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### **Israeli Practices and Settlement Activities Affecting the 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 [77/247](#), 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 2021 to 31 May 2023.

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



## I. Introduction

1. Submitted pursuant to General Assembly resolution [77/247](#), the present report covers the period from 1 June 2021 to 31 May 2023. 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. The report 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,<sup>1</sup> and the reports of the United Nations High Commissioner for Human Rights submitted to the Human Rights Council at its fifty-second session.<sup>2</sup>

2. Through trends and cases documented, the report illustrates the impact on and obstacles to the enjoyment of human rights in the Occupied Palestinian Territory stemming from Israeli policies and practices. Due to space constraints, the report does not address all issues of concern, nor does it address all cases documented during the reporting period.

3. During the reporting period, international staff of the OHCHR office in the Occupied Palestinian Territory continued to be denied access by Israel to the Occupied Palestinian Territory, complicating the discharge of critical mandated work on human rights by the United Nations. In September 2023, the Head of OHCHR in the Occupied Palestinian Territory was issued a multiple entry visa to Israel and the Occupied Palestinian Territory until the end of December 2023.

## II. Legal framework

4. International human rights law and international humanitarian law are applicable 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>3</sup>

## III. Implementation of General Assembly resolution [77/247](#)

### A. Conduct of hostilities

5. During the reporting period there were two major escalations of hostilities between Israel and Palestinian armed groups in Gaza, one from 5 to 7 August 2022 and one from 9 to 13 May 2023.

6. The escalation of hostilities in August 2022 resulted in 51 Palestinians in Gaza killed (29 men, 13 boys, 5 girls and 4 women), 31 of whom were killed by the Israeli Air Force, and 16 by Palestinian armed groups.<sup>4</sup> According to OHCHR monitoring, among the Palestinians killed during the August 2022 hostilities, 37 were civilians (15 men, 13 boys, 5 girls and 4 women), while the status of six other Palestinians killed remains undetermined. Of the 383 Palestinians injured (152 men, 103 boys,

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<sup>1</sup> [A/78/554](#).

<sup>2</sup> [A/HRC/52/75](#); and [A/HRC/52/76](#).

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

<sup>4</sup> [A/HRC/52/75](#), paras. 6–11. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), one boy died of his injuries after the submission of the High Commissioner's report. The perpetrator is unclear for the deaths of four persons killed in one incident.

67 women and 61 girls), the vast majority were civilians, including all 164 children.<sup>5</sup> Thirty-four Israelis were injured.<sup>6</sup>

7. Several strikes by the Israeli Air Force during the August 2022 escalation, including the 7 August strike on a cemetery east of Jabalya, which killed five boys, raised concerns of possible violations of international humanitarian law, including the principles of proportionality,<sup>7</sup> precautions in attack<sup>8</sup> and the prohibition of indiscriminate attacks<sup>9</sup> and of attacks intentionally directed against civilians.<sup>10</sup>

8. The escalation of hostilities in May 2023 resulted in 33 Palestinians (23 men, 4 girls, 2 boys and 4 women) killed in Gaza – 30 Palestinians by the Israeli Air Force and 3 killed by rockets launched by Palestinian armed groups from Gaza that fell short in the Strip. At least 13 of those killed were civilians, including three men, four girls, two boys and four women.<sup>11</sup> One civilian Israeli woman and one civilian Palestinian man were killed by rockets fired into Israel from Gaza. One hundred and ninety-two Palestinians, including 82 men, 47 women and 63 children, were injured between 9 and 13 May.<sup>12</sup> According to the Israeli authorities, 95 Israelis were injured.

9. Strikes by the Israeli Air Force killed 10 civilians (women, men and children) during three, almost simultaneous, attacks on residential buildings, just after midnight on 9 May 2023, reportedly targeting three senior members of the armed wing of Palestinian Islamic Jihad, *Saraya Al Quds*. The strikes took place less than a week after a ceasefire came into effect between Israel and Palestinian Islamic Jihad following an exchange of fire on 2 and 3 May, and at a time when there were no active hostilities.<sup>13</sup> The Israeli strikes were reportedly authorized in advance.

10. Those initial attacks raise concerns regarding compliance with international humanitarian law, including the principles of precautions in attack, proportionality, and, in one incident, the prohibition of indiscriminate attacks. In one of the attacks on 9 May, the Israeli Air Force targeted the head of Palestinian Islamic Jihad operations in the West Bank, Tariq Ezz el-Din, in a residential apartment building in the Al-Rimal area, Gaza city. OHCHR monitoring indicates that the Israeli Air Force dropped at least two bombs onto the apartment building, one of which appears to have exploded in the rooftop apartment, killing three civilians from another family,<sup>14</sup> as well as Ezz el-Din, his 12-year-old daughter and 8-year-old son in the apartment below. Another bomb penetrated the residential building on the ground floor. The attack caused extensive damage to the residential building and also damaged two neighbouring residential buildings. Launching indiscriminate attacks resulting in death or injury to civilians, or an attack in the knowledge that it will cause incidental civilian loss, injury or excessive damage in relation to the concrete and direct military advantage anticipated may constitute a war crime.<sup>15</sup>

<sup>5</sup> A/HRC/52/75, para. 6.

<sup>6</sup> Ibid.

