ISRAEL

SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE, 112TH SESSION, 7-31 OCTOBER 2014

INTRODUCTION

This document is submitted to the United Nations (UN) Human Rights Committee (the Committee) in view of its consideration of Israel’s fourth periodic report on its implementation of the International Covenant on Civil and Political Rights in October 2014. This submission presents the Committee with Amnesty International publications which provide further information on a number of issues included in the List of Issues Prior to Reporting, adopted by the Committee at its 105th session in July 2015.

RIGHT TO PRIVACY, RIGHT TO PARTICIPATE IN PUBLIC LIFE, RIGHT TO EQUALITY AND NON-DISCRIMINATION AND RIGHTS OF PERSONS BELONGING TO MINORITIES (ARTICLES 2, 17, 25, 26 AND 27).

ISSUE 6 ON THE GUARANTEE OF MINORITIES RIGHTS, ESPECIALLY THOSE OF PALESTINIANS AND BEDOUINS

Amnesty International is deeply concerned about the arbitrary and discriminatory nature of the proposed “Law for Regularizing Bedouin Habitation in the Negev - 2012” and has urged the government not to pass the proposed law (which is currently with the Knesset) in its current format and to grant legal status and security of tenure to the excluded Bedouin communities in the Negev/Naqab.

Amnesty International remains concerned – despite claims by the authorities that it aims to improve the quality of life for all the Bedouin - that the impact of the threat of forced
evictions on the rights and quality of life of the Negev/Naqab Bedouin has not been addressed; that they arbitrarily and unlawfully interfere with their privacy, family and home, and that it has failed to carry out genuine consultations with residents about the proposed evictions.¹

Consultations held on plans to evict some 30,000 Palestinian Bedouin citizens of Israel in the Negev/Naqab region were deeply flawed and did not meet international standards. The organization considered that relocations in these circumstances would amount to forced evictions.²

Following news that the village of al-'Araqib was once again razed by land authorities, the organization called on Israel to halt all demolitions of Arab Bedouin homes in communities in the Negev/Naqab desert which the government refused to officially recognize.³

At the end of 2013, former Minister Benny Begin, appointed by the Prime Minister to be responsible for implementing the Prawer Plan, resigned and at the same time recommended that the Knesset cease debating the bill; he also stated that there had been no consultation with the Bedouin population about the plans. In January this year the responsibility of the Bedouin in the Negev/Naqab was transferred from the Prime Minister’s office to the Ministry of Agriculture and the government is pursuing the plan. The law is pending before the Knesset.

As for the Occupied Palestinian Territories, in July 2013, some 1,000 Palestinians living in eight villages in the southern Hebron Hills in the West Bank, nearly half of them children, were facing forced eviction in order to allow the Israeli army to use the area as a training zone known as Firing Zone 918. Some of their buildings were already demolished, and their movement was restricted.

On 2 September 2013, the High Court of Justice suggested that the Palestinian villagers who are threatened with forced eviction and the Israeli state go into mediation. The High Court of Justice did not rule against the forced eviction of all the residents of the eight villages, and there are no guarantees that the mediation process will lead to a resolution that does not violate the rights of the villagers. However, the villagers agreed to the process immediately and the Ministry of Defence also agreed, on 21 October 2013. Both sides agreed to the appointment of Yitzhak Zamir, retired Supreme Court Judge and former Attorney General, as mediator. The mediation period, initially set for four months, has been extended. The villagers can remain in their homes while the mediation is ongoing.⁴

On 8 July 2013 just after 6am, the Israeli army demolished three homes and a number of animal pens belonging to shepherds in Hadidiya in the Jordan Valley, occupied West Bank. Twenty-two people were made homeless, of which six were children, including a four-year-old suffering from cerebral palsy. This took place in summer heats exceeding 40 degrees Celsius.⁵

The government of Israel’s eviction and demolition plans for these villages in the West Bank came as demolition and displacement rates hit a three-year high, adding to the uncertainty about the future for Palestinians living in the Israeli-controlled Area C of the West Bank, a group of 30 aid, development, and human rights organizations warned.⁶
Amnesty International raised concerns in relation to Israeli army plans to forcibly evict and transfer 20 Palestinian communities from their homes in the area of the Ma’ale Adumim settlement bloc in the occupied West Bank. The plan aims to relocate the communities, a majority of which are Jahalin Bedouin, to a site about 300m away from the Jerusalem municipal garbage dump. Israeli authorities had not consulted with the communities, who oppose the move. If carried out, this forced transfer would uproot some of the poorest communities in the West Bank.

