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Human rights situation in Palestine and other occupied Arab territories

Implementation of Human Rights Council resolutions S-9/1 and S-12/1

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report, the twelfth submitted by the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1, covers the period from 1 November 2018 to 31 October 2019. It provides an overview of the human rights situation in the Occupied Palestinian Territory and highlights, in particular, the shrinking civic space and the restrictions on the rights to freedom of expression, peaceful assembly and association. The High Commissioner makes recommendations to the main duty bearers concerned, namely the Government of Israel, the Government of the State of Palestine and the authorities in Gaza.

* The present report was submitted after the deadline in order to reflect the most recent developments.



I. Introduction

1. Submitted pursuant to Human Rights Council resolutions S-9/1 and S-12/1, the present report provides an overview of the human rights situation in the Occupied Palestinian Territory between 1 November 2018 and 31 October 2019. In accordance with the above-mentioned resolutions, it details violations of international humanitarian law by the occupying Power, Israel, and by Palestinian armed groups, and violations of international human rights law by all three duty bearers, namely the Government of Israel, the Government of the State of Palestine, and the authorities in Gaza.

2. The information contained in the present report relies mainly on the human rights monitoring activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory. It also reflects information from governmental sources, other United Nations entities and non-governmental organizations (NGOs). The report should be read in conjunction with other relevant reports of the Secretary-General and the High Commissioner to the Human Rights Council and the General Assembly.¹

3. Throughout the Occupied Palestinian Territory, the reporting period was marked by the ongoing shrinking of civic space as the Government of Israel, the Palestinian Authority and the authorities in Gaza continued to restrict the rights to freedom of expression, association and peaceful assembly. Many of those detained for simply expressing their opinion through social media, attending demonstrations or criticizing the authorities reported being ill-treated and, in a number of cases, tortured.

4. Violence continued at high levels. During the reporting period, the Israeli security forces killed 131 Palestinians,² including five women, 21 boys and two girls. Eleven Israelis were killed in attacks by Palestinians, including five soldiers, four civilians during hostilities and two settlers, one of whom was a girl. Of the fatalities, 39 occurred in the context of mass demonstrations along the perimeter fence of Israel with Gaza, with continuing concerns about excessive use of force and absence of accountability. In the West Bank, 35 Palestinians were killed, most of whom in the context of clashes, search and arrest operations or in response to attempted or alleged attacks. These developments are examined in greater detail in the report of the High Commissioner on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.³ There were several brief but significant escalations in hostilities between Palestinian armed groups and Israel in Gaza, one of which represented the most intense escalation since 2014.

5. In Gaza, the Israeli blockade and closures, which entered its thirteenth year, continued to severely restrict the movement of people and goods in and out of Gaza, as well as access within Gaza to basic services, electricity, fuel and medical supplies. Amid a faltering reconciliation process between Fatah and Hamas, the Palestinian Authority continued to apply punitive measures on the population of Gaza by cutting civil service salaries and forcing early retirement. The authorities in Gaza continued to arbitrarily arrest and detain Fatah affiliates and others; numerous reports were made of ill-treatment of detainees. The authorities also handed down 11 death sentences during the reporting period, seven of which by military courts, including against one woman.

6. In the West Bank, Israel escalated settlement expansion, demolitions and evictions of Palestinian homeowners. The Prime Minister of Israel expressed his intention to annex the Jordan Valley.⁴ Levels of settler violence remained high, as the Israeli authorities continued to frequently fail to protect the Palestinian population and, in some cases, accompanied and protected settlers during attacks against Palestinians. These developments are examined in further detail in the report of the High Commissioner on Israeli settlements

¹ A/HRC/40/39, A/HRC/40/43, A/74/357 and A/74/468.

² Including four men wounded before the reporting period who succumbed to their wounds during the reporting period.

³ A/HRC/43/21.

⁴ www.timesofisrael.com/netanyahu-after-jordan-valley-and-settlements-ill-annex-other-vital-areas.

in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.⁵ Concerns also remained over the detention practices of Israel, particularly against children, human rights defenders and journalists.

Legal framework

7. International human rights law and international humanitarian law are applicable in the entirety of the Occupied Palestinian Territory, namely Gaza and the West Bank, including East Jerusalem. A detailed analysis of the relevant legal obligations is contained in a report of the Secretary-General on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and remained applicable for the duration of the reporting period.⁶

II. Violations of international human rights law and international humanitarian law in the Occupied Palestinian Territory by all duty bearers

A. Israel

1. Obligations of the occupying Power under international humanitarian law

8. The Israeli blockade and punitive closures continued to severely restrict the movement of people and goods in and out of Gaza. Other Israeli practices that may amount to collective punishment, including punitive demolitions, closures and withholding of bodies, continued at a high rate. Collective punishment, in addition to being explicitly prohibited by international humanitarian law, violates a range of human rights.

9. On 9 September 2019, the High Court of Justice of Israel reversed its earlier decision of December 2017 and ruled that the Israeli authorities could withhold the bodies of Palestinians killed by the Israeli security forces as a tool for bargaining.⁷ By the end of the reporting period, Israel held the bodies of 303 Palestinians, 253 of whom had been killed during hostilities and buried in graves marked only by numbers. This figure includes a further 20 bodies of Palestinians who were killed and withheld during the reporting period.⁸ Withholding bodies punishes the families of the deceased and thus could amount to collective punishment and violate the prohibition of torture and ill-treatment and the obligations of Israel, as an occupying Power, pursuant to article 27 of the Fourth Geneva Convention.⁹

10. In the West Bank, the Israeli security forces carried out eight punitive demolitions, all in Areas A and B, under Palestinian civilian control.¹⁰ In one case, on 15 December 2018, the Israeli security forces demolished a four-storey building in Al Ama'ari refugee camp that was home to three families, including the family of a man indicted for killing an Israeli soldier. The High Court of Justice of Israel rejected a petition against the demolition order, stating that demolitions could be authorized even if the other residents did not help to perpetrate or were not aware of the intention to commit the attack.¹¹

11. Also of concern was the continued closure of villages by the Israeli security forces following alleged stone-throwing in surrounding areas.¹² In one such case, following the alleged throwing of stones at settlers' vehicles outside Azzun, Qalqilya Governorate, the

⁵ A/HRC/43/67.

