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### **Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

## **Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem**

### **Report of the Secretary-General\*\***

#### *Summary*

Submitted pursuant to General Assembly resolution [74/89](#), the present report examines Israeli practices affecting the human rights of Palestinians in the Occupied Palestinian Territory, including East Jerusalem. It covers the period from 1 June 2019 to 31 May 2020.

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\* [A/75/150](#).

\*\* The present report was submitted after the deadline in order to include the most recent information.



## I. Introduction

1. Submitted pursuant to General Assembly resolution [74/89](#), the present report covers the period from 1 June 2019 to 31 May 2020. It is based on monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and on information collected by other United Nations entities and non-governmental organizations, as well as other sources. It should be read in conjunction with the report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, and the reports of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council at its forty-third session.<sup>1</sup>

2. Through trends and cases documented by OHCHR, the report illustrates the multiple obstacles to the enjoyment of human rights in the Occupied Palestinian Territory stemming from Israeli policies and practices. Owing to space constraints, the report does not address all issues of concern, nor does it address all cases documented during the reporting period. Developments related to settlement construction and related violations of international law are described in the report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory.

## II. Legal framework

3. International human rights law and international humanitarian law apply concurrently in the Occupied Palestinian Territory. A detailed analysis of the applicable legal framework can be found in the report of the Secretary-General to the Human Rights Council at its thirty-fourth session.<sup>2</sup>

## III. Implementation of General Assembly resolution [74/89](#)

4. The human rights situation in the Occupied Palestinian Territory remained dire. During the reporting period, 83 Palestinians (79 male, 4 female), including 17 children, were killed and 7,958 injured by Israeli Security Forces (ISF), and four Israelis, including one child (a girl), were killed and 107 injured by Palestinians. Of the Palestinians killed, 61 were in Gaza and 22 in the West Bank, including East Jerusalem. Most incidents monitored by OHCHR raised serious concerns about excessive use of force by ISF,<sup>3</sup> in some cases possibly amounting to arbitrary deprivation of life, including extrajudicial execution.<sup>4</sup> Lack of accountability for excessive use of force and other violations by ISF remained pervasive.<sup>5</sup>

### A. Conduct of hostilities

5. Palestinian armed groups reportedly fired 548 rockets and 170 mortar rounds towards Israel, and ISF fired 486 missiles and 118 shells into Gaza.<sup>6</sup> There were three

<sup>1</sup> [A/HRC/43/21](#), [A/HRC/43/70](#) and [A/HRC/43/67](#).

<sup>2</sup> [A/HRC/34/38](#), paras. 3–12.

<sup>3</sup> The term “excessive use of force” is used in the present report to refer to incidents in the context of law enforcement operations where force was not used in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). These may entail situations in which force was used unnecessarily and/or disproportionately and/or in pursuit of an illegal law enforcement objective and/or in a discriminatory manner.

<sup>4</sup> See sect. III.B below.

<sup>5</sup> [A/HRC/43/21](#).

<sup>6</sup> United Nations, Department of Safety and Security.

serious escalations in hostilities between Israel and Palestinian armed groups. As a result, 16 Palestinian civilians were killed, including three women and eight children,<sup>7</sup> and 127 Palestinians were injured.<sup>8</sup> Nine Israeli civilians were injured by rockets fired indiscriminately from Gaza. During one escalation, following the targeted killing of a Palestinian Islamic Jihad military leader in Gaza on 12 November 2019, heavy exchange of fire between Palestinian armed groups and ISF lasted until 14 November 2019 and killed 36 Palestinians, including 16 civilians and 20 members of armed groups. In one incident, on 14 November 2019, the Israeli Air Force struck two houses belonging to an extended family in Deir al-Balah with at least four missiles, killing nine individuals, including five children and two women, and injuring 12 others, including 11 children. In a statement issued following an internal review of the incident, the Israeli military said that, while militant activity had taken place at the targeted site in the past, including during the November 2019 escalation, it was not an area from which the public was excluded and there had in fact been civilians present at the time of the strike.<sup>9</sup> This incident raises serious concern about a failure by Israel to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury of civilians and damage to civilian objects, in accordance with international humanitarian law.<sup>10</sup> Concerns also remain regarding the indiscriminate launching of rockets and mortar shells towards Israel by Palestinian armed groups in Gaza. Incendiary balloons were also launched towards Israel from Gaza, with some reportedly damaging lands and crops in Israel.

## **B. Excessive use of force by Israeli security forces in the context of law enforcement**

6. The Secretary-General has repeatedly expressed serious concern about possible excessive use of force by ISF against Palestinians in the context of law enforcement operations.<sup>11</sup> In Gaza, Palestinians continued to be killed and injured in the context of “Great March of Return” demonstrations along the Gaza-Israel fence, although the number of such incidents decreased compared with the previous reporting period, partly as a result of the suspension of the weekly demonstrations in December 2019.<sup>12</sup> ISF killed 10 Palestinians, including four children, at the fence, and injured some 850 Palestinians with live ammunition, including 287 children.<sup>13</sup> Some of those injured sustained permanent disabilities. In the vast majority of the incidents monitored by OHCHR in which ISF killed or injured demonstrators, victims did not seem to represent an imminent threat of death or risk of serious injury to anyone.

7. Media reports surfaced starting in July 2019 suggesting that the open-fire regulations of ISF governing the use of force in the context of the “Great March of Return” demonstrations had been revised to instruct soldiers to shoot primarily below the knee after it had emerged that in many cases firing at the lower limbs above the knee had caused death.<sup>14</sup> These reports continued to surface notwithstanding the

<sup>7</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR) monitoring.

<sup>8</sup> United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>9</sup> Israel Defense Forces, “Summary of ‘Black Belt’”, 24 December 2019.

<sup>10</sup> International Committee of the Red Cross, “Practice relating to rule 15”, customary international humanitarian law database (IHL database), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule15](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule15).

<sup>11</sup> A/74/468, paras. 10–11; A/73/420, para. 48; and A/72/565, para. 13.

<sup>12</sup> A/74/468, para. 11.

<sup>13</sup> Information provided by OHCHR and the United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>14</sup> B’Tselem, “After the supreme court praised the open-fire policy, the military admits: we killed protestors for no reason”, 24 July 2019; [www.ynet.co.il/articles/0,7340,L-5569938,00.html](http://www.ynet.co.il/articles/0,7340,L-5569938,00.html); Amos Harel, “Israel takes tactical risk in Gaza to serve strategic goal”, *Haaretz*, 19 September 2019; and A/HRC/43/21, para. 35.

Military Advocate General of Israel denying, in a letter addressed to the Association for Civil Rights in Israel in August 2019, that any change or revision of the instructions provided to soldiers at the fence had occurred since the beginning of the large-scale demonstrations in March 2018.<sup>15</sup> OHCHR continued documenting the persistence of injuries to the upper limbs or torso which, in certain cases, had caused death. For instance, on 4 October 2019, ISF killed a 28-year-old demonstrator, Hamdan Ayish, shooting at his chest with live ammunition, while he was standing around 150 metres from the fence, east of Jabalia. According to eyewitnesses, ISF fired tear gas and rubber-coated bullets at paramedics who attempted to rescue him. On 11 October 2019, 14-year-old Alaa El A'basi was hit in the back of his head with a tear gas canister 300 metres from the fence, east of Khan Younis. His skull was shattered, leaving him a quadriplegic until he died, on 31 January 2020.

