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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Deteriorating situation of human rights in the Occupied Palestinian Territories

While the mass pro-democracy protests which swept the Middle East in 2011 certainly affected the Occupied Palestinian Territories (OPT), politically, the human rights situation continued to deteriorate, as Palestinians continue to be subjected to regular human rights violations and pressures at the hands of the Israeli Occupation Forces, the Palestinian Authority, and Hamas.

Violations by Israeli occupation forces

Inspired by the Arab protests of 2011, Arab activists organized protests on the borders with Israel on the occasion of the 63rd anniversary of Al Nakba on May 15, denouncing the continued occupation of Palestine and demanding the right to return. Israeli security forces used disproportionate violence and killed 6 protesters on the Lebanese border and another 4 on the Syrian border during solidarity protests. Palestinians protesting in the West Bank were also attacked, and nearly 60 were injured. On June 5, in remembrance of Israel's occupation of the Golan Heights in 1967, 23 Syrian protesters were shot dead by Israeli forces as they attempted to cross the Israeli border. All these crimes were committed with impunity by the Israeli Occupation Forces in clear disregard for the four Geneva Conventions and other international treaties.

In October and December 2011, Israel and Palestine conducted a prisoner swap of 1027 Palestinians held in Israeli prisons in exchange for Gilad Shalit, the Israeli IDF soldier captured by Hamas in 2006. However, over 5,000 more Palestinians, including several children, are still held in Israeli prisons in poor conditions. During his recent visit to Gaza in February, 2012, the UN Secretary General stated that he "is concerned about the situation of Palestinian prisoners in Israeli jails." Finding a solution to this critical problem, which affects thousands of Palestinian families who have family members in Israeli prisons, is vital to the success of any peace negotiations.

Israeli Occupation Forces continued their policy of extrajudicial killings through random shelling of houses and populated areas, especially in Gaza. According to reports by the Israeli rights group B'Tselem, Israeli forces had killed 32 Palestinian civilians as of October. Arbitrary arrests also increased, with politicians and followers of Hamas and Fatah being arrested and their houses searched, in what has become a routine policy of Israeli forces. Systematic torture also continues in Israeli detention facilities, as detainees are subjected to various forms of degrading physical and psychological treatment, including beatings, threats of death, rape and harm of loved ones, burning with cigarette butts, sleep deprivation, denying proper health care, and prohibiting the practice of religious rituals.

Attacks against the media have also intensified, with continuous attacks against journalists covering almost weekly protests, mainly in front of the separation wall and during the Nakba anniversary. Documented attacks against journalists and media workers include the use of excessive force, at times leading to death, arrests, prolonged investigations, and the storming of offices. Additionally, the Israeli Knesset passed several restrictive laws in 2011, adding to the arsenal of repressive laws used to stifle the liberties and rights of Palestinians. These include a law that criminalizes any act of engaging in or calling for boycotting Israeli products and another that imposes penalties on any NGO funded by the government and which works on raising awareness or holding events on Al Nakba - an event viewed by the Keenest as challenging the existence of the state of Israel. Another law that greatly harmed freedom of opinion and media freedoms criminalized publishing material that can be classified as secretive or "harming national security."

The Gaza strip continues to face a severe humanitarian crisis with the continuation of the blockade imposed by Israel and Egypt since 2006. Despite several statements by the UN High Commissioner for Human Rights, Navi Pillay, regarding the illegal nature of the blockade, Israel continues its policy of collective punishment, effectively imprisoning a population of 1.7 million in Gaza. Additionally, as residency laws in Israel make it impossible for Palestinians inside the West Bank to practice their freedom of movement by entering Gaza, numerous families are separated. According to Médecins Sans Frontières, the truly dire humanitarian situation in Gaza has resulted in mental problems in over half of the children in Gaza under age 12, of which at least one third of the cases are severe and described by the organization as needing “mental health intervention.” The war on Gaza, the continuous random shellings, and the blockade have caused the majority of the population to feel imprisoned and threatened. The Gaza Mental Health Programme states, “82.1% of Gaza’s children believed they were exposed to danger during the offensive, 67.6% have fears that there will be a recurrence, and 40.9% expressed a severe desire for revenge.”

