natural resources, particularly water. A series of military orders dating back to 1967 – still in force and applicable only to Palestinians – integrated the water system of the OPT into the Israeli system, while at the same time denies Palestinian control over this vital resource. This integration was significantly advanced in 1982 by the transfer of ownership of Palestinian water infrastructure in the West Bank to Israel’s national water company ‘Mekorot’, which has forced Palestinians to rely on the company to meet their annual water needs.

14. The company supplies almost half the domestic water consumed by Palestinian communities in the West Bank, making it the largest single supplier therein. In addition to Israel’s exclusive control over water resources, ‘Mekorot’ directly extracts from the Palestinian share of water in order to supply copious amounts to Israeli settlements. Moreover, ‘Mekorot’ routinely reduces Palestinian supply – sometimes by as much as 50

³ The customary character acquired by this principle was reiterated in **the Democratic Republic of Congo v Uganda case**, para. 244.

⁴ UNGA Res 1803 (XXVII) (14 December 1962) UN Doc A/RES/1803(XVII), Preamble and Charter of Economic Rights and Duties of States, Article 2 adopted by UNGA Res 3281 (XXIX) UN Doc A/RES/3281(XXIX); UNGA Res 3016 (XXVII) (18 December 1972) UN Doc A/RES/3016(XXVII), para. 1.

⁵ UNGA Res 52/207 (18 December 1997) UN Doc A/RES/52/207.

⁶ UNGA Res 3175 (XXVIII) (17 December 1973) UN Doc A/RES/3175(XXVIII), para. 1. The UNGA Resolution further reaffirmed that “[a]ll the measures undertaken by Israel to exploit the [...] natural resources of the occupied Arab territories are illegal” (paragraph 2), and “[t]he right of the [...] peoples whose territories are under occupation to the restitution of and full compensation for the exploitation and looting of, and damages to, the natural resources”, para. 3.

⁷ UNGA Res 33/40 (13 December 1978) UN Doc A/RES/33/40, para. 3.

⁸ Report of the Secretary-General, ‘Implications, under international law, of the United Nations resolutions on permanent sovereignty over natural resources, on the occupied Palestinian and other Arab territories and on the obligations of Israel concerning its conduct in these territories,’ para. 51, (A/38/265, E/1983/85), 21 June 1983.

percent – during the summer months in order to meet consumption needs in the settlements. Palestinian villages located in the occupied territory to the north-west of Jerusalem, including Qatanna, Biddo, Beit ‘Anan, al-Qbeba, Beit Surik, Khirbet Um al-Lahm, Beit Diqu, Beit Ijza, Beit Iksa and Nabi Samuel, are among several communities that continue to be subject to unequal water distribution by the Israeli authorities.

15. In 1982, a water network was built to supply the aforementioned villages with water through the Israeli company 'Mekorot' via the Palestinian Water Authority (PWA). The water is gathered in a tank located inside the Haradar settlement, which is built on the Palestinian villages of Biddo and Beit Furik. The same tank provides water for both the Haradar settlement and the villages, with a pipeline running to each. The settlement pipeline is located at the bottom of the tank while the villages' pipeline is located in the middle, meaning that when the water level falls below the mid-level of the tank, the villages stop receiving water while the settlement supply continues. In 2000, the water reaching the villages dropped by up to 50 percent, and was particularly scarce during the summer. Meanwhile, the settlement remained unaffected due to the position of its pipeline. In 2012, a Finnish project was approved to replace the old water networks with new ones so the Palestinian villages could get more water. However, once the project was completed, the Israeli authority broke its contractual obligation with the Finnish by not pumping sufficient water through the new pipes. As a result, the villages remain with little access to water while the settlement continues to receive water in abundance. (Al-Haq Affidavit No. 8660/2013)

16. In a sworn testimony, Abdul-Rahim Hussein Bisharat, a resident of al-Hadidiyya village (Toubas governorate), illustrates how 'Mekorot' exploits water in other parts of the OPT in a manner that is also discriminatory and restricts Palestinian sovereignty over natural resources;

Water pipelines that transmit water to Israeli settlements in the area surrounding Khirbet al-Hadidiyya are near our houses, but we are not allowed to access a single drop of the water they transport. In 1980, the Israeli occupying authorities constructed a water well about 20 metres from the centre of Khirbet al-Hadidiyya. Water is pumped from that well to Israeli settlements, including the settlement of Ro'i, about 150 metres west of our village; the settlement of Beqa'ot, about four kilometres southwest of the village; and the settlement of Hemdat, about six kilometres northeast of the village. Additionally, the Israeli occupying authorities seized control of another water-well near Khirbet Humsa village, about three kilometres south of Khirbet al-Hadidiyya. Water is also pumped from this well to the settlements mentioned above. These are agricultural settlements. The Israeli occupying army oversees these wells on a permanent basis. They are surrounded by barbed wire fences and monitored by surveillance cameras. Water transmission pipelines are installed across Palestinian houses yet we have no access to the water running through them. They pass right in front of our own eyes and underneath our feet to settlements.

At the same time, we are forced to purchase water at exorbitant prices from remote areas, because the Israeli occupying authorities do not recognise our presence on our land.

Excerpt from Al-Haq Affidavit No. 7163/2012. Given by Abdul-Rahim Hussein Bisharat, a resident of al-Hadidiyya village, Toubas governorate, West Bank, on 23 February 2012.

17. The Bisharat family is among thousands of families located in the OPT that are affected by Israel's discriminatory water policies and the resulting lack of Palestinian control over the distribution of water. This reality has denied the Palestinian people their right to water, which is pivotal to the realisation of the right to self-determination and the enjoyment of the right to life. Up to the present day, Israel continues to illegally exercise sovereign rights over water resources in the OPT, thereby denying the PWA the possibility of developing the water and sanitation sector or the possibility to put in place more efficient extraction systems and distribution networks to supply the Palestinian population.⁹

18. Outside of unequal distribution of water, Israel continues to consistently demolish water structures throughout the West Bank - furthering Palestinian inability to access water and resulting in the forcible transfer of communities from their land. For example, on 5 July 2011 at around 11:00 am, a bulldozer and hydraulic excavator, accompanied by Israeli occupying forces, demolished ten water tanks during their fourth demolition operation in the area of 'Um Nir in Yatta (Hebron governorate), less than a kilometre away from the Israeli settlement of Susiya. Only a few days prior to the demolition, the PWA had installed 12 full water tanks in 'Um Nir. According to Muhammad Hussein Jubour, who is the last remaining resident of 'Um Nir along with his wife, the area has been abandoned due to the reoccurring demolitions and restrictions imposed on available resources by the Israeli authorities. (Al-Haq Affidavit No. 6529/2011).

Following four demolitions, no one wishes to reside in the area anymore. It is only my wife and I who live in the area. We transport water on a donkey from Yatta. Because of the water shortage, I have sent my 20 sheep to Yatta so that my children who live there can take care of them.

Extract from Al-Haq Affidavit No. 6529/2011. Given by Muhammad Hussein Jubour, a resident of Yatta, Hebron governorate, West Bank.

19. According to Al-Haq information, the Israeli authorities destroyed more than 32 water structures within the span of 10 months, between January and October 2012. In one incident on 21 April 2012, the Israeli army demolished a Dutch-funded well in Kufr al-Deek, west of Salfit. The well had a capacity of 70 cubic metres, and the construction costs totalled USD 3,103.¹⁰ In another occurrence, Israel demolished five water wells and damaged a water cistern in Kufr Dan village in Jenin governorate within one week in

⁹ G Abouali, 'Natural Resources Under Occupation: The Status of Palestinian Water Under International Law' pp. 560-561. See also Amnesty International, 'Troubled Waters', p. 21.

¹⁰ Al-Haq Affidavit No. 7306/2012.

October 2012.¹¹ The examples highlighted above illustrate how Israel employs discriminatory policies within the OPT, severely restricting Palestinian access to water and sanitation while providing the settler communities therein with unlimited access to water.

20. Although the PWA technically has authority over West Bank wells, the regulatory authority and ultimate control resides with Israel. Israel has actively prevented the construction and maintenance of water and sanitation infrastructure in the West Bank. This has primarily been achieved through Israel's exercise of its effective veto at the Joint Water Committee (JWC),¹² as well as the Israeli Civil Administration's systematic practice of denying permits for the construction or rehabilitation of water infrastructure in around 61 percent of the West Bank, earmarked Area C.

21. Question: On what basis does Israel deny Palestinians and EU-funders from building water infrastructure, considering the lack of Palestinian access to water, and why does it demolish water structures essential for Palestinian livelihood in the OPT?

2. Stone Quarries

22. According to Al-Haq information, there are at least eleven Israeli-authorized stone quarries operating in occupied territory that affect surrounding residents of Bedouin communities, many of which have received demolition orders. Significantly, the impact of these quarries is not limited to the displacement of these communities but also denies the Palestinian people their right to sovereignty over natural resources.

