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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situation in Palestine and other occupied Arab territories

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

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report on the implementation of Human Rights Council resolutions S-9/1 and S-12/1, covers the period from 1 November 2020 to 31 October 2021. It provides an overview of the human rights situation in the Occupied Palestinian Territory, and highlights issues of concern, including violations of international humanitarian law during hostilities, collective punishment, excessive use of force, and violations of freedom of expression, association and peaceful assembly. It also highlights violations of the right to life, violence against women, arbitrary detention, ill-treatment and restrictions to freedom of movement.

* This report was submitted after the deadline in order to include the most recent information.

I. Introduction

1. Submitted pursuant Human Rights Council resolutions S-9/1 and S-12/1, this report covers the period from 1 November 2020 to 31 October 2021. The report is based on monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, governmental sources and information collected by other United Nations entities and non-governmental organizations. It should be read in conjunction with other relevant reports of the Secretary-General and the High Commissioner to the Human Rights Council and the General Assembly.¹ Through trends and cases documented by OHCHR, the report illustrates violations of international humanitarian law and international human rights law by Israel, the State of Palestine and the de facto authorities in Gaza. Owing to space constraints, it does not address all issues of concern, nor all cases documented during the reporting period.

2. Following the publication at the request of the Council in February 2020 of a report of the High Commissioner to the Human Rights Council on a database of business enterprises involved in activities linked to Israeli settlements,² the Government of Israel publicly announced a freeze in relations with the High Commissioner and OHCHR. As a result, international staff of the OHCHR office in the Occupied Palestinian Territory have been obliged to leave Ramallah and Gaza and new staff have been unable to deploy. Since then, international OHCHR staff have worked outside the territory, including during this entire reporting period, complicating critical mandated work on human rights of the United Nations.

3. The reporting period saw an overall deterioration of the human rights situation in the Occupied Palestinian Territory. In May, the most significant escalation in hostilities between Israel and Palestinian armed groups since 2014 caused significant civilian casualties and destruction of civilian infrastructure, and worsened the humanitarian situation in Gaza, already heavily affected by 15 years of blockade. The escalation was triggered by protests against the impending eviction of Palestinian families from their homes in Sheikh Jarrah for the benefit of settlers, increasing nationalistic and ethnic tensions, and restrictions and use of force by Israel against Palestinians in East Jerusalem during Ramadan. During the escalation, protests spread from East Jerusalem to the entire Occupied Palestinian Territory and Israel. In a renewed cycle of violence, concerns for Israeli Security Forces' (ISF) excessive use of force, in many cases resulting in arbitrary killings of Palestinians, continued to deepen.

4. During the reporting period, ISF killed 315 Palestinians, including 197 men, 41 women and 77 children (56 boys, 21 girls), and injured 17,597, including at least 527 women and 1,472 children. According to Israeli sources, 13 Israeli citizens and residents were killed (two children), including two ISF personnel, and 824 were injured.³ Civil and political rights came under unprecedented attack by all duty-bearers. Widespread lack of accountability for violations by all duty bearers continued. Developments related to accountability and to civic space are further covered in the report to the Human Rights Council on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.⁴

5. Approval, planning and construction of Israeli settlements, demolition of Palestinian property and forced evictions continued unabated, increasingly threatening the contiguity of a Palestinian state. Settler violence increased and became more severe, resulting in at least four Palestinians killed by settlers, often acting side by side with ISF.⁵

¹ A/76/333, A/76/336, A/HRC/49/25, A/HRC/49/85.

² A/HRC/43/71.

³ Office for the Coordination of Humanitarian Affairs (OCHA). Indirect deaths on both sides are not included.

⁴ A/HRC/49/25, para.5.

⁵ For more details, see A/HRC/49/85.

Legal framework

6. 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.⁶

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

A. International humanitarian law violations

1. International humanitarian law violations during hostilities

7. From 10 to 21 May, the most significant escalation in hostilities between Israel and Palestinian armed groups in Gaza since 2014 took place. Palestinian armed groups fired 3,240 rockets and 1,158 mortar rounds towards Israel, while the Israeli Defence Force (IDF) fired 1,768 missiles and 2,455 shells into Gaza.⁷ As a result, 261 Palestinians were killed, including 153 men, 41 women (of whom four pregnant), 67 children (23 girls, 44 boys), and three persons with disabilities (including one child). At least 130 of those killed were civilians. 2,211 Palestinians were injured, of them 413 boys, 272 girls and 480 women.⁸ Ten Israeli citizens and residents, including five men, three women, one boy and one girl,⁹ were killed and, according to Israeli sources, 710 others were injured.¹⁰

8. Israel conducted intense airstrikes and shelling from land and sea. Although IDF stated that they targeted members of armed groups and their military infrastructure, and they adopted at times precautions including warnings, Israeli attacks resulted in extensive civilian deaths and injuries. At least 241 of the Palestinians killed, including 60 children and 38 women, were due to Israeli attacks. Israeli attacks also led to large-scale destruction and damages to civilian objects and infrastructure.¹¹ The United Nations assessed that 1,384 housing units were destroyed, and almost 58,000 damaged.¹² Civilian public infrastructure was damaged, including 331 education, 33 healthcare and 290 water, sanitation and hygiene facilities,¹³ as were humanitarian organizations' premises, governmental and public buildings, commercial units, media offices, agricultural areas and roads connecting civilians to essential services.

9. Despite Israel's claims that many of these structures were hosting armed groups or being used for military purposes, the high number of civilian casualties and extensive damage to *prima facie* civilian objects caused by Israeli airstrikes, the absence of indications of the existence of a particular military objective or lack of information thereon, the use of explosive weapons with wide-area effects in densely populated areas and, in some cases, apparent failure to verify that targets were military objectives raise serious concerns regarding Israel's compliance with the principles of distinction, proportionality and precautions under international humanitarian law.¹⁴ On 16 May, during IDF airstrikes on Al-Wahda Street and its surroundings located in a densely populated area in central Gaza City, 45 civilians were killed, including 18 children and 14 women, and dozens of others were injured.¹⁵ On 10 May, an IDF missile struck a horse cart surrounded by a group of people trading hay in Beit

⁶ A/HRC/34/38, paras.3–12.

⁷ United Nations Department for Safety and Security.

⁸ <https://www.ochaopt.org/data/casualties>.

⁹ Indirect deaths on both sides are not included.

