

**SUBMISSION BY AL-HAQ TO THE
UNITED NATIONS HUMAN RIGHTS COMMITTEE
ON THE OCCASION OF THE FOLLOW-UP PROCEDURE ON
ISRAEL’S FOURTH PERIODIC REVIEW**

*Al-Haq has special consultative status with the
United Nations Economic and Social Council*

**FOLLOW-UP PROCEDURE OF THE HUMAN RIGHTS COMMITTEE
REGARDING ISRAEL'S VIOLATION AND FAILED IMPLEMENTATION OFARTICLES 1, 2, 4, 6, 7, 9, 10, 12, 14, 17, 24, 26, AND 27 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

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# Introduction

On 21 November 2014, the Human Rights Committee (‘the Committee’), issued its Concluding Observations on the fourth periodic report of Israel on the International Covenant on Civil and Political Rights (ICCPR or ‘the Covenant’). In line with the follow-up procedure of the Committee, Al-Haq herewith submits its report on Israel’s implementation of the four recommendations selected for review, which cover: punitive demolitions, the planning and zoning regime in the West Bank, and the displacement of Bedouins (CCPR/C/ISR/CO/4, para. 9); the ongoing blockade of the Gaza Strip (CCPR/C/ISR/CO/4, para. 12); torture and ill-treatment (CCPR/C/ISR/CO/4, para. 14); and the Israeli juvenile criminal justice system (CCPR/C/ISR/CO/4, para. 19). Since November 2014, Al-Haq has documented a continued deterioration in the human rights situation in the Occupied Palestinian Territory (OPT). Under international law, and in line with the Committee’s long-standing practice, Israel’s obligations under the ICCPR extend to Palestinians in the OPT by virtue of Israel’s prolonged occupation of the territory (CCPR/C/ISR/CO/3, para. 5). Israeli policies and practices in the OPT are in violation of Israel’s duties as Occupying Power under international human rights and humanitarian law, and rise to the level of international crimes.[[1]](#footnote-1)

# Punitive demolitions, planning and zoning regime in the West Bank and displacement of Bedouins (Articles 2, 7, 12, 14, 17, 26, and 27)

In 2014, the Committee called on Israel to immediately put an end to all punitive demolitions (CCPR/C/ISR/CO/4, para. 9(a)). Rather than comply with the recommendation, Israel has instead escalated its policy since 2014. Al-Haq documented 16 punitive demolitions conducted by Israel in 2015, 27 in 2016, and one as of 30 April 2017 in the OPT, including East Jerusalem. In October 2015, the Israeli Security Cabinet passed measures further facilitating the practice, and allowing for the effective confiscation of an accused’s home.[[2]](#footnote-2) The Israeli High Court of Justice has continued to uphold the practice of punitive demolitions over the past two years in contravention of international law, even in cases where the circumstances of an incident were unclear.[[3]](#footnote-3)

As documented by Al-Haq in 2016, Israel conducted three punitive demolitions of the family homes of Ahmad Nassar, 20, Ahmad Abu a-Rob, 19, and Mohammad Kmeil, 21, for their alleged involvement in an attack in Jerusalem on 03 February 2016, during the course of which the three Palestinian youth were shot and killed by Israeli police forces. On 24 February 2016, a demolition was ordered against Ahmad Nassar’s family home. Ahmad Nassar’s younger brother told Al-Haq that the Israeli Occupying Forces (IOF) had arrived at the family home in Qabatia on 4 April 2016 at 1:30 am, where Ahmad lived with his parents and siblings. Within half an hour, the Israeli military bulldozer had completely demolished the family home, located on the second floor of a building, in addition to some of the building’s main columns. This resulted in additional damage to the first floor, which included a store owned by the family. The family homes of Ahmad Abu a-Rob and Mohammad Kmeil were also punitively demolished as collective punishment. With the three young men killed at the scene of the alleged incident, the demolitions only targeted their family members. As a result of these three punitive demolitions, 27 individuals, including 7 children, were displaced. (Al-Haq Affidavit No. 229/2016)