⁶ A/HRC/34/38, paras. 3–12.

⁷ High Court of Justice, *The IDF Commander in the West Bank v. Alian* (case No. 10190/17).

⁸ Information provided by the Jerusalem Centre for Legal Aid and Human Rights Center.

⁹ See also A/71/364, para. 25.

¹⁰ Information provided by the Office for the Coordination of Humanitarian Assistance of the Secretariat.

¹¹ High Court of Justice, *Naji v. the Military commander of the West Bank* (case No. 6905/18).

¹² A/HRC/40/39, para. 11.

Israeli security forces closed the main entrance to the town and placed a checkpoint at the secondary entrance for 20 days, starting on 27 March 2019, affecting around 9,000 inhabitants.¹³

12. Between June and October 2019, allegedly in response to stone-throwing, the Israeli security forces conducted frequent arrests and night raids and imposed movement restrictions in Al Isawiya neighbourhood of East Jerusalem. During that period, the Israeli security forces arrested 365 Palestinians, including at least 95 children and 42 women. By the end of September, fewer than 10 of those persons had reportedly been indicted, raising concerns that most arrests and detentions were without legal grounds, which would render them arbitrary.¹⁴ On 29 and 30 July 2019, the Israeli security forces summoned for interrogation the parents of two children, aged 5 and 6, alleging that they had thrown stones at the forces. According to Israeli media, the chief of the Jerusalem District Police stated in September that the arrests in Al Isawiya would continue, “until they stop throwing rocks at every police car driving by”.¹⁵ The stated aim of these continued operations and detentions raise concern about a pattern of collective punishment of the population of Al Isawiya.

13. Advancement of settlement plans and construction continued at a high rate. During the reporting period, the Israeli authorities demolished 957¹⁶ structures in the West Bank, including East Jerusalem – the highest levels since 2016.¹⁷ Settler violence against Palestinians continued at high levels.¹⁸ According to the results of OHCHR monitoring activities, some families were consequently left with no choice but to leave their homes in East Jerusalem, Nablus and Hebron governorates, raising concerns that these cases may amount to forcible transfer. These developments are described in the report of the High Commissioner submitted to the Human Rights Council at its fortieth session.¹⁹

14. The Israeli security forces continued to use live ammunition to enforce unilaterally declared restrictions at sea in Gaza.²⁰ They injured 18 fisherfolk during 354 shooting incidents. In addition, 42 fisherfolk, including five children, were arrested and 17 fishing boats were confiscated. Along the land perimeter with Israel, Israeli security forces tanks and bulldozers routinely conducted incursions into Gaza to level and excavate farmland. Four farmers were injured by the Israeli security forces during the reporting period.

15. The enforcement methods used by Israel in the restricted areas are not in accordance with international law insofar as they often violate the rules on the use of force by law enforcement officials. In the context of hostilities, the methods used often violate the principle of distinction, which establishes that civilians (in this case, the fisherfolk and the farmers) and civilian objects are not to be targeted.

2. Civilian casualties in the context of hostilities

16. During the reporting period, Palestinian armed groups launched 1,078 rockets and 352 mortar shells towards Israel and Israel fired 848 rockets and 308 tank shells into Gaza, which resulted in the death of four Israeli civilians and 16 Palestinian civilians, including four women and three children, two of whom were infants.²¹ The rockets and mortars launched from Gaza, most of which landed inside Israel, were indiscriminate in nature, violating international humanitarian law through their inability to distinguish between military and civilian objectives. Several Israeli attacks on Gaza raised serious concern with regard to the principles of distinction, proportionality and precautions in attack.

¹³ http://pcbs.gov.ps/Portals/_Rainbow/Documents/QalqiliyaE.html.

¹⁴ www.haaretz.com/middle-east-news/palestinians/israel-police-arrest-25-in-east-j-lem-neighborhood-despite-vow-to-ease-crackdown-1.7883879.

¹⁵ Ibid.

¹⁶ www.ochaopt.org/data/demolition.

¹⁷ Ibid.

¹⁸ Information provided by the Office for the Coordination of Humanitarian Assistance of the Secretariat.

¹⁹ A/HRC/40/42.

²⁰ A/73/420, para. 33.

²¹ Information provided by the Department of Safety and Security of the Secretariat.

17. In May 2019, during the most intense escalation of hostilities, the Israeli security forces targeted the military sites of Palestinian armed groups, which resulted in 25 fatalities, a number of which were claimed by the armed groups to have been members. The Israeli security forces also struck cultural centres, seaports, commercial buildings and 324 residential buildings and houses located in populated areas. On 5 May 2019, in Beit Lahia, northern Gaza Strip, the Israeli security forces struck a residential tower, killing six Palestinians, including two women and their children, a girl aged 4 months and a boy aged 12 years. Witnesses reported that there was no prior warning of the missile strikes. These incidents also raise concerns with regard to the principles of distinction, proportionality and precautions in attack.

18. OHCHR is not aware of any investigations conducted by Israel into the attacks on residential buildings in Gaza that caused civilian fatalities during the reporting period. Similarly, there is no public information to indicate that the authorities in Gaza have conducted any investigations in response to the indiscriminate firing of rockets towards Israel that resulted in civilian fatalities.

B. Recurring human rights violations

1. Violations of freedom of movement

19. Severe restrictions by Israel on Palestinians' freedom of movement remained in place, including through 705 permanent checkpoints and obstacles, the Wall (which is 465km long),²² barriers and an arbitrary and restrictive permit and identification system. Freedom of movement is guaranteed under international human rights law²³ and is a frequent prerequisite for the enjoyment of many other rights, including the rights to an adequate standard of living, health, education, work and family life.

