**Report on the Israeli violations of the civil and political rights**

**to the Palestinian civilians in West Bank and Gaza**

**Report from:** Maat Foundation for Peace, Development and Human Rights (holding the Consultative status in the UN ECOSOC)

**Report to:** Human Rights Committee – 123rd session

**State Party:** Israel (Reporting to the List of Issues Prior to Reporting)

**About the NGO**: Maat for Peace, Development, and Human Rights

Maat was established in 2005 as a non-partisan, non-profit civil society organization, the Foundation is registered at the Egyptian Ministry of Social Solidarity under the number 3166 of 2008 amended to 7829 of 2010.Maat is in Consultative Status with the UN Economic and Social Council, is the Chairman and Northern Africa Coordinator in the UN ECOSOC High Level Political Level Forum, the Foundation was the Head of National Network of the Euro-Mediterranean Anna Lindh for the Dialogue Between Cultures, as well as being a founder and member of a broad number of local, international and regional networks and coalitions as the International Alliance for Peace and Development which was establishment on 28th of February 2018 at Geneva in the framework of the 37th session of HRC.

Maat's vision is" A citizen aware of his rights, a homeland based on human rights respect and good governance practices, and a genuine global partnership for peace and sustainable development." Maat has five main working fields:

1. Decentralization and Good Local Governance.
2. Social Peace and Marginalized Groups Development.
3. International Mechanisms to Protect Human Rights.
4. Elections and Supporting Democracy.
5. International Cultural Dialogue and Solidarity for Peace and Development.

**Introduction**

This report observes the Israeli violations of the civil and political rights to the Palestinian citizens in West Bank and Gaza during the previous phase .Those violations are under the jurisprudence of the Human Rights Committee which is fulfilling its role to follow up the commitment of the state parties to the International Covenant on Civil and Political Rights.
In general, the past period witnessed that Israel ,as an occupying power, continues to violate the rights of Palestinian citizens to self-determination and commits more crimes that clearly contravene with the provisions of the International Covenant on Civil and Political Rights and other international instruments in the field of human rights to which the state continues to undervalue the international human rights mechanisms.

Israel as an occupying Power has many obligations under the provisions of the Universal Declaration of Human Rights, The Hague Convention 1907 (Articles 42-57), the Fourth Geneva Convention (Articles 27-34 and 47-78) and the First Additional Protocol to the Geneva Conventions, as well as the obligations stated under the International Covenant on Civil and Political Rights of 1967.

**Israeli violations of the civil and political rights of the Palestinian population in the West Bank and the Gaza Strip**

Israel violated many civil and political rights of the Palestinian population in the West Bank and Gaza Strip from 2014 to 2018. The following are examples of these violations:

1. **Violation of the right to freedom of movement and the imposition of the siege on Palestinians.**

Article 12 of the International Covenant on Civil and Political Rights recognizes in its four paragraphs that every person lawfully within the territory of a State has the right to freedom of movement, freedom to choose his place of residence and the right to leave any country, including his own, and the right of return. Moreover, these rights may not be limited by any restrictions other than those prescribed by law and are necessary to preserve national security in a non-arbitrary form.

During the reporting period, Israel continued its blockade of the Gaza Strip commencing its eleventh year, with further restrictions on the freedom of movement of Gazans to and from the Gaza Strip, resulting in the deterioration of the living conditions of nearly 2 million people in the Gaza Strip. During the period from 2014 to 2018, there has been no structural change in the procedures of the blockade and restrictions imposed in the Gaza Strip despite Israel's claim that it has facilitated the movement of individuals and goods to and from Gaza.

According to the statistics of the "Palestinian Central Bureau of Statistics", the closure of the commercial crossing for the Gaza Strip increased from 34% of 2014 to 37% of 2017. This led to high rates of shortages of goods and the basic needs of the population, especially fuel, building materials and medicines.

The imposition of the blockade has led to a deterioration in the economic and social situation of the population of the Gaza Strip. More than 38% of them live below the poverty line, with unemployment rates rising above 48.6%. In addition to the presence of more than 780 families living homeless according to UNRWA "United Nations Relief and Works Agency "statistics. Israeli restrictions on the supply of construction materials to the Gaza Strip and lack of funding hindered the rebuilding of 17,800 housing units, some of which were severely damaged during the Israeli military assault on the Strip in 2014. About 65,000 people have lost their homes leaving them as asylum-seekers.

When it comes to the West Bank, restrictions on the movement of civilians and goods have continued, with indiscriminate and sudden roadblocks in various parts of the West Bank hindering freedom of movement within the cities. The continued imposition of these restrictions deprives the population of many of their rights, such as denying thousands of students access to their schools or universities and the difficulty of receiving medication for patients as well as the inhuman treatment of the Palestinian population at the crossings by the occupying militaries.

Israel also continued to build the separation wall and the settlements, resulting in a decrease in the agricultural land owned by the population and the illegal confiscation of around 1000 acre of the West Bank lands, which was the umbrella for a wide range of violations of the human rights of the Palestinians on a collective basis which constitutes one of the types of the collective punishment.