Although the Committee has recommended that Israel “refrain from implementing evictions and demolition orders based on discriminatory planning policies, laws, and practices affecting the Palestinian people”(CCPR/C/ISR/CO/4, para. 9(b)), administrative demolitions of Palestinian homes have also continued during the follow-up period. Al-Haq documented 321 administrative demolitions in the OPT in 2015, 588 in 2016, and 120 as of 30 April 2017. 2016 marked the highest number on record with demolitions in 2017 already keeping pace with the previous year.[[4]](#footnote-4) Al-Haq emphasizes that punitive home demolitions and ‘administrative’ demolitions have operated together since 2014 in a blur of Israeli collective punishment. For example, in January of this year, a resident of Jabal Al-Mukabir carried out a car-ramming against soldiers in an illegal settlement. Within days of the incident, Israel carried out numerous demolitions, including of a horse stable, a barn, and business facilities, and delivered at least 10 notices for other ‘administrative’ demolitions in Jabal Al-Mukabir. [[5]](#footnote-5)

Discriminatory Israeli planning also continues to put indigenous Palestinian Bedouin communities in Area C of the West Bank, notably within the Jerusalem periphery, at risk of forcible transfer. Among these is Abu Nuwar, a community of 110 families of the Arab Al-Jahalin Bedouin tribe. Abu Nuwar is located within the Jerusalem periphery in an area referred to by Israel as E1, which holds strategic significance for the expansion of illegal Israeli settlements.[[6]](#footnote-6) Although the Abu Nuwar community has resided on lands east of Abu Dis since 1964, before the Israeli occupation of the territory, Israel has repeatedly issued ‘administrative’ demolition orders against structures built by the community without a permit. Yet, due to Israel’s discriminatory planning procedures,[[7]](#footnote-7) it is impossible for Abu Nuwar and other Bedouin communities in Area C – falling exclusively under Israeli control as the Occupying Power[[8]](#footnote-8) – to obtain building permits.[[9]](#footnote-9) As a result, the Israeli authorities have left indigenous Palestinian Bedouin communities in the Jerusalem periphery such as Abu Nuwar unable to build “legally” on land they have inhabited for over half a century.

On 11 February 2016, the representative of Abu Nuwar told Al-Haq that his community had been subjected to repeated pressure by the Israeli Civil Administration (ICA) to relocate to an area of Abu Dis known as Khalat Al-Raheb or Bawabat Al-Quds. This is despite their historic refusal to move anywhere but back to their tribal lands in Bir Al-Saba’ in the Naqab Desert, from which they were originally displaced and dispossessed by Israel in the aftermath of the 1948 War. The ICA visited Abu Nuwar on several occasions between April 2015 and January 2016, meeting with each family individually, and offering them financial incentives to relocate and build on the ICA- designated site . The representative of Abu Nuwar told Al-Haq that the ICA attempted to lure the community with services such as water, electricity, and healthcare to which they would have access should they choose to relocate. In a visit to the community around 10 January 2016, the ICA warned that if they did not choose 30 families, out of the 110 families of the tribe, to relocate to the ICA-mandated site within 30 days, the ICA would remove them by force. By early February 2016 none of the families had consented to relocating, and the ICA has not yet forcibly removed them. As such, the representative of Abu Nuwar told Al-Haq that he believes the offer was meant to coerce the families into relocating. (Al-Haq Affidavit No. 93/2016)

Israel’s discriminatory planning and zoning policies, coupled with direct pressure exerted by the ICA on the Bedouin communities to relocate, stands in stark contrast with illegal Israeli settlement activity, which flourishes next to and at the expense of the area’s indigenous Palestinian population. As such, although the Committee has recommended that Israel desist from any actions that may facilitate or result in forcible transfer and forced evictions, particularly of the Bedouin communities in the central West Bank and the eastern Jerusalem periphery (CCPR/C/ISR/CO/4, para. 9(c)), Israel has instead created a coercive environment functioning as a “push factor” for Bedouin communities such as Abu Nuwar to leave.[[10]](#footnote-10)