23. The human rights organisation Yesh Din approximates that 75 percent of the yielded produce from these quarries is transferred for use in the Israeli construction market - directly benefiting the Israeli private economy. Justifying this exploitation, the Government of Israel has repeatedly claimed that the produce from the quarries transferred into its territory each year only represent 0.5 percent of the overall potential for mining in the West Bank, and that hundreds of years will have to pass before the total mining resources are exhausted. However, this figure is disputed by official documents, which indicate that, at the current level of production, the quarries' yield will be entirely depleted in 30 years.¹³

24. With authorisation from the Israeli government, Israeli quarrying companies continue to operate unlawfully in the OPT, depleting natural resources that should contribute towards the Palestinian peoples' full realisation of their right to self-determination. Accordingly, Al-Haq research reveals that the Israeli system discriminates against Palestinian corporations by denying the renewal of mining licenses or the authorisation of such new licences in the OPT.

¹¹ Al-Haq Affidavit No. 7800/2012.

¹² The Joint Water Committee is a committee made up of representatives of the Palestinian Authority and the Israeli government established to manage water issues in the OPT under Oslo II as part of a five year interim arrangement, but still meeting 18 years later.

¹³ Quarries Case, Expert Opinion, para 131, citing "Interior Ministry - Planning Administration, National Outline Plan 14b - National Outline Plan For Quarrying and Mining Sites for the Construction and Paving Market".

25. A Palestinian quarry owned by the Qandil family is one example of this trend. The quarry has been operating since 1983 in Rafat village, south of Ramallah. On 21 May 2012, Israeli soldiers raided the quarry and confiscated some of the equipment. The officer in charge informed one of the owners, Majdi Qandil, that he wanted to confiscate the equipment on the pretext that the quarry operates in Area C and therefore lacks a license. The officer in charge told Majdi to visit the Israeli Organizing Committee, a branch of the Israeli Civil Administration. There, he was asked to develop new plans for the quarry, including aerial footage and surveys detailing the quarry's location. Even though Majdi submitted all the requirements, his application to renew the quarry license was denied. In 1998, the Israeli authorities shut down the quarry - claiming it did not have a license. It was reopened in 2011 after receiving an oral approval from the Israeli Civil Administration to operate without a permit. In 2012, the Israeli Civil Administration gave the owners a second oral approval to resume operations in the quarry. Regardless, no written license has been issued. (Al-Haq Affidavit No. 7531/2012)

26. Question: Why has the Israeli government, in its capacity as an Occupying Power, failed to grant licenses for Palestinian quarries to operate in the OPT in the last four years?

3. Dead Sea Mud and Minerals

27. Israel heavily restricts Palestinian access to the occupied Dead Sea for both recreational and economic purposes. More specifically, Israel has prevented Palestinian corporations from extracting mud and minerals from the occupied Dead Sea, an area rich in natural resources.¹⁴ In contrast, Israel has authorised the illegal exploitation of natural resources in the Dead Sea by Israeli private businesses and corporate entities such as Ahava - Dead Sea Laboratories Ltd., an Israeli cosmetics company based in the settlement of Mitzpe Shalem near the Palestinian city of Jericho. Ahava is the *only* cosmetics company licensed by the Israeli government to operate from within occupied territory. The Israeli Civil Administration has indeed confirmed that Ahava holds a license to operate a mud excavation site from the occupied area of the Dead Sea, specifying that Ahava may extract mud from any area within the Megilot Dead Sea Regional Council - located in its entirety on occupied territory.¹⁵

28. The settlements of Mitzpe Shalem and Kalia directly benefit from the exploitation of Palestinian natural resources, holding 37 and 7.5 percent of Ahava's shares, respectively. The economy of Mitzpe Shalem primarily depends on industry deriving from the extraction of mud and manufacturing of minerals for Ahava cosmetic products. This manufacturing is particularly important for the sustainability of the settlement, as it provides employment opportunities for the settlers, and attracts tourists and customers visiting the area.

¹⁴ Al-Haq, "Pillage of the Dead Sea: Israel's Unlawful Exploitation of Natural Resources in the Occupied Palestinian Territory" (2012), available at <http://www.alhaq.org/publications/publications-index/item/pillage-of-the-dead-sea-israel-s-unlawful-exploitation-of-natural-resources-in-the-occupied-palestinian-territory>.

¹⁵ Letter to Coalition of Women for Peace from the Israeli Civil Administration, 17 May 2011. The original Hebrew version is on file with who profits. See the English translation, available at http://s3.amazonaws.com/codepink4peace.org/downloads/CivilAdministrationResponse_Eng.pdf.

29. Furthermore, Ahava receives numerous tax benefits from the Israeli government, as do most companies located in settlements in the OPT. Regardless, the taxes and revenues paid by the company to Israel do not benefit the occupied Palestinian population. By restricting Palestinian access to the occupied Dead Sea on the one hand and by licensing Israeli companies such as Ahava to mine and manufacture products that utilize mud extracted from the occupied Dead Sea on the other, Israel is further ignoring its responsibility under Article 1 of the ICCPR, to enable the Palestinian people to freely dispose of their natural resources.

30. Question: What measures is Israel taking both *de facto* and *de jure* to ensure that Palestinians have access to the occupied Dead Sea and the natural resources therein both at the present time and in the future?

B. Cultural Rights in East Jerusalem

31. The Israeli authorities regularly ban and interfere in Palestinian cultural activities, particularly in East Jerusalem. Such incidents indicate Israel's intent to stifle Palestinian cultural identity and are discriminatory in nature. Such restrictions also contribute to the larger right to self-determination under Article 1(1) of the ICCPR, which guarantees peoples' rights to freely pursue their social and cultural development.

32. In an incident identified as particularly detrimental to the Palestinian communities living in East Jerusalem, a national theatre was prohibited from carrying out an annual children's festival:

For 18 years, the Palestinian National Theatre (al-Hakawati) in Jerusalem has held the Palestinian Child Week Festival. On 21 June 2013, I responded to a summoning order by the Israeli police and headed to the Russian Compound in Jerusalem. The Israeli police presented me with a paper in Hebrew that ordered the closure of the theatre throughout the week of the festival. Each year around 3,000 Palestinian children from East Jerusalem, between the ages of 5 – 13 participate in this festival.

Excerpt from Al-Haq Affidavit No. 8746/2013. Given by Muhammad Mustafa Halayka, the General Director of al-Hakawati, Jerusalem governorate, West Bank, on 23 June 2013.

33. Planned public gatherings where individuals come together to express and celebrate their national and cultural heritage is a right protected not only under Article 1(1) of the ICCPR but also under Article 21. Although there are justifiable reasons to interfere with the right to peaceful assembly, Israel's banning of these cultural events falls far outside the ambit of any such justification.

34. Question: What measures are taken by Israel to end both *de facto* and *de jure* unjustifiable interference with the right to assembly and freedom of expression with regards to cultural events in East Jerusalem, and to thus act in compliance with the

Covenant in ensuring the Palestinians' rights to cultural development as a component of their right to self-determination?

III. Article 2: Non-Discrimination

35. A large number of Israeli policies in the OPT violate Article 2(1) of the ICCPR, regarding non-discrimination in the applicability of the Covenant. For example, in hindering Palestinian sovereignty over land and natural resources, Israel is implementing a discriminatory policy by allowing settler communities within the OPT to benefit from such restrictions at the expense of the occupied population. Settler communities have benefited from the unlawful expropriation of Palestinian land achieved through the tight permit system imposed by the Israeli authorities on Palestinian construction in the OPT and the related demolitions carried out on Palestinian livelihood structures. In the past four years, Israel has continued to deny Palestinians access to their land and has continuously rejected applications for building permits. Israel also continues to consistently demolish Palestinian homes and structures. Further, the discrepancy between settlement expansion and the transformation of Palestinian communities into increasingly dense and isolated enclaves within the West Bank, including East Jerusalem, is an inherent violation of Article 2 of the ICCPR.

A. House Demolitions and Building Permits

36. OCHA recorded 571, 540,¹⁶ and 663¹⁷ demolished Palestinian structures in 2011, 2012 and 2013, respectively. From January 2013 through February 2014, Israel displaced 1,344 Palestinian people through demolitions and evictions.¹⁸ To this day, thousands of homes and structures remain at risk of being demolished. In East Jerusalem, at least 93,100 of Palestinian residents are at risk of eviction, demolition of their homes and displacement due to a discriminatory housing system denying them of building permits.¹⁹

37. Riyadh Jamil Ju'bas is among those at risk of house demolition. At around 10:00 am on 14 February 2012, Israeli police and officers from the Israeli Interior Ministry, in four military cars, raided the Assal'a area in Jabal Al-Mukaber, East Jerusalem. The officers forcibly entered the home of Riyadh, took photographs and inquired about the persons living in the house, without presenting a search warrant. Riyadh fears the imminent demolition of his house, since these measures - photography and questioning - usually precede house demolitions by the Israeli authorities in Jerusalem. If this is the case, the family will have nowhere else to live. This would be Riyadh's second house

¹⁶ OCHA, 'Fragmented Lives: Humanitarian Overview 2012', May 2013, available at http://www.ochaopt.org/documents/ocha_opt_fragmented_lives_annual_report_2013_english_web.pdf - page=23.

¹⁷ OCHA, Forced Displacement Overview, available at <http://www.ochaopt.org/content.aspx?id=1010137>.