8. In the West Bank, including East Jerusalem, ISF killed 22 Palestinians, including four children. Three of the victims, including one child, were killed in the context of demonstrations, 10 during search and arrest operations and nine during attempted or alleged attacks by Palestinians against ISF or settlers. Several incidents raised concerns that ISF had used excessive and, in some cases, entirely unnecessary force, in some cases possibly amounting to arbitrary deprivation of life, including extrajudicial execution. On 30 May 2020, ISF killed Iyad Hallaq, an autistic 31-year old Palestinian who was walking from his home in the Wadi al-Jawz neighbourhood to a vocational training centre for persons with special needs in Jerusalem's Old City. According to eyewitnesses, ISF shot him more than once with live ammunition in the upper part of the body as he was lying on the ground, hiding in a dumpsite, having panicked when ISF shouted at him. While the police claimed to have believed he was armed, he was not carrying any weapon or posing any threat when he was shot.<sup>16</sup> The Police Internal Investigations Department opened an investigation into the killing. On 13 May 2020, in Al-Fawwar refugee camp, in Hebron, ISF killed Zaid Qaisiya, a 17-year-old Palestinian. ISF was retreating following an arrest operation, responding to the throwing of stones and Molotov cocktails by Palestinians, and shot him in the head with live ammunition as he reached the rooftop of a four-story building 200–300 metres away. According to multiple witnesses interviewed by OHCHR, the victim was not involved in any confrontation when or before he was shot.

9. Under international human rights standards, the use of potentially lethal force for law enforcement purposes is an extreme measure which should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat.<sup>17</sup> Many of the incidents reported above raise concerns regarding excessive use of force in violation of international human rights standards in certain cases, possibly resulting in arbitrary deprivation of life. Only in rare cases did Israeli authorities announce the opening of military investigations.<sup>18</sup> During the reporting period, only one conviction was recorded, on 29 October 2019, for the killing of a 14-year old Palestinian during the Gaza demonstrations. The perpetrator, a soldier, was sentenced to one month in prison, which was commuted to military-related labour.<sup>19</sup> The Secretary-General and the High Commissioner for Human Rights have

<sup>15</sup> Letter dated 15 August 2019 from the Military Advocate General to the Association for Civil Rights in Israel. See also Hilo Glazer, "'42 knees in one day': Israeli snipers open up about shooting Gaza protesters", *Haaretz*, 6 March 2020.

<sup>16</sup> OHCHR, "Israeli security forces yet again use lethal force against a Palestinian not presenting an imminent threat of death or serious injury, killing him", press statement, 2 June 2020.

<sup>17</sup> Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 12; and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

<sup>18</sup> As at 30 July 2019, military police investigations had been opened only for the killing of 13 Palestinians during the "Great March of Return". [A/HRC/43/21](#), para. 24.

<sup>19</sup> [A/HRC/43/21](#), para. 25.

repeatedly expressed concern over the lack of accountability for excessive use of force by ISF against Palestinians.<sup>20</sup>

### C. Detention and ill-treatment

10. Concerns about arbitrary detention by Israeli authorities persisted. As at 31 May 2020, 4,236 Palestinians, including 27 women and 142 children (all boys), were in Israeli detention on alleged security offences, a decrease from 5,106 (including 34 women and 201 boys) as at 31 May 2019.<sup>21</sup> Most Palestinian detainees and prisoners continued to be held inside Israel. The transfer of protected persons, including those accused of offences, to the territory of the occupying Power is prohibited under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) of 1949 and has a negative impact on the right of the detainees to receive visitors, especially relatives, who reside in the West Bank and Gaza.<sup>22</sup>

11. The practice of administrative detention by Israeli authorities remained of serious concern,<sup>23</sup> with 352 Palestinians, including one woman and two children, held in administrative detention as at 31 May 2020.<sup>24</sup> Administrative detention is permitted only in the most exceptional circumstances and subject to strict safeguards to prevent arbitrariness.<sup>25</sup> Administrative detention continued to be used against journalists and human rights defenders.<sup>26</sup> For instance, on 19 April 2020, ISF arrested Mohammad Izghayyer, a human rights defender with Youth against Settlements in Hebron, and, by a 4 May 2020 decision of a military court, placed him under administrative detention for four months.<sup>27</sup> Mr. Izghayyer, who had been acquitted of charges of stone throwing and organizing illegal demonstrations, had previously been under administrative detention, from 3 May to 2 September 2019, following a court decision based on a secret file to which neither he nor his lawyer had access. The Secretary-General and the High Commissioner for Human Rights have repeatedly condemned and called on Israeli authorities to end administrative detention for inordinately lengthy periods as a factor perpetuating arbitrary detention of Palestinians.<sup>28</sup> According to the Committee against Torture, this practice may also amount to a form of ill-treatment.<sup>29</sup>

12. Hundreds of Palestinian prisoners in Israel joined three separate mass hunger strikes to protest against punitive measures (including solitary confinement) and demand an improvement in detention conditions. In addition, 10 detainees, including one woman,<sup>30</sup> pursued individual hunger strikes against their administrative detention. In some cases, prolonged hunger strikes generated severe health deterioration, and

<sup>20</sup> Ibid., para. 20; [A/72/565](#), paras. 51 and 58; and [A/73/420](#), para. 57.

<sup>21</sup> [A/74/468](#), paras. 16–17. Data provided by the Israeli Prison Service to B'Tselem. The figures refer to a head count of prisoners at a given time and do not reflect the overall number of prisoners arrested and released in a given period.

<sup>22</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), arts. 27, 49 and 116.

<sup>23</sup> [A/HRC/43/70](#), paras. 55–56.

<sup>24</sup> As at 31 May 2019, there were 485 administrative detainees, including one woman. Data provided by the Israeli Prison Service to B'Tselem.

<sup>25</sup> International Covenant on Civil and Political Rights, art. 9; Fourth Geneva Convention, art. 78; and Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, paras. 15 and 64.

<sup>26</sup> [A/HRC/43/70](#), para. 52.

<sup>27</sup> OHCHR monitoring.

<sup>28</sup> [A/69/347](#), paras. 29 and 83; [A/HRC/37/42](#), para. 17; and [A/HRC/34/38](#), para. 56.

<sup>29</sup> [CAT/C/ISR/CO/4](#), para. 17; and [CAT/C/ISR/CO/5](#), paras. 22–23.

