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Islamic Human Rights Commission

Israel

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The Islamic Human Rights Commission is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

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## **Executive Summary**

In this submission, Islamic Human Rights Commission (IHRC) provides information under section B, C, D and E as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review:

- In Section B, IHRC raises concerns over the siege of Gaza and occupation of West Bank which has severely affected the lives of innocent Palestinian living in the area.
- Section C highlights IHRC's concerns over the plight of Palestinian prisoners that are subject to human rights abuses in Israeli jails (including child prisoners), and also the issue of checkpoints and the Apartheid Wall which restricts Palestinian movement.
- In Section D , IHRC highlights how Palestinian structures and homes are subject to demolition and also how Palestinian nationals are subject to hate crimes.
- In Section E, IHRC makes a number of recommendations for international community to act on the areas of concern.

## **B. Siege/ Blockade of Gaza**

IHRC is extremely concerned about the illegal siege of Gaza by Israeli authorities and forces which constitutes collective punishment of the civilian population. The blockade prolongs the humanitarian crisis faced by Gaza's 1.6<sup>1</sup> million residents, more than 70<sup>2</sup> percent of whom are dependent on humanitarian aid. Israel maintains complete control of the area's airspace and territorial waters, and of most of the land crossings. This blockade has severely affected the lives of Gaza citizens. . The foreign aid specially the quantity of food that Israel allows into the area is less than the amount required for the population's needs. Also, Israel prohibits the importing of building materials, including iron and cement. This prevents reconstruction of thousands of destroyed buildings. The restrictions have a worst effect on the children and sick that are prevented from leaving Gaza to obtain medical treatment. Israel's policies in Gaza have led to economic collapse in the occupied territory. The prohibition on bringing in raw material and on exports has led to the closing of 95 percent of factories and workshops in the area. Israel's siege impacts every aspect of life in Gaza. An entire generation of children suffer from malnutrition related deficiencies such as stunted growth and anaemia in addition to the psychological trauma incurred as a result of Israel's military attacks on the Gaza strip.

As an occupying force that exercises effective control over Gaza, Israel has legal obligations to allow adequate access to food and medical supplies to the residents according to Article 55 of *Fourth Geneva Convention*. Israel's siege of Gaza violates these duties of protection by depriving Gazan civilians of access to adequate amounts of the most basic food and medical supplies.

### **West Bank Occupation**

IHRC condemns the long standing occupation of West Bank by Israeli authorities which is the root cause of widespread of human rights violations. These violations include restrictions on the movement of Palestinians; the imposition of curfews; blockades and checkpoints limiting the free movement of Palestinians; destruction of Palestinian land; homes and properties; and the unlawful appropriation of Palestinian land. These violations have resulted in widespread poverty and unemployment among Palestinians and have also caused great damage to the Palestinian economy.

Israel's on going discriminatory policy of establishing Jewish settlements throughout the Occupied Territories of Palestine also violates various human rights obligations. The Israeli settlements and large areas of land around them are for the exclusive use of Israeli Jews only with Palestinians forbidden from building or farming on this land. Around 450,000<sup>3</sup> settlers are now living in the occupied West Bank, including 200,000<sup>4</sup> in East Jerusalem. Also, there are more than 120 officially recognised Israeli settlements in the occupied West Bank. These settlements use substantial amounts of water and deprive the Palestinian population from this crucial resource. The unlawful seizure and appropriation of

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<sup>1</sup> <http://www.bbc.co.uk/news/world-middle-east-18769028>

<sup>2</sup> <http://www.islamic-relief.com/NewsRoom/6-3-213-aid-agencies-call-for-better-access-to-gaza.aspx>

<sup>3</sup> <http://gazasiege.org/>

<sup>4</sup> <http://gazasiege.org/>

land, water and resources for Israeli settlements has infringed the fundamental rights of the local Palestinian population, including their right to an adequate standard of living, housing, health, education, work and freedom of movement.

IHRC considers Israel's settlement in the West Bank as illegal under Article 49 of the *Fourth Geneva Convention* which states that the occupying power shall not deport or transfer part of its own civilian population to the territory that it occupies. For four decades Israel has repeatedly violated international law by its continued construction of settlements inside the Occupied Territories. The restriction of movement for the Palestinians as a result of the occupation can be regarded as a collective punishment for the Palestinian population which violates Article 33 of the *Fourth Geneva Convention*. The occupation also breaches Article 75 of the 1977 Protocol Additional to the Geneva Convention which requires Israel to ensure the protection of the fundamental rights of the Palestinian population in the Occupied Territories.

### **C. Palestinian Child Prisoners**

The Israeli military court system is in operation in the Occupied Territories. Each year approximately 9,000<sup>5</sup> Palestinians are prosecuted in military courts operating in West Bank- including approximately 700<sup>6</sup> children. Children as young as 12 are prosecuted in Israeli military courts and are treated as adults as soon as they turn 16 (contrary to the state of affairs in Israel whereby majority is attained at 18). It is disturbing to see that in 2008 the most common offence Palestinian children were charged with under Israeli military law was stone throwing. Charged with the offence of stone throwing 26.7%<sup>7</sup> of cases carried a maximum penalty of 20 years imprisonment. It should also be noted that in 91% of all cases involving Palestinian children, bail was denied. Once arrested Palestinian children encounter ill treatment and torture at the hands of Israeli soldiers and interrogators. Also, upon arrest these children are subject to number of different inhuman interrogatory techniques. These techniques include the excessive use of blindfolds and handcuffs; slapping and kicking; being put into painful position for extended periods; solitary confinement; and sleep deprivation.