¹⁸ *Ibid.*

¹⁹ OCHA, East Jerusalem: Key Humanitarian Concerns, December 2012, available at http://www.ochaopt.org/documents/ocha_opt_Jerusalem_FactSheet_December_2012_english.pdf.

demolition, as the Israeli Interior ministry demolished his previous house in 1998 because it had been built without the necessary building permit. When building his current house, Riyadh and his neighbours filed for building permits in an attempt to change the categorisation of the area they live in from green land (where construction is prohibited) to yellow land (where construction is permitted). Seven years later, neither Riyadh nor his neighbours have received a response from the Israeli municipality in Jerusalem. Instead, Riyadh continues to pay off a NIS 48,000 (around USD 12,900) fine imposed by the Israeli Court of Local Affairs in 1999 with monthly payments of NIS 800 (around USD 215), for building his first house – demolished in 1998 – without a permit. (Al-Haq Affidavit No. 7164/2012).

38. A key example of Israel's land-grab scheme is indeed in East Jerusalem, which is home to 293,000 Palestinians and 200,000 Israeli settlers. Despite the demography of this part of the OPT, Israeli zoning laws have set aside 35 percent of the land for Israeli settlers while only reserving 13 percent for Palestinian residents.²⁰ Most of the land reserved for Palestinians has already been developed.²¹ The manner in which Israel allocates land leaves a large part of the Palestinian population with no alternative but to build new housing without permits. The East Jerusalem zoning laws also surround Palestinian neighbourhoods with “green land” and “un-zoned land” - areas where construction is prohibited.²² Further, while 150,000 Palestinian residents live in “Area C”, Israel has only planned 1 percent of the area for Palestinian development.²³ While the Israeli government issues only 50 to 100 building permits per year to Palestinians, it continues to approve and subsidise the extensive expansion of settlements in the OPT.²⁴ Additionally, the cost of both building permits and the legal assistance needed to obtain them typically surpasses what Palestinians living in East Jerusalem can afford.²⁵

39. Area C, which makes up around 61 percent of the OPT, is another area particularly affected by Israel's restrictive permit system and house demolitions. Within Area C, demolitions in the Jordan Valley occur on a regular basis. In one incident on at 7:00 am on January 17 2013, six Israeli military patrols, four bulldozers, and 50 soldiers arrived in the village of Khirbat al-Mayta, in the Jordan Valley, where ‘Abd-‘Ali, his wife and seven children live. In a sworn statement, ‘Abd-‘Ali highlights the demolition,

On 17 January 2013, Israeli soldiers demolished the four structures in which we lived and three animal-sheds in which we housed 300 sheep. The surrounding villagers' tents, including my brother and mother's tents, were also demolished. Bulldozers were used to cover the rubble with soil to prevent us from rebuilding. When I informed the soldiers that I had not received a demolition order, the

²⁰ *Ibid.*

²¹ *Ibid.*

²² Al Haq, 'Demolitions in East Jerusalem Leave 52 Palestinians Homeless,' available at <http://www.alhaq.org/documentation/weekly-focuses/524-demolitions-in-east-jerusalem-leave-52-palestinians-homeless>.

²³ OCHA, Area C of the West Bank: Key Humanitarian Concerns, January 2013, available at <http://unispal.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/cccec730492ad8a9785257afc004aefa1?OpenDocument>.

²⁴ Al Haq, 'Demolitions in East Jerusalem Leave 52 Palestinians Homeless,' available at <http://www.alhaq.org/documentation/weekly-focuses/524-demolitions-in-east-jerusalem-leave-52-palestinians-homeless>.

²⁵ *Ibid.*

Israeli Civil Administration officers present merely told me that the area had been declared a closed military zone for military training and the Palestinian population was not allowed to reside or build there. The Palestinian residents of Khirbat al-Mayta have lived in the area for 30 years. At 11:00 am, the Israeli forces left after they had destroyed over 55 structures and four water tanks. They returned two days later to confiscate tents provided by the Red Cross on January 17.²⁶

Excerpt from Al-Haq Affidavit No. 8315/2013. Given by ‘Abd-‘Ali Mousa Najadah, resident of Khirbet al-Mayta, Toubas governorate, West Bank, on 21 January 2013.

40. Significantly, the Najadah family is among many who do not receive demolition orders or warning prior to their homes being demolished. Further, as the demolition of Palestinian homes by Israel continues, Israel pursues a policy of subsidising settlements and settlement infrastructure for Israelis in the OPT, while denying Palestinians building permits. OCHA reports, “[a]ccording to Israeli Civil Administration data [...] between 2009 and 2012; of the 1,640 applications [for permits to build] submitted [by Palestinians living in Area C], only 37, 2.3 percent, were approved.”²⁷ In contrast, between September 2013 and March 2014, the Israeli government has advanced plans for more than 5,349 Israeli settlement-housing units in the West Bank, and has promoted 11,047 housing units through different construction stages. In June 2014, Israel further announced plans for 3,300 new settler homes. Most recently, Israel has appropriated 1000 acres of land in the OPT within the 'Etzion' settlement bloc near Bethlehem - this area will likely be used to build a permanent settlement.

41. As of 2012 OCHA reported that “43% of the total area of the West Bank is allocated to settlement local and regional councils.”²⁸ Moreover, “[a]bout one third of land within the outer limits of settlements is privately owned by Palestinians, according to official Israeli land records.”²⁹ Palestinians are prohibited or restricted access to around 70km of road accessible to settlers in the West Bank.³⁰ The cumulative effect and purpose of these restrictions on movement and choice of residence for Palestinians, is the “creeping annexation” of the West Bank, as articulated in the report of the International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory.³¹

42. Israel's arbitrary demolition of homes is also in violation of Article 17(1) which states, “No one shall be subjected to arbitrary or unlawful [...] interference with his ...

²⁶See also: Al Haq, 'Israeli Army Demolishes 55 Structures in the Northern Jordan Valley', available at <http://www.alhaq.org/documentation/weekly-focuses/666-israeli-army-demolishes-55-structures-in-the-northern-jordan-valley>.

²⁷OCHA, 'Fragmented Lives: Humanitarian Overview 2013' March 2014, p. 36, available at http://www.ochaopt.org/documents/ocha_opt_annual_review_2014.pdf.

²⁸OCHA, 'The Humanitarian Impact of Israeli Settlement Policies Update', December 2012, available at http://www.ochaopt.org/documents/ocha_opt_settlements_FactSheet_December_2012_english.pdf

²⁹*Ibid.*

³⁰B'Tselem, 'Forbidden Roads Table', February 2014, available at http://www.btselem.org/sites/default/files/forbidden_roads_table_eng.pdf.

³¹International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory, A/HRC/22/63, available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf.

home...” In its General Comment 16, the Committee distinguishes arbitrary from unlawful, noting that “even interference provided by law should be in accordance with the [...] objectives of the Covenant [...]”³² One of these objectives, non-discrimination in the applicability of the covenant, is defined in Article 2(1) of the ICCPR. Accordingly, Israel’s policy of systematically denying building permits to Palestinians or fails to process permit applications, which ultimately results in the destruction of their homes, clearly amounts to arbitrary interference as provided by Article 17, due to its discriminatory and unreasonable application.

43. Question: What measures have Israel taken to ensure that its housing policy is not discriminatory – including its municipal planning systems?

IV. Article 6: Right to Life

44. In the years following its third periodic report to the Human Rights Committee, Israel has flouted the Committee’s recommendations with regard to Article 6, particularly in its recent offensive on the Gaza Strip. Israel continues to endanger civilian lives through the use of excessive, disproportionate and indiscriminate force against civilians, as well as by denying the Palestinian population access to medical care. Such unlawful conduct has continued as a direct result of a failure to undertake investigations or prosecutions to hold perpetrators accountable for their actions.³³ The failure of Israel to comply with the findings of the Fact-finding Mission looking into the 2008-2009 “Operation Cast Lead” in the Gaza Strip is illustrative of this climate of impunity.

A. Excessive Use of Force

45. In the latest military attack on the Gaza Strip beginning 8 July 2014, Israel used excessive force against the Palestinian population. While recognising the applicability of international humanitarian law in armed conflict, the Palestinian population of the Gaza Strip also remains under the protection of the Covenant, as has been affirmed by the Committee.³⁴ Accordingly, the Palestinian population in the Gaza Strip remains protected under Article 6 of the ICCPR. Nonetheless, the Israeli offensive on the Gaza Strip has resulted in the killing of 1,577 civilians, of whom 485 are children. Additionally, More than 10,000 Palestinians were injured, of whom are at least 3,084 children - some in serious condition.

³²Human Rights Committee, *CCPR General Comment No. 16: Article 17 (Right to Privacy), The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation*, 8 April 1988, para. 4, available at: <http://www.refworld.org/docid/453883f922.html>.

³³Yesh Din, *MPCID Investigations into the Circumstances: surrounding the Death of Palestinians Convictions and Penalties*, July 2013, p. 8.

³⁴ Human Rights Committee, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant, Concluding Observations”, Israel, (CCPR/C/ISR/CO/3), 3 September 2010, para. 5.

46. Civilian objects such as coffee shops, hospitals, schools and places of worship were amongst targets that were indiscriminately hit by Israeli air strikes. In one incident on 9 July 2014 at approximately 10:30 pm, Tamer Khaled Taher al-Astal (28 years old), went to Waqt al-Marah coffee shop located on al-Qarara beach, northwest of Khan Yunis governorate. The coffee shop is about 100 metres east of Tamer's residence.