¹⁰ OCHA.

¹¹ A/76/333, para.9.

¹² Shelter Cluster Palestine, Dashboard 4, 15 October 2021,

https://reliefweb.int/sites/reliefweb.int/files/resources/escalation_of_hostilities_-_dashboard4_0.pdf.

¹³ OCHA, Humanitarian Bulletin: Gaza after the May escalation, 3 November 2021, <https://www.ochaopt.org/content/overview-november-2021#ftn1>.

¹⁴ ICRC, Customary International Humanitarian Law Database, Rules.11-15,20.

¹⁵ A/76/333, para.7.

Hanoun, killing eight Palestinian civilians, including one girl and five boys, and injuring 11 others, including five children and a woman. On 14 May, during intense night airstrikes in northern Gaza Strip, an Israeli missile exploded next to a two-storey house in Beit Lahia occupied by an extended family. The house collapsed killing one woman, two boys and a girl and injuring five people, including a boy and a girl. There was no information indicating that the attack was targeting a specific military objective in the area. No advance warning was given to the civilian population in any of these incidents.

10. In some cases, even when warning was given, it did not allow enough time for civilians to evacuate an area, raising concerns about the respect of the requirement to give effective warnings unless prevented by the circumstances.¹⁶ On 13 May, shortly after midnight, dozens of Israeli missiles struck eight residential buildings in Al Sheikh Zayid, Beit Lahia. Eight civilians, including two women (one pregnant) and four boys, were killed and 33 Palestinians, including eight women and 10 children, were injured. The attack caused major damage to critical civilian infrastructure, including power lines, sanitation, water and communication networks. According to witnesses, an Israeli officer called one of the residents a few minutes before the attack, asking him to inform other neighbours to vacate their buildings before IDF “would erase the neighbourhood”. According to available information, IDF targeted a Hamas commander who was allegedly in the building or tunnels underneath it.

11. By launching indiscriminate attacks, in violation of international humanitarian law, Palestinian armed groups killed and injured Israeli civilians and caused significant damage to civilian objects, such as residential buildings, public facilities and factories.¹⁷ Palestinian armed groups might also be responsible for killing at least 18 Palestinians in Gaza, including three women, five boys and a girl, by rockets falling short. On 12 May, a rocket reportedly fired by armed groups in Gaza exploded in a densely populated area in Al Zaytoon, east of Gaza City. Two boys and a woman were killed and at least seven people were injured.

12. Two Palestinians were killed in incidents which cannot be attributed to a particular party. On 14 May, a 6-year-old girl with a physical disability was killed when a mixture of shrapnel of Palestinian armed group rockets and Israeli Iron Dome missiles landed in the yard of her family house in Jabaliya.

13. The hostilities had a devastating impact on the mental health of Palestinians,¹⁸ particularly children.¹⁹ Although there was a larger number of men and boys among casualties, surviving women and girls were disproportionately affected due to pre-existing inequalities. Women, in particular, widows and women-headed households, suffered from an increased burden of domestic and care work as consequence of injury, displacement, destruction and economic hardship, neglect of special needs of women and girls and increased gender-based violence.²⁰

2. Collective punishment

14. Israel continued to use a wide array of collective punishment practices, i.e. imposing punitive measures on individuals and communities for acts they did not commit. Collective punishment is expressly prohibited by international humanitarian law²¹ and violates several human rights, notably the right to fair trial, and may violate economic and social rights.²²

15. The land, sea and air blockade and closures of Gaza, which constitute a form of collective punishment,²³ entered its fifteenth year, with extremely detrimental impacts on freedom of movement, and the enjoyment of the rights to an adequate standard of living,

¹⁶ ICRC, Customary International Humanitarian Law Database, Rule.20.

¹⁷ A/76/333, para.8.

¹⁸ Multi-Sectoral Needs Assessment conducted in Gaza 4-28 July 2021, shows 38 percent of households reported at least one member showing signs of psychosocial distress.

¹⁹ Assessment of MHPSS interventions in the West Bank and Gaza Strip, UNFPA, August 2021, p.9.

²⁰ UNFPA, GBV Sub-Cluster Palestine and Women’s Affairs Centre Gaza, Rapid Assessment Immediate and Critical Needs of Girls and Women in the aftermath of May 2021 Escalation.

²¹ Hague Regulations, Article 50; GCIV, Article 33 ; ICRC, Customary International Humanitarian Law Database, Rule 103.

²² ICCPR, Articles.12, 14; ICESCR, Articles,6,10(1),11; GCIV, Articles 71–73.

²³ A/HRC/46/63, para. 7; A/HRC/37/38, para.4; A/HRC/34/36, para.36.

health, education, work and family life.²⁴ From 10 to 24 May, Israel fully sealed Erez and Kerem Shalom crossings for the passage of people and goods, including for humanitarian supplies and urgent medical care.²⁵ Although Erez crossing was re-opened for urgent cases on 25 May, Israel further narrowed the definition of patients in need of urgent care.²⁶ According to the organization Al-Mezan, four Palestinian patients, including two children, died between 13 May and 11 June waiting for their permits to be approved.²⁷ The share of approved permits increased starting from mid-June.

16. On 31 May, Israel reopened the Kerem Shalom crossing for the passage of fuel and humanitarian aid into Gaza.²⁸ Until September, Israeli authorities blocked entry into Gaza of much needed construction material and communication supplies, including internet cables, heavily damaged in the conflict.²⁹ In October, entry of essential items to restore and maintain critical civilian infrastructure, was still restricted.³⁰ As restrictions were enforced, Israeli officials³¹ publicly conditioned entry of reconstruction material on the return of two missing civilians and two bodies of Israeli soldiers reportedly held by Hamas since 2014.³² Similarly, entry of fuel and access to the sea were made conditional on Palestinian armed groups in Gaza refraining from hostile actions.³³ The Israeli Minister of Defence was reported stating “we demand peace and we will allow the development of the Gaza Strip only after the boys return home”.³⁴ Due to their generalised impact on the civilian population, such punitive measures amount to forms of collective punishment.