1. **Arbitrary arrest or detention, ill-treatment of children and violation of the right to a fair trial.**

Under the articles 2, 9 and 14 of the International Covenant on Civil and Political Rights; States are obliged to ensure that an effective remedy is available for arbitrary detention and that no one shall be deprived of his or her liberty except for reasons recognized by law and must be informed of the reasons for his arrest or detention. Detention shall not be treated as a general rule. In addition to the right of everyone to a fair trial , there is the obligation of the State to treat juveniles appropriately and to allocate a different treatment and rehabilitation to them than that of adults.

Israel has used harsh administrative detention policies for decades to trample on the rights of Palestinian detainees. Israel also violates international law by imprisoning Palestinian detainees inside Israel, in violation of international law that requires their detention within the occupied territories and thus restricting the ability of parents visits to detainees, as well as given Israeli's requirements for visitors to obtain security approvals and entry permits to Israel. A number of Palestinian prisoners have repeatedly gone on a hunger strike in protest against their detention without trial.

Under the Convention on the Rights of the Child, to which Israel is a state party, the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. However, the Israeli army sues hundreds of Palestinian children in military courts for minors each year, often after being arrested in night raids and subjected to systematic ill-treatment, including covering of eyes, threats and harsh interrogations without the presence of lawyers or families, solitary confinement and, in some cases, physical violence.

Currently, there are approximately 350 Palestinian children in Israeli prisons and detention centers, according to local human rights organizations in Palestine. According to DCI "Defense for children International, Palestine", around 500 to 700 Palestinian children from the occupied West Bank stand every year for trials in Israeli military courts for minors based on Israeli military orders, as for the detention and military trial of Ahd al-Tamimi few months ago, which reveals the discriminatory treatment of the Israeli authorities to Palestinian children who dare to confront the ongoing and often brutal repression practiced by the Israeli occupation forces; Ahd now faces a total of 12 charges participated in the past two years, including incitement through social media and crimes related to five other quarrels with Israeli soldiers.

The Israeli security forces continue to arrest children suspected of criminal offenses, usually throwing stones, where they interrogate them without parents or lawyers, force them to sign confessions in Hebrew that they do not understand, and place the Palestinian children in separate places from adults during remanded custody and military trials, however in many cases, children are detained with adults immediately after their arrest.

Secret trials are also the most obvious violation of the right to a public trial. Conducting such trials behind closed doors would render the sentences "invalid". Under international standards for fair trials, trials may be conducted in secret only in exceptional circumstances.

**3-** **Torture and other** **cruel** **ill- treatment**

The pre-mentioned violations are linked to the violations committed by the Israeli occupation forces inside the arrest and detention centers. Some reports have revealed that Israeli soldiers, police officers and Israeli security officers subjected Palestinian detainees, including children, to torture and other ill-treatment with impunity particularly when arrested and interrogated. Methods of torture included beatings, slapping, hand& legs cuffs, sleep deprivation, forcing detainees to remain in painful positions for long periods of time, and other acts of intimidation. The number of complaints lodged by detaineesamounted to more than 1,000, but no criminal investigations were initiated. There were also numerous complaints of torture or other ill-treatment by Israeli police. Where Israeli forces continue to detain more than 7,000 Palestinians in arbitrary arrest and detention centers facing inhuman conditions and cruel ill-treatment.

**4-** **Attacks on workers in the media sector**

In addition to the pre-mentioned violations, Israel also violates the rules on the right of the residents of the occupied territories to express their opinion. They continue their attacks on journalists working for local and international news agencies who work in the occupied territories. They also arrest and detain them on charges of incitement or deportation for foreign reporters. Israel is also confiscating and closing newspapers, where it continues to prevent the printing and publishing of the newspapers Al-Resalah and Al-Ghad and also prevents the broadcasting of several radio stations with various justifications.

It is therefore possible to say that Israeli practices within the occupied territories clearly contravene the international conventions on the rights and freedoms of the inhabitants of the territories under occupation. Israeli forces and settlers have repeatedly violated and abused the rights of the Palestinian people in the West Bank and the Gaza Strip, denying them the most basic rights to live and to move freely within their territory.

**5- Suppression of peaceful rallies of Palestinians demanding the right of return**

In April and May 2018, Palestinians in the Gaza Strip organized legitimate peaceful rallies to demand the right of return and to end the Israeli crimes against them. Israel has faced these peaceful rallies the worst types of aggressive practices where indiscriminate killing of demonstrators was carried out on regular military orders ; thus, those practices should be considered as War crimes where Israeli military commanders and soldiers who ordered the killing of peaceful Palestinian demonstrators must be tried.

As of 23 April 2018, Israel had killed 39 peaceful Palestinian demonstrators and injured more than 5,000 Palestinian demonstrators, 138 of them in critical condition.

The information, received from Palestinian sources, victims and local organizations, indicates that the Israeli occupation forces use internationally prohibited weapons such as explosive bullets, with the aim of causing the greatest number of disabilities to the demonstrators participating in the return marches. The Israeli military forces also deliberately killed the civilians by targeting them directly which is obvious from injuries at the top of the body, specifically the head, neck and chest.

**Recommendations:**

1. To open an international investigation into the crimes committed by Israel and its military forces against the Palestinians during the April and May 2018 return marches and to bring the perpetrators to justice.
2. To immediately cease of any activities that include the imposition of a blockade on the Palestinians or their freedom of movement.
3. To stop the confiscation of land and the construction of the separation wall, and to return the confiscated land to its owners.