Amnesty International urged the Israeli government to end all removals of asylum-seekers to their home or third countries. In light of information which emerged in June 2013 on the extent of the Israeli government’s deportation of asylum-seekers, in violation of the Covenant and international law more generally, Amnesty International urged the Israeli government to end all removals of asylum-seekers to their home or third countries.

Amnesty International urged the Israeli government to reverse its decision to deport all individuals of South Sudanese origin living in Israel to South Sudan and to extend the temporary collective protection previously offered to this community.

Amnesty International remains extremely concerned by the practice of administrative detention as well as the treatment of administrative detainees on long-term hunger strike during 2012 and more recently in 2014. The organization issued a report in 2012 on the widespread use of detention without charge on the basis of secret information and ill-treatment of detainees, including the denial of appropriate medical care, and the failure to provide detainees with access to lawyers, their families, and independent doctors.

In this report, the organization highlighted that more than 300 Palestinians were held by Israel as administrative detainees, without prospect of a trial for any criminal offence. Detention without trial continues as it has for decades. The Israeli authorities have claimed that administrative detention is used exceptionally against people who pose a great danger to
security. In practice, they have employed it against thousands of people, running to tens of thousands over the decades of occupation.

The report also addresses Israel’s derogation from Article 9 of the Covenant, holding that it is extremely disturbing when a state of emergency becomes de facto permanent, as in Israel, since it opens the door to human rights violations becoming a permanent state of affairs.

Though numbers of individuals held under administrative detention had declined generally in recent years, there was a peak recently following the abduction and killing of three Israeli teenagers in the West Bank on 12 June 2014. The escalation of Israel’s military response to these abductions and killings – which Amnesty International has condemned - comes amid continued practices which amount to collective punishment against civilians in the Occupied Palestinian Territories and the unlawful policy of settling civilians in the occupied West Bank. These include arbitrary arrests and detention – with at least 364 Palestinians currently under administrative detention, the highest number in years – as well as an increased number of checkpoint closures and arbitrary restrictions on Palestinians’ right to freedom of movement.12

Amnesty International has also raised concerns about the use of administrative detention against prisoners of conscience and possible prisoners of conscience.

For example Ahmad Qatamesh, a Palestinian, spent over two-and-a-half years in administrative detention without ever having been charged with a recognizable criminal offence or brought to trial. Amnesty International called for his immediate and unconditional release as it considered him a prisoner of conscience, detained solely for the peaceful expression of his non-violent political beliefs. He was finally released on 27 December 2013.13

Similarly, Abd al-Razeq Farraj, a Palestinian, was detained without charge and went on a prolonged hunger strike in protest at his detention and conditions. During the hunger strike, in which around 100 other administrative detainees participated, the Israeli authorities apparently punished hunger strikers by denying them access to their lawyers and families, and doctors of their choice. The mass hunger strike was suspended on 25 June 2014.14

Palestinians Hassan Safadi and Samer al-Barq also participated in a mass hunger strike during 2012. Independent medical examinations conducted in August 2012 found that both men were weak and that they risked death if the hunger strikes continued. Amnesty International called on the Israeli authorities to investigate allegations that these two Palestinian detainees were ill-treated during their hunger strike.15

ISSUES 15, 16 ON TORTURE AND OTHER ILL-TREATMENT

While Amnesty International has not recently researched this issues in depth, the organization remains deeply concerned over continued reliable reports from Palestinian and Israeli NGOs about the use of torture and other ill-treatment or Palestinians undergoing interrogation by the Israel Security Agency (ISA), who appear to enjoy total impunity. Despite the number of complaints of torture and other ill-treatment since the Supreme Court’s judgment of September 1999 (in HCJ 5100/94 Public Committee against Torture in Israel v. the State of Israel) nearing 900, with many others too afraid to complain, not a single
criminal investigation has been opened against an ISA agent for torture or other ill-treatment. Instead, a “preliminary examination” is conducted by the “Inspector of ISA Interrogees’ Complaints”, which, in the absence of independent video-taping or other monitoring of interrogations, pits the complainant’s claims against those of ISA interrogators and always prefers the latter’s statements.

Where ISA interrogators admit to using violence in interrogating Palestinians, this is justified as a “ticking time-bomb” case, as defined by the Supreme Court in the above decision, and, in accordance with its ruling, ISA interrogators are found to be exempt from criminal liability under the “defence of necessity”. Such decision is not taken by a court or following criminal investigation but by the Attorney-General on the recommendation of his attorneys based solely on the Inspector’s “preliminary examination”.