<sup>30</sup> Information provided by the Palestinian Prisoners' Commission and the Palestinian Prisoners' Club.

four detainees were hospitalized in critical condition. The Palestinian Prisoners' Commission and the Palestinian Prisoners' Club raised concerns about medical negligence and reported that measures such as solitary confinement were enforced by the Israel Prison Service to punish or pressure hunger strikers.<sup>31</sup>

13. The consequences of the coronavirus disease (COVID-19) pandemic on Palestinian prisoners also raised concerns. On 8 March 2020, the Minister of Public Security of Israel ordered the Israel Prison Service to put a freeze on visits to prisoners by lawyers and family members. This had a particular impact on Palestinians imprisoned for security offences who, even under normal circumstances, are denied access to phone calls. Most restrictions remained in force at the end of the reporting period, notwithstanding several petitions filed by human rights organizations. Only tightly regulated phone calls were allowed for children and women, and access by lawyers was later authorized in exceptional circumstances. On 20 March 2020, the Minister of Public Security of Israel authorized the release of some 500 prisoners to house arrest to ease overcrowding and reduce the risk of infection. This decision did not include Palestinians from the West Bank and Gaza detained or imprisoned for security offences, including those in pretrial detention, notwithstanding the general calls made by the High Commissioner for Human Rights and the Executive Director of the United Nations Children's Fund.<sup>32</sup> The Palestinian Prisoners' Commission raised concerns about the lack of adequate medical and hygiene supplies, while inmates reportedly organized protests in March 2020.

14. Extremely concerning cases of possible torture and ill-treatment of Palestinians in Israeli detention were documented during the reporting period. In the aftermath of the Ein Bubin attack of 23 August 2019, in which a 17-year-old Israeli girl was killed and her father and brother injured when a homemade bomb exploded near a spring in the vicinity of the Dolev settlement,<sup>33</sup> Israeli authorities arrested a series of individuals suspected of being linked to the attack or with organizations allegedly involved in its preparation, particularly the Popular Front for the Liberation of Palestine.<sup>34</sup> Dozens were arrested and many reported through their lawyers that they were systematically subjected to ill-treatment in detention. "Special interrogation methods" were reportedly used by the Internal Security Agency, based on internal guidelines previously approved by the Attorney General and upheld by the High Court of Justice.<sup>35</sup> In many of the cases, detainees were kept in incommunicado detention, not allowed to meet with even their lawyers.

15. For instance, Samer Al A'rbeed was arrested twice, in August 2019 and on 25 September 2019, and allegedly subjected to severe torture and ill-treatment while in detention. The ill-treatment allegedly continued despite a court order to take him to a doctor and have a medical check undertaken on 26 September. On 27 September 2019, he was hospitalized with life-threatening injuries, with fractures to 11 ribs and

<sup>31</sup> See <http://cda.gov.ps/index.php/ar/2017-05-23-08-02-54/17-ar-blog-news/7204-470-2020>; and [www.facebook.com/ppsmo/photos/a.273555462709160/2714682495263099/?type=1&theater](https://www.facebook.com/ppsmo/photos/a.273555462709160/2714682495263099/?type=1&theater).

<sup>32</sup> OHCHR, "Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet", 25 March 2020; and Henrietta Fore, Executive Director of the United Nations Children's Fund (UNICEF), "Children in detention are at heightened risk of contracting COVID-19 and should be released", statement, New York, 13 April 2020.

<sup>33</sup> Yotam Berger, Yaniv Kubovich and Jack Khoury, "17-year-old Israeli murdered in West Bank terror attack; father and brother wounded", *Haaretz*, 23 August 2019.

<sup>34</sup> Yaniv Kubovich, Hagar Shezaf and Jack Khoury, "Shin Bet: dozens of Palestinian faction members arrested for planning West Bank terror attacks", *Haaretz*, 18 December 2019.

<sup>35</sup> On 26 November 2018, the High Court of Justice upheld the legality of the guidelines and widened the circumstances in which "special interrogation methods" can be used against suspected terrorists. Israel, High Court of Justice, *Firas Tbeish v. Attorney General*, Case No. HCJ 9018/17, Judgment, 26 November 2018. See also [A/74/468](#), para. 16.

muscle decomposition that led to kidney failure and damage to his lungs.<sup>36</sup> He was denied contact with his lawyer for 35 days, with the ban approved by the High Court of Justice. On 15 December 2019, a military court indicted Mr. Al A'rbeed on 21 counts, including for his alleged role in the Ein Bubin attack. During initial hearings on 17 February 2020, his lawyer raised preliminary arguments on the inadmissibility of any confession extracted through torture. The Ministry of Justice of Israel announced the opening of a preliminary examination into alleged ill-treatment of Mr. Al A'rbeed.<sup>37</sup> At the end of the reporting period, no announcement had been made about the outcome.

16. Another person arrested in the wake of the Ein Bubin attack was Mays Abu Ghosh, a journalism student at Birzeit University. She was arrested on 29 August 2019 and allegedly repeatedly subjected to physical and psychological torture and ill-treatment for a month, including slapping, stress positions, lengthy interrogation sessions, deprivation of sleep and repeated threats to the security of her person, including the threat of sexual violence, and her family. While she had informed the judge of her treatment while in detention, according to her lawyer, this information was removed from the Court's records. Convicted on 3 May 2020 on the basis of a plea bargain, she was sentenced to 16 months of imprisonment on charges of membership of an unlawful association<sup>38</sup> and "making contacts with the enemy" in relation to her participation in a conference in Lebanon. In its decision, the Court stated that there were "significant evidentiary difficulties concerning the interrogations of the defendant and other detainees who incriminated her" and noted that those difficulties could harm the weight given to the confessions and would possibly harm their admissibility.

17. On 26 August 2019, ISF raided the house of Qassam Shibli and allegedly heavily beat him before arresting him. He was taken to hospital with serious injuries to his legs and genitals, then transferred to the Russian Compound interrogation centre in Jerusalem, where he was kept in incommunicado detention for 80 days, with no access to a lawyer. He reported being subjected to heavy beatings, stress positions and denial of basic hygiene needs. He also reported being psychologically ill-treated, having to witness the detention and interrogation of his family members.<sup>39</sup> On 15 December 2019, he was charged with 20 crimes, including for alleged involvement in the Ein Bubin attack. On 31 August 2019, his brother, Karmel Shibli, was arrested.

18. These and other cases monitored by OHCHR raise serious concerns that, following the Ein Bubin attack, ISA may have used torture and ill-treatment in a systematic manner as a tool to extort information or obtain confessions, or as a form of punishment. Under international human rights law, the prohibition of torture is absolute and non-derogable. No exceptional circumstances whatsoever can be invoked to justify acts of torture, and perpetrators must be held criminally responsible.<sup>40</sup>

19. Reports of arrest and detention of family members of Palestinian detainees, including female family members, as a form of pressure or punitive measure also raise grave concerns. On 1 September 2019, ISF raided the house of the parents of Qassam

<sup>36</sup> OHCHR, press briefing note on Israel and the Occupied Palestinian Territory, 11 October 2019.

<sup>37</sup> Yaniv Kubovich and Jack Houry, "Israel's Justice Ministry investigating Palestinian suspect's 'torture' by Shin Bet officers", *Haaretz*, 30 September 2019.

<sup>38</sup> The conviction referred to her membership in the student association "Al Qutub Al Tollaby", which Israeli authorities claim is affiliated with the Popular Front for the Liberation of Palestine.

<sup>39</sup> OHCHR monitoring.