20. During the reporting period, the Israeli authorities imposed 306 travel bans on Palestinians in the West Bank based on alleged "security grounds", without providing the individuals or their lawyers with the basis for the decision, even in appeal processes.²⁴ In one case, a Palestinian journalist, Majdoleen Hassoneh, was twice interrogated by the Palestinian General Intelligence Services at the border crossing with Jordan, on 6 and 18 August 2019. Following her interrogations, the Israeli authorities issued a ban denying her travel to Jordan. Ms. Hassoneh was summoned by the Israeli security forces for a security interview and presented herself on three occasions, but the Israeli security forces refused to interview her and referred her instead to the Palestinian District Coordination and Liaison Office, where she filed a request to have the ban lifted. She had not received a response by the end of the reporting period.

21. While, in comparison to the previous reporting period, there was a slight increase in the number of persons exiting Gaza, thousands continued to be denied requests to exit through the Israel-controlled Erez crossing and the Egypt-controlled Rafah crossing, or faced delays. Of the 55,950 permit applications submitted to the Israeli authorities by the Palestinian General Authority of Civil Affairs,²⁵ 24,623 (44 per cent) were granted, 15,447 (27.6 per cent) were denied, 14,291 (25.5 per cent) were delayed and 1,539 (2.74 per cent) remained under security review.²⁶ The Rafah crossing was open for 242 calendar days, a noticeable increase compared to the previous reporting period, enabling 75,961 Palestinians to exit Gaza and 64,807 others to enter Gaza.²⁷

²² Information provided by the Office for the Coordination of Humanitarian Assistance of the Secretariat.

²³ International Covenant on Civil and Political Rights, article 12 (1).

²⁴ Figures provided by Hurryyat.

²⁵ For details on the permit applications, see A/73/420, paras. 11–18.

²⁶ Figures provided by the Palestinian National Authority of General Authority of Civil Affairs, 24 October 2019.

²⁷ Information provided by the Office for the Coordination of Humanitarian Assistance of the Secretariat.

22. Patients from Gaza requiring specialized medical treatment not available in Gaza continued to face challenges in accessing medical care due to the movement restrictions imposed by Israel. According to the World Health Organization, of the 25,063 patient applications submitted to the Israeli authorities during the reporting period, 16,334 (65 per cent) were approved, 2,050 (8 per cent) were denied and 6,679 (26.6 per cent) were delayed.

2. Violations of the right to life and physical integrity

23. Almost every Friday, Palestinians in Gaza continued to organize demonstrations, known as the “Great March of Return”, at the Israel-Gaza fence, calling for the lifting of the blockade and an end to the Israeli occupation. While the demonstrations remained largely peaceful, on numerous occasions a number of demonstrators damaged and breached the fence and/or threw Molotov cocktails, sound grenades and improvised explosive devices towards the Israeli security forces. Two Israeli soldiers were thus injured during the reporting period. A total of 508 burning kites and incendiary balloons²⁸ were reportedly launched by demonstrators, causing significant damage to agricultural land and forests inside Israel.

24. The Israeli security forces used tear gas, rubber-coated bullets, water cannons and sound devices, and regularly fired live ammunition against demonstrators. Consequently, 39 Palestinians, including 12 children and one woman, were killed in the reporting period. Over 2,075 others,²⁹ including 577 children, were injured by live ammunition fired by the Israeli security forces. Many injuries led to permanent disabilities, with 55 people, including four children and one woman, having limbs and/or fingers amputated, six being paralyzed and 10 partially losing their vision.³⁰ OHCHR monitored numerous cases related to the killing and injury of demonstrators near the fence. In the vast majority of the cases, no indication was found that the demonstrators, including children who were killed or seriously injured by live fire, represented an imminent threat of death or risk of serious injury to either Israeli security forces personnel or others.

25. On 8 December 2018, east of Khan Younis, the Israeli security forces opened fire on a group of demonstrators, fatally injuring a 4-year-old boy. Witnesses reported that the boy was holding his father’s hand at the time of the incident and that he was standing approximately 150–300m from the fence. He was struck with shrapnel in the abdomen and skull and underwent multiple surgeries, but died on 11 December 2018 from mass haemorrhaging. On 11 January 2019, the Israeli security forces shot a 44-year-old woman in the head with live ammunition, approximately 250m from the fence. Witnesses reported that she was watching the demonstrations at the time of her killing. On 8 February, east of Gaza city, the Israeli security forces shot a 17-year-old boy in the neck with live ammunition as he was watching the demonstrations, 300m from the fence. On 6 September 2019, also east of Gaza city and east of Jabalia respectively, two boys, aged 14 and 17, were shot dead in the waist and neck with live ammunition.

26. In the West Bank, the Israeli security forces killed 35 Palestinians: 28 men, one woman, five boys and one girl. The majority of the victims (21) were men under the age of 24 years and boys. In 18 of the incidents, the Israeli security forces alleged an attack had prompted the killings, while in nine of the incidents there were no reports of injuries against the Israeli security forces or anyone else. The Israeli security forces killed 12 persons during clashes, raids, at checkpoints or while driving, seemingly while there was no threat of death or serious injury to them, and five persons during arrest operations. Additionally, settlers killed two Palestinian men in the West Bank.

27. On 27 March 2019, in Bethlehem, the Israeli security forces killed a 17-year-old volunteer paramedic in Ad Duheisha refugee camp while he was carrying out his duties, attempting to reach an injured man. He was clearly identifiable, wearing a marked orange

²⁸ Information provided by the Department of Safety and Security of the Secretariat.

²⁹ Figure provided by the World Health Organization.

³⁰ Ibid.

vest, when the Israeli security forces shot him in the abdomen at a distance of 25m with live ammunition.

28. East of Bethlehem, on 18 April 2019, the Israeli security forces twice shot a 16-year-old Palestinian boy in the leg, from behind, with live ammunition, at a distance of 50m. The boy, who was trying to escape the Israeli security forces, was handcuffed and blindfolded. On 31 May 2019, the Israeli security forces shot in the chest and killed an unarmed 16-year-old boy with live ammunition from a distance of 3–4m, as he was climbing a fence attempting to enter East Jerusalem.