17. In the occupied West Bank, including East Jerusalem, Israel continued to carry out punitive demolitions of homes of attackers and alleged attackers, a form of collective punishment disproportionately affecting women and children.³⁵ According to the Committee against Torture, a policy of punitive house demolitions violates the prohibition of cruel, inhuman or degrading treatment or punishment.³⁶ The demolitions also violate the prohibition of destruction of private property by the occupying Power.³⁷ Israel punitively demolished four Palestinian homes in the West Bank, resulting in the forced eviction and displacement of 23 Palestinians, including six women and 11 children.³⁸ In one case, following a drive-by shooting attack at Huwara junction on 2 May in which a 19-year-old Israeli man was killed and two others injured, on 8 July, Israeli authorities demolished with dynamite the home of the wife and three children of the man accused of, but not yet convicted for the attack. The Israeli High Court of Justice endorsed the demolition despite noting that the alleged attacker was living abroad and had effectively separated from his wife.³⁹

18. Israeli authorities withheld the bodies of 23 additional Palestinians killed by ISF in this reporting period, including four children and one woman, bringing the total number of

²⁴ A/73/420.

²⁵ <https://pchrghaza.org/en/israeli-authorities-maintain-beit-hanoun-crossing-closed-and-ban-entry-of-humanitarian-cases-including-patients-their-companions-and-bodies-of-patients-who-died-in-hospitals-abroad/>; <https://www.pchrghaza.org/en/for-the-second-time-in-a-row-pchr-obtains-travel-permit-for-treating-man-injured-life-saving-achievement/>.

²⁶ <https://www.haaretz.com/israel-news/.premium-israel-has-blocked-gazans-from-entering-for-cancer-treatment-since-hostilities-began-1.9859141>; <https://www.phr.org.il/en/phri-to-the-supreme-court-overturn-the-harsh-policy-for-medical-exit-permits-from-gaza/>.

²⁷ <https://www.mezan.org/en/uploads/files/16261619561305.pdf>.

²⁸ See A/76/333, para. 37.

²⁹ <https://gisha.org/en/crossings-update-ban-on-entry-of-construction-materials-reversed-border-with-egypt-reopened/>.

³⁰ <https://gisha.org/en/crossings-update-after-the-holiday-closure/>.

³¹ <https://www.haaretz.com/israel-news/.premium-gantz-non-humanitarian-aid-to-gaza-depends-on-return-of-israeli-soldiers-bodies-1.9836555>.

³² A/76/333, para. 41.

³³ [https://ar-ar.facebook.com/COGAT.ARABIC/photos/a.610100169141066/2036856769798725/?type=3&theater](https://ar-ar.facebook.com/COGAT.ARABIC/photos/a.610100169141066/2036856769798725/?type=3&theater;); <https://bit.ly/3zF0OQh>; <https://twitter.com/cogatonline/status/1386714044539809800>.

³⁴ <https://www.haaretz.com/world-news/1.9947680>; <https://www.jpost.com/arab-israeli-conflict/gantz-conditions-gaza-development-on-prisoner-exchange-deal-673720>.

³⁵ A/HRC/46/63, para. 11.

³⁶ CAT/C/ISR/CO/5, para. 41. GCIV, Article 53.

³⁷ GCIV, article 53.

³⁸ OCHA.

³⁹ HCJ 3872/21, at https://hamoked.org/files/2021/1665110_eng.pdf.

bodies withheld to 86, as of 31 October 2021.⁴⁰ There were no developments on the two Israeli civilians and the bodies of two Israeli soldiers being held in Gaza. Withholding bodies punishes the families of the deceased and thus could amount to collective punishment and violate the prohibition of torture and ill-treatment and the obligations of Israel, as an occupying Power, pursuant to article 27 of the Fourth Geneva Convention.

19. Israeli authorities used movement restrictions, arbitrary arrests and ill-treatment, revocation of work and entry permits and other entitlements described below, seemingly to punish the families of Palestinians wanted by ISF, and in response to peaceful activities against the occupation.

20. Of particular concern, Israeli authorities resumed the practice of revoking health and social security entitlements in East Jerusalem as a punitive measure affecting at least 20 Palestinian activists who participated in peaceful mass demonstrations in May 2021⁴¹ and dozens of their family members, including at least three pregnant women.⁴² From June to August, the organization HaMoked provided legal assistance to seven families who discovered the Israeli National Insurance Institute (INII) had revoked their health insurance and other social security rights without prior official notice or holding a hearing, as required by law. In these seven cases, the INII restored the entitlements following legal interventions. Among those affected were individuals arrested and questioned by ISF for participating in demonstrations or who had received a warning to not participate, and former administrative detainees. By 31 October 2021, Israeli authorities had not provided reasonable explanations to justify the revocations,⁴³ raising concerns of collective punishment.

21. Actions by ISF during military operations in Jenin following the escape of six Palestinian prisoners from the Gilboa high security prison on 6 September also raise concerns of collective punishment.⁴⁴ Until 19 September, ISF set up hundreds of checkpoints, raided villages and homes,⁴⁵ arbitrarily arrested and ill-treated persons not involved in the jailbreak. Between 8 and 10 September, ISF forcibly entered at night into the homes of extended families of two escaped prisoners, Mahmood and Mohammed Al-Arda', arrested and ill-treated eleven relatives, including a woman, and detained them incommunicado for periods ranging from two to 28 days, including after the two prisoners had been re-arrested in Israel on 10 and 11 September. Among those arrested on 8 September, Nidal Al-Arda' was shackled and blindfolded and beaten by ISF while transported to a military base. As he protested, a soldier pushed him out of the jeep, fracturing an arm. Al-Arda' reported that ISF gave him painkillers and held him shackled in solitary confinement for eight days, against medical advice. He was released on 14 September. Eight of those arrested learnt upon their release without charges that Israeli authorities had revoked their permits to enter Israel and to visit prison. House raids and arrests targeting the families of escaped prisoners continued until the end of the reporting period. Israeli authorities also reportedly undertook possibly punitive measures against Palestinian detainees, such as bans on family visits and solitary confinement for prolonged periods.⁴⁶ Israeli media and organizations reported that, on 7 September, Israel Prison Service (IPS) guards beat at least 10 shackled detainees, some of them on the floor, raising concerns of collective punishment and ill-treatment possibly amounting to torture.⁴⁷

⁴⁰ JLAC.

⁴¹ A/76/33, paras. 14-15.

⁴² <https://www.haaretz.com/israel-news/.premium-israel-restores-state-stipends-to-seven-palestinian-activists-1.10146418>.

⁴³ HaMoked; <https://www.haaretz.com/israel-news/.premium-israel-restores-state-stipends-to-seven-palestinian-activists-1.10146418>.