<sup>40</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2, 4 and 5; Committee against Torture, general comment No. 2 (2007) on the implementation of article 2, para. 1; Human Rights Committee, general comment No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment; and Fourth Geneva Convention, arts. 3 and 32.

and Karmel Shibli. Their father was interrogated and photographed while handcuffed. On 8 September 2019, he was summoned for interrogation in Ofer military prison, where he was put on the phone with one of his sons, allegedly giving the impression that he was under arrest.<sup>41</sup> Their mother was arrested on 1 September 2019 and transferred to the Russian Compound interrogation centre, and later to Ofer prison for interrogation, before being put in solitary confinement in Hasharon prison. She was released after 16 days and, on 14 November 2019, she was convicted of incitement for Facebook posts, following a plea bargain. According to the testimonies of the detainees, the arrest and detention of their family members inflicted severe psychological pain on them. These arrests and detentions also raise concerns of arbitrary detention and collective punishment of persons who did not commit any crime.

20. Arbitrary arrest and ill-treatment of children in detention remained alarming, with 740 children reportedly arrested during the reporting period.<sup>42</sup> Sworn testimonies from 81 children held in Israeli detention indicate the following patterns of ill-treatment: night arrests (47 per cent); use of blindfolds (74 per cent), hand-ties (96 per cent) and/or leg-ties (85 per cent); denial of food and water (47 per cent); denial of access to toilets (35 per cent); exposure to elements during initial detention (26 per cent); and verbal abuse (53 per cent) or physical violence (78 per cent). In 86 per cent of cases, children were denied access to a lawyer or parent before and during their interrogation, compelled to sign documents in Hebrew – a language many of them do not speak (52 per cent) – and not adequately informed about their rights (41 per cent). Seventeen children (21 per cent) were held in solitary confinement during interrogation.<sup>43</sup> On 19 February 2020, ISF arrested three brothers (aged 12, 14 and 17) near their house in Bayt Jala. While one of them was released shortly thereafter, the other two were moved to a military liaison office in Bayt Jala, then to the Atarut interrogation centre. They were released on bail after three days, pending an accusation of stone throwing. The children stated that, throughout their arrest, detention and interrogation, they were repeatedly subjected to ill-treatment, including kicking, slapping and punching. They were also forced to hold stress positions and were exposed to the cold weather for prolonged periods of time.

21. The conditions under which children were detained in Israeli prisons also raise concerns. Over 30 children were moved to Damon prison in Israel from Ofer prison in the West Bank in January 2020. Many of them reported a lack of access to proper food, hygiene and ventilation, and exposure to cold weather and humidity. Those who complained reportedly faced a severe response by the prison administration, including night raids in cells, beatings, subjection to stress positions, solitary confinement and denial of family visits for prolonged periods of time.

22. Reflecting the negative consequences of detention on children's development,<sup>44</sup> international human rights law requires the detention of children to be used only as a measure of last resort and for the shortest appropriate period of time.<sup>45</sup> When detained, children should be treated in a manner which takes into consideration the needs of persons of their age, and they should never be subjected to torture or other cruel,

<sup>41</sup> OHCHR monitoring.

<sup>42</sup> Figures provided jointly by Addameer Prisoners Support and Human Rights Association, the Palestinian Prisoners' Club and the Palestinian Prisoners' Commission.

<sup>43</sup> Sworn testimonies from 81 children detained from 1 June 2019 to 27 February 2020, collected and analysed by UNICEF from multiple sources, including affidavits taken by Israeli and Palestinian lawyers from children in detention and direct interviews conducted with children after release.

<sup>44</sup> Convention on the Rights of the Child, art. 6; and Committee on the Rights of the Child, general comment No. 24 (2019) on children's rights in the child justice system, paras. 82–95.

<sup>45</sup> Convention on the Rights of the Child, art. 37 (b).

inhuman or degrading treatment or punishment.<sup>46</sup> Detained children must be afforded fair trial guarantees, including freedom from self-incrimination, the right to prompt legal assistance, and the involvement of parents or guardians in legal proceedings.<sup>47</sup>

#### D. Practices that may amount to collective punishment

23. Israeli practices that may amount to collective punishment – imposing punitive measures on individuals and communities for offences they did not commit – continued. Collective punishment is expressly prohibited by international humanitarian law.<sup>48</sup> The practices documented appear to be incompatible with several international human rights law provisions, including the rights to freedom of movement, to adequate housing and to fair trial and the presumption of innocence.<sup>49</sup>

24. The Secretary-General has repeatedly expressed concern over the impact of the Gaza closures on the civilian population, underlining that they may amount to collective punishment.<sup>50</sup> Israeli authorities continued to adopt measures that aggravated the suffering of civilians, including by intermittently reducing or entirely closing the fishing zone and closing the crossings between Gaza and Israel, severely limiting the movement of people, fuel, gas and other essential supplies into and out of Gaza.

25. On several occasions, Israeli officials expressly cited violence emanating from Gaza as a reason for imposing such measures.<sup>51</sup> On 26 August 2019, Israeli authorities reduced fuel deliveries to Gaza following rocket attacks the previous day, in a context in which the electricity and fuel crisis severely hampered the delivery of essential services.<sup>52</sup> Fuel deliveries were restored to their previous levels at the beginning of September 2019.<sup>53</sup> On 16 February 2020, in reaction to the firing of two rockets from Gaza the day before, Israeli authorities cancelled the previously announced expansion of the Gaza fishing zone to 15 nautical miles, the restoration of 500 permits for business people and the resumption of cement delivery to Gaza.<sup>54</sup> These measures were subsequently lifted,<sup>55</sup> but on 24 February 2020, in response to a renewed escalation, Israeli authorities announced the closure of the crossings, except for humanitarian cases, and the full closure of the Gaza fishing zone;<sup>56</sup> those measures were lifted again on 27 February.

26. In February 2020, the Minister of Defence of Israel emphasized: “We use a tactic of reward and punishment [...] When there is quiet there are merchants, imports and exports, a fishing zone, and we do not attack them. When there are balloons, we close

<sup>46</sup> Ibid., arts. 37 (a) and 37 (c).

<sup>47</sup> Ibid., arts. 37 and 40; and Committee on the Rights of the Child, general comment No. 24, paras. 38–71.

<sup>48</sup> Regulations annexed to the Hague Convention IV of 1907, art. 50; and Fourth Geneva Convention, art. 33.

<sup>49</sup> International Covenant on Civil and Political Rights, arts. 12 and 14; International Covenant on Economic, Social and Cultural Rights, art. 11; and Fourth Geneva Convention, arts. 71–73.

<sup>50</sup> A/74/468, para. 22; A/73/420, para. 7; and A/72/565, para. 28.

<sup>51</sup> Agence France-Presse and Ynetnews, “Israel strikes Gaza, cancels easing of restrictions”, 16 February 2020.

<sup>52</sup> “Israel limits fuel shipments to Gaza after rocket fire, curbing power production”, *Times of Israel*, 26 August 2019.

<sup>53</sup> Tovah Lazaroff, “Israel restores Gaza fuel after 50 per cent cut”, *Jerusalem Post*, 2 September 2019.