29. On 20 February 2019, in Bethlehem Governorate, the Israeli security forces broke into the home of a 47-year-old visually impaired man. While the man was in bed, one soldier repeatedly punched him in the face and hands for several minutes, fracturing one hand and dislocating his jaw. The Israeli security forces, who had searched the apartment above for a wanted man, left without arresting anyone. The case raises serious concerns about the unwarranted use of force against a person with disabilities. The victim filed a complaint; his case was closed by the Israel Defence Forces on 18 November 2019 without further action having been taken.

30. Under international law, the use of force in law enforcement operations must be limited to situations in which it is strictly necessary and in accordance with the principle of proportionality. Lethal force should be used only in situations of last resort, specifically in response to an imminent threat of death or serious injury. Use of force that does not comply with those principles and that results in death amounts to arbitrary deprivation of life. Under international humanitarian law, this may also constitute an act of willful killing.

31. The High Commissioner reiterates that Israel has an obligation under international law to conduct prompt, thorough, independent and impartial investigations into all use of force by its security forces that results in death or injury.

3. Gender-based violence

32. United Nations experts have in the past observed that femicide threatens Palestinian women's right to life and that legislation to tackle gender-based violence remains inadequate.³¹ Although a high number of gender-based violence cases are reported to service providers, it is likely that such violence is significantly underreported. In November 2019, the Palestinian Central Bureau of Statistics published its 2019 violence survey, in which it was found that 29 per cent of women across the Occupied Palestinian Territory had experienced some form of violence by their husbands at least once.³² According to a recent study published by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA),³³ the increasingly fragile and stressful situation in Gaza was likely to increase the vulnerability of women to violence. During the reporting period, the Women's Centre for Legal Aid and Counselling registered 22 cases of gender-related killings in the Occupied Palestinian Territory: 17 in the West Bank and five in Gaza. Of grave concern is the insufficient response by the responsible authorities in terms of preventive action and of investigating, prosecuting and bringing to justice those responsible for violence in the private sphere.

33. In Gaza, one women's centre reported having received around 1,250 new cases of gender-based violence, with victims requiring services such as legal aid, shelter, and psychosocial support.³⁴ Serious gaps remained in addressing the increasing need for protection and services, with one women's shelter in Gaza reporting it had received approximately 10 cases of violence against women daily.³⁵ Another organization

³¹ A/HRC/35/30/Add.2, paras. 24–25, 29, 66 and 69, and CEDAW/C/PSE/CO/1, paras. 26–27.

³² Palestinian Central Bureau of Statistics, "Preliminary results of the violence survey in the Palestinian society" (November 2019). Available from <http://pcbs.gov.ps/Downloads/book2480.pdf> (in Arabic and English).

³³ Eugenie Reidy in cooperation with UNRWA, *How Does She Cope? Women Pushed to New Limits in the Gaza Strip* (October 2019).

³⁴ Information provided by the Centre for Women's Legal Research, Counselling and Protection.

³⁵ *Ibid.*

documented the death of six women under circumstances suggestive of gender-related killings.³⁶ Although investigations had reportedly been opened, as at the end of the reporting period no case had been brought before a court.³⁷ In one reported case, a 31-year-old woman who had been missing since 17 September 2019 was found killed and buried in the family home on 14 October. The father reportedly confessed to the killing. The younger sister of the victim was placed in a shelter due to protection concerns as she had reported the disappearance and made allegations of past violence by the father towards the victim.³⁸

34. In one case in the West Bank, a 21-year-old woman was admitted to Beit Jala hospital on 10 August 2019 with spinal fractures. The following day, she was released while still in a serious condition at the request of her family. On 22 August, her family brought her dead body to the same hospital. On 29 August, the Palestinian Public Prosecution publicly declared that an investigation had been opened and the police later arrested the victim's two brothers and brother-in-law, who were charged with manslaughter for beating the victim to death, charges that are pending court proceedings. This case raises concern that the response of the hospital staff and the police was inadequate in terms of the support provided and the promptness of the investigation.

35. Many lesbian, gay, bisexual, transgender and intersex persons are continuously faced with physical and psychological violence by their families. For example, a lesbian woman in the West Bank who was kidnapped by family members after attempting to leave the country and who was subsequently locked inside the family house reported to OHCHR that her family would repeatedly threaten to kill her, tell her to kill herself and assault her. All victims of such violence reported fearing reprisals from the authorities and their families if they reported the incidents.

4. Restrictions of the rights to freedom of expression, association and peaceful assembly

36. Throughout the Occupied Palestinian Territory, the civic space continued to shrink, with violations of the rights to freedom of expression, peaceful assembly and association committed by the Government of Israel, the Palestinian Authority and the authorities in Gaza. Human rights defenders, journalists and civil society organizations (Palestinian mainly but Israeli too) continued to be regularly the targets of arbitrary arrest, detention and attacks on their reputations. Human rights defenders in the Occupied Palestinian Territory were particularly affected because of who they were, what they represented or the rights they promoted, for example the rights of lesbian, gay, bisexual, transgender and intersex persons. Women human rights defenders faced additional and unique challenges.³⁹

*Women human rights defenders*⁴⁰

37. On 19 March, a female staff member of Amnesty International covering demonstrations inside Gaza was interrogated by Gaza security forces for several hours. She was subjected to abusive language and intimidation by four male police officers, including threats of prosecution for working as a foreign agent.⁴¹ In northern West Bank, a woman human rights defender reported having repeatedly received criticisms through social media from the municipality of Qalqilya aimed at preventing an event on women's rights in Azzun, in April 2019. Moreover, the Israeli security forces denied entry to a bus of participants on the day of the event.

38. On 27 September 2019, in East Jerusalem, a group of Palestinian women activists known as Tal'at organized a demonstration under the banner "free homeland, free women"

³⁶ <https://pchrghaza.org/en/?p=13489>.

³⁷ Ibid.

³⁸ Ibid.

³⁹ See A/HRC/16/44 and Corr.1, paras. 32–88, and A/HRC/34/52, para. 22.

⁴⁰ The Special Rapporteur on the situation of human rights defenders defines women human rights defenders as female human rights defenders and any other human rights defenders who work in the defence of women's rights or on gender issues (A/HRC/16/44 and Corr.1).