Torture is mostly carried out in closed wings run by ISA within Israeli prisons. Palestinian detainees are held incommunicado for prolonged periods through orders denying them the right to access counsel, blanket denial of visits by families during interrogation, extension of detention by military courts sitting within the prisons and medical care provided by doctors employed by the prison system. It could be up to 14 days before they see a person from outside Israel’s military-security system, a representative from the International Committee of the Red Cross.

Interrogation methods reportedly include sleep deprivation, prolonged and painful cuffing, shackling in contorted positions such as “banana” (being stretched backwards across a chair) and qambaz, or “frog position” (being forced to crouch), threats, curses and humiliations. At times family members are used as an added form of pressure.

Amnesty International is deeply concerned that such methods, which in combination often amount to torture, have been used consistently throughout the year and in increased frequency in the period following the abduction of the three teenagers.

ISSUE 18 ON THE STATE RESPONSE TO VIOLENT ACTS BY ISRAELI SETTLERS

Hundreds of Palestinians have been wounded during attacks by armed Jewish settlers on Palestinians and on their homes, orchards and other property in recent years, sometimes in the presence of Israeli soldiers who either stood by and failed to intervene or actively assisted the settlers. According to the UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 480 Palestinians, including 110 children, were injured as a result of settler violence in the West Bank between January 2011 and December 2013. In Qusra village, south of Nablus, for example, the village council has documented cases of settlers from Esh Kodesh and other nearby unlawful settlements and outposts carrying out dozens of violent attacks on the village and its inhabitants in recent years. According to UN OCHA, 14 Palestinians, including two children, were injured in settler attacks in the village between January 2011 and December 2013. These included attacks in which settlers carried guns and used live fire against Palestinians who sought to resist them.

As a result of this and the complete lack of effective investigations into settler violence against Palestinians, many settlers appear to believe they can attack Palestinians and their property without fearing that the Israeli authorities will stop them or that they will face justice
In practice, setters who commit such attacks do so with near total impunity.

On 2 July 2014 Muhammad Abu Khdeir, a 16-year-old Palestinian resident of Shuafat refugee camp in occupied East Jerusalem, was abducted and murdered, in apparent revenge for the abduction and murder of the three Israeli teenagers. A few days later three Israeli citizens were arrested and are currently awaiting trial for his murder.16

RIGHT TO LIFE (ARTICLE 6)

ISSUE 13 ON THE MILITARY BLOCKADE OF THE GAZA STRIP
In February 2012, Amnesty International joined a statement made by a group of international and European human rights and development organisations, expressing their concern about the deteriorating human rights and humanitarian situation in the occupied Gaza Strip and describing Israel’s closure of the Gaza Strip as collective punishment of 1.7 million Palestinians and a breach of international humanitarian law. In the context of ongoing discussions on European Union (EU) joint policy towards Gaza, the group called on the EU to urge Israel to lift the unlawful closure of the Gaza Strip, and to demand that all parties comply with their obligations under international law.17

Amnesty International has consistently called on the Israeli authorities to immediately lift its blockade on the Gaza Strip, including by allowing the delivery of fuel and other essential supplies into the territory without restrictions. The organization has expressed its concern that intermittently some or all of Gaza’s 1.7 million residents were living without power and in the shadow of a public health catastrophe, when their sole power plant was forced to shut down, causing the failure of several sewerage and water plants.18

ISSUE 14 ON INVESTIGATIONS INTO EXCESSIVE USE OF FORCE BY THE ISRAELI FORCES AGAINST PALESTINIAN CIVILIANS AND DEMONSTRATORS
Amnesty International issued a comprehensive report on the use of unnecessary or excessive force against Palestinian protesters in the occupied West Bank detailing repeated violations by Israeli forces of their obligations under the Covenant and international law more generally, in order to stifle and freedom of expression and peaceful assembly, resulting in a pattern of unlawful killings and injuries to civilians and with virtual impunity due to the authorities’ failure to conduct thorough investigations.19

In August 2013, Amnesty International held that evidence strongly suggested that three men who were shot dead with live ammunition during an arrest raid on a Palestinian refugee camp in the occupied West Bank were unlawfully killed by Israeli forces. Another 19 people, including six children, were injured by live ammunition fired during the raid on Qalandia refugee camp. Five of those wounded, including three children, had injuries to the upper body.20

In March 2014, Amnesty International submitted a written statement to the 25th session of the UN Human Rights Council21, in which it raised the issue of justice, truth and reparations for violations of international humanitarian law, including war crimes, committed by both parties during the conflicts in Gaza and Israel in December 2008-January 2009 and
November 2012. Neither the Israeli authorities nor the Hamas de facto administration in Gaza have conducted independent, impartial and effective investigations or taken serious steps to hold their forces to account, as international law requires, for violations committed during either conflict.