⁴⁴ <https://www.timesofisrael.com/six-security-prisoners-feared-to-have-escaped-gilboa-prison-in-northern-israel>.

⁴⁵ See also https://life-exposed.com/wp-content/uploads/2020/11/Exposed_Life_EN_FINAL.pdf.

⁴⁶ <https://www.haaretz.com/israel-news/.premium-prison-break-israel-cancels-family-visits-for-palestinian-prisoners-after-riots-1.10193664>. Information from Addameer, on file.

⁴⁷ HaMoked, on file. <https://www.haaretz.com/israel-news/.premium-palestinian-inmates-testify-they-were-beaten-by-israeli-guards-after-prison-escape-1.10451115>.

B. Recurring human rights violations

1. Violations of the rights to life and physical integrity

22. There was a steep increase in the number of Palestinians killed by ISF in incidents of apparent excessive use of force in comparison to the previous reporting period. ISF killed 74 Palestinians, including 17 boys, 54 men and three women during law enforcement operations, including four in Gaza.

23. International law requires any use of lethal force to comply with fundamental principles of legality, necessity, proportionality, and non-discrimination⁴⁸ and that those using firearms should be held accountable for each use of force.⁴⁹ In the vast majority of cases documented by OHCHR, ISF resorted to firearms and other lethal force unnecessarily or in a disproportionate manner, resulting in unlawful killings, in some cases possible extra-judicial executions. Such recurring cases, along with consistent failure to ensure accountability,⁵⁰ suggests a permissive policy concerning use of lethal force against Palestinians, in violation of their right to life.

24. ISF killed 35 Palestinians, including 10 boys, and injured 795 with live bullets during demonstrations and clashes in the West Bank, as Israel intensified the use of live ammunition to suppress largely peaceful demonstrations against the occupation and settlement activities,⁵¹ particularly in May. In East Jerusalem, ISF fired kinetic impact projectiles at Palestinian demonstrators, injuring 1,586 Palestinians, some of them seriously.⁵² The use of live ammunition at demonstrations significantly decreased following a public call, on 8 August, by the IDF Chief of Staff to reduce the number of shootings of Palestinians.⁵³

25. Excessive use of force resulted in 17 boys killed by ISF in this period. OHCHR documented 15 of these killings. In each case, ISF's use of firearms against children was unnecessary or disproportionate, amounting to arbitrary deprivation of life. On 28 July, ISF killed 11-year-old Mohammad Al-Alami, who was in a car with his father and two young siblings, in Beit Ummar, Hebron. Without any apparent reason, ISF fired live ammunition, intensively and from a close range, towards the car, as it was slowly reversing. A bullet lethally hit Mohammad in the lungs. After the killing, ISF stated that, after a warning, soldiers had opened fire suspecting that the vehicle's passengers had buried a baby at a cemetery nearby, without further details on how this represented a threat to the soldiers. Israeli authorities subsequently announced a military investigation;⁵⁴ no further details were made available by the end of the reporting period.

26. OHCHR documented several cases in which ISF used lethal force in response to attacks or alleged attacks as a measure of early resort, including when less lethal means could have sufficed to neutralise a danger, or when an assailant no longer posed a threat. Such practices may amount to extra-judicial as well as wilful killing.⁵⁵ On 23 July, ISF killed 17-year-old Mohammad Tamimi in Nabi Saleh by shooting him twice from behind at 30-40 metres. IDF stated that the boy threw stones in a manner that fatally threatened one of the soldiers and they would "look into the incident".⁵⁶ It is difficult to conceive of lawful use of lethal force in such circumstances. By 31 October 2021, the investigation had not completed.⁵⁷

27. Two Palestinian men were killed in law enforcement operations carried out by Palestinian Security Forces (PSF) in the West Bank and two by Gaza de facto authorities'

⁴⁸ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), articles 5,9.

⁴⁹ Ibid. article 22 ; CCPR/GC/36, paras. 27 and 29; CCPR/C/GC/37, para.78.

⁵⁰ A/HRC/49/25.

⁵¹ A/HRC/49/85 section IV; A/77/333, paras.12-13.

⁵² A/77/333, paras.14-15,20. A/HRC/49/85 section IV.

⁵³ <https://www.haaretz.com/israel-news/.premium-idf-chief-of-staff-asks-senior-officers-to-reduce-shootings-of-palestinians-1.10102726>.

⁵⁴ <https://www.haaretz.com/israel-news/.premium.MAGAZINE-israeli-soldiers-kill-11-year-old-palestinian-his-brother-still-hears-the-shooting-1.10097613>.

⁵⁵ A/76/333, para.11.

⁵⁶ <https://www.timesofisrael.com/pa-palestinian-teen-killed-by-idf-live-fire-during-west-bank-clashes/>.

⁵⁷ <https://www.haaretz.com/israel-news/.premium.HIGHLIGHT.MAGAZINE-what-the-israeli-army-does-to-soldiers-who-shoot-palestinians-1.10398852>.

security forces. OHCHR documented cases of unnecessary and disproportionate use of force during search and arrest operations by PSF leading to serious injuries of wanted persons and their family members and, in extreme cases, to death. On 24 February, undercover PSF agents killed a 34-year-old Palestinian man wanted on criminal charges in Ni'lin, Ramallah. The man, unarmed, was running away in an attempt to escape arrest. Four agents chased him and fired several bullets at the man begging not to shoot. Agents were shown in a video recording dragging the man by the legs into a vehicle. The case raises serious concern of extrajudicial execution. OHCHR was informed that the military prosecution opened an investigation into the killing, which remained pending as of 31 October 2021. In Gaza, on 23 July 2021, a 27-year-old man was killed after being shot in the abdomen with live ammunition by Gaza de facto authorities' security forces after the car in which he was traveling drove away from a checkpoint east of Gaza city reportedly without authorization. No one was held accountable for the killing and the investigation was closed.⁵⁸

28. The number of death sentences issued by courts in Gaza troublingly doubled over the reporting period, with 19 death sentences issued, including seven by military courts. Six sentences were confirmed on appeal. There continue to be serious concerns that death sentences were handed down in the absence of fair trial guarantees, including improper sentencing of civilians by military courts⁵⁹. No executions were carried out.