⁴¹ www.amnesty.org/en/latest/news/2019/03/gaza-hamas-must-end-brutal-crackdown-against-protesters-and-rights-defenders.

as part of demonstrations across the Occupied Palestinian Territory, Israel and Lebanon. The entirely peaceful demonstration reached Damascus Gate, where some demonstrators raised a Palestinian flag, at which point the Israeli security forces forcibly dispersed the demonstration, pushing the women, confiscating the flag and preventing the demonstration from continuing.

39. In Gaza, a female journalist affiliated with Fatah reported that Gaza security forces had summoned her brother shortly after she had published an article criticizing the Hamas-led crackdown of a Fatah assembly. On 7 January, an officer from the Gaza internal security agency warned the brother that the authorities would take measures against him if he did not convince his sister to stop criticizing the authorities in Gaza.

Attacks on media and journalists

40. The Palestinian Centre for Development and Media Freedoms⁴² received allegations that during the reporting period the Israeli security forces had injured⁴³ 113 journalists, including five women, in Gaza and the West Bank and had arrested or detained 40 journalists. The Israeli security forces reportedly bombed and destroyed two news agencies in Gaza and raided the Wafa news agency⁴⁴ in Ramallah. Palestinian Authority security forces reportedly detained 22 journalists,⁴⁵ which represents a significant decrease in the activities of the security forces since May 2019, after which five detentions and no attempts to prevent coverage by media outlets were reported. The decrease suggests that the new Government of the State of Palestine is making efforts to uphold the promises made to the public to prevent the detention of and attacks against journalists.⁴⁶ The de facto authorities in Gaza reportedly detained 46 journalists, including one woman, prevented media coverage of specific events on five occasions and prevented the distribution of one newspaper.⁴⁷ According to a poll carried out by the Palestinian Centre for Development and Media Freedoms among journalists in the Occupied Palestinian Territory, 90 per cent of the 182 respondents said they exercised self-censorship for fear of reprisals from security forces and nearly the same proportion did so owing to social considerations. The Centre reported that Facebook had closed 142 accounts of journalists in the Occupied Palestinian Territory, citing its own rules.

41. From 25 July 2018, the journalist and writer Lama Khater was detained by the Israeli security forces on charges of being a member of and carrying out activities for a banned group. She reported various forms of ill-treatment, including one month in solitary confinement, 17 days of interrogations lasting 20 hours a day, handcuffing to the back of a small chair and sleep deprivation. Interrogators reportedly threatened her with lengthy detention and the detention of her children unless she provided a confession, which she refused. The interrogations ended on 26 August 2018 and Ms. Khater was released on 26 July 2019 on a plea bargain following charges of being a member of and carrying out activities for a banned group, for served time and a fine. Her 19-year-old son was detained by the Israeli security forces on 2 July 2019 and remains in custody, as part of a group of over 60⁴⁸ students reportedly arrested at Birzeit University in 2019.

42. In the West Bank, a journalist was arrested twice while covering demonstrations in Nablus and Ramallah. Palestinian Authority security forces detained him for 18 days on suspicion of inciting sectarian strife until a court ordered his release on 6 January 2019. He was again arrested for five hours on 15 January and forced to delete footage.

43. On 17 October 2019, the Palestinian Authority Ramallah Magistrate Court blocked approximately 50 web pages, some belonging to popular news outlets, invoking national security, civic peace, public order and morals. Such generic bans on websites are not

⁴² www.madacenter.org/en.

⁴³ Injuries with live ammunition, shrapnel, rubber-coated bullets and direct hits with gas canisters.

⁴⁴ <http://english.wafa.ps/page.aspx?id=2wTHZxa107687996691a2wTHZx>.

⁴⁵ Palestinian Centre for Development and Media Freedoms.

⁴⁶ www.alquds.com/articles/1555229023511210200/ (in Arabic only).

⁴⁷ Palestinian Centre for Development and Media Freedoms.

⁴⁸ Birzeit University “Right to education” campaign.

permissible restrictions to the right to freedom of expression under international human rights law, and content-specific restrictions may not be imposed solely on the basis that the content may be critical of the government.⁴⁹ Such measures raise concern about the use of overly broad provisions in the cybercrime decree law.⁵⁰ On 24 October, the Magistrate Court referred article 39 of the law to the Constitutional Court for an interpretive opinion without changing its original decision. The web pages remained closed as at the end of the reporting period.

44. In March 2019, a man was interrogated by the Gaza internal security agency, which accused him of ties with the Palestinian Authority and Israel for having posted a statement on Facebook criticizing the Great March of Return demonstrations, including Hamas leaders. While in detention, he was blindfolded, beaten, forced into stress positions and threatened with further detention and violence if he continued to criticize Hamas. In a similar case in Gaza, one journalist who posted live feeds on social media during demonstrations was detained for three days. He was severely beaten, interrogated and accused of being instructed by the Palestinian Authority to transmit the demonstrations. He was not officially charged with any criminal offence.

45. In Gaza, on 4 January 2019, unknown assailants who allegedly caused damages worth 170,000 US\$ ransacked the Palestinian Broadcasting Corporation (PBC). Following a reported investigation, the Gaza Ministry of the Interior announced that five men affiliated with Fatah whose salaries had been cut by the Palestinian Authority, one of whom was allegedly working for PBC, were responsible. Fatah and the Journalists' Syndicate held Hamas responsible for the attack. The authorities in Gaza consequently arrested and detained a 40-year-old journalist for posting a statement blaming Hamas for the PBC attack. During his interrogation, the journalist was blindfolded, beaten with a hose and forced into stress positions.

Freedom of peaceful assembly

46. Across the Occupied Palestinian Territory, all three duty bearers continued to interfere with, prevent and forcibly disperse peaceful assemblies, resorting to arbitrary arrest, detention and ill-treatment of protestors.