When I arrived, there were 11 people, including three children, in the coffee shop. There were three people from the Sawali family, two brothers from the Qanan family, a young man from the Farawnah family, and five of Tamer's relatives. We sat at tables and watched the news on television as we waited for the World Cup match to start at 11:00 pm. I performed evening prayers beside the table where my relatives were sitting. As soon as I finished praying, I heard a heavy sound similar to that of a tin sheet falling from a high place. It was a very loud noise. I fell unconscious. When I came round, I found myself on a bed and saw a number of my relatives around me. I felt severe pain all over my body. My relatives informed me that I was at the Nasser Hospital in Khan Yunis and that I had sustained bruises and numbness in the limbs. They also informed me that an Israeli military aircraft had bombed the coffee shop that night. I had been unconscious since the attack on the coffee shop, which was completely destroyed. Of those who were with me at the coffee shop, nine people were killed: Ibrahim Khalil Qanan (24) and his brother Mohammed Khalil Qanan (26); Mohammed Ihsan Mohammed Farawnah (18); Hamdi Badee' Kamel Sawali (20) and his two brothers Ibrahim Badee' Kamel Sawali (28) and Saleem Badee' Kamel Sawali (23); and my relatives Mousa Mohammed Taher "Ziyadi" al-Astal (15), and Suleiman Saleem Mousa al-Astal (17) and his brother Ahmed Saleem Mousa al-Astal (18). Two of my other relatives were injured. That night at approximately 9:00 pm, two and a half hours before the coffee shop was shelled; Israeli navy boats had fired a missile on the Layalina coffee shop, 150 metres south of the Waqt al-Marah coffee shop. It was empty and no one was injured. At that time, we all evacuated Waqt al-Marah coffee shop but came back about an hour later thinking then thinking that it was safe.

Excerpt from Al-Haq Affidavit No. 9779/2014. Given by Tamer Khaled al-Astal, resident of al-Mawasi, Khan Younis governorate, the Gaza Strip, on 11 July 2014.

47. Far from adopting positive measures to protect the inherent human right to life, as Article 6 requires, Israeli forces continue to use excessive force while enjoying a culture of impunity. Outside of its recent attack on the Gaza Strip, Israel endangers Palestinian lives in the Gaza Strip on a regular basis. In particular, Israeli soldiers guarding unmarked 'buffer zones' on Palestinian land fire live ammunition at those who enter the buffer zone, including farmers, fishermen, and children. For example, on Friday 30 May 2014, two fishermen headed to Gaza port to sail and fish. They sailed within the permitted three nautical miles from the shore, west of Gaza city. Shortly afterwards, seven Israeli rubber gunboats came into sight and surrounded the fishermen from the north and west. The fishermen recall hearing heavy gunshots being fired in their direction from the Israeli

naval boats. The two fishermen were arrested and taken onto an Israeli boat. Their fishing vessel was confiscated.³⁵ (Al-Haq Affidavit No. 9625/2014)

48. In the West Bank between January 2011 and December 2013, Israeli soldiers killed at least 41 Palestinians with live ammunition during demonstrations, while hundreds of others were injured.³⁶ These are not isolated incidents and have been described as acts carried out with intent that may amount to wilful killing. However, the conviction rate of soldiers who are accused of offenses relating to the unlawful killing of civilians in the OPT remains extremely low. In many cases, soldiers are convicted of less serious offenses that do not implicate them in the death of the civilians.³⁷ Between January 2011 and July 2013, there has only been one Israeli investigation that has led to the conviction of an Israeli soldier for the wrongful death of a Palestinian.³⁸ Such impunity has proved to promote further use of excessive force by the Israeli army.

49. Indeed, Al-Haq documented an increasing number of deaths as a result of Israeli aggression between the beginning of 2014 and the end of June 2014. In particular during this period, 47 Palestinians were shot dead in the West Bank and the Gaza Strip by Israeli forces, while two others were killed by Israeli settlers in the West Bank. Within a six-month period this year, Israel has shot and killed more Palestinians in the West Bank using live ammunition than it had over the preceding three-year period. In particular, the use of excessive force during demonstrations, whether peaceful in nature or involving stone-throwing, has been highlighted by Amnesty International in their 2014 report entitled *[Trigger-happy: Israel's use of excessive force in the West Bank](#)*.

50. Two incidents in the last year are particularly concerning. On Thursday 15 May 2014, Israeli forces shot and killed two unarmed teenagers who did not pose an imminent threat of death or serious injury to Israeli soldiers, or to anyone else. Nadim Siam Nuwwara and Muhammad Salama, both 17 years old, were killed when Israeli forces located near 'Ofar Prison, west of Ramallah, shot the boys with live bullets. Confrontations between young Palestinians and Israeli forces had taken place prior to the shooting. At the time of the shootings, however, the confrontations had already died out. Data and video footage collected from the incident illustrates that the two boys did not pose a serious threat to the Israeli soldiers and that the incidents meet the criteria for wilful killings.³⁹

51. Lastly, Article 6 of the ICCPR establishes that every individual has an inherent right to life, which is to be protected by law, and that no one should be arbitrarily deprived of his or her life. In its General Comment on this article, the Human Rights

³⁵ Al-Haq, 'Ongoing Attacks against Palestinian Fishermen in the Buffer Zone at Sea', available at <http://www.alhaq.org/documentation/weekly-focuses/808-ongoing-attacks-against-palestinian-fishermen-in-the-buffer-zone-at-sea>

³⁶ Amnesty International, *Trigger-Happy – Israel's Excessive Use of Force in the West Bank*, February 2014, p. 12.

³⁷ Yesh Din, *MPCID Investigations into the Circumstances: surrounding the Death of Palestinians Convictions and Penalties*, July 2013.

³⁸ *Ibid.* at p. 8.

³⁹ Al-Haq, *Evidence of Wilful Killing at Al-Nakba Day Protest*, available at: <http://bit.ly/1wd7GPA>.

Committee states that the law must closely regulate killing by state security forces so that circumstances involving the deprivation of life are strictly limited and controlled. The Committee also requires States parties to the Covenant to take measures to prevent and punish arbitrary killing by their security forces, which is considered a matter of the utmost gravity.⁴⁰

52. Question: What measures are taken by Israel to promptly, thoroughly and impartially investigate the deprivation of life by members of the Israeli forces and to subsequently punish the perpetrators?

B. Access to Medical Care

53. Excessive use of force is but one reality threatening the lives of the Palestinian population in the OPT. The continued seven-year-long unlawful Israeli closure of the Gaza Strip and the checkpoints set up throughout the West Bank severely restrict the Palestinian population's freedom of movement, compromising their access to medical care and in some instances causing fatalities. Between 2012 and mid June 2014, Al-Haq documented 16 Palestinian deaths as a result of the restriction of movement imposed on Palestinians, particularly by Israeli checkpoints – 14 of these deaths took place at the Erez Crossing between Gaza and Israel, one took place at the Rafah border crossing between Gaza and Egypt and another took place in the West Bank.

54. In one incident on 10 August 2013, a venomous snake bit 8-year-old Muhammad Abu 'On on the leg in Furush Beit Dajan, east of Nablus. Muhammad's father gathered his son in his arms and ran to wave down a passing car to rush him to hospital. On route to hospital, while still within the Nablus governorate, Muhammad and his father arrived at al-Hamra checkpoint to find that Israeli soldiers had closed it to all traffic in both directions. At that time, Muhammad was vomiting, foaming at the mouth, and sweating profusely, despite his falling temperature. His father got out of the car and approached the soldiers, showing them his son and the dead snake, which he had brought with him, and telling them what had happened. He explained that he needed to get through the checkpoint to reach a doctor immediately in order to save his son, but the soldiers told him to leave.

I asked to see the officer in charge and repeated that my son would die if he wasn't taken to a hospital immediately. The commanding officer responded by aiming his weapon at me and threatened to arrest me. I turned to the other soldiers for help and instead they mocked me. I pled with the soldiers for more than an hour before giving up and retreating to a nearby waiting area.

⁴⁰ Human Rights Committee, CCPR General Comment No. 6: Article 6 (Right to Life), 30 April 1982, available at: <http://www.refworld.org/docid/45388400a.html>, HRI/GEN/1/Rev.9, (Vol.1) p. 177.

An ambulance then transferred the boy to a hospital where the doctors confirmed that the long wait for treatment had seriously lowered Muhammad's chances of survival.⁴¹

Excerpt from Al-Haq Affidavit No. 8817/2013. Given by Tareq Ahmad Abu 'On, resident of Furush Beit Dajan, Nablus governorate, West Bank, on 12 August 2013.