<sup>54</sup> Agence France-Presse and Ynetnews, “Israel strikes Gaza, cancels easing of restrictions”, and Al-Jazeera, “ Hamas says Israel move to tighten blockade will increase tensions”, 16 February 2020.

<sup>55</sup> See <https://ar-ar.facebook.com/COGAT.ARABIC/photos/a.599677736849976/1575828479234892/?type=3&%20theater>.

<sup>56</sup> See <https://twitter.com/cogatonline/status/1232038099972165632/photo/1>.

it all and bomb their bases and rocket factories.”<sup>57</sup> In view of their punitive effect on persons who did not commit violence, and their severe human rights impact on the entire population of Gaza, these measures may amount to collective punishment.<sup>58</sup>

27. Israel continued to use its control over the movement of people and of the Palestinian population registry to maintain the separation between Gaza and the West Bank,<sup>59</sup> as part of a policy publicly acknowledged and implemented by Israeli authorities since Hamas took over Gaza in 2007.<sup>60</sup> This policy has been justified by Israeli authorities as being for security purposes. According to the human rights organization Gisha: Legal Center for Freedom of Movement, through the years, it appears to have also served broader political goals, including deepening the isolation of Gaza for punitive purposes, severing connections between Gaza and the West Bank and halting the prospects of territorial contiguity.<sup>61</sup> The policy effectively prevents most Palestinians from Gaza from reaching the West Bank, with dramatic consequences for families, given that around a third of Gaza residents have relatives in the West Bank, including East Jerusalem, and that family visits do not represent an accepted criterion for obtaining an exit permit from Gaza.<sup>62</sup>

28. The implementation of the policy has also increased pressure on West Bank residents to move to Gaza. The human rights organization Gisha has monitored cases in which West Bank residents requesting to temporarily relocate to Gaza for family purposes have been required to waive their right to return to the West Bank. For instance, since August 2019, Israel has referenced its separation policy as a basis for denying a woman married to a man from Gaza permission to travel with her children back to her family in the West Bank after she had been made to sign a declaration committing her to permanently settling in Gaza. Her case has been pending in court after a petition was filed by Gisha on her behalf.<sup>63</sup> The imposition of bans on travel within the Occupied Palestinian Territory raises concerns regarding Palestinians’ freedom of movement. In addition, refusing to allow West Bank residents living in Gaza to return to their homes may amount to their forcible transfer, which is prohibited under international humanitarian law.<sup>64</sup>

29. Starting in June 2019, and throughout the reporting period, the neighbourhood of Isawiyah, East Jerusalem, experienced an exceptionally high presence of and violence by Israeli police for no apparent imperative security reason. ISF conducted regular day and night search and arrest operations, set up flying checkpoints at the two main entrances into the neighbourhood, systematically inspected vehicles and distributed stop-work and demolition orders. Such operations triggered repeated clashes, with residents throwing stones, Molotov cocktails and firecrackers, and ISF responding with live ammunition, sponge-tipped bullets, stun grenades and tear gas.

<sup>57</sup> Middle East Monitor, “Bennett adopts new tactics to release Israeli soldiers held in Gaza”, 20 February 2020.

<sup>58</sup> A/74/468, para. 22.

<sup>59</sup> A/73/420, para. 25; and A/HRC/34/38, paras. 62–68.

<sup>60</sup> Response by the Deputy Minister of Defense to a parliamentary question in 2014, see [https://gisha.org/userfiles/File/HiddenMessages/parliamentary\\_question/galon/Danon\\_response\\_to\\_parliamentary\\_question\\_on\\_movement\\_of\\_goods.pdf](https://gisha.org/userfiles/File/HiddenMessages/parliamentary_question/galon/Danon_response_to_parliamentary_question_on_movement_of_goods.pdf). See also excerpts from the State’s response in Israel, High Court of Justice, *Azza Izzat and Others v. Minister of Defence*, Case No. HCJ 495/12, Judgment, 16 August 2012, para. 26. Available at [www.gisha.org/UserFiles/File/LegalDocuments/495-12/495-12-Excerpts-from-state-response-16.08.12.pdf](http://www.gisha.org/UserFiles/File/LegalDocuments/495-12/495-12-Excerpts-from-state-response-16.08.12.pdf).

<sup>61</sup> See [https://gisha.org/UserFiles/File/publications/Area\\_G/From\\_Separation\\_to\\_Annexation\\_2020\\_EN.pdf](https://gisha.org/UserFiles/File/publications/Area_G/From_Separation_to_Annexation_2020_EN.pdf); and Diamond Eitan and Bashi Sari, *Separating Land, Separating People: Legal Analysis of Access Restrictions between Gaza and the West Bank* (Tel Aviv, Gisha, 2015).

<sup>62</sup> A/73/420, para. 25.

<sup>63</sup> Gisha, “Gisha petition against Israel’s refusal to allow a woman to return from Gaza to the West Bank with her children, in keeping with their registered address”, 24 September 2019.

<sup>64</sup> Fourth Geneva Convention, arts. 8 and 49.

Although Israeli officials stated that the deployment of ISF was prompted by Palestinian violence, data indicate that there had not been any increase in incidents targeting Israeli police or civilians in the preceding months.<sup>65</sup> ISF conducted 236 operations<sup>66</sup> in Isawiyah, resulting, according to Wadi Hilweh Information Centre, in the arrest of 856 Palestinians, including 223 children, during the reporting period. According to B'Tselem, only 80 indictments followed from these arrests, raising concerns that many individuals were subjected to arbitrary arrest and detention. Arrest operations particularly affected children, with Isawiyah accounting for around 43 per cent of documented cases of child detention in East Jerusalem.

30. There are also serious concerns as to the necessity and level of force used in the neighbourhood. On 27 June 2019, Mohammad 'Abeid, a 21-year-old Palestinian man, was shot and killed with live ammunition by an Israeli police officer during clashes between Palestinians and Israeli forces there. He was shot while he did not seem to pose a threat of death or serious injury to anyone. On 15 February 2020, ISF shot an eight-year old boy in the face with a sponge-tipped bullet while he was crossing the street, from a distance of about 50 metres.<sup>67</sup> The boy sustained serious fractures of the skull and underwent several surgeries, including removal of his left eye.<sup>68</sup>

31. These developments had a significant impact on Isawiyah. Daytime raids, along with heavy police presence around schools, often ignited clashes with pupils, severely disrupting school days and commercial activities. A parents' committee called for two school strikes, in August and in November 2019, to protest against the lack of safety for their children and to urge the police not to operate in the vicinity of schools. In both instances, members of the parents' committee were arrested or summoned by the police.<sup>69</sup>

32. The frequent and prolonged security operations have caused the living conditions of the entire population of Isawiyah to progressively deteriorate, with questions as to the purpose of the raids and their effectiveness in restoring law and order. The recurrence, scale and modalities of Israeli operations raise concerns that they may amount to a form of collective punishment of the population of Isawiyah.