47. An incident of particular concern was the brutal crackdown by Gaza security forces, between 14 and 16 March 2019, of demonstrations organized across the Gaza Strip over rising living costs, in response to calls by social media activists. Gaza security forces personnel in uniform and men in plain clothes – many of whom were masked and carrying batons – raided the demonstrations, forcibly dispersed participants and prevented them from filming or photographing. A considerable number of participants, including women and children, were beaten and hospitalized, and up to 1,000⁵¹ of them were arrested and detained, including children. Hundreds of demonstrators were transferred between various detention facilities and security sites, subjected to beatings and forced into stress positions for considerable periods. In some cases, security personnel forcibly shaved off the hair of male demonstrators. In two separate incidents that took place on 16 March, two boys, aged 11 and 15 years, were hospitalized with leg and head injuries after masked men patrolling the streets beat them with batons. While the 11-year-old boy sustained moderate injuries, the 15-year-old boy was hospitalized in intensive care for two days, requiring surgery to his skull.

48. During a house raid in the context of the March demonstrations, a 49-year-old woman was beaten by the Gaza security forces and consequently suffered fractures to her hand and severe bruising on her body. While being treated in the local hospital, she had to flee through a back exit following another raid of the hospital by security personnel. Several injured demonstrators reported arriving at local hospitals for treatment but declined

⁴⁹ Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, para. 43.

⁵⁰ A/HRC/40/39, para. 60.

⁵¹ Independent Commission for Human Rights, the national human rights institution of the State of Palestine (<https://ichr.ps/ar/1/26/2629>). See also Human Rights Committee, general comment No. 34.

to enter, observing that security personnel had been deployed to arrest them. The Deputy Director and the Coordinator of Complaints and Investigations of the Independent Commission for Human Rights, who were monitoring the demonstrations, were hospitalized after being beaten by the Gaza security forces. Four employees of local human rights organizations attempting to monitor the demonstrations were prevented from doing so and briefly held by the Gaza security forces. During that period, local human rights organizations and the Independent Commission for Human Rights were denied access to the detention facilities where demonstrators and journalists were being held. OHCHR publicly condemned the violence by the Gaza authorities at the time.⁵²

49. In an alarming development, on 17 August 2019, the spokesperson for the Palestinian police released a statement banning all activities of the lesbian, gay, bisexual, transgender and intersex advocacy group Al Qaws, calling on the public to report their members to the police for prosecution. Thousands of messages of hatred and incitement to violence followed on social media, including death threats against persons perceived to be associated with Al Qaws. OHCHR monitored cases of individuals being physically threatened. The police removed the statement from its web page on 19 August 2019 but did not formally retract it nor publicly condemn the incitement to violence and hate speech.

50. In East Jerusalem, based on an order signed by the Israeli Minister of Public Security, the Israeli security forces raided the Burj Al-Luqluq Social Centre Society on 17, 18 and 31 August 2019, and prevented a seminar and football tournament from taking place, alleging they were sponsored by the Palestinian Authority. The Israeli police summoned one staff member of the Centre for questioning, beat the coordinator of the football tournament (who sustained two fractures in his arm) and arrested four staff members for several hours of interrogations before releasing one on unpaid bail and the others with a five-day ban from the Centre.

5. Arbitrary detention, torture and ill-treatment

51. According to the Palestinian Prisoner Society, the Israeli security forces arrested 5,846 Palestinians during the reporting period, including 901 children and 120 women. As of 31 October 2019, the Israel Prison Service reported that 4,731 Palestinians were in detention, of whom 4,515 were men, 185 were boys and 31 were women, compared with 5,426 during the previous reporting period.⁵³ The number includes 460 persons held in administrative detention, including three boys, compared to 481 in October 2018. The NGO Public Committee against Torture in Israel received 35 allegations of cruel, inhuman or degrading treatment and torture during the reporting period, seven of which concerned women and six of which concerned boys.

52. A trend of concern is the use of threats of indefinite detention against human rights defenders and journalists in Israeli detention, who are interrogated for long hours in stress positions and sleep deprived. The use of plea bargains at the end of detention under such circumstances further raises concerns of coerced confession.

53. Concerning Palestinian Authority detention centres in the West Bank, the Ministry of the Interior reported that 1,134 persons were detained as of 21 April 2019 and the Independent Commission for Human Rights reported that the Palestinian Authority had administratively detained 213 persons under Governor's orders during the reporting period. In Gaza, Hamas reported holding 1,885 persons in reform and rehabilitation centres as at 23 April 2019.

54. The Independent Commission for Human Rights received 354 complaints of ill-treatment and torture during the reporting period, 172 of which concerned persons under Palestinian Authority detention and 182 of which concerned persons in Gaza, under Hamas' de facto authority. The Commission also reported a decrease in the number of members of the Salafist groups detained in Gaza against a steady increase in the number Fatah members and supporters. On many occasions, victims were summoned and subsequently detained for

⁵² www.facebook.com/UNHumanRightsOPT/posts/1082548781933446.

⁵³ A/HRC/40/39, para. 30.

several days, during which time they were interrogated about their political affiliation and accused of collaborating either with Israel or with the Palestinian Authority, or of having ties with “foreign powers”. In the vast majority of the cases, victims were released without being officially charged.

55. On 28 February 2019, a member of the Palestinian Legislative Council of the Popular Front for the Liberation of Palestine, who is also an activist for women’s and prisoners’ rights, Khalida Jarrar, was released by the Israeli authorities after having served over 19 months of administrative detention, without trial, based on secret evidence. Ms. Jarrar was released on a plea bargain following charges of incitement and association with the Popular Front for the Liberation of Palestine, for time served, a suspended sentence and a fine, conditions identical to those of the plea bargain she agreed to in June 2016 after 14 months of administrative detention.⁵⁴ On 31 October 2019, the Israeli security forces again arrested her, reportedly on suspicions of involvement in “terror activity”.⁵⁵

56. On 10 December 2018, a freelance journalist and a human rights defender working for the Jerusalem Legal Aid and Human Rights Center were detained by the Israeli security forces in Tulkarem and Ramallah. Both independently reported having been subjected to interrogations related to their work that lasted 14–20 hours a day, to threats of administrative detention unless they confessed to a crime and to being held in cells that were constantly illuminated and had no windows, leading to sleep deprivation and disorientation. In addition, the journalist was reportedly placed on a low chair during the interrogations, with his hands and feet cuffed to the back legs of the chair. The Israeli security forces reportedly hit the human rights defender’s head with a rifle during the arrest. Both individuals were released on plea bargains, on 16 and 24 January 2019 respectively, for served time, on conditional release and for paying fines. Both reported having falsely confessed, to avoid administrative detention – the journalist to membership of a student council in 2007 and the human rights defender to throwing stones at the Israeli security forces in 2014 and 2015.