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

29. Israel introduced new repressive measures against human rights defenders and civil society actors. On 19 October, Israeli authorities designated six prominent Palestinian human rights and humanitarian organisations as 'terrorist organisations',⁶⁰ based on vague and unsubstantiated allegations and with potentially far-reaching consequences for the organisations and their staff, as well as for donors and partners.⁶¹ The designations were preceded by a long stigmatization campaign.⁶² Israel also carried out arbitrary arrests and criminal prosecution of human rights defenders, including women human rights defenders, movement restrictions, searches and closures of CSOs, dispersal of peaceful assemblies, attacks against journalists and restrictions of online civic space.⁶³ Pegasus spyware of Israeli NSO group was discovered on mobile phones of some Palestinian human rights workers.⁶⁴

30. Israeli authorities raided the office, and arrested and prosecuted staff of the Health Work Committees (HWC), a Palestinian organization promoting the right to health since the 1980s, including women's health and gender-based violence (GBV) services. On 8 March, ISF detained two former staff and an acting accountant of the organization. On 13 April and 6 July respectively, ISF arrested Juana Al Rishmawi, fundraiser, and Shatha Odeh, director, who were indicted for membership in an 'unlawful' association,⁶⁵ receiving funds and bringing them into the West Bank.⁶⁶ Prior to the indictments, HWC was not aware that the Military Commander for the West Bank had declared the organisation "unlawful" in January 2020.⁶⁷ According to his lawyer, one of the arrested former staff was subjected to ill-treatment to force a confession, in which he admitted to forgery.⁶⁸ As of 31 October, all the detained HWC staff were under significant pressure to accept plea bargains, a widely spread practice of the Israeli military justice system.⁶⁹

⁵⁸ A/HRC/49/25, para. 26.

⁵⁹ CCPR/C/GC/32, para. 22; CCPR/C/GC/36, para. 45.

⁶⁰ A/HRC/49/25, para. 33-38.

⁶¹ A/HRC/49/25, para.37.

⁶² A/76/333, para. 23.

⁶³ A/75/333, paras.17-25.

⁶⁴ <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>

⁶⁵ Pursuant to Defense (Emergency) Regulations of 1945.

⁶⁶ Pursuant to Military Order 1651.

⁶⁷ It appears that the HWC was declared unlawful following the arrest of Waleed Hanatsheh, its administrative and financial director on 3 October 2019, in relation to the so-called Ein Bubin attack. ISF allegedly held Hanatsheh incommunicado for 45 days and tortured him before indicting him for 14 offences, including intentionally causing death in December 2019.

⁶⁸ A/HRC/49/25, para.35.

⁶⁹ A/HRC/37/42, para.32; A/75/333, paras.27-29.

31. Israel continued to arbitrarily detain Mohammad El Halabi, former head of World Vision's Gaza office, held in remand since June 2016 over allegations of diverting funds to Hamas, with serious concerns of incommunicado detention, alleged ill-treatment that may amount to torture and violation of fair trial guarantees.⁷⁰ The prosecution did not present any evidence to substantiate charges against El Halabi. Earlier an investigation by the Australian Department of Foreign Affairs and Trade⁷¹ and a forensic audit ordered by World Vision⁷² found no evidence that he had diverted any charity funds. El Halabi had reportedly repeatedly refused plea bargains offered by the prosecution.

32. Israeli restrictions were accompanied by concerns of bias in social media moderation of online expression that increasingly restricted content published by Palestinian users, particularly against the evictions in Sheikh Jarrah in East Jerusalem and during May hostilities in Gaza.⁷³ Facebook's own Oversight Board reviewed an instance of re-posting on 10 May of an Al Jazeera news item quoting a Hamas spokesperson. On 14 September, the Board determined that Facebook had wrongfully removed the content, and recommended a "thorough examination to determine whether Facebook's content moderation in Arabic and Hebrew, including its use of automation, have been applied without bias" and to make the report and its conclusions public,⁷⁴ which Facebook pledged to do.⁷⁵ Of greater concern is the role of the Israel State Attorney's Cyber Unit⁷⁶ in restricting the freedom of expression by requesting the social media platforms to remove social media content with reportedly a 90 percent success rate and the lack of social media companies' transparency about content removed upon request of state actors.⁷⁷

33. Palestinian authorities also took measures restricting civic space. On 15 January, the Palestinian President announced national parliamentary and presidential elections to take place in May and August, for the first time since 2006. In the following months, summonses by PSF and shootings by unknown assailants targeting opposition candidates, were recorded in the West Bank.⁷⁸ The Palestinian President also issued several decrees affecting public freedoms and separation of powers, including a decree requesting NGOs to submit their work plans and budgets consistent with the plan of line ministries, among other unacceptable restrictions,⁷⁹ and three decrees broadening the authority of the executive and limiting legal safeguards for judges.⁸⁰ On 29 April, he indefinitely postponed the elections, until such point as Israel authorities allowed Palestinian vote in Jerusalem, in violation of the right to participate in public affairs and vote and get elected at periodic elections,⁸¹ deepening concerns of a lasting democratic deficit. Opposition candidates came under increasing pressure in the following months, including through arrests, physical attacks, death threats and intimidation.

34. On 24 June, Nizar Banat, an outspoken opposition parliamentary candidate, previously detained by PSF for expressing criticism against the Palestinian Authority, was killed during a PSF arrest operation. Banat had started receiving anonymous death threats in May, after he publicly called on the European Union to cease funding the Palestinian

⁷⁰ A/HRC/37/42, paras.27-32 and A/HRC/34/36, para.21.

⁷¹ <https://www.jpost.com/arab-israeli-conflict/australian-probe-finds-no-evidence-that-government-funds-were-misused-by-world-vision-484791>.

⁷² https://www.wvi.org/jerusalem-west-bank-gaza/mohammad-el-halabi-trial-overview?gclid=Cj0KCQiA5OuNBhCRARIsACgaiqXymznhZMQvxNY0BRmQeazWnps3H9bpEq4UaXCNGC3QzzEdzlHialMaAiIvEALw_wcB.

⁷³ <https://7amleh.org/2021/05/21/7amleh-issues-report-documenting-the-attacks-on-palestinian-digital-rights>; <https://www.hrw.org/news/2021/10/08/israel/palestine-facebook-censors-discussion-rights-issues>; <https://www.oversightboard.com/decision/FB-P93JPX02>.

⁷⁴ <https://www.oversightboard.com/decision/FB-P93JPX02>.