# Ongoing blockade of the Gaza Strip (Articles 1, 6, 7, and 12)

In its 2014 Concluding Observations, the Committee expressed its concern as to the long-standing Israeli blockade of the Gaza Strip hampering the freedom of movement of all but a limited category of persons able to leave, such as medical referrals (CCPR/C/ISR/CO/4, para. 12). Throughout the follow-up period, the Israeli closure on the Gaza Strip continued to severely restrict the ability of Palestinians to exit Gaza, even in medical referral cases. It is estimated that only about a third of medical referrals from Gaza in 2016 were granted the right to exit the Gaza Strip, and that by January 2017 around 53 per cent of medical referrals were denied the right to leave the Gaza Strip to receive life-saving treatment.[[11]](#footnote-11)

In early 2017, Al-Haq documented the case of Ahmed Shubeir, a young boy who passed away as a result of Israel’s closure on Gaza and his inability to access healthcare.[[12]](#footnote-12) Ahmed, 17, was born with congenital heart disease for which he had been receiving treatment in Israeli and Palestinian hospitals outside of Gaza since he was a child. In late 2015, it was determined that he would require surgery in Jerusalem. After several delays by the IOF, his surgery date was set for 10 September 2016. Despite his deteriorating health condition, the IOF banned him from travelling under the guise of “security.” In October 2016, Ahmed was summoned by the Israeli intelligence services. During a nearly seven-hour-long interrogation, he was strip-searched and had all of his medicines taken away from him. An Israeli intelligence officer said to him: “we know that your health condition is very difficult and we are ready to [...] give you the best doctors in exchange for your cooperation with us.” Ahmed refused to provide the officer with information about his neighbours, acquaintances, and family members, telling him that he preferred to die rather than to become a collaborator. As Ahmed’s condition continued to deteriorate, surgery dates were rescheduled by the hospital in the hopes that he would receive permission to travel. Instead, Ahmed’s mother was summoned by the IOF. After being strip-searched herself, the IOF offered for her to become a collaborator in exchange for her son’s treatment, which she also refused. Although human rights organizations and the World Health Organization intervened in Ahmed’s case and urged Israel to allow Ahmed to travel, the travel ban was not lifted and Ahmed passed away on 14 January 2017. (Al-Haq Affidavit No. 30/2017)

Al-Haq has also documented cases in which Israel not only denied patients from leaving Gaza to receive treatment, but also arrested and detained them when attempting to exit, and without immediately informing their family members of their whereabouts. For example, Mohammad Abu Odeh, 33, a Gaza fisherman and father of three, had been suffering from cartilage in the fourth and fifth vertebrae and from narrowing of the spinal canal for five years. In early 2016, Mohammad’s doctors in Gaza determined that he would need surgery for which they recommended a medical referral for treatment outside of the Gaza Strip. His medical referral was approved and Mohammad presented himself at Beit Hanoun “Erez” Border Crossing on 28 March 2016 in the company of his father, Kamel Abu Odeh. After undergoing Israeli search procedures, an Israeli officer made them wait for an hour and a half. Then, two members of the Israeli security approached them in civilian clothing and asked Mohammad to accompany them with his suitcase to another part of the Crossing. After a seven-hour-long wait, an Israeli security officer approached Kamel again, gave him back his identity document without his travel permit, and ordered him to return to Gaza without his son. He told Kamel that his son was still undergoing a number of procedures, but reassured him that the authorities would allow him to return to Gaza within half an hour. Kamel returned to his home in Rafah, but did not hear from his son all evening. The following day, the Gaza District Coordination Office informed Kamel that his son had been arrested. Mohammad Abu Odeh was subsequently detained for 18 days in Ashkelon prison under the pretext of security-related charges. (Al-Haq Affidavit No. 238/2016)