57. On 25 August 2019, in Al Issawiya in East Jerusalem, the Israeli security forces arrested Mohammed Abu al-Hummos on the day that he had organized a recreational trip for 450 children. The Israeli security forces accused him of incitement to violence in a video that does not seem to show any incitement. He was released two days later, after refusing a plea bargain, on bail, and was banned from Al Issawiya until 15 September 2019. Previously, in March 2019, the Israeli security forces had arrested him for five hours on the day that he had organized a marathon.

58. On 2 January 2019, the Magistrate Court in Tulkarem acquitted a man, ruling that Facebook posts criticizing a campaign to pledge allegiance to the President of the State of Palestine, Mahmoud Abbas were within his right to freedom of expression, for which he had been detained one month in 2018 and reportedly been subjected to serious ill-treatment. On 28 January 2019, the Palestinian Authority security forces detained him again and interrogated him about Facebook posts in which he protested against the social security law. He was released after three days, without any charges.

59. In 2019, a gay man was interrogated by the Palestinian General Intelligence Service concerning a video posted on social media showing him with a male partner, disclosing his sexual relations and mentioning the names of lesbian, gay, bisexual, transgender and intersex people and activists in the West Bank. He was threatened with further detention if he continued to have sexual relations with men. In another case in 2019, a transgender woman was detained by the Palestinian police for five days with the accusation of possessing narcotics. She was repeatedly kicked, beaten and sexually harassed through the use of derogatory terms about her gender identity, including invasive questions about her sexual life.

60. Arrests and detention seemingly on political grounds by Palestinian Authority security forces continued, raising serious concerns about the lack of basic fair trial

⁵⁴ A/HRC/37/42, para. 55 and footnote 83, and A/HRC/WGAD/2016/15.

⁵⁵ www.timesofisrael.com/israeli-forces-re-arrest-senior-pfplp-member-in-ramallah.

guarantees. From 4 to 10 June 2019, Palestinian Authority security forces arrested over 60 affiliates of the Islamic movement Hizb ut-Tahrir for reasons related to their criticism of the Palestinian Authority's decision about when to celebrate the Muslim holiday Eid al-Fitr. All were released by the beginning of July without any charges, raising concerns that their detention contravened the rights to freedom of association, religion and belief.

61. Between 23 and 27 June 2019, three men were arrested by Gaza security forces for trying to organize a cycling race in conjunction with a similar event organized in Israel. They were reportedly moved between different security agencies with varying levels of oversight and interrogated about the race. During the interrogations, they were reportedly subjected to ill-treatment, including through verbal insults that included suggestions that they were traitors, their heads were shaved, they were placed in stress positions and they were held in solitary confinement. None were charged with a criminal offence.

62. On the eve of the fifty-fourth anniversary of Fatah's founding, Gaza security forces summoned over 50 Fatah members and supporters across the Gaza Strip and reportedly forced some of them to sign a declaration stating that they would not participate in any event commemorating the anniversary. The de facto authorities in Gaza prohibited the events from taking place, noting that some 38 Fatah members had been summoned but released shortly thereafter as part of measures to keep order in Gaza. Similarly, on 23 February 2019, Gaza security forces arrested five Fatah members for organizing a sit-in demonstration in support of President Abbas. All were beaten with batons and plastic hoses, interrogated about their affiliation to Fatah and released without charge.

6. Delegitimizing human rights work and interfering with associations

63. Ongoing harassment and denunciations continued with the evident aim to silence and discredit the work of human rights defenders and to discourage support for their work, including by curtailing international funding.

64. In January 2019, the Ministry of Strategic Affairs and Public Diplomacy of Israel published a report in which it called upon the European Union to cease funding certain Palestinian and international NGOs and in which it alleged that the letters from some of those organizations addressed to the Secretary-General and the High Commissioner concerning reviews of business activities in Israeli settlements⁵⁶ constituted examples of promoting boycotts against the State of Israel.⁵⁷ The report of the Ministry appears to stigmatize civil society organizations for their engagement with the United Nations.⁵⁸ The Ministry further claims⁵⁹ that the detention of and travel bans against human rights defenders, dating as far back as the 1980s, and loose allegations of "membership" of groups such as Hamas and the Popular Front for the Liberation of Palestine, constitute connections to terrorist groups. The Ministry's reports also equate the boycott, divestment and sanctions movement with terrorism.⁶⁰ Accusations of terrorism must adhere to a clearly defined legal framework of prohibited actions and respect fair trial guarantees, including the right to judicial review, the principle of legality and the presumption of innocence.⁶¹ State authorities must avoid making stigmatizing statements against human rights defenders⁶²

⁵⁶ Pursuant to Human Rights Council resolution 31/36.

⁵⁷ Israel, Ministry of Strategic Affairs and Public Diplomacy, *The Money Trail: European Union Financing of Organizations Promoting Boycotts against the State of Israel*, 2nd edition (2019).

⁵⁸ A/HRC/42/30, para. 61, and annex I, paras. 62 and 65.

⁵⁹ Israel, Ministry of Strategic Affairs and Public Diplomacy, *The Money Trail*, and *Terrorists in Suits: the Ties between NGOs Promoting BDS and Terrorist Organizations* (2019).

⁶⁰ See the statement by three Special Rapporteurs made on 25 April 2019 (available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24516&LangID=E). While not taking a position on the boycott, divestment and sanctions movement, the Special Rapporteurs hold that supporting or opposing it is fully guaranteed by the rights to freedom of opinion, expression and association.

⁶¹ A/HRC/16/51/Add.3 and Corr.1, paras. 26–27, and A/61/267, para. 26.