⁷⁵ On 11 June, OHCHR headquarters enquired with Facebook on restrictions affecting Palestinian users and content. Facebook responded on 28 October reiterating its public commitment to engage an independent non-profit organization to 'conduct human rights due diligence of Facebook's impacts during May-June's intensified violence' and make the 'insights and actions' of the due diligence public.

⁷⁶ https://www.adalah.org/en/content/view/10292?mc_cid=6ad16eca10&mc_eid=d7c2a256e1.

⁷⁷ <https://www.hrw.org/news/2021/10/08/israel/palestine-facebook-censors-discussion-rights-issues>; <https://www.gov.il/BlobFolder/generalpage/files-general/he/DATA%202019.pdf>.

⁷⁸ See also A/76/333, paras. 24- 25.

⁷⁹ Decree law No. 7-2021; its implementation remained frozen by 31 October 2021.

⁸⁰ Decree-laws No.39, 40, 41 of 2020.

⁸¹ ICCPR, Art.25(b); CCPR/C/21/Rev.1/Add.7, para. 9.

Authority.⁸² At dawn on 24 June, PSF officers broke into a house in Hebron's H2 without showing a search or arrest warrant, and according to eye-witness testimonies, gas-sprayed Banat who was still in bed, brutally beat him and drove him away. Banat was pronounced dead at Hebron's Alia hospital. According to the autopsy, Banat died from an acute cardiac respiratory failure due to traumatic shock. A military trial against 14 officers who executed the arrest was ongoing as of 31 October 2021.⁸³

35. From 26 June until late August, hundreds of Palestinians gathered peacefully in major West Bank cities calling for accountability for Banat's death, and for changes in leadership. PSF responded with unnecessary or disproportionate force, and arrested 75 protesters, 40 of whom faced charges relating to the protests. In several instances, particularly on 26 and 27 June, persons in civilian clothes in coordination with PSF beat, sexually harassed and stole recording devices from protesters, particularly targeting women protesters, and journalists.⁸⁴ On 5 July, Palestinian police arrested several protesters ahead of a planned demonstration in Ramallah and later beat others, including women, who gathered in front of the police station calling for their release. Two journalists with visible identity cards were severely beaten, one with a plastic riot shield until he lost consciousness.

36. In Gaza, OHCHR documented undue restrictions on the freedom of opinion and expression by the de facto authorities. On 12 January, Gaza de facto authorities' police arbitrarily arrested a lawyer and detained him incommunicado for 48 hours for a social media post critical of the authorities. In July, Palestinian Centre for Human Rights (PCHR) came under pressure for releasing a statement indicating that an incident at the Al-Zawiyia market in Gaza City on 22 July in which one person was killed and 14 injured was due to the blast of large explosive devices stored inside a residential house.⁸⁵ Palestinian armed groups called PCHR to withdraw the statement and apologize 'for falsehood and slander'.⁸⁶

3. Gender-based violence, including against Women's Human Rights Defenders

37. Gender-based violence in the private and public spheres, including online,⁸⁷ remained prevalent, threatening the right to life and physical integrity of women and girls. OHCHR recorded 26 cases (16 women, 10 girls) of possible femicide or gender-related killing, including 12 killings and 14 reported cases of suicide, accidental death, and death in unclarified circumstances. Fifteen took place in the West Bank, including East Jerusalem, and 11 in Gaza. Overall, prevention and response to femicides and gender-based violence remained unsatisfactory, including biased judicial practice and lack of dedicated anti-violence legislation, in violation of women's right to life.⁸⁸

38. In most cases of killings, victims were reportedly subjected to domestic violence prior to their death. For example, on 15 August, after hiding for several years in Israel due to a video published of her, a 28-year-old woman was beaten to death by her two brothers in Beit Sira, Ramallah. They were indicted for manslaughter on 13 October. In Gaza, on 13 June, a pregnant 17-year-old girl was killed by her husband who beat her up for two days. As of 31 October 2021, the man was detained and on trial for intentional killing.

39. In the West Bank, five indictments were issued, three cases were closed, and three investigations were pending by 31 October 2021. Exact figures concerning investigations in Gaza were not available. In several cases, concerns persisted that no thorough follow-up was made in case of reported suicides and deaths in unclarified circumstances, contributing to under-reporting and indicating social acceptance of these crimes.⁸⁹ Adding to concerns, women human rights defenders (WHRDs) publicly advocating for increased protection of

⁸² https://m.facebook.com/story.php?story_fbid=241723441061921&id=104858951247903&_rdr.

⁸³ A/HRC/49/25, para. 25.

⁸⁴ A/HRC/49/25, para. 42.

⁸⁵ <https://www.pchrgaza.org/en/not-first-of-its-kind-citizen-killed-and-14-others-injured-including-6-children-in-blast-of-explosive-materials-belonging-to-armed-group-in-residential-house-in-central-gaza-city/>

⁸⁶ <https://bit.ly/3eUMzyH>

⁸⁷ <https://euromedrights.org/publication/online-gender-based-violence-what-scenario-for-the-mena-region/>.

⁸⁸ A/HRC/35/23, paras. 57-72; HRC/46/63, paras. 31-33;

<https://www.wclac.org/files/library/21/11/oacdm6raannp1oehgzhtpw.pdf>.

⁸⁹ A/HRC/46/63, para. 32.

women and for the passing of the long-overdue Family-Protection Bill, continued to be subjected to threats and defamation by non-state actors, mostly online.⁹⁰

40. OHCHR also documented violence against or disproportionately affecting women at demonstrations, online, and in other public spaces by all duty-bearers and by non-state actors. On 25 April, a woman journalist was chastised for not wearing a hijab and beaten by an officer of the Gaza de facto authorities' security forces during a professional photo shooting in an open agricultural area south of Gaza city. On 30 April, the Gaza Ministry of Interior publicly stated that it conducted an investigation and the officer responsible would be imprisoned. The journalist was not aware of any follow-up to this announcement by 31 October 2021.