33. In the West Bank, including East Jerusalem, Israeli authorities continued to subject the relatives of Palestinians responsible for attacks against Israelis and of alleged attackers, to punitive measures. The homes of nine Palestinian families and one uninhabited residential structure were thus punitively demolished during the reporting period, leading to the forced eviction of 30 Palestinians, including nine children.<sup>70</sup> In the aftermath of the Ein Bubin attack, Israeli authorities also demolished the homes of families of several suspects on punitive grounds. On 5 March 2020, in Al-Tirah and Bi'r Zayt, ISF demolished the family homes of two Palestinian men, Walid Hanatsheh and Yazan Maghames, accused of participating in the attack. On 11 May 2020, in Kubar village, ISF punitively demolished the second floor of a house belonging to the mother of Qassam Shibli, who was accused of participating in the Ein Bubin attack.<sup>71</sup> The demolitions were carried out while the trial of the alleged perpetrators was ongoing.

<sup>65</sup> Figures from United Nations, Office for the Coordination of Humanitarian Affairs, Data on Casualties database, available at [www.ochaopt.org/data/casualties](http://www.ochaopt.org/data/casualties). See also Eyal Hareuveni, *This is Jerusalem: Violence and Dispossession in al-'Esawiyah* (B'Tselem, 2020).

<sup>66</sup> Information provided by United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>67</sup> OHCHR monitoring.

<sup>68</sup> Silwanic, "Pictures: after losing sight in his eye ... a decision to enucleate the child's eye", 22 February 2020.

<sup>69</sup> Nir Hasson, "Israel police hurl stun grenade at journalist during nightly raids on East Jerusalem", *Haaretz*, 29 August 2019; and Nir Hasson, "Israel police arrest East Jerusalem school strike organizer", *Haaretz*, 4 November 2019.

<sup>70</sup> Figures from United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>71</sup> See sect. III.C above.

34. On 9 September 2019, reversing its previous 2017 decision,<sup>72</sup> the High Court of Justice ruled that the State could continue its longstanding practice of withholding the bodies of Palestinians killed by ISF “for the purpose of negotiating the return of bodies of Israeli soldiers or citizens”.<sup>73</sup> According to the Jerusalem Legal Aid and Human Rights Center, during the reporting period, Israeli authorities withheld the bodies of an additional 21 Palestinians killed by ISF, including five children, bringing to 61 the total number of bodies withheld as at 31 May 2020.<sup>74</sup> On 23 February 2020, an ISF bulldozer crushed and dragged away the body of a Palestinian man after he had reportedly been shot by ISF in Gaza, near Khan Yunis.<sup>75</sup> Israeli authorities said that the man had been placing an improvised explosive device close to the fence.<sup>76</sup>

35. Punitive house demolitions and the withholding of bodies may amount to collective punishment, in violation of international humanitarian law. Such measures impose severe hardship on people for acts they have not committed, resulting in possible violations of a range of human rights, including the rights to family life, to adequate housing and to an adequate standard of living.<sup>77</sup> The Committee against Torture considers that the policy of punitive house demolitions violates article 16 (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>78</sup>

## E. Restrictions on freedom of movement and their impact on other rights

36. Israeli authorities continued to restrict freedom of movement across the Occupied Palestinian Territory, primarily through the permit regime regulating passage between Gaza and the West Bank, including East Jerusalem, and abroad. Such restrictions continued to disrupt Palestinians’ daily life, having an impact on other rights, including the rights to work, to an adequate standard of living, to education and to health. The closures in Gaza, including unilaterally defined access-restricted areas inside Gaza on land and at sea, continued to have a profound impact on the rights of Palestinians in Gaza. In January 2020, the number of people exiting Gaza via the Erez crossing point was the highest since 2007.<sup>79</sup> From March 2020, further movement restrictions were imposed by Israel and the de facto authorities in Gaza to contain the spread of COVID-19.

37. The impact of movement restrictions imposed by Israel on the right to health of Palestinians remained a serious concern.<sup>80</sup> Owing to the combined effect of Israeli closures (including restrictions on dual-use material) and uneven distribution of resources by the Palestinian Authority, movement of essential medical equipment and supplies into Gaza remained restricted, with 44 per cent of essential medicines and 30 per cent of essential medical disposables reported at less than a month’s stock as

<sup>72</sup> [A/HRC/40/39](#), para. 12.

<sup>73</sup> Israel, High Court of Justice, *IDF Commander in the West Bank v. Mohamad Alayan*, Case No. 10190/17, Judgment, 9 September 2019.

<sup>74</sup> This number does not include the 253 bodies of Palestinians killed in hostilities and buried in graves marked only by numbers.

<sup>75</sup> Palestinian News and Information Agency, “European Union official says dragging body of Palestinian goes counter to all principles of human dignity”, 25 February 2020.

<sup>76</sup> Anna Ahronheim, “Palestinian Islamic Jihad bombards South after clash near Gaza border”, *Jerusalem Post*, 24 February 2020.

<sup>77</sup> International Covenant on Economic, Social and Cultural Rights, arts. 10 (1) and 11.

<sup>78</sup> [CAT/C/ISR/CO/5](#), para. 41.

<sup>79</sup> Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, briefing to the Security Council on the situation in the Middle East, reporting on resolution [2334 \(2016\)](#), 30 March 2020.

<sup>80</sup> [E/C.12/ISR/CO/4](#), paras. 11 and 58.

at 31 May 2020.<sup>81</sup> Owing to the shortage and lack of specialized medical care, patients were often referred to hospitals outside of Gaza.<sup>82</sup> Yet, referrals do not guarantee the approval of a medical exit permit by Israel, and patients and accompanying family members continued to face difficulties in obtaining them.<sup>83</sup> There was a slight increase in the percentage of permits approved, but an overall decrease in the number of patients exiting Gaza compared with the previous reporting period, also as a result of the COVID-19 pandemic.<sup>84</sup> According to the World Health Organization (WHO), 19,055 applications for medical exit permits were submitted in the reporting period, and Israel denied or delayed 6,667 of them (35 per cent). A Palestinian man diagnosed with brain cancer in February 2020 was referred for medical treatment at the Augusta Victoria Hospital in East Jerusalem. Permits to exit Gaza for him and his companions were denied or delayed three times, in April and May 2020, and he consequently missed three medical appointments. He is reportedly suffering from hemiplegia owing to brain cancer and, at the end of the reporting period, he remained in Gaza with no available treatment at his disposal. In the West Bank, including East Jerusalem, WHO reported 42 incidents affecting health care, including 13 incidents of ambulances delayed or denied access and access constraints on mobile clinics.

38. Movement restrictions imposed by Israeli authorities also affected the rights of Palestinians to work and to an adequate standard of living. Along the Gaza coast, the Israeli Navy continued to enforce unilaterally imposed access restrictions, aiming live ammunition, rubber-coated bullets and water cannons towards Gaza fishers while conducting arrest and seizure operations,<sup>85</sup> often within the authorized fishing zones. During the reporting period, 303 shooting incidents were reported, in which 12 fishers, including a child, were injured.<sup>86</sup> Moreover, 15 fishers, including three children, were arrested;<sup>87</sup> five boats were confiscated, and 13 boats and fishing equipment were damaged. In several cases monitored by OHCHR, fishers were subjected to excessive force and degrading treatment during arrest operations, such as being handcuffed, blindfolded and forced to undress and jump into the water.