⁶² Human Rights Council resolution 22/6, para. 5, and HRC/13/22, para. 27.

that violate those rights.⁶³ The information in the Ministry's reports was used on 15 July 2019 on a State-run social media account with a photograph of human rights defender Shawan Jabarin, Director of the Palestinian civil society organization Al Haq, which was followed by public comments made on social media calling for him to be killed.⁶⁴

65. The Palestinian NGO Addameer reported that, on 19 September 2019, the Israeli security forces broke into their Ramallah office, confiscated office equipment and left a handwritten, unsigned note containing details of the equipment confiscated. In a similar incident, on 24 September, the Israeli security forces searched the Hebron office of the Union of Palestinian Women's Committees, confiscating office equipment without providing a search warrant or documentation of the confiscation. The Israeli security forces also broke into the Health Work Committees' offices in Al Bireh, on 11 October, and searched for one hour without confiscating anything. These searches of offices of NGOs, all located in Areas A or H1, which are under full Palestinian control, without a warrant, confiscation order or any other official documentation, appear to constitute arbitrary interference with an association and the right to privacy.

66. On 7 May 2018, the Ministry of the Interior of Israel revoked the work visa of the Israel and Palestine Director of Human Rights Watch, Omar Shakir.⁶⁵ Following appeals, the Israeli Supreme Court ruled on 5 November 2019 that the State was within its rights to deport Mr. Shakir. The Court stated that Mr. Shakir's past activism with the boycott, divestment and sanctions movement and his work with Human Rights Watch constituted calls for boycotts against Israel, all of which were aimed at Israeli settlements. The Court held that the meaning of "a public call for boycott against Israel" under the Entry into Israel (Amendment No. 28) Law that would allow for entry to be denied "includes boycott that is based on the identification of the Israeli control in the [Occupied Palestinian] territories as a violation of international law".⁶⁶ The ruling represents a serious deterioration in the situation for international human rights defenders in the Occupied Palestinian Territory, opening the possibility for deportation from Israel or the Occupied Palestinian Territory of any foreign national who calls for sanctions against Israel for its occupation.

III. Recommendations

67. **The High Commissioner recommends that the Government of Israel:**

(a) **Ensure that the rules of engagement of the Israeli security forces and their application are fully in line with international standards and, in particular, that firearms are used only in cases of imminent threat of death or serious injury; take all necessary measures to prevent incidents of excessive use of force; and provide, at the earliest possible moment, first aid to individuals injured by the use of force, while taking no steps to prevent the provision of necessary medical care;**

(b) **Conduct prompt, thorough, independent, impartial and effective investigations into all incidents of use of force by the Israeli security forces that have led to the death or injury of Palestinians, especially in the access-restricted area of Gaza, and ensure that perpetrators are held accountable and victims provided with redress;**

(c) **Ensure respect for international humanitarian law and conduct prompt, thorough, independent and impartial investigations into allegations of violations related to past and recent escalations of hostilities, hold those responsible accountable and provide redress for victims;**

⁶³ See also Inter-American Commission on Human Rights, *Criminalization of Human Rights Defenders* (2015), paras. 84–89.

⁶⁴ www.facebook.com/4IL.org/posts/2234827600161728 (in Arabic only).

⁶⁵ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24516&LangID=E.

⁶⁶ The definition of boycott is stated in the Law for the Prevention of Damage to the State of Israel through Boycott (No. 5771-2011).

(d) Immediately end all practices of collective punishment and, in particular, immediately lift the blockade and punitive closures imposed on Gaza, allow free movement of Palestinians across the Occupied Palestinian Territory, and end punitive demolitions and the policy of withholding the bodies of Palestinians;

(e) End practices of administrative detention and any form of arbitrary detention, ensure that all detainees are promptly charged or released and fully guarantee the right to a fair trial;

(f) Ensure that conditions of detention are fully in accordance with international human rights law, immediately end all practices that may amount to torture or other cruel, inhuman or degrading treatment or punishment, ensure that all allegations of such violations are promptly, impartially and independently investigated, hold perpetrators accountable and guarantee non-repetition of such practices and that victims have access to an effective remedy;

(g) Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that civil society actors and journalists are allowed to conduct their professional activities safely, freely and without harassment.

68. The High Commissioner recommends that the Government of the State of Palestine:

(a) Ensure compliance with its human rights obligations towards all Palestinians and immediately cease any measures that violate those obligations or worsen the humanitarian situation in Gaza;

(b) End all practices that amount to arbitrary detention and fully guarantee the rights to due process and a fair trial;

(c) Immediately end all practices that may amount to torture or other cruel, inhuman or degrading treatment or punishment, ensure that all allegations of such violations are promptly, impartially and independently investigated, hold perpetrators accountable and guarantee non-repetition of such practices and that victims have access to an effective remedy;

(d) Take all necessary measures to prevent all forms of gender-based violence and ensure that perpetrators of such violence, including gender-related killings, are prosecuted and appropriately sentenced;

(e) Uphold its human rights obligations to protect the rights of all Palestinians without discrimination, including discrimination based on sexual orientation or gender identity;

(f) Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that civil society actors and journalists are allowed to conduct their professional activities safely, freely and without harassment.

69. The High Commissioner recommends that the authorities in Gaza:

(a) Ensure, along with armed groups in Gaza, full respect for international humanitarian law, particularly as it pertains to the principles of distinction, proportionality and precaution, and ensure accountability, consistent with international standards, for grave violations;

(b) Take all necessary measures to ensure that the rights of persons deprived of liberty are respected, immediately end all practices that may amount to torture or other cruel, inhuman or degrading treatment or punishment, ensure that all allegations of such violations are promptly, impartially and independently investigated, hold perpetrators accountable and guarantee non-repetition of such practices and that victims have access to an effective remedy;

(c) Take necessary measures to prevent all forms of gender-based violence and ensure that perpetrators of such violence, including gender-related killings, are prosecuted and appropriately sentenced;

(d) **Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that civil society actors and journalists are allowed to conduct their activities safely, freely and without harassment.**