41. Gender-based targeting of women and WHRDs by PSF and men in plain-clothes seemingly acting in a coordinated manner was prominent at demonstrations in the West Bank. In Ramallah on 24-26 June, 5 July and 21 August in particular, OHCHR documented numerous cases of physical attacks against women activists, journalists, and by-standers seemingly aimed at punishing them for being at forefront of demonstrations and video-recording the conduct of security forces and men in plain clothes, and to deter their further participation to protests. Women were slapped and beaten with batons, pulled by the hair, pepper-sprayed, struck in private body areas, insulted and subjected to threats with sexual connotations, and other sexual violence and harassment. In two cases, women arrested during demonstrations stated they were asked by men doctors to remove their trousers, which they refused. Many phones and video-recording devices were snatched and confiscated from women journalists and protesters. Several women who managed to retrieve their phones reported their social media accounts had been hacked. In the following days, names and pictures of women who participated in demonstrations were posted on fake social media accounts and closed WhatsApp groups with hate speech and accusations of "collaborating" with Israel and foreign entities, putting them at serious risk of harm from families and communities.⁹¹

42. Palestinian women continued to be disproportionately affected by ISF house raids,⁹² including as collective punishment against families of wanted persons. ISF raided the home of a 36-year-old pregnant woman in Bethlehem during four consecutive nights, from 30 August onwards, allegedly looking for her wanted husband. On the fifth day, the woman had a miscarriage. On 14 September, ISF raided the home again, arrested and blindfolded the woman in front of her toddlers and took her to the Etzion police station. ISF allegedly touched her inappropriately around her waist and attempted to remove her scarf. The woman was released a few hours later, after her husband handed himself over to ISF, which raises serious concerns that her arrest and detention were arbitrary and could amount to a violation of the prohibition of taking of hostages.⁹³

4. Violations of freedom of movement and impact on other rights

43. Israel authorities continued to restrict freedom of movement across the Occupied Palestinian Territory, between Gaza and the West Bank, and to Jerusalem and abroad.⁹⁴ These restrictions violate the right of Palestinians to freedom of movement and prejudice the enjoyment of a range of other human rights, including economic, social and cultural rights, and right to family life. For Gaza, significant restrictions due to COVID-19⁹⁵ remained during most of the reporting period. From August 2021, Israeli authorities gradually increased quota of permits for Gazan merchants reaching 10,000 in October, the highest number since 2004.⁹⁶ As a result, movement of Palestinians through Erez multiplied.

44. Inside Gaza, Israel authorities continued to enforce restrictions, including through use of force which in many of documented cases was excessive, on the unilaterally-declared "access restricted areas" on the land along the fence and at the sea. During the reporting period, ISF injured five fishers and arrested another three, damaged three fishing boats and

⁹⁰ A/HRC/46/63, para. 53.

⁹¹ <https://www.madacenter.org/en/article/1354/>.

⁹² A/HRC/46/63, para. 21; CEDAW/C/ISR/CO/6, para. 30(b).

⁹³ GC IV article 34.

⁹⁴ A/HRC/46/63, para. 41.

⁹⁵ A/76/333, para. 39.

⁹⁶ Gisha.

confiscated four boats. Israel's ban on entry of boat engines and spare parts as 'dual-use' items negatively affected the rights of Palestinians to work, to an adequate standard of living, and to food.⁹⁷

45. Access of Palestinian farmers to their lands isolated by the Wall,⁹⁸ further deteriorated. According to HaMoked, in 2020 ISF denied permits to 73 percent of Palestinian applicants owning land in the so-called seam zone that amounts to 9 percent of the West Bank.⁹⁹ These restrictions have had a devastating impact on the livelihoods of affected communities who relied mostly on agriculture and have had to search for other income opportunities.¹⁰⁰ ISF used live ammunition against Palestinian workers crossing into Israel to reach their workplaces through breaches in the Wall, raising concerns of excessive and unwarranted use of force.¹⁰¹

46. On 14 February, the Gaza de facto authorities' Sharia Supreme Judicial Council issued judicial circular no. 01/2021 envisaging, among other measures, that male guardians may prevent women from traveling. The decision was amended after protests by Gaza civil society. Concerns persisted that discriminatory restrictions were nonetheless applied in practice,¹⁰² further curtailing freedom of movement for Gazan women.

5. Arbitrary detention, ill-treatment and torture

47. According to the Palestinian Prisoner Society, ISF arrested 5,952 Palestinians, including 956 children and 162 women during the reporting period. As of 31 October 2021, 4,406 Palestinians (including 42 women, 163 children) were detained on security-related charges by Israel.¹⁰³ The vast majority were brought to and held in Israel, in violation of international humanitarian law.¹⁰⁴

48. In a significant increase from the previous reporting period, 500 Palestinians, among them four boys, were held in administrative detention without having been charged or tried.¹⁰⁵ Several Palestinian detainees protested their administrative detention with hunger strikes, some of them extremely prolonged, risking their lives and causing significant damage to their health. On 21 January, ISF arrested and have thereafter held in administrative detention a 17-year-old boy, Amal Nakhleh, with a chronic health condition despite repeated appeals for his release.¹⁰⁶

49. There was an increase in children arrested and detained by ISF. Children as young as eight continued to report ill-treatment, and lack of fair trial guarantees, including freedom from self-incrimination, right to prompt legal assistance, and the due involvement of parents or guardians in legal proceedings.¹⁰⁷ Some documented cases may amount to torture or other ill-treatment.¹⁰⁸ On 1 May, ISF arrested and beat a 13-year-old boy in Jerusalem's Old City. Police officers dragged him to premises above Damascus Gate, and kicked him in the face and head as he was laying on the floor with his hands tied behind his back. They hit him with a helmet in his genitals and burnt his chest with a cigarette. The police initially refused to call an ambulance and did so only upon an intervention of a lawyer. The police interrogated the boy without the lawyer or a parent present on charges of assaulting a police officer and asked him to sign papers in Hebrew, a language that he did not understand. ISF released him on condition of a five-day of house arrest and 12-days movement restriction.

50. Serious concerns of ill-treatment and possible torture of Palestinians in Israeli detention persisted with statements extracted under duress used as evidence in legal proceedings, without due accountability for these human rights violations.¹⁰⁹ There was also

⁹⁷ A/76/333, para. 46,47.

⁹⁸ A/HRC/31/44, para. 14.

⁹⁹ https://hamoked.org/files/2021/1665241_eng.pdf, p.31.

¹⁰⁰ https://hamoked.org/files/2021/1665241_eng.pdf, pp. 31 and 33.

¹⁰¹ A/76/333, para.48

¹⁰² <https://www.hrw.org/news/2021/11/02/woman-gaza-fights-travel-ban-imposed-her-father>.