39. In the West Bank, Israel continued to enforce restrictions against Palestinian communities living or farming in the so-called “seam zone”.<sup>88</sup> In September 2019, Israeli authorities published a new version of the access permit regulations, tightening the regime.<sup>89</sup> Consequently, farmers are allowed to enter the “seam zone” for only a restricted number of days per year, to be determined according to the type of crop they grow. Landowners growing olive trees (which constitute around 95 per cent of farmland inside the “seam zone”) started receiving permits limiting access to their lands to 40 days per year. The new regulation seems to redefine the purpose of an agricultural permit and to modify the entire purpose of the permit regime in relation to landowners, denying the right of landowners to freely reach their plots of land.

40. Under international human rights law, freedom of movement can be restricted only if the specific restrictions are provided by law; are necessary to protect national security, public order, public health or morals or the rights and freedoms of others; and are consistent with the other rights recognized in the International Covenant on

<sup>81</sup> World Health Organization (WHO), Health Cluster Bulletin, April 2020; and WHO, Regional Office for the Eastern Mediterranean, *Right to Health in the Occupied Palestinian Territory: 2018* (Cairo, 2019).

<sup>82</sup> [A/74/468](#), para. 28.

<sup>83</sup> Only patients in need of life-saving or life-changing treatment unavailable in Gaza can apply for an Israeli permit to exit Gaza. See [A/74/468](#), para. 28.

<sup>84</sup> [A/74/468](#), para. 28.

<sup>85</sup> *Ibid.*, para. 26.

<sup>86</sup> Al-Mezan Centre for Human Rights.

<sup>87</sup> *Ibid.*

<sup>88</sup> For an explanation of the term “seam zone”, see [A/HRC/31/44](#), para. 14.

<sup>89</sup> “Procedures and instructions for the seam zone 2019”.

Civil and Political Rights.<sup>90</sup> At the same time, according to the Human Rights Committee, any restrictions should be necessary and proportionate.<sup>91</sup>

## F. Israeli practices during the coronavirus disease pandemic

41. The final quarter of the reporting period was marked by the outbreak of the COVID-19 pandemic. Israel, the Palestinian Authority and the de facto authorities in Gaza enforced restrictions to contain the spread of the virus. Despite the generally good cooperation between Israel and Palestinian authorities in countering the outbreak,<sup>92</sup> there were concerns that Israel failed, at times, to ensure proper access to health care to Palestinians in the Occupied Palestinian Territory, including East Jerusalem.<sup>93</sup> In a letter dated 7 April 2020, the Mayor of Jerusalem warned the Minister of Health of Israel about the serious shortage of medical, protective and coronavirus testing equipment at the hospitals in East Jerusalem despite repeated commitments by the Ministry,<sup>94</sup> while concerns were repeatedly raised and a petition submitted to the Israeli High Court of Justice about the testing and treatment of some 150,000 East Jerusalem Palestinians separated from the rest of the city by the wall.<sup>95</sup> However, in May 2020 testing procedures by Israeli authorities increased throughout East Jerusalem.<sup>96</sup> In Gaza, the COVID-19 crisis added further pressure on the overwhelmed health system. Despite the very low number of positive cases recorded,<sup>97</sup> officials of the Palestinian Ministry of Health in Gaza and WHO raised concern over the lack of specific equipment and materials and the lack of preparedness of the health sector to respond to potential future outbreaks.<sup>98</sup>

42. ISF search and arrest operations in the West Bank, including East Jerusalem, continued despite the COVID-19 crisis, albeit at a lower intensity. Several incidents monitored suggest that, particularly during the initial period of the emergency, the required precautions to adequately protect Palestinians from infection during operations were not systematically taken. For instance, on 31 March 2020, ISF arrested three Palestinians, including two children, in the H2 area of Hebron without wearing personal protective equipment or observing distancing requirements.

43. There were also instances in which ISF operations proved challenging to efforts by the Palestinian Authority and local civil society organizations to combat the spread of COVID-19 in Palestinian neighbourhoods of East Jerusalem, in the H2 area of Hebron and in Area C of the West Bank. On 14 April 2020, the Palestinian Authority

<sup>90</sup> For an overview of restrictions on freedom of movement and their impact on other rights in the Occupied Palestinian Territory, see [A/HRC/31/44](#).

<sup>91</sup> International Covenant on Civil and Political Rights, art. 12; and Human Rights Committee, general comment No. 27 (1999) on freedom of movement, paras. 11–18.

<sup>92</sup> United Nations, “Palestinian-Israeli cooperation to combat COVID-19 pandemic under threat by new push for West Bank annexation, Special Coordinator warns Security Council”, SC/14167, 23 April 2020.

<sup>93</sup> Nir Hasson, “After weeks of warning, coronavirus spreading among Palestinians in East Jerusalem”, *Haaretz*, 14 April 2020; and Nir Hasson and Aaron Rabinowitz, “About 75 per cent of Jerusalem coronavirus cases are Haredi”, *Haaretz*, 8 April 2020.

<sup>94</sup> Hasson and Rabinowitz, “About 75 per cent of Jerusalem coronavirus cases are Haredi”.

<sup>95</sup> Israel, High Court of Justice, *Adalah and Others v. Ministry of Health*, Case No. HCJ 2471/20; and Adalah, “Adalah files urgent Israeli Supreme Court petition: coronavirus testing for 150,000 Palestinians in East Jerusalem”, 8 April 2020.

<sup>96</sup> See <https://m.facebook.com/649373828424341/posts/3386237994737897/>.

<sup>97</sup> As at 31 May 2020, 61 Palestinians in Gaza had tested positive for COVID-19.

<sup>98</sup> Nickolay Mladenov, Special Coordinator for the Middle East Peace Process, briefing to the Security Council on the situation in the Middle East, including the Palestinian question, 20 May 2020; and United Nations, Office for the Coordination of Humanitarian Affairs, “Occupied Palestinian Territory: COVID-19 response plan”, 24 April 2020.

Ministry of Health opened a COVID-19 testing centre in Silwan, East Jerusalem, one of the neighbourhoods most affected by the outbreak of the virus. During the night, ISF raided the centre, as well as the houses of a volunteer at the centre and of the Fatah secretary in Silwan, and arrested both individuals, claiming they were violating Israeli legislation prohibiting uncoordinated Palestinian Authority activities in East Jerusalem. The centre consequently suspended operations and the Israeli authorities later opened another testing centre in the neighbourhood. In Hebron, attempts by the Palestinian liaison office to coordinate with ISF access for the Palestinian police into the H2 area to enforce COVID-19 restrictions among Palestinians living in the area were unsuccessful.