55. In another incident, in December 2013, Nour Muhammad 'Afna, a 14-year-old Palestinian girl, died upon arrival at a Ramallah hospital after her ambulance was severely delayed. The ambulance had been travelling from Abu Dis to Beit Jala Hospital but was forced to reroute to Ramallah due to congestion at the Container Checkpoint caused by the inspection of cars passing through the checkpoint. The trip to Beit Jala from Abu Dis should have taken 25 minutes. However, due to stationary traffic up to 1 km from the checkpoint, the ambulance – even with its lights and siren on – was unable to reach the checkpoint after waiting 40 minutes. The driver then rerouted to a Ramallah Hospital where Nour was announced dead upon arrival. (Al-Haq Affidavit No. 9173/2013)

56. Similarly, in July 2011, Ra'ed 'Azzam al-Maghari died during surgery in poorly equipped medical facilities in the Gaza Strip after he had been denied passage through Israel to a hospital in the West Bank. Ra'ed had suffered health complications resulting from a hole in his heart for 20 years, and as a result had gone twice to the Arab Centre for Cardiac Surgery and Blood Diseases in Nablus (ACCSBD) for specialised procedures. On 14 July 2011, Ra'ed's condition deteriorated and his doctors determined that he would need to return to ACCSBD to replace one heart valve and repair another. Ra'ed applied for a permit from the Israeli military to pass through the Erez Crossing in order to reach Nablus, but Israeli military authorities denied the travel permit for alleged security reasons. The Liaison Officer at the Department of Civil Affairs in Gaza City told Ra'ed that the military had refused the permit for no legitimate reason. As his condition worsened dramatically, a second request was submitted but also denied. On 25 July 2011, Ra'ed's doctors in the Gaza Strip were forced to perform cardiac surgery at the hospital they had deemed inadequate for the procedure and Ra'ed died on the operating table. (Al-Haq Affidavit No. 6507/2011)

57. While directly violating the right to life by preventing the Palestinian population from accessing medical facilities, Israel also violates article 12 of the ICCPR, which prohibits such restrictions on freedom of movement.

58. Question: What measures has Israel taken within its domestic law to strictly control and limit the circumstances in which a person may be deprived of his life by Israeli forces, as required by the Covenant? And what remedies are available to the families of individuals whose right to life has been violated?

⁴¹ See also: Al-Haq, 'Eight-year-old Snake Bite Victim's Life Put at Risk after Delay at Checkpoint', available at <http://www.alhaq.org/documentation/weekly-focuses/730-eight-year-old-snake-bite-victims-life-put-at-risk-after-delay-at-checkpoint>.

V. Articles 7, 9, 10 and 14: Arbitrary Detention, Torture, Ill-treatment, and Settler Impunity

59. Taken together, Articles 7, 9, 10, and 14 require states to protect people from deprivation of personal security and liberty, maltreatment – whether inflicted by state actors or individuals - and denial of due process. In reality, ill-treatment of Palestinian civilians, including children, by Israeli authorities in the West Bank is widespread and systematic. Israel has also failed in the past four years to protect the Palestinian community against increasing acts of settler violence.

A. Arbitrary Detention, Torture, and Ill-treatment

60. Over the past few years, Al Haq has recorded extensive incidents of arbitrary arrest of Palestinian civilians – including children. Within one week in March 2013, for instance, approximately 20 Palestinian children were arrested by the Israeli military in the Old City of Hebron. An average of 192, 198 and 199 children were held in detention per month in 2011, 2012, and 2013, respectively.⁴²

61. In one particular case of ill-treatment, which took place on 3 January 2012, six-year-old Muhammad 'Ali Daoud Dirbas was walking home when three members of the Israeli Special Forces ran towards the child, tripped him, grabbed him by the arm, blindfolded him, forced him inside a car and drove him to an Israeli Police station located in East Jerusalem. His father 'Ali arrived at the police station with medical documents stating that Muhammad suffers from a disease that effects his nervous system. In a sworn testimony, 'Ali describes the incident,

I explained to the police that Muhammad was sick but they dismissed the documents and started interrogating Muhammad, who was accused of throwing stones. They asked him to provide names of others who had been throwing stones with him. Mid-way through, Muhammad had a seizure during which he was unable to speak or move. I insisted they bring him a glass of water, which they did. The officers continued questioning my son even after the seizure.

Excerpt from Al-Haq Affidavit No. 7002/2012. Given by 'Ali Daoud Issa Dirbas, resident of Jerusalem, West Bank, on 7 January 2012.

62. In another incident on 4 March 2010, Israeli soldiers raided the house of 24-year-old 'Ala' Muhammad, handcuffed and blindfolded him in front of his family and took him to al-Jalama prison in northern Israel. He was held for four days in a one-meter-by-two-meter cell with no window. He was then subjected to interrogation for eight hours every day for two weeks. His hands were shackled and tied to a chair throughout the interrogation. After a further 43 days of questioning, 'Ala was transferred to Megiddo

⁴²OCHA, 'Humanitarian Bulletin Monthly Report', February 2014, available at http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_03_19_english.pdf.

prison and was seen by a doctor who filled out his file without examining him. For the remainder of his detention, 'Ala was kept in a room along with nine others with one toilet and two windows. The rooms lacked adequate sanitation and fresh air. He was only allowed out of the cell five days per week and for no longer than four hours each day. He was not allowed a visitor for the first four months of detention and after that only one 45-minute-long visit per month. Throughout the visits, physical interaction was prohibited between 'Ala and his visitor, usually his mother; and they were separated by a glass screen. (Al-Haq Affidavit No. 9183/2013)

63. Israel continues its practice of administrative detention without charge or trial on the basis of secret evidence that is not made available to detainees or their lawyers, thus undermining their ability to effectively challenge the detention order. As of 1 May 2014, the total number of Palestinians held in Israeli administrative detention amounted to 192, including 11 members of the Palestinian Legislative Council.⁴³ There are 5271 Palestinian political prisoners held in Israeli prisons, including 196 children.⁴⁴ Between 12 June 2014 and 4 July 2014, Israel arrested approximately 700 Palestinians across the West Bank, 170 of who have been placed under administrative detention.⁴⁵ Samer al-'Issawi was arrested in April 2004 and sentenced to thirty years imprisonment, of which he served ten years before being released on a prisoners' exchange in 2011. After his release, Samer tried to rebuild his life by starting a small business. However, he continued to be subject to Israel's arbitrary arrest practices. On 7 July 2012, Samer was re-arrested and detained at the Russian Compound in Jerusalem for 28 days, where he was prevented from seeing his family or his lawyer.⁴⁶ During his 28-day-long detention at the Russian compound, Samer was subjected to solitary confinement, 22-hour-long interrogation sessions and sleep deprivation on a daily basis.

64. Khader 'Adnan Khader (33 years old), is a prisoner who was on a prolonged hunger strike beginning 17 December 2011 in protest against his administrative detention and ill-treatment at the hands of the Israeli Prison Service. According to Khader's wife, Randa Jihad Mousa (33 years old), Israeli soldiers arbitrarily arrested Khader on 17 December after which he refused to consume any food or water. During his court hearing, 12 days after his arrest, Randa heard her husband speaking to the military judge.

My husband reported to the judge that he had been beaten, insulted and subjected to harsh interrogation at the al-Jalama Prison. Soldiers deliberately uttered blasphemous expressions about God and the Prophet Muhammad. My husband also told the judge, who was in military uniform, that he had refrained from eating and drinking since he had been arrested. He stated that he was subjected to Shabeh (Shabeh is a method of torture in which the subject is blindfolded and the body placed in awkward positions for prolonged periods) every day. With his hands and feet in shackles, he was forced to sit on a chair

⁴³ Addameer, Monthly Detention Report, available at <http://www.addameer.org/index.php>.

⁴⁴ *Ibid.*

⁴⁵ Al-Haq, 'Follow Up: Al-Haq Documentation of Ongoing Attacks on Palestinians in the West Bank and the Gaza Strip', 04 July 2014, available at <http://www.alhaq.org/documentation/weekly-focuses/816-follow-up-al-haq-documentation-of-ongoing-attacks-on-palestinians-in-the-west-bank-and-the-gaza-strip>.

⁴⁶ Addameer, Profile of Samer Tarek Ahmad Mohammad Issawi, available at: <http://www.addameer.org/etemplate.php?id=576>.

and had his body bent over for a period of seven hours. He would be allowed rest for one hour only, and then be subjected to Shabeh again. In his period of rest, he was threatened and subjected to psychological torture to force him to make confessions. My husband also said that soldiers uttered obscene expressions about his wife and daughters. He said that Israeli interrogators ripped hair from his beard, causing him severe pain.

Extract from Al-Haq Affidavit No. 7136/2012. Given by Randa Jihad Mousa, a resident of Jenin City, Jenin governorate, West Bank.

65. In response to the systemic acts of arbitrary arrest and detention, Palestinian prisoners have carried out mass hunger strikes to protest their arbitrary arrests, the conditions in the detention facilities, restrictions on family and lawyers' visits, and inhumane treatment.

66. Taking into consideration that Article 9 may be derogated from in a State of emergency as per Article 4, it is also recognised that such derogation is only permissible when there is an actual emergency that "threatens the life of the nation." A real emergency needs to be actual or at least imminent.⁴⁷ It should also be of such magnitude that it affects the nation as a whole rather than part of it.⁴⁸ Even when a qualifying emergency exists, derogation can only be "to the extent strictly required by the exigencies of the situation." Significantly, certain rights are non-derogable at all times, including the prohibition torture and the right to life.

67. In spite of Israel's serious security predicaments, it has seen periods of relative normalcy and the threat it faces is not one that poses existential challenges to its country as a whole.⁴⁹ Rather than being of a "temporary" nature, its derogation from Article 9 seems to be *the* exemplar of permanent derogation.⁵⁰ Even assuming the existence of a nation-wide permanent crisis, moreover, Israel exceeded the scope of permissible derogation by going beyond what the exigencies could possibly call for. Sacrificing the personal security and liberty of civilians, including children, cannot be justified by claims of national security, particularly when minimum legal safeguards in place to prevent arbitrary detention, including the unlawful imposition of solitary confinement, are denied to the Palestinian population. Further, Israel's unlawful policy of administrative detention continues to deny Palestinian detainees their due process rights as safeguarded by Article 14 of the Covenant.