¹⁰³ Data provided by HaMoked.

¹⁰⁴ GCIV: article 76.

¹⁰⁵ Addameer and DCI-Palestine.

¹⁰⁶ A/76/333, para. 33.

¹⁰⁷ A/76/333, para. 32.

¹⁰⁸ A/76/333, para. 33.

¹⁰⁹ A/HRC/49/25, para.28; A/76/333, paras.27-30.

death in custody of a Palestinian man at the Russian Compound detention centre in West Jerusalem. On 21 July, he was found unconscious in his cell and, according to IPS, died despite attempts to resuscitate him.¹¹⁰ Based on accounts of other detainees, his family alleged that guards had beaten him prior to his death. The lack of transparent investigation, including the failure to share an autopsy report with the family, further aggravates these concerns.

51. The Independent Human Rights Commission received 195 complaints of torture and ill-treatment, including 141 (eight of which by women) against the Palestinian Authority security forces in the West Bank and 164 (14 by women) against the security forces of the de facto authorities in Gaza.

52. In the West Bank, in numerous cases documented by OHCHR, detainees reported being subjected to prolonged solitary confinement, beaten with batons, sticks, hoses, including on the soles of the feet, shackling and suspension for long periods of time, electric shocks or burning, and sexual violence. In some cases, detainees were not released despite court orders. For example, on 13 October, PSF in Hebron arrested and interrogated a 19-year-old Palestinian man about his supposed affiliation to Hamas. The man reported that interrogators tied his hands behind his back and suspended him to the ceiling for three and a half hours. Afterwards they beat him, handcuffed and blindfolded, with a stick on his soles, slapped and punched him repeatedly. PSF kept the man detained until 24 October, despite a court order to release him on 17 October. In several cases, PSF conditioned the release of detainees subjected to torture and ill-treatment on their pledges not to file complaints upon release. Accountability was limited, even when complaints about torture were filed.¹¹¹

53. In Gaza, individuals arrested by Gaza de facto authorities' security forces alleged ill-treatment or torture, restricted access to legal aid and other concerns in fair trial guarantees. In particular, a number of people detained by the Internal Security Agency alleged having been held in incommunicado detention and subjected to beating, suspension, sleep deprivation, stress positions and forced exercise with the aim to extract their confessions. They did not have access to legal counsel and there was no judicial review of their detention despite multiple extensions by a military prosecutor.

54. As of 31 October 2021, 76 women were held in detention by the PSF (36) and the de facto authorities in Gaza (40). Most women were in lengthy pre-trial detention, including on charges for non-violent offences (48) such as theft or fraud. Of serious concern, 21 women including GBV survivors were arbitrarily detained on charges of adultery, "moral misconduct" and other discriminatory charges amounting to arbitrary detention.¹¹² Detention of pregnant women and women with infants often in extremely unsuitable conditions continued in West Bank and Gaza, in contravention of international standards prescribing the use of non-custodial measures, particularly for non-violent crimes.¹¹³

III. Recommendations

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

(a) **With the occupation remaining the main driver of human rights violations in the Occupied Palestinian Territory, immediately end all human rights violations and abuses perpetrated in the Occupied Palestinian Territory, including and in particular, the unnecessary or disproportionate use of force, home raids not in compliance with international standards, demolitions and forced evictions, restrictions to freedom of movement and family life, and take steps to prevent and ensure accountability for settler violence;**

(b) **End violations against children and protect children from all forms of violence, including unnecessary or disproportionate use of force resulting in killings and injuries, torture and ill-treatment; end arbitrary detention, including administrative detention of children; only detain children as a measure of last resort and for the**

¹¹⁰ <https://www.timesofisrael.com/palestinian-dies-in-israeli-police-detention-sparking-inquiry/>.

¹¹¹ A/HRC/49/25, para.30.

¹¹² A/HRC/36/38, para.8(e); A/HRC/31/57, para.14; A/HRC/46/63, para.64.

¹¹³ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule64. A/HRC/46/63, paras. 65-67.

shortest appropriate period of time, fully respecting international juvenile justice standards; and ensure accountability for all violations of children's rights;

(c) Ensure that the rules of engagement of the Israeli security forces and their application are fully in line with international norms and standards and, in particular, that in law enforcement activities firearms are used only in cases of imminent threat of death or serious injury as a measure of last resort;

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

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

(f) Immediately end all practices of collective punishment, including by lifting the blockade and the punitive closures imposed on Gaza and ending punitive demolitions and the policy of withholding the bodies of Palestinians;

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

(h) Ensure that conditions of detention are fully in accordance with international human rights law, and immediately end all practices that may amount to torture or ill-treatment, ensuring that violations are promptly, impartially and independently investigated, perpetrators are held accountable and victims have access to an effective remedy;

(i) Introduce the offence of torture in domestic law and provide for its absolute prohibition, in line with international standards;

(j) Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that journalists and civil society actors, including women's human rights defenders, are allowed to conduct their professional activities safely, freely and without harassment;

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

(a) Announce without delay parliamentary and presidential elections in the Occupied Palestinian Territory and ensure they are held in a free, fair, and peaceful manner;

(b) Uphold its obligations to protect the rights of all Palestinians without discrimination, including discrimination based on gender, sexual orientation or gender identity, and immediately cease any measures that violate those obligations or worsen the humanitarian situation in Gaza;

(c) Announce immediately a formal moratorium on executions while taking steps to give full effect to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty;

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

(e) End all practices amounting to arbitrary detention and fully guarantee fair trial rights;

(f) Immediately end all practices that may amount to torture or ill-treatment, ensure that all violations are promptly, impartially and independently investigated, hold perpetrators accountable and guarantee that victims have access to an effective remedy;

(g) Introduce the offence of torture in domestic law and provide for its absolute prohibition, in line with international standards, and establish urgently a national preventive mechanism;

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

57. The High Commissioner recommends that the de facto authorities in Gaza:

(a) Ensure, along with armed groups in Gaza, respect for international humanitarian law, particularly the principles of distinction, proportionality and precaution, and ensure accountability for all violations;

(b) Announce and implement an immediate moratorium on the use of the death penalty and cease trying civilians before military courts;

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

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

(e) Ensure that the rights to freedom of expression, association and peaceful assembly are respected and protected and that journalists and civil society actors, including women's human rights defenders, are allowed to conduct their activities safely, freely and without harassment.