In November 2012, as the conflict escalated between Israel and Palestinian armed groups in Gaza, Amnesty International called for an international arms embargo and for the immediate deployment of international monitors.\textsuperscript{22}

A year after Israeli forces launched Operation “Pillar of Defense” on 14 November 2012 by killing the leader of the military wing of Hamas, following unlawful attacks by both sides in the preceding days, Amnesty International expressed concern that neither side had conducted independent and impartial investigations into the allegations of violations.\textsuperscript{23}

On 8 July 2014, Israel launched Operation “Protective Edge” in the Gaza Strip. By the time the truce of 26 August, which put an end to the 50-day conflict, was declared, according to UN OCHA statistics, at least 2,131 Palestinians had been killed, including an estimated 1,473 civilians of whom 501 were children and 257 women. Thousands of unexploded remnants remain throughout the Gaza Strip and the homes of 108,000 people had been destroyed or severely damaged while 110,000 are internally displaced. Four hundred and fifty thousand people have no access to municipal water due to damage and/or low pressure. Since the 29 July attack by Israel on the only power plant in Gaza, the Strip has been without this key source of electricity.

According to official Israeli sources, Palestinian armed groups fired 4,562 rockets and mortar shells from the Gaza Strip, of which 3,641 exploded in Israeli territory, and 224 fell in built-up areas, while the Iron Dome missile defence system intercepted 735 rockets. There were reports, unconfirmed as yet by Amnesty International, that Palestinian armed groups fired indiscriminate rockets from near hospitals or health facilities, or otherwise used these facilities or areas for military purposes. Of the 71 killed on the Israeli side, six were civilians, including one child; civilian property was also damaged by indiscriminate rockets fired by Palestinian armed groups.

Amnesty International documented a pattern of repeated violations of the Covenant and international law more generally, including war crimes by both sides. Israeli forces killed civilians with missiles that struck them when there had been no apparent activity by Palestinian armed groups in the area. They also deliberately attacked civilian homes without providing justifications which accord with international humanitarian law, as well as attacking medical facilities. Amnesty International’s research identified that attacks had been carried out in violation of the Covenant and international law more generally, including international humanitarian law, in some cases amounting to war crimes. Hamas and other Palestinian armed groups fired hundreds of indiscriminate rockets into Israel in violation of international law. It has also stored munitions in civilian buildings, violating international law and endangering civilians.\textsuperscript{24}
FREEDOM OF MOVEMENT (ARTICLE 12)

ISSUE 21 ON MEASURES TAKEN TO REFRAIN FROM CONSTRUCTING SETTLEMENTS AND THE WALL
Amnesty International has repeatedly stated that Israel’s fence/wall through the occupied West Bank that cuts off Palestinians from their farmland, and the settlements that take over even more lands, are ongoing violations of international law.25

Amnesty International expressed concern over the Israeli government’s announcement that it planned to expand settlements in the West Bank in response to the UN vote on Palestinian statehood. The organization held that this announcement sent a strong signal to the world that the current Israeli government has no respect for human rights and international law.

FREEDOM OF RELIGION, CONSCIENCE AND EXPRESSION, RIGHT TO PEACEFUL ASSEMBLY (ARTICLES 18, 19 AND 21)

ISSUE 23 ON CONSCIENTIOUS OBJECTION
Please see the organization’s work on the case of Arab-Israeli Omar Sa’ad, and the explanation of the “conscience committee” before which individuals are required to argue their case, which is made up of military judicial officers who invariably reject their cases.26

ISSUE 24 ON HUMAN RIGHTS DEFENDERS AND TRAVEL BANS
Amnesty International has continued campaigning on the case of Mordechai Vanunu, who for the last 10 years, since being released from his prison sentence, has been denied rights of freedom of expression, movement and assembly, including by being prevented from leaving Israel. The organization has called on the Israeli government to lift the restrictions against Vanunu as a matter of urgency. The government responded that Vanunu still posed a threat to the state and the travel bans imposed upon him could not be lifted.27