The cases of Ahmed Shubeir and Mohammad Abu Odeh are not isolated. Overall, the Israeli authorities’ denial of travel in certain medical referral cases, recurrent pressure exerted on patients and their family members to collaborate in exchange for medical treatment, and arbitrary arrests of patients seeking treatment outside of the Gaza Strip amount to a violation of Article 7 of the ICCPR in respect of the patients and their families. Such practices may even amount to a violation of Article 6 insofar as they lead to the death of the patient, such as in the case of Ahmed Shubeir. Last, Israel blanketly violated Article 12 of the ICCPR through its closure of Gaza. As such, Israel has not complied with the Committee’s recommendation to ensure that any restrictions on the movement of civilians and goods from, within, and into the Gaza Strip are consistent with the Covenant (CCPR/C/ISR/CO/4, para. 12(b)).

# Torture and ill-treatment (Articles 4 and 7)

Torture is yet to be criminalized and penalized in the Israeli legal system, facilitating institutionalized torture. The prohibition of torture and ill-treatment under Article 7 of the ICCPR is absolute and cannot be subject to derogation under Article 4. Since 1947, Israel has declared a prolonged State of emergency extending the powers and functions of its security forces in a manner that allows for torture and ill-treatment of Palestinians. Although the Israeli Knesset proposed a new law in 2016 at an attempt to “criminalise” torture, both Palestinian and Israeli human rights organizations believe that the law will contain loopholes in favour of the Shin Bet and other security forces. Israel has recently escalated its use of force towards Palestinians under the pretext of necessity and has also tortured several Palestinian citizens within the confines of an Israeli interrogation room and in their homes.[[13]](#footnote-13)

Israeli practices amounting to torture and ill-treatment of Palestinians in the OPT have continued during the follow-up period. Al-Haq has documented a number of cases of physical and psychological torture enacted by Israeli security forces against Palestinians. The case of Sakhir Mohammad Nayif Shafi’, 22, is exemplary of the abuse used by Israeli forces against Palestinians. Sakhir, a resident of Alfara’ refugee camp in the province of Tubas, woke up on 19 August 2014 to rifles hitting his body. Twenty Israeli soldiers had raided his home, then dragged him from his bedroom into the living room. The IOF continued hitting him with their weapons, and also hit and stepped on his face. Sakhir fell to the ground, severely bleeding. Without asking him for his name or any other questions, the Israeli soldiers searched his house, destroyed furniture, hit the walls with a large hammer, and directed degrading insults at Sakhir. Sakhir passed out and fell to the ground as a result of his injuries. He woke up to a soldier injecting him with an unknown substance. Once he regained consciousness, Sakhir was dragged to his room and forced to find his ID card. Around 3:30 am, the IOF blind-folded and handcuffed Sakhir, and dragged him out of his house wearing only his underwear. Sakhir was then taken to another house in the Alfara’ refugee camp where he was interrogated. Sakhir was then transported to the Israeli prison of Majdo in the West Bank city of Jenin. He was left without medical care or treatment for four days, despite his wounds and the illness he contracted as a result of being forced outside in the cold while undressed. Sakhir was sentenced to 6 months in prison for throwing stones. He was released on 14 January 2015. (Affidavit No. 10505/2015)

# Juvenile criminal justice system (Articles 2, 7, 9, 10, 14, and 24)

 Israel applies a dual and discriminatory justice system for Palestinian youth in the West Bank. Jewish settlers living in illegal settlements in the West Bank are subject to Israeli domestic law, while Palestinians living in the West Bank are subject to Israeli military rule. Palestinians in East Jerusalem are subject to Israeli domestic law. This system, and how it is practically implemented, allows the ICA and the Israeli Government to target Palestinian youth in the OPT, in violation ofArticle 24 of the ICCPR. During the follow-up period, Israel has continued to convict and detain Palestinian children in military and regular courts in processes that lack basic due process and fair trial procedures. As of May 2017, there are 300 Palestinian minors [[14]](#footnote-14) detained in Israeli prisons, where they are often detained under conditions that violate Article 10(2)(b) of the ICCPR.