68. Question: What legislative measures have Israel adopted to ensure that Palestinians are not subject to arbitrary detention, including the unlawful policy of administrative detention?

⁴⁷Jaime Oraa, *Human Rights in State of Emergency in International Law* (Oxford: Clarendon, 1992), 32-33.

⁴⁸*Ibid.*

⁴⁹Raphael Cohen-Almagor, 'Administrative Detention in Israel and its Employment as a Means of Combatting Political Extremism', 9 N.Y. Int'l L. Rev. 1 (1996) 16.

⁵⁰John Reynolds, "Intent to Regularise": The Israeli Supreme Court and the Normalisation of Emergency, Adalah's Newsletter, Volume 104, May 2013.

69. Incidents of torture and ill-treatment by Israeli forces have also taken place outside the context of detention in the past four years. The absolute prohibition against torture is a peremptory norm of international law and “has now become one of the most fundamental standards of the international community”⁵¹ From March 2001 until March 2013, there have been more than 750 complaints of torture and ill-treatment against the Israeli Security Agency. Not one complaint has resulted in a criminal investigation.⁵²

70. In one case, taking place in Silwan (Jerusalem governorate) on 4 March 2011, Firas Salim al-Rweidi (24 years old) was shot and physically assaulted by Israeli Special Forces officers. Firas was also used as a human shield, in violation of the right to life. Firas describes the incident in the following sworn testimony,

I was passing the street slowly in my car while honking as a signal to the Palestinian boys to stop throwing stones until I had passed. Suddenly, I was approached by an Israeli Special Forces officer who came to my window and ordered me to stop at the intersection; placing me directly in the line of stone throwing. The Special Forces officer was on the other side of the car, using my car as protection and myself as a human shield. [...] I advanced in my car about three metres away from the intersection towards my house seeking protection from the stones. I knew that members of the occupying forces were not in front of my car but beside it. I got out of my car and walked towards my house and saw about five Special Forces officers run towards me. One of them screamed at me in Hebrew, a language I can somewhat understand, and then started cursing me and offending my mother. Soon after, three or four Special Forces officers came towards me and pushed me against the car making me unable to move. One officer hit me on my head with his helmet twice; the first time I felt my head spinning and the second time I felt blood gushing from my head. The beating went on for about five minutes during which the officers were punching and kicking me all over my body. During the beating, I heard the voice of a woman who was asking her colleagues to move away from me. Moments later, I felt a bullet go through my waist.

Extract from Al-Haq Affidavit No. 6128/2011. Given by Firas Salim al-Rweidi, a resident of Silwan neighbourhood, Jerusalem governorate, West Bank

71. Firas was transferred to al-Maqased hospital in East Jerusalem and survived his wounds. (Al-Haq Affidavit No. 6128/2011) In another case of unprovoked physical abuse taking place at around 2:30 pm on 11 July 2011, Israeli soldiers physically assaulted 38 year-old Anwar Khaled Sabarneh, near the entrance to the village of Beit Ummar, Hebron governorate. Anwar was driving on his way into the village when he spotted his neighbour Manal ‘Udwiyyeh. He stopped on the side of the road to give her a lift but before she could enter the car, three soldiers came out of a military jeep positioned next to a military watchtower. The soldiers asked Manal to step aside and

⁵¹ Prosecutor v Furundžija (Judgment, Trial Chamber) ICTY-95-17/1 (10 December 1998), para. 59.

⁵² Al-Haq, '14 Palestinian and Israeli Organisations Condemn Lack of Accountability for Torture against Palestinian Detainees,' 01 March 2013, available at <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>.

ordered Anwar to follow them in his car toward the watchtower. The soldiers took Anwar inside a small compound and beat him severely before ordering him to leave the area.

72. As three Palestinians passing by stopped to help Anwar, a second Israeli military jeep approached. An officer asked Anwar to describe what had happened and those responsible. The officer told Anwar that the officer who ordered the beating was insane and that Anwar should file a complaint against him. Anwar remained in pain for several days after the incident. (Al-Haq Affidavit 6516/2011)

They asked me to get out of the car and I did while its engine was still running. An officer and an African soldier grabbed me. They each grabbed one of my arms and they led me to a yard that was surrounded by a cement wall. The yard was about 2 metres in size, including the military tower. Once I was inside the yard, the officer asked me to turn around to face the wall, to lift my hands up, and to spread my legs. One of the soldiers pushed me with the butt of his gun towards the wall. He kept pressing his gun in my back as two other soldiers beat my upper back with their guns. As they beat me, the soldiers were cursing me and seemed to be enjoying themselves by mocking me. After about 40 minutes of intermittent beating, I received a strong blow to my right side which made me hit the wall, drop to the ground and lose consciousness. I regained consciousness while I was still in the yard and was ordered by the soldiers to stand up. I stood on my feet and walked with difficulty. With the help of the soldiers I was led outside the yard and asked by them to leave the area. I could not walk due to the pain I felt all over my body, especially the right side of my waist, so I sat on the ground next to the military tower.

Extract from Al-Haq Affidavit No. 6516/2011. Given by Anwar Khaled Sabarneh, a resident of Beit Ummar, Hebron governorate, West Bank

73. Another incident of soldier brutality took place on 2 February 2012, when Israeli border police physically assaulted ten-year-old Karim 'Awad Zalloum as he was walking home from school in Al-Ghrous Valley, east of Hebron. The border police were positioned, as usual, in a cabin located near to his house. Following the incident, Karim's father, 'Awad, went back with his son to speak with the border police officers and demanded to see the officer in charge. The officer gave 'Awad only the name of the border police officer who assaulted Karim – named *Shay*. Karim and his father filed a complaint at the police station near Kiryat Arba'a settlement. No further action has been taken and no response has been received from the police station.

I was on my way back from school together with my cousins Ahmad Fayez Zalloum (ten years old) and Jamil 'Umar Zalloum (12 years old). I reached the border police's cabin at around 1:30 pm. After my cousins passed the cabin, two border police officers, who were standing nearby, blocked my way. One of them kicked me on my left leg and punched me in the face twice. I felt dizzy, fell to the ground, threw up, and started to cry. The other border police officer stopped in front of me and held me so that his colleague could beat me. The police officer who beat me had blonde hair and a light beard. He was of strong build and in his early twenties. The other border police officer, who blocked my way, was a little fat, almost as tall as his colleague, about the same age. He was of a white

complexion and had black hair. After I had fallen to the ground, the border police officers left me. My cousin Ahmed came and helped me stand on my feet and walk to my home. When I reached my home, I threw up once again. My leg and head hurt.

Extract from Al-Haq Affidavit No.7265/2012. Given by Karim 'Awad Zalloum, a resident of Hebron City, Hebron governorate, West Bank.

74. The aforementioned incidents of arbitrary detention, physical assault and threat to life by Israeli forces are but select cases illustrating Israel's failure to abide by Article 7, 9 and 14 of the ICCPR. Such incidents are of particular concern taking into account the fact that the Israeli authority has failed to conduct investigations in a vast majority of these cases.

75. Question: How many soldiers have been prosecuted and punished following complaints of ill-treatment lodged by Palestinians? And what are the possible avenues for Palestinians wishing to file a complaint against a soldier? Has Israel changed its legislation to exclude the justification of 'necessity' in cases of torture and has Israel incorporated into its legislation the crime of torture, as defined in article 1 of the Convention against Torture and in conformity with article 7 of the Covenant?

B. Settler Impunity

76. Attacks by Israeli settlers in the occupied West Bank against members of the Palestinian population and their property are an extensive, long-term, and worsening phenomenon. According to the United Nations Office for the Coordination of Humanitarian Affairs, the number of settler attacks resulting in Palestinian casualties and property damage increased by over 144 percent in 2011, compared to 2009, with an average of eight incidents per week, and over 400 incidents throughout the year. In 2012 and 2013, OCHA recorded 368 and 399 incidents of settler violence, respectively, resulting in 296 Palestinian injuries and 18,401 olive trees burned, uprooted, or otherwise vandalised, often in retribution for travelling or living near settlements.⁵³

77. Acts of settler violence are intended, organised, and publicly represented to influence the political decisions of Israeli State authorities. For settlers, some acts of violence facilitate the transfer of Palestinians off their land to make way for the construction of settlements, in the expectation that the Israeli authorities will eventually formally recognise the settlement's establishment or expansion.⁵⁴ In 2013, the report of the United Nations International Fact-Finding Mission on Settlements highlighted the

⁵³OCHA, Humanitarian Overview 2013, pg. 15, 16, 70, Mar. 2014, available at http://www.ochaopt.org/documents/ocha_opt_annual_review_2014.pdf. According to OCHA incidents of settler violence "are often followed by settlers taking over and starting to cultivate land in the area of the incident. While precise figures are not available, there are hundreds of land plots privately owned by Palestinians currently cultivated by settlers."