A lawyer with the Addameer Association for Prisoner Support and Human Rights was arrested by the Israeli army on 15 September 2013 at a checkpoint north of Bethlehem in the Occupied Palestinian Territories. Nine days later, he was charged with “membership in the Palestinian Front for the Liberation of Palestine”, an organization which Israel has banned, and “leadership of a committee to organize demonstrations”. He denies both charges. He was released on bail on 23 October, on the orders of a military judge, on the grounds that confessions from other detainees submitted as evidence against him failed to prove he was a security threat. He is still awaiting trial before a military court and if convicted could be imprisoned for up to 18 months. Anas Barghouti should have never been detained and charged in the first place. His case demonstrates the tendency of the Israeli authorities to prosecute activists because of their peaceful work in defence of human rights His release should be a first step towards the authorities ending their harassment of Palestinian human rights defenders.28

Amnesty International is concerned that the Israeli authorities have used bullying and judicial harassment against Nariman Tamimi, a Palestinian rights activist of Nabi Saleh in the
occupied West Bank, who was placed under partial house arrest on 4 July 2013, and then subjected her to restrictions of her movements to prevent her from taking part in peaceful protests. Nariman Tamimi has suffered repeated arrests and raids on her home and her husband, Bassem, has been jailed at least twice for his participation in protests. This is an unrelenting campaign of harassment, which reflects a pattern of violations of Covenant rights against Tamimi, her family and other villagers living in Nabi Saleh who hold regular protests against the imposition of a nearby settlement which has – among other things – appropriated their land. The organization called for the arbitrary restrictions to be lifted immediately and the charges dropped. 29

See also the case of Abdul Razeq Farraj, referred to above under Issues 12 and 17.

PROTECTION OF THE FAMILY (ARTICLE 23)

ISSUE 25 ON THE CITIZENSHIP AND ENTRY INTO ISRAEL LAW
The Israeli Supreme Court has upheld a law that bans most Palestinians who marry Israeli citizens from living in Israel on the grounds that they are an automatic security risk. The law means families with Palestinian spouses cannot enjoy the same citizenship and may no longer be able to live together in Israel thus denying thousands and snatches the right to family life. 30


5 Israel: Israeli army destroys homes for sixth time
7 Stop the transfer: Israel about to expel Bedouin to expand settlements, 8 February 2012, MDE 15/001/2012, http://www.amnesty.org/en/library/info/MDE15/001/2012/en


17 Gaza: The status quo is not an option anymore. The EU must take urgent action to end the continuing closure and impunity in Gaza, 12 February 2014, http://www.amnesty.eu/content/assets/Doc2014/Gaza_Statement_EN.pdf


A year on from deadly Israel/Gaza conflict, the nightmare continues, 14 November 2013,

Amnesty International addressed its concerns in the following outputs:

22 August: News story: Gaza: Hamas must end summary executions as 'informers' face firing squad
22 August: UA: Civilian population of Israel and Gaza at risk, and update on 29 August: Ceasefire, but not yet justice
19 August: News: Human rights access to Gaza imperative amid renewed exchange of fire
17 August: Lines for response: Israeli authorities continue to deny Amnesty International access to Gaza
7 August: Public statement: Evidence of medical workers and facilities being targeted by Israeli forces in Gaza
4 August: News story: Stop US shipment of fuel to Israel's armed forces as evidence of Gaza war crimes mounts
1 August: Briefing: The International Criminal Court must investigate war crimes
1 August: Open Letter: Open letter to the UN Security Council on the situation in Israel and the Occupied Palestinian Territories

31 July: Blog: The bombing only stopped when the sun came out
30 July: Press release: Attack on UN school in Gaza a potential war crime that must be investigated
28 July: Blog: Nowhere is safe – A snapshot of life under the bombs
25 July: Q and A: Israel/Gaza Conflict, July 2014 media Q and A
25 July: Web petition: US government – Stop arming Israel

23 July: Statement to UN Human Rights Concil: The human rights situation in the Occupied Palestinian Territory, including East Jerusalem


26 ‘*I refuse to take an assault rifle and point it at another human being*’, 4 December 2013, [Link](http://www.amnesty.org/en/news/i-refuse-take-assault-rifle-and-point-it-another-human-being-2013-12-04)

Israel: “I will not be fuel to your wars” – Druze conscientious objector punished for his refusal to carry out military service, 11 April 2014, MDE 15/008/2014, [Link](http://www.amnesty.org/en/library/info/MDE15/008/2014/en)


30 *Israeli Supreme Court ruling continues to tear families apart*, 13 January 2012, [Link](http://livewire.amnesty.org/2012/01/13/israeli-supreme-court-ruling-continues-to-tear-families-apart/)