IHRC condemns these arrests as military courts do not follow the principles of basic fair trial, nor the principle of juvenile justice. In most cases interrogators rely on the confession which extracted through coercive practices and torture. In breach of the *Fourth Geneva Convention* most of these Palestinian children are detained inside Israel. Whilst in prison they receive no family visit or education. These practices are a clear violation of Article 37 (b) of the UN Convention on the Rights of the Child which states that the arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. This inhuman treatment of children by Israeli

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<sup>5</sup> [www.dci-pal.org/english/publ/research/CPReport.pdf](http://www.dci-pal.org/english/publ/research/CPReport.pdf)

<sup>6</sup> [www.dci-pal.org/english/publ/research/CPReport.pdf](http://www.dci-pal.org/english/publ/research/CPReport.pdf)

<sup>7</sup> [www.dci-pal.org/english/publ/research/CPReport.pdf](http://www.dci-pal.org/english/publ/research/CPReport.pdf)

authorities also violates Article 3 of the UN Convention of Children's Rights which states that in all actions concerning children the best interests of the child shall be a primary consideration.

### **Palestinian Prisoners**

Palestinian prisoners are detained in Israeli jails for decades without any fair trial or access to the courts. In December 2011, 4,772<sup>8</sup> security prisoners were serving terms in Israeli jails, among whom 552<sup>9</sup> were sentenced to life terms. Like child prisoners, these prisoners are also subject to degrading treatment at the hands of the Israeli authorities. These prisoners are detained in Israeli detention centres without trial or charge where then they face torture and other ill treatment, as well as conditions which include inadequate medical care, detention inside Israel rather than in the Occupied Palestinian Territories, and prohibition of family visits. Currently over 4000 security prisoners are held in Israeli detention centre under harsh conditions. On 17 April 2012 approximately 2000 prisoners began hunger strikes demanding improved detention conditions, an end to solitary confinement and also an end to administrative detention.

IHRC condemns these detention centres and the inhuman treatment of prisoners as violations of Article 9 of the ICCPR which makes it clear that no one should be subjected to arbitrary detention. These detentions also breach the international requirements for fair trial and due process.

### **Palestinian Refugees**

Palestinian refugees and internally displaced Palestinians represent the largest and longest standing case of displacement in the world. The massive displacement of Palestine by Israel, which began in 1948- turned made an overwhelming majority of Palestinian people into refugees. Currently five million Palestinians are being denied the right to return by Israel which breaches resolution 194 of UN General Assembly. By refusing them the right to return to their homeland Israel is violating Article 4, Article 6 (4) and Article 158 (3) of *Fourth Geneva Convention*. Their right to return is also protected under Article 13 (2) of Universal Declaration of Human Rights.

### **Check points and Apartheid Wall**

Israel has constructed hundreds of checkpoints and roadblocks on Palestinian land which restrict Palestinian travel between and sometimes within their cities and towns. Due to a large number of checkpoints and roadblocks, Palestinian movement is severely restricted. Palestinian men and boys are detained at checkpoints without food, water or protection from the elements for hours. Ambulances carrying sick or injured Palestinians are frequently prevented from travelling through checkpoints which

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<sup>8</sup> <http://www.bbc.co.uk/news/world-middle-east-18854944>

<sup>9</sup> <http://www.bbc.co.uk/news/world-middle-east-18854944>

sometimes leads to death. Pregnant women have also been forced to give birth on the road at the side of checkpoints after being denied passage. This has also resulted in maternal and foetal deaths.

Another physical barriers which restrict Palestinians' movement severely is the Apartheid Wall which is a symbol of oppression and segregation. Still not complete in some places, the wall will eventually be staggering 760 km long.

#### **D. Demolition of Palestinian Structure**

Since 1967, 24, 813<sup>10</sup> Palestinian houses have been demolished in the West Bank, Jerusalem and Gaza. The Israeli government use demolition to collectively punish Palestinians and to seize their land for the expansion of Israeli settlement.

According to the IDF this tactic is a necessary security measure to halt militant operations in the occupied territories. The Israeli government also uses demolition to collectively punish Palestinians and to seize Palestinian land for the expansion of Israeli settlement. These demolitions are generally carried out without any due process and no warning is given to the residents and owners.

These demolitions and theft of Palestinian land is a breach of the Article 53 of *Fourth Geneva Convention* which states that any destruction by an occupying power of real or personal property belonging to private person is prohibited.

#### **Hate Crimes**

Palestinians are subject to different kinds of hate crimes, e.g.in June 2012 unknown assailants torched and spray painted Hebrew slogans on a mosque in the southeast of Ramallah. Also, an Israeli Defence Forces (IDF) soldier is suspected of perpetrating a so called 'price tag' attack in a West Bank village in February 2012. In December 2011 attackers sprayed a West Bank mosque with anti- Islamic and pro settler graffiti.

#### **Recommendations:**

- IHRC calls on the Israeli government to end the policies of closure in its current form which severely restrict the movement of people and goods.
- The Israeli government should immediately stop the construction of wall inside the West Bank which has cause restrictions in the freedom of movement of ordinary Palestinians.
- IHRC calls on the Israeli government to stop constructing and expanding Israeli settlements and also to remove Israeli civilians living in existing settlements in the Occupied Palestinian Territories.

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<sup>10</sup> <http://www.alternativenews.org/english/>

- IHRC calls on the Israeli authorities to immediately stop the destruction of houses, land and other properties.
- IHRC calls for a proper international investigation of alleged violations by Israeli forces.
- Israel must reform the military legal system applied to Palestinian children in order to bring it in conformity with international standards of juvenile justice.
- Israel must end the practice of detaining persons under the age of 18 in administrative detention and promptly charge all child detainees with a recognisable offence or immediately release them.
- IHRC demands a fair trial, and basic living conditions (including medical care, hygiene etc) for Palestinian prisoners.
- IHRC demands a right to return to their homelands for Palestinian refugees.