In general, Israel continues to use juvenile arrest and detention as a method to instill fear in and control over the protected Palestinian population. In September 2015, for example, the Israeli Security Cabinet increased punitive measures against stone-throwers, where Palestinians between the ages of 14 and 18 may now face an excessive and disproportionate minimum sentence of 3 years with a maximum punishment of up to 15 years for throwing stones.[[15]](#footnote-15) In 2016, Israel also changed its domestic law on child sentencing to be in line with military law, thereby allowing Israel to imprison minors as young as 12 years old. The amendment seemingly was made to target Palestinian youth Ahmed Manasara.[[16]](#footnote-16)

Detained Palestinian youths are often denied the right to communicate with their parents, are interrogated without the presence of their parents or legal guardians, and family members are often denied information regarding the whereabouts of their child or the charges against him or her. For example, in 2015 Al-Haq documented the case of Ahmad Al-Rishq, a fifteen-year-old resident of Silwan in East Jerusalem. On 30 March 2015 at 4:00 p.m., Ahmad was walking back home with his two brothers, all minors, when his way was obstructed by masked Palestinian youth clashing with Israeli forces. Seeing him in the vicinity of the clashes, Israeli forces started running after Ahmad and shooting rubber bullets at him. He tried to hide in a clothing shop, but was found by the IOF. An Israeli soldier twisted Ahmad’s arm behind his back, shouted at him, and insulted him. A second Israeli soldier punched and slapped Ahmad in the face. Ahmad told them that he had nothing to do with the clashes and that he had not thrown any rocks at them. Ahmad was then transported in an IOF vehicle to Salah al-Din police station. Although Ahmad asked to call his parents while in the car, his request was denied. At the police station, Ahmad waited for 3 hours before Israeli officers approached him with documents that stated the names of his parents and asked him to list the names of his siblings by age. Ahmad waited for another couple of hours before an Israeli officer gave him papers in Hebrew, and told him he would not be able to go home before he signed them. Ahmad requested a translation of the document, as he did not understand Hebrew, but was not granted one. He was instead insulted and pressured into signing the document. By the time Ahmad was released, it was too late to find any transportation back home. A police car transport him to a neighbourhood near his home, and forced him to walk the rest of the way. Ahmad arrived home around 12 am. As a result of the incident, Ahmad suffers from anxiety and pain in his neck and shoulders. He is also afraid of leaving the house. (Affidavit No. 10596/2015)

# Conclusions and Recommendations

Israel has not implemented any of the recommendations the Committee has selected for its follow-up procedure, and instead persists in its unlawful policies and practices which target the occupied Palestinian population. In view of the above finding, Al-Haq recommends that:

* 1. Israel be held accountable for its violations of international human rights and humanitarian law in the OPT;
	2. Israel lift its ten-year-long closure of the Gaza Strip;
	3. Israel put an end to its fifty-year occupation of Palestinian territory.
1. Al-Haq, “East Jerusalem: Exploiting Instability to Deepen the Occupation” (Al-Haq 2015), page 46, available at: <http://www.alhaq.org/publications/Special.Focus.on.jerusalem.pdf>. [↑](#footnote-ref-1)
2. The measures state “no new construction will be permitted at the site where a terrorist's home has been demolished” and that the “The property of terrorists who perpetrate attacks will be confiscated.” *See* Israel Ministry of Foreign Affairs, “Security Cabinet approves anti-terror measures” (13 October 2015), available at: <http://mfa.gov.il/MFA/PressRoom/2015/Pages/Security-Cabinet-approves-anti-terror-measures-13-Oct-2015.aspx>**.** [↑](#footnote-ref-2)
3. In one incident, for example, a judge issued a dissenting opinion highlighting the insufficient administrative evidence that the individual had indeed committed a car-ramming. *See* HaMoked, “The HCJ approves the punitive demolition of a home in Hebron, as “we must promote deterrence also in this manner”” (29 February 2016), available at:

