

Federacion de Acociaciones de Defensa y Promocion de los Derechos Humanos - Espana

Israeli Violations of Human Rights & International Humanitarian Law

The deterioration in human rights situation in the Occupied Palestinian Territory has never peaked as it was in 2007 and 2008, the year which marks the 40th anniversary of the Israeli occupation that began in 1967, and the 59th anniversary of the Palestinian Nakba (the uprooting of the Palestinian people from their land in 1948), respectively. The year 2007 has been the worst with regard to violations of human rights and international humanitarian law since the beginning of the Israeli occupation and during the first six months of 2008 the situation has not improved.

The human rights situation in 2007 can never be separated from the developments that have taken place since the Palestinian legislative elections that took place in January 2006. Since that time, three main factors have contributed to further deterioration to the human rights situation: escalating violations of human rights and international humanitarian law, which amounted some times to war crimes, perpetrated by IOF against Palestinian civilians; the suspension of financial aids to the PNA by the United States, European Union, Japan and Canada, which constituted a precedent in imposing international sanctions of people who are under occupation subjected to continuous violations of human rights; and the deterioration in the internal security situation.

Although each year of the Israeli occupation has been characterized by human rights violations, such violations have notably escalated in the past two years, namely since the Palestinian legislative elections in January 2006 and subsequent developments. Israelian violations affect differents aspects of the palestinian civilan life.

It is important detail analytically the most significant violations of collective and individual human rights of the palestinian civilians.

Gaza. In the aftermath of the Hamas armed takeover in June 2007 Israel responded with more violations of human rights and measures of collective punishment against Palestinian civilians, closing the all border crossings of the Gaza Strip, including Rafah International Crossing Point on

the Palestinian-Egyptian border, which has been the sole outlet for the Gaza Strip to the outside world. The border closure has led to the shut-down of 75 percent of Gazan factories, further crippling a local economy already weakened by past Israeli border closures. Shortages have led to a steep rise in food prices. While Israel has usually allowed urgent medical cases to leave Gaza through the Erez crossing, by mid-September it stopped allowing most patients out, reducing the average number of patients leaving Gaza each month to five, down from 40 in the preceding months. 670 Palestinian university students were also trapped in Gaza, unable to continue their higher education in the West Bank or abroad despite a 2006 Supreme Court decision requesting the military to change its policy.

Different investigations demonstrate that IOF used excessive and disproportionate force against Palestinian civilians, who are protected under international humanitarian law, and did not committed to the principles of discrimination between civil and military targets (75% of civilians killed by IOF in 2007).

Extra-Judicial Executions (Assassinations) and Israeli Impunity. Extra-Judicial Executions is the most blatant form of willful killing committed by IOF against Palestinian civilians, predetermined and approved by the Israeli political and judiciary establishments, as the Israeli High Court failed in December 2007 to take a decision prohibiting such crimes, which constituted a green line for IOF to escalate extra-judicial executions and reinforces a culture of impunity in the army and robs victims of an effective remedy.

Justice is absolutely absent in the Israeli judiciary, especially the military one, when cases are related to Palestinians, particularly those living in the OPT. IOF initiated investigations into a few dozens out of thousands of crimes committed by IOF in the OPT during the al-Aqsa Intifada, and in the majority of cases, civilian victims were not granted reparation. The Palestinian Centre for Human Rights concluded that the Israeli judiciary is used to provide legal cover for IOF to commit war crimes against Palestinian civilians.

Violation of the Right to Freedom of Movement. Israeli authorities in 2007 and 2008 expanded

already extensive and often arbitrary restrictions and imposed additional ones on the movement of Palestinian civilians and goods to and from the West Bank and the Gaza Strip and East Jerusalem. In September 2007 UN OCHA reported that the army had set up 572 West Bank roadblocks, an increase of 52 percent in just two years.

IOF continued to prevent the majority of Palestinian civilians, including patients, from entering Israel. With regard to internal movement, IOF continued to impose severe restrictions at hundreds of military checkpoints established at the entrances to Palestinian towns, villages and refugee camps in the West Bank and re-established their presence at a number of checkpoints that were dismantled before. The restrictions make it impossible for many Palestinians, including UN doctors and teachers, to get to work, access education and health services, and visit family, friends, and religious and cultural institutions.

IOF arrested dozens of Palestinian civilians at those checkpoints. Moreover adopted a racist system at military checkpoints, as they have designed special routes for Israeli settlers to move freely and smoothly, while Palestinian civilians are checked and forced to wait for long periods.