Additionally, the expanding Israeli settlements are the driving factor behind many worrying trends in Area C and East Jerusalem. Settlements in the West Bank, including East Jerusalem, are illegal under international law, constitute an obstacle to peace, and threaten to make a two-state solution impossible. All settlement activity, including in East Jerusalem, should cease immediately. New construction plans should be abandoned. Until now, settlement construction and planning has not ceased; rather, they are accelerating, with plans for 3,700 new settler housing units approved in 2011 in East Jerusalem alone. 2011 also saw a 43 percent increase in violent attacks by settlers against Palestinians and a record number of Palestinians displaced by demolitions of their homes, water sources, and agricultural structures.

Power struggle between Palestinian authority and Hamas

A framework for political reconciliation between the two disputing authorities (Fattah and Hamas) was finally agreed upon in April, 2011. The reconciliation agreement covered elections (legislative, presidential and National Council elections), formation of the High Security Committee, and formation of a unity government. However, there were no discussions about the status of the thousands of victims who suffered, and continue to suffer, due to the long dispute between the two factions. Reparations for those who were executed, arbitrarily detained, tortured, expelled from work places because of their political affiliations, and forcibly evacuated were not discussed. The unity agreement was not realized, and the Palestinian Authority (PA), led by President Mahmoud Abbas, traveled alone to the UN Security Council to seek Palestine’s full membership in the United Nations and its recognition as a sovereign state. In addition, political prisoners in both Hamas and PA detention camps have not been released according to the terms of the agreement.

Arbitrary detention and torture are also commonly used by the Palestinian Authority and Hamas (mostly against each other’s members, even after the signing of the reconciliation agreement). For example, during the first four months in 2011, the Palestinian Independent Commission for Human Rights documented 547 allegations of torture in the West Bank and another 799 allegations of arbitrary arrest. During and following the reconciliation, from May until September, 462 torture allegations and 770 arbitrary detention allegations were documented. In Gaza, 11 followers of the Palestinian Authorities were also arrested by Hamas, only two days after the agreement was signed.

Attacks against Palestinian human rights defenders continued throughout 2011 and early 2012, including the sentencing of Amir Makhoul, director of Ittijah, on January 30 to 9 years in prison on charges of espionage and establishing contacts with enemies of the state

of Israel. On January 13, 2012, in Gaza, Mahmoud Abu Rahma, international relations director of Al Mezan Center for Human Rights, was stabbed repeatedly by a group of unidentified armed men following his criticism of the Hamas government and the obvious impunity that militant groups enjoy in Gaza. Abu Rahma had been previously attacked 10 days earlier and had received several death threats, which were communicated to the government. Around the same time, in the West Bank, Yazan Sawafa of the Independent Commission of Human Rights was beaten severely by the Palestinian Authority security officers, while covering a protest – something which has become systematic in protests around the OPT. Additionally, humanitarian aid continues to work in a highly restrictive environment with over 1,000 internal checkpoints created by Israel in the West Bank.

These continuous and brutal violations of the rights of Palestinian civilians are just few examples of the repression and violence Palestinian civilians have faced on a regular basis for decades in the Occupied Territories. They serve as a tragic reminder of the inevitable results of giving a license to kill and impunity for war crimes to military forces. In this respect, it is imperative that the UN, through both the Human Rights Council and the General Assembly, begin to set clear deadlines for assessing the ability and political will of Israel and Palestinian entities to uphold their responsibilities to investigate and prosecute decades of war crimes and crimes against humanity, as the system of impunity flourishes with the lack of a concrete assessment period. The HRC reports on Goldstone and Flotilla and the failure to take concrete actions on both cases are just one aspect of the continuous failure of the HRC to properly address the issue of violations in the OPT.