<http://www.hamoked.org/Document.aspx?dID=Updates1678>. [↑](#footnote-ref-3)
4. UN OCHA, “Record number of demolitions in 2016; casualty toll declines” (29 December 2016), available at:<https://www.ochaopt.org/content/record-number-demolitions-2016-casualty-toll-declines>. [↑](#footnote-ref-4)
5. Al-Haq, “Field Report: Collective Punishment in Jabal Al-Mukabir” (25 January 2017), available at: <http://www.alhaq.org/documentation/weekly-focuses/1097-field-report-collective-punishment-in-jabal-al-mukabir>. [↑](#footnote-ref-5)
6. UN OCHA, “Bedouin Relocation: Threat of Displacement in the Jerusalem Periphery” (September 2011), available at:

<https://www.ochaopt.org/documents/ocha_opt_bedouin_factsheet_october_2011_english.pdf>. [↑](#footnote-ref-6)
7. Al-Haq, “PHROC Raises Serious Concerns Regarding the Development of Master Plans Requiring Israeli Approval in Area C of the West Bank” (31 December 2014), available at:

<http://www.alhaq.org/advocacy/targets/european-union/884-phroc-raises-serious-concerns-regarding-the-development-of-master-plans-requiring-israeli-approval-in-area-c-of-the-west-bank>. [↑](#footnote-ref-7)
8. The 1993 Oslo Accords split the West Bank into three areas of which Area C was to be subject to a gradual transfer of power from Israel to the Palestinian Authority. In 2000, this process was frozen and Israel maintains as of yet full military and civil control, including control over building and planning, in Area C. See, for example, UNRWA, “West Bank – Area C: Herders Fact Sheet 2010”, available at:

<https://unispal.un.org/DPA/DPR/unispal.nsf/1ce874ab1832a53e852570bb006dfaf6/9b8154497a585d36852578af00522589?OpenDocument>. [↑](#footnote-ref-8)
9. UN OCHA, “Humanitarian Bulletin: occupied Palestinian territory, February 2017” (11 March 2017), page 3, available at: <https://www.ochaopt.org/content/monthly-humanitarian-bulletin-february-2017>. [↑](#footnote-ref-9)
10. UN OCHA, “Bedouin communities at risk of forcible transfer” (September 2014), available at: <https://www.ochaopt.org/documents/ocha_opt_communities_jerusalem_factsheet_september_2014_english.pdf>. [↑](#footnote-ref-10)
11. Medical Aid for Palestinians, “Palestinian child, 5, dies after being denied Gaza exit for medical treatment” (05 May 2017), available at: <https://www.map.org.uk/news/archive/post/650-palestinian-child-5-dies-after-being-denied-gaza-exit-for-medical-treatment>. [↑](#footnote-ref-11)
12. Al-Haq, “Al-Haq Statement on World Health Day” (07 April 2017), available at: <http://www.alhaq.org/advocacy/topics/civil-and-social-rights/1116-al-haq-statement-on-world-health-day>. [↑](#footnote-ref-12)
13. Chaim Levinson, “Torture of Palestinian Detainees by Shin Bet Investigators Rises Sharply” (06 March 2015), available at: <http://www.haaretz.com/israel-news/.premium-1.645587>. [↑](#footnote-ref-13)
14. This is according to statistics collected by Addameer, the Palestinian Prisoner Support and Human Rights Association, available at: <http://www.addameer.org/statistics>. [↑](#footnote-ref-14)
15. Al-Haq, “East Jerusalem: Exploiting Instability to Deepen the Occupation” (Al-Haq 2015), page 25, available at: <http://www.alhaq.org/publications/Special.Focus.on.jerusalem.pdf>. [↑](#footnote-ref-15)
16. Notably, a video-tape of Manasara being interrogated without the presence of a lawyer or family member was leaked, where Manasara was in clear distress. See: https://www.youtube.com/watch?v=95PAhmof0OQ See also: New Israeli law allows children as young as 12 to be jailed, DCI, 16 August 2016, available at:

 http://www.dci-palestine.org/new\_israeli\_law\_allows\_children\_as\_young\_as\_12\_to\_be\_jailed [↑](#footnote-ref-16)