IOF have continued to restrict access to occupied East Jerusalem for residents of the West Bank and the Gaza Strip. As a result, Palestinians have been denied access to advanced medical care provided by hospitals in East Jerusalem, to family, education, to work and to religious sites in the city. The construction of the Annexation Wall around East Jerusalem would establish a permanent barrier for Palestinians seeking to enter occupied East Jerusalem. The total siege imposed by IOF on the OPT has left disastrous impacts on the humanitarian situation and has violated the economic, social, cultural, civil and political rights of the Palestinian civilian population, particularly the rights to appropriate living conditions, health and education. It has also paralyzed most economic sectors. As a consequence of the total closure imposed on the OPT. Through the siege and restrictions on the freedom of movement, IOF enforced an apartheid system in the OPT, under which Palestinians are held in isolated cantons that lack geographical contiguity and are being deprived of their basic rights to the freedom of movement.

Administrative Detention and Death of Palestinian Detainees in Israeli Jails. In 2007, IOF arrested more Palestinians in the West Bank and the Gaza Strip. Most arrests took place during house raids, especially in the West Bank, and Israeli incursions into Palestinian towns, villages and refugee camps throughout the West Bank and Gaza Strip. Hundreds of Palestinians were also arrested at Israeli military checkpoints and roadblocks erected on roads and at entrances to Palestinian communities and at border crossings, especially in the West Bank. Arrest campaigns also continued to target political leaders and members of the Palestinian Legislative Council. By the end of 2007, at least 10,000 Palestinians were still in Israeli custody in detention facilities mostly inside Israel, in violation of article 76 of the Fourth Geneva Convention which obligates the occupying power to detain persons from occupied territory in that territory. In most cases, Palestinian detainees are subjected to cruel, inhuman and degrading treatment, including physical torture, deprivation of sleep, denial of appropriate medical care, deprivation of family visitation and denial of access to legal counsel. In 2007, 5 Palestinian detainees died in Israeli jails, including 4 ones who suffered from chronic diseases.

House Demolitions. In 2007, IOF continued to demolish Palestinian houses in the OPT, especially in East Jerusalem, as a collective punishment against the Palestinian civilian population in violation of international humanitarian law. In the Gaza Strip, IOF demolished houses as a retaliatory measure, whereas in the West Bank, they demolished houses under the pretext of building without licenses. In 2007, IOF demolished 234 houses in the West Bank, including 140 ones in Jerusalem, In the Gaza Strip. IOF demolished 94 houses.

Annexation Wall in the West Bank. In 2006 then-Acting Prime Minister Ehud Olmert stated publicly for the first time that the route of the wall the government had said it was constructing to prevent Palestinian armed groups from carrying out attacks inside Israel also reflected official aspirations for a future border. Currently, 85 percent of the wall's route extends into the West Bank, carving out approximately 10 percent of the West Bank, including almost all major Israeli settlements there—which are illegal under international humanitarian law—as well as some of the

most productive Palestinian farmlands and key water resources.

In the past 5 years, IOF completed the construction of many sections of the Wall, which is being constructed inside the West Bank territory rather than along the Green Line separating the West Bank from Israel. Israel, which sticks to security claims to create unilateral new facts on the ground, has used the Wall as a birder in its negotiations with Palestinians, who aspire to establish their state within the 4 June 1967 boundaries. The Wall has created new facts on the ground that makes it difficult to talk about the establishment of a viable, contiguous Palestinian state.

Settlement Expansion and Attacks by Settlers against Palestinian Civilians & Property

Israel continues to expand illegal settlements in the West Bank and the Israeli settler population has been growing by around 5.5 percent each year. In 2007 approximately 450,000 settlers were living in the West Bank, including East Jerusalem; more than 38 percent of the West Bank now consists of settlements, military bases, and other Israeli-controlled areas, most of which are off limits to Palestinians. Settler violence against Palestinians and their property continues with virtual impunity. Armed Israeli settlers, protected by IOF, have also continued to commit crimes against Palestinian civilians and property. In 2007, israel continued to confiscate Palestinian civilian property for the purpose of settlement expansion, in violation of the international humanitarian law, which prohibits changing the nature of an occupied territory without a military necessity, which is not available in this case. Attacks by Israeli settlers against Palestinian civilians and property continued. Such attacks included shootings, running down civilians with vehicles and destruction of or damage to civilian property. In 2007, 5 Palestinian civilians were killed by Israeli settlers to 40 since 2000.

Discriminatory Legislation. Israel continues to apply laws and policies that discriminate on the basis of ethnic or national origin. Since 2002, Israel has prohibited Palestinians from the OPT who are spouses of Israeli citizens from joining their partners in Israel. In March 2007 the Knesset amended the Citizenship and Entry into Israel Law, expanding the scope of the existing ban on family reunification and extending it through 2008.