44. Israel has obligations under international human rights and international humanitarian law concerning the health of Palestinians in the Occupied Palestinian Territory.<sup>99</sup> Based on article 55 of the Fourth Geneva Convention, to the fullest extent of the means available to it, Israel has to ensure the medical supplies of Palestinians living in the Occupied Palestinian Territory. Based on article 56 of the Convention, it also has, to the fullest extent of the means available to it, the duty of ensuring and maintaining, with the cooperation of Palestinian authorities, the medical and hospital establishments and services, public health and hygiene, with particular reference to the adoption and application of prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Israel is also obligated to guarantee, without discrimination, the enjoyment of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, such as the right to the highest attainable standard of physical and mental health.<sup>100</sup>

## **G. Restrictions on the rights to freedom of expression, peaceful assembly and association**

45. Restrictions on the rights to freedom of expression, peaceful assembly and association by Israeli authorities continued, including arrests and detention, stigmatizing statements,<sup>101</sup> publications aimed at discrediting human rights organizations working in or concerning the Occupied Palestinian Territory, reduction of their funding<sup>102</sup> and restrictions on visas and movement. In November 2019, the Israel and Palestine Director of Human Rights Watch, Omar Shakir, was deported following a decision by the Israeli Supreme Court that his advocacy work against Israeli settlements constituted a call for boycott and thereby violated Israeli legislation barring foreign citizens who promote boycotts of the State of Israel from entering or remaining in the country.<sup>103</sup>

46. Civil society actors, including human rights defenders and journalists, faced restrictions of movement, and some were reportedly subjected to harassment and intimidation, and in some cases assault, arrest and prosecution. On 24 October 2019, a photojournalist from East Jerusalem was released on condition of obtaining legal residence in East Jerusalem after spending nine months under administrative detention for allegedly violating the immigration laws of Israel. Previous attempts by the journalist, whose father and wife are also from East Jerusalem, to regularize his

<sup>99</sup> [A/HRC/31/44](#), para. 7.

<sup>100</sup> International Covenant on Economic, Social and Cultural Rights, art. 12; and [E/C.12/ISR/CO/4](#), paras. 8–11.

<sup>101</sup> [A/HRC/43/70](#), para. 64.

<sup>102</sup> Israel, Ministry of Strategic Affairs and Public Diplomacy, “Terrorists in suits: blood money – European-funded Palestinian NGOs and their terror operatives. A case study: Addameer”, May 2020.

<sup>103</sup> [A/HRC/43/70](#), para. 66. See <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts%5C19%5C660%5C029%5Cz16&fileName=19029660.Z16&type=2>; and Al-Jazeera, “HRW’s Omar Shakir pledges to continue work after Israel expulsion”, 25 November 2019.

residency were rejected by Israeli authorities.<sup>104</sup> He complained of ill-treatment during detention and pressure to accept deportation to Jordan. He submitted another application for family unification on 17 May 2020.

47. On 15 November 2019, a Palestinian journalist lost his left eye after being hit by bullet shrapnel during clashes, after ISF forcibly dispersed a peaceful sit-in of Palestinians in Surif, Hebron.<sup>105</sup> On 20 November 2019, the Ministry of Public Security of Israel ordered the closure of Palestine TV in East Jerusalem for six months, which was extended in April 2020 for six additional months. Based on this decision, on 6 December 2019, Israeli authorities briefly arrested two journalists and two camerapersons working for Palestine TV and confiscated broadcasting equipment.<sup>106</sup> One of the journalists was summoned for interrogation in relation to her reporting activities in Jerusalem, on 16 April and on 11 May 2020.

48. Israeli authorities intensified the arrest and detention of Palestinian political figures in Jerusalem. For example, the Palestinian Authority's Governor of Jerusalem, Adnan Geith, and the secretary-general of Fatah in East Jerusalem, Shadi Mtour, were repeatedly subjected to search, arrest and interrogation, and subsequently banned from attending meetings and events in East Jerusalem and from travelling to other parts of the West Bank.<sup>107</sup> Israeli authorities also raided and closed the premises of a number of Palestinian cultural centres and civil society organizations in East Jerusalem. On 17 May 2020, ISF officers raided the offices of the non-governmental organization Volunteer for Hope in Bayt Hanina, East Jerusalem, handed them an order signed by the Minister of Public Security of Israel to close the organization for six months based on the charge of carrying out uncoordinated activities on behalf of the Palestinian Authority in Jerusalem, and briefly arrested its female director.<sup>108</sup> In February 2020, ISF had raided the premises of the organization and the house of the director.

49. International human rights law guarantees the rights to freedom of expression, peaceful assembly and association.<sup>109</sup> These rights must be respected by Israel, and any restrictions must be imposed in accordance with the relevant provisions of international human rights law and international humanitarian law.

## VI. Recommendations

50. **The following recommendations should be read in conjunction with the numerous recommendations contained in previous reports of the Secretary-General and of the United Nations High Commissioner for Human Rights.**

51. **The Secretary-General recommends that Israel:**

(a) **Ensure that any use of force is in compliance with international law and standards, including during law enforcement operations, by regulating the use of live ammunition, ensuring that security forces are adequately equipped and trained in the use of less-lethal weapons and adopting appropriate disciplinary and penal sanctions for members of security forces who do not respect such regulations;**

<sup>104</sup> A/74/468, para. 38.

<sup>105</sup> Al-Jazeera, "Palestinian journalists protest against wounding of colleague", 18 November 2019.

<sup>106</sup> Palestinian News and Information Agency, "Israeli police detain Palestine TV crew in Jerusalem, seizes equipment", 6 December 2019; and Jack Khoury and Reuters, "Israel detains Palestinian authority TV journalists in Jerusalem", *Haaretz*, 6 December 2019.

<sup>107</sup> See [www.maannews.net/news/997657.html](http://www.maannews.net/news/997657.html).

<sup>108</sup> See [www.maannews.net/news/2006574.html](http://www.maannews.net/news/2006574.html).

<sup>109</sup> International Covenant on Civil and Political Rights, arts. 19, 21 and 22.

(b) Promptly subject to independent, impartial, prompt, thorough and effective criminal investigation all incidents of use of force in law enforcement operations that result in killing or injury, hold the individuals responsible accountable and provide appropriate redress to victims;

(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, thoroughly and independently investigated, hold perpetrators accountable and provide full reparation to victims, and guarantees of non-repetition of such practices;

(d) Put an end to arbitrary detention and ensure that the rights of detainees are respected, including all fair trial guarantees;

(e) End all practices that may amount to collective punishment;

(f) Immediately lift the closures in Gaza and ensure that the right to freedom of movement is guaranteed to all Palestinians in the Occupied Palestinian Territory. Any restrictions on freedom of movement must be in accordance with international law, including international human rights law;

(g) Fulfil its responsibilities as an occupying Power to ensure that Palestinians are provided with proper access to health care;

(h) Respect the rights of Palestinian children, including the right to life, and ensure that they are treated with due consideration for their age. They should be detained only as a measure of last resort and for the shortest appropriate period of time;

(i) Ensure that journalists, human rights defenders and civil society actors are able to conduct their activities without harassment or being subjected to legal proceedings that are in violation of international human rights law, and that their rights are respected and protected;

(j) Take all measures to ensure full respect for international humanitarian law, particularly in respect of civilians living under occupation, and in the conduct of hostilities, and ensure accountability for all violations of that law;

52. The Secretary-General recommends that authorities and Palestinian armed groups in Gaza:

Ensure respect for international humanitarian law, in particular the principles of distinction, proportionality and precaution, and accountability for all violations.