⁵⁴Al-Haq, 'Institutionalised Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory,' available at: <http://www.alhaq.org/publications/publications-index/item/institutionalised-impunity-israel-s-failure-to-combat-settler-violence-in-the-occupied-palestinian-territory>

failure of the Israeli authorities to enforce the law by investigating such incidents and taking measures against their perpetrators. The Fact-Finding Mission came to the "clear conclusion that there is institutionalised discrimination against the Palestinian people when it comes to addressing violence."

78. Between 2005 and 2013, only 8.5 percent of 938 complaints filed by Palestinians regarding acts of settler violence resulted in an indictment.⁵⁵ In this regard, Israel has consistently violated and ignored its positive duty to ensure that Palestinians are afforded their right to security of person and are not subject to physical assault by any actor under their control. Significantly, in cases of settler violence Israel has - contrary to Article 2(3)(a) of the ICCPR - provided no effective remedy to ensure that victims of violations are able to obtain adequate reparations⁵⁶ and to ensure non-repetition of such acts. For example, Hasan Mahmoud Abu 'Alya was turned away from an Israeli police station after requesting an investigation into a settler attack.

On 14 July 2012, I was walking my sheep with my 5-year-old grandson when we saw ten masked settlers holding knives, batons and rifles approaching us. Four settlers caught one of the sheep and slaughtered it, while the others hit the sheep with their batons and threw stones at the flock. I was stabbed in the right hand as I was trying to protect the sheep. Later, Israeli police officers arrived at the scene to investigate the incident. The police asked me to file a complaint in the Israeli police station within two hours, which I did with my son, Fadi. The next day, the Israeli police officers refused to receive Fadi at the police station.

Excerpt from Al-Haq Affidavit No. 7566/2012. Given by Hasan Mahmoud Abu 'Alya, resident of Turmus 'Ayya, Ramallah governorate, West Bank, on 16 July 2012.

79. By failing to enforce the law with regards to settler violence, Israel is in breach of its obligation to provide an effective legal remedy to Palestinian victims of such attacks. Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR) affirms that every State Party to the Covenant undertakes "to ensure that any person whose rights as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity." Article 26 of the Covenant prescribes the obligation to ensure that all persons are entitled to equal protection before the law without discrimination.

80. Question: Recognising that the threat posed to the Palestinian population by Israeli settlers is a direct result of Israel's illegal transfer of its own population into the occupied territory, what measures has Israel taken to neutralise this threat?

⁵⁵ *Ibid.*, at p. 17.

⁵⁶ Al-Haq, 'Legitimising the Illegitimate? The Israeli High Court of Justice and the Occupied Palestinian Territory', Report, (2010), <http://www.alhaq.org/pdfs/legitimising.pdf> accessed 30 January 2012; Al-Haq, Press Release, 'Overlooking the Annexation Wall: Seven-Year-Long State Inaction on the International Court of Justice Advisory Opinion Must End (18 August 2011)', <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/435-overlooking-the-annexation-wall> accessed 30 January 2012; David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (State University of New York Press, 2002).

VI. Article 12: Freedom of Movement

81. Israeli restrictions on the freedom of movement of the Palestinian people in the OPT has adverse effects on access to health care, education, work places and places of worship. Such restrictions are neither necessary nor proportional and are, therefore, in violation of Article 12(3). Israeli checkpoints, together with their unlawful permits system, the Annexation Wall, and the unlawful closure of the Gaza Strip are focal points for Israeli physical and psychological abuse of Palestinians. Indeed, Israel's security concerns should not be allowed to have a permanent, grave and all-encompassing effect on Palestinian life and dignity. Security concerns do not justify Israel's extensive and excessive imposition of obstacles to Palestinian freedom of movement.

A. The Annexation Wall, Checkpoints, Closures, and Permits

82. To this day, Israel continues to construct the Annexation Wall, to operate a system of military checkpoints, to require permits and I.D. cards to pass through checkpoints, and to decline the issuing of such permits to the Palestinian population. From July 2009 to July 2011 the Wall grew from 413 km to 438 km.⁵⁷ A further 10 percent of the 708 km Wall was under construction in 2013, and in April 2013 the Israeli High Court approved a new section of the Wall that will separate a further 3,000 dunums (approximately 740 acres, or 300 hectares) of land from Palestinian farmers of Beit Jala.⁵⁸ Upon completion 85 percent of Israel's Wall will run within the West Bank, annexing 9.4 percent of West Bank territory.⁵⁹

83. Moreover, Israel increased the number of physical barriers to movement from 510 in 2010 to 542 in 2012.⁶⁰ OCHA recorded 59 permanently staffed checkpoints and a monthly average of 243 flying checkpoints in 2013.⁶¹ At Gilo checkpoint, separating Bethlehem from East Jerusalem, an average of 4,600 Palestinians cross through between 04:30 AM and 07:30 AM daily, often taking 40 minutes to cross the checkpoint in “dangerously overcrowded” conditions.⁶² As reported to OCHA in 2012, “60 Palestinian communities, with a combined population of about 190,000, [are] compelled to use detours that are two to five times longer than the direct route to the closest city.”⁶³ Further, OCHA reports that “[i]n 2011, 42% of applications for permits to access olive

⁵⁷OCHA, 'West Bank Barrier Route Projections-July 2009,' available at http://www.ochaopt.org/documents/ocha_opt_wb_barrier_july_2009_excerpts_english.pdf; OCHA, 'Barrier Update-July 2011, 3,' available at http://www.ochaopt.org/documents/ocha_opt_barrier_update_july_2011_english.pdf.

⁵⁸OCHA, 'Humanitarian Overview 2013,' p. 67-69, March 2014, available at http://www.ochaopt.org/documents/ocha_opt_annual_review_2014.pdf.

⁵⁹OCHA, 'Humanitarian Impact of the Barrier-July 2012,' available at http://www.ochaopt.org/documents/ocha_opt_barrier_factsheet_july_2012_english.pdf.

⁶⁰OCHA, 'West Bank Movement and Access Update,' September 2012, p. 33, available at http://www.ochaopt.org/documents/ocha_opt_movement_and_access_report_september_2012_english.pdf.

⁶¹OCHA, 'Humanitarian Overview 2013,' p. 65, March 2014, available at http://www.ochaopt.org/documents/ocha_opt_annual_review_2014.pdf.

⁶²*Ibid.*

⁶³OCHA, 'West Bank Movement and Access Update,' September 2012, n. 5, p. 2, available at http://www.ochaopt.org/documents/ocha_opt_movement_and_access_report_september_2012_english.pdf.

groves behind the [Wall] submitted prior to the harvest season were rejected, compared to 39% in 2010.”⁶⁴

84. Muhammad Abdel Kadir ‘Amira and his family own 30 dunums of land planted with olive trees in Ni’lin, west of Ramallah. Since 2008, the Wall has cut off the land from the rest of the village. The only way to reach the land is through a gate manned by Israeli soldiers.

In order to access our land, we have to apply for special permits from the Israeli Civil administration. My wife and I have applied for these permits but have been consistently denied under the pretext of security. On 30 May, I joined a group of farmers who gathered by the gate in the Wall to enter our land but I was refused entry but I remained close to the gate, hoping I would be able to persuade the soldiers to let me enter. The following day, I attempted to enter my family’s land once again but I was denied entry once again.

Excerpt from Al-Haq Affidavit No. 7420/2012. Given by Muhammad Abdel Kadir ‘Amira, resident of Ni’lin, Ramallah governorate, West Bank, on 31 May 2012.

B. Restricted Access to Religious Sites

85. Furthermore, Israeli officials impose barriers on Palestinians seeking to practice their religion in violation of Article 18 safeguarding the freedom of religion.⁶⁵ Israel continues to restrict access to religious sites by imposing age restrictions on the freedom of movement, arbitrary permit restrictions, and to condone violent attacks by settlers on worshippers near or in religious sites.

86. Israel has imposed age restrictions on Palestinians who wish to enter the al-Aqsa mosque. Men who are over the age of 50 and women who are over 45 are allowed into the mosque with no restrictions. Those that do not fall into the required age group are denied access. Worshippers from the West Bank, even those who qualify on the basis of age, encounter discrimination and arbitrarily imposed barriers. They must apply for special permits, which may be denied, to enter Jerusalem. Even those with permits are sometimes refused entry by soldiers.

87. Additionally, Israeli officials overlook altercations between Israeli settlers and Palestinians occurring within the parameters of mosques and other religious sites. In one week, Al-Haq recorded 17 cases of settler violence, two of which targeted Palestinian religious sites that resulted in the burning of two mosques.⁶⁶ In another incident, on 19

⁶⁴OCHA, 'Olive Harvest Factsheet,' October 2012, available at http://www.ochaopt.org/documents/ocha_opt_olive_harvest_factsheet_october_2012_english.pdf.

⁶⁵Al Haq, Palestinian worshippers denied access to Jerusalem on the first Friday of Ramadan, August 2011, available at <http://www.alhaq.org/documentation/weekly-focuses/432-palestinian-worshippers-denied-access-to-jerusalem-on-the-first-friday-of-ramadan>.

⁶⁶Al Haq, Settlers Attack Palestinian Religious Sites, September 15, 2011, available at <http://www.alhaq.org/documentation/weekly-focuses/452-settlers-attack-palestinian-religious-sites>.

February 2012, Israeli settlers broke into the al-Aqsa mosque under the protection of Israeli police. The break-in resulted in altercations, verbal and physical assaults, and the arrests of 15 Palestinians. In April 2014, 13-year-old Malek Bassem Mahmoud 'Esseile and his 8-year-old friend finished practicing their parkour skills in the yard of Al-Aqsa mosque and headed to their houses in the old city of Jerusalem.

While on our way back, we saw stones on the ground as confrontations between the Israeli police and Palestinian youth had erupted earlier that morning. An old man asked me to pick up one of the rocks so it was not blocking the way. An Israeli policeman arrested me and accused me of throwing stones. After hours of detention and interrogations, my father and I were forced to sign a document stating that I am prohibited from entering Al-Aqsa Mosque, which is 50 metres away from my house, for three weeks and should I defy this order, my father would have to pay USD 2,900. This is the place where I pray. It is also the place where I gather with my friends and we practice our parkour skills.

Excerpt from Al-Haq Affidavit No. 9540/2014. Given by Malek Bassem Mahmoud 'Esseile, resident of the old city of Jerusalem, West Bank, on 20 April 2014.

C. Travel Bans

88. In the past few months, Palestinians have been subject to bans to travel outside of the OPT without being given a reason for the ban by the Israeli authority. Some of those banned from travel include those who verbally express political opinions and/or engage in non-violent activism against the occupation. Examples include stories of Palestinian activists and politicians being prohibited from travelling outside the Gaza Strip to attend meetings and conferences, both in the West Bank and beyond the State of Palestine. In one case, four non-violent Palestinians from East Jerusalem were denied entry to the remainder of the West Bank in October 2011, after receiving compulsory military orders from the Israeli military.

89. These orders, signed by the Head of the Israeli Central Command, Avi Mizrah, denied the Palestinian activists entry into the West Bank, not including East Jerusalem, for a six-month period. Among them was 'Abd-al-latif Ghaith, a 70-year-old Palestinian, who is the Chairman of the Board of Directors of Addameer Prisoner Support and Human Rights Association. On 9 October 2011, 'Abd-al-latif was called into the Russian Compound prison facilities in Jerusalem. While there, an Israeli officer gave 'Abd-al-latif a military order that denied him access to the remainder of the West Bank - so called "Judea and Samaria" - until 3 April 2012, unless told otherwise by the Israeli Central Command.⁶⁷ (Al-Haq Affidavit No. 6679/2011)

⁶⁷Al Haq, 'Military Order Violates Freedom of Movement,' available at: <http://www.alhaq.org/documentation/weekly-focuses/478-military-order-violates-freedom-of-movement>.

90. More recently, between 13 June and 16 August 2014, at least 3,563 Palestinians have been returned from the Allenby Border Crossing between the OPT and Jordan and thereafter banned from travelling. In most cases, the individuals affected were either studying or working abroad and originated from different areas of the West Bank. The Israeli authorities refused to provide reasoning for the bans. For example, on 27 July 2014, Muhammad Taher Tahayna and his seven-year-old daughter Talin arrived at his hometown of al-Sila al-Harhiya in Jenin. They had travelled from Qatar, where Muhammad works as an engineer, to spend the holiday with his relatives. Muhammad was set to travel back to Qatar on 9 August 2014 through the Allenby Bridge.

At the Israeli side of the Allenby Bridge, when I handed in my official documents, I was ordered by the Israeli officers to go back to my hometown since I was banned from travelling for security reasons. They asked me to refer to the Palestinian Liaison office in Jenin. On 10 August, I reported to the Palestinian Liaison office in Jenin as I was told. The officers there told me that there is nothing they could do for me since many Palestinians are struggling with the issue of travel bans lately. I have never been detained before, neither by the Israeli or Palestinian authorities. This is the first time to have such a ban imposed on me. My daughter and I cannot reach my wife and my two other children who are in Jordan. Furthermore, I am at a risk of losing my job in Qatar.

Excerpt from Al-Haq Affidavit No. 9838/2014. Given by Muhammad Taher Tahayna, resident of al-Sila al-Harhiya, Jenin governorate, West Bank, on 12 August 2014.

91. The imposition of checkpoints, the Annexation Wall and closures in the West Bank and the Gaza Strip, facilitate the fragmentation of the OPT and severely impact the ability of Palestinians to fully exercise their fundamental right to self-determination as enshrined in Article 1 of the Covenant. The right to freedom of movement includes the right to move freely within one's territory. The OPT is to be considered one, united entity wherein Palestinians have the right to move freely. Israel is attempting to fragment the OPT by resorting to several restrictions which prohibit the movement of Palestinians from the West Bank and the Gaza Strip into East Jerusalem, from the West Bank into the Gaza Strip and vice versa. With respect to the Gaza Strip, the prolonged Israeli closure makes it impossible for Palestinians there to move freely to the West Bank and East Jerusalem.

92. Question: On what legal grounds has Israel prevented over 3,500 Palestinians from leaving the OPT between 13 June and 16 August 2014, in violation of Article 12(2) of the Covenant and what legal remedies are available to those who's movement has been restricted?

VII. Conclusion and Recommendations

93. Since the 2010 Concluding Observations, Israel has failed to adopt the Committee's recommendations and continues to violate a number of rights found in the ICCPR. This report highlighted a number of those violations and the effects they have on the lives of Palestinians. These violations prevent Palestinians from enjoying fundamental human rights, including the right to self-determination and sovereignty over land natural resources. Moreover, the violations lower Palestinian standard of living, a standard that the ICCPR requires Israel provide to all people living within its jurisdiction.

94. Pursuant of the information provided in this report, Al-Haq urges the Committee members to highlight the following in their recommendations to Israel:

- The State party should end its illegal activity in the OPT with regards to exploiting Palestinian natural resources for the economic benefit of the Israeli private market. The State Party should further facilitate Palestinian access to land and natural resources essential for the full realisation of the Palestinian right to self-determination and sovereignty over land and natural resources;
- The State party should ensure that all residents of the OPT have access to adequate water and sanitation infrastructure, in accordance with the World Health Organization quality and quantity standards. The State party must also refrain from hindering the construction of water and sanitation infrastructures in the West Bank and the Gaza Strip on the basis of illegitimate security reasons;
- The State party should implement positive measures to ensure that cultural practices across the OPT, particularly in occupied East Jerusalem, are protected and respected;
- The State party should review its housing policy and end its practices of creating and enforcing discriminatory zoning laws that restrict Palestinian development within the occupied territory. Additionally, the State should grant building permits for Palestinians to expand their communities and develop their land in accordance with their needs. Bearing in mind that the areas most affected are East Jerusalem and Area C, the State party should also ensure that municipal planning systems are not discriminatory;
- The State party should adopt measures to end its direct and indirect policies of forcible population transfer of the Palestinian people, conducted under a racial and segregationist regime, as violating the right of the Palestinian people to self-determination enshrined in Article 1 of the ICCPR;
- The State party should comply with the Committee's previous Concluding Observations and take into account the Advisory Opinion of the International Court of Justice by dismantling the parts of the Wall built on occupied territory, which seriously impede upon the right to freedom of movement and freedom of

religion within the OPT. To that end, the State party should also cease all construction of settlements in the OPT;

- The State party should end its unlawful closure of the Gaza Strip and guarantee the unrestricted access of goods and individuals in and out of the Gaza Strip. Additionally, Israel must ensure the freedom of movement between the West Bank and the Gaza Strip;
- The State party should also cooperate fully with the newly-established Commission of Inquiry to investigate alleged violations of international humanitarian law and human rights law associated with recent Israeli military operations in the OPT. In this regard, we recall that Israel, as a member State of the UN, is obliged to respect the Council's resolutions and, as a consequence, to cooperate fully with the newly-established Commission, including by granting it access to its territory;
- The State party should comply with the Committee's previous Concluding Observations and cease its excessive use of force in the OPT, particularly during demonstrations. The State party should also uphold the principles of proportionality and respect and preservation of human life in responding to acts of resistance from the occupied population. It should ensure that the utmost care is taken to protect every civilian's right to life, including civilians in the Gaza Strip. The State party should also carry out immediate, transparent and impartial investigations into incidents that have resulted in the killing of Palestinian civilians in the West Bank and the Gaza Strip as a result of excessive use force, with a view to prosecuting those responsible for any breaches of international law;
- The State party should discontinue its policy of arbitrary arrest and administrative detention of Palestinian civilians, including children. Any person arrested or detained on a criminal charge, including persons suspected of security-related offences, must have immediate access to a lawyer. The lawyer must be made aware of all evidence against the detainee, including classified evidence, and the detainee must have immediate access to a judge;
- The State party should abolish its policies of racial segregation by ensuring that the Palestinian occupied population in the West Bank is granted full protection from settler violence and effective legal remedies, including reparation and compensation, when they fall victim of settler attacks. In light of the reiterated call by the CERD Committee, Israel must repeal without delay the 2003 *Temporary Amendment to the Citizenship and Entry into Israel Law*;
- The State party should cease the settlement project and abolish the bifurcated system of norms by stopping the illegal extra-territorial application of its civil law to the Israeli settler population in the OPT, which again impairs the right to self-determination;

- The State party should carry out impartial, independent and transparent investigations and prosecute cases of violence, torture and ill-treatment, whether the perpetrator is a state actor or an individual acting in their personal capacity;
- The State party should take measures that enable Palestinians to enjoy their right to practice religion and culture and cease any obstructions that may prevent access to religious sites.

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