<sup>7</sup> See International Committee of the Red Cross (ICRC), “Rule 14: proportionality of attack”, Customary International Humanitarian Law Database. Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1>.

<sup>8</sup> Ibid., “Rule 15: principle of precautions in attack”.

<sup>9</sup> Ibid., “Rule 11: indiscriminate attacks”.

<sup>10</sup> A/HRC/52/75, paras. 6–9.

<sup>11</sup> Verification of status continued as at 31 May 2023.

<sup>12</sup> Figures from the United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>13</sup> Tor Wennesland, Special Coordinator for the Middle East peace process, briefing to the Security Council on the situation in the Middle East, 24 May 2023.

<sup>14</sup> See also, Raja Abdulrahim, “Israel called them ‘precision’ strikes. But civilian homes were hit, too”, *New York Times*, 31 May 2023.

<sup>15</sup> ICRC, “Rule 156: definition of war crimes”.

11. In August 2022 and May 2023, Palestinian armed groups fired projectiles, including from highly populated neighbourhoods in Gaza that were inherently indiscriminate in nature towards Israel,<sup>16</sup> which may constitute a violation of the prohibitions on indiscriminate attacks and the use of weapons which are by nature indiscriminate under international humanitarian law and may amount to war crimes.<sup>17</sup> Many of such projectiles also fell within Gaza; in August 2022 they killed 16 Palestinians (six men, six boys, three girls and one woman) and injured others.<sup>18</sup> In May 2023, indiscriminate rockets fired from Gaza killed one Israeli civilian woman and one Palestinian civilian man working in Israel and injured 40 Israeli civilians.<sup>19</sup> Three Palestinians died from rockets that fell within Gaza, including a 16-year-old boy and an 8-year-old girl who were killed by a rocket that fell in Al-Sahaba street in Gaza City on 10 May 2023. A 51-year-old Palestinian man was killed in a separate incident on 10 May 2023 in North Gaza Governorate.

12. In both escalations of hostilities, Israeli strikes hit *prima facie* civilian objects, causing damage.<sup>20</sup> According to the Office for the Coordination of Humanitarian Affairs, during the escalation in May 2023, a total of 2,943 housing units sustained damage, including 103 destroyed and 140 severely damaged, while 1,244 Palestinians were internally displaced, 20 schools administered by the Palestinian Authority and six schools administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East were damaged, as were Al-Aqsa hospital in Deir al-Balah and the Indonesian hospital in northern Gaza, and two primary health care clinics in Khan Younis and northern Gaza. According to Israeli sources, during the escalation in May 2023, rockets and other projectiles caused damages to 429 structures, including homes, public buildings and businesses.

## **B. Killings and injuries in the context of law enforcement**

13. Israeli security forces escalated the use of lethal force against Palestinians across the West Bank, while attacks or alleged attacks by armed Palestinians also rose during this period. In numerous instances monitored by OHCHR, Israeli security forces apparently used force unnecessarily or in a disproportionate manner, resulting in possible arbitrary deprivation of life. More Palestinians were killed in the West Bank, including East Jerusalem, in 2022 than in any other year since 2005, with the situation further deteriorating in 2023. During the reporting period Israeli security forces killed 304 Palestinians (232 men, 9 women, 61 boys and 2 girls) in the occupied West Bank, including East Jerusalem (including 116 killed during clashes, 62 in the context of alleged Palestinian attacks, 56 during confrontations, 56 during Israeli security forces operations, 6 during demonstrations and 8 in other situations),<sup>21</sup> and injured at least 21,829 Palestinians, 1,421 with live ammunition.<sup>22</sup>

<sup>16</sup> [A/HRC/29/CRP.4](#), para. 97.

<sup>17</sup> ICRC, “Rule 11: indiscriminate attacks”; ICRC, “Rule 12: definition of indiscriminate attacks”; ICRC, “Rule 71: weapons that are by nature indiscriminate”; and ICRC, “Rule 156: definition of war crimes”.

<sup>18</sup> [A/HRC/52/75](#), para. 10.

<sup>19</sup> Figures from the United Nations, Office for the Coordination of Humanitarian Affairs, based on Israeli sources.

<sup>20</sup> For damage in August 2022, see [A/HRC/52/75](#), para. 9.

<sup>21</sup> Another four Palestinians (one man, one woman, and two boys) were killed by either settlers or Israeli security forces.

<sup>22</sup> Figures from the United Nations, Office for the Coordination of Humanitarian Affairs.

14. The arbitrary deprivation of life is prohibited under international human rights law. According to the Human Rights Committee, States parties to the International Covenant on Civil and Political Rights are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials.<sup>23</sup> This includes, *inter alia*, putting in place procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life and employing less lethal weapons for law enforcement operations, in accordance with their obligations to protect the right to life.<sup>24</sup> Since 2022, OHCHR has documented patterns, that escalated in 2023, of Israeli security forces applying military tactics to law enforcement operations in the West Bank, including, for instance, the use of anti-tank missiles and shoulder-fired explosive projectiles and other military weaponry, and the deployment of snipers on roofs, in highly populated and busy urban areas, in many cases in broad daylight. Israel Security Forces appear to have failed to take steps to de-escalate situations of confrontation or to ensure potentially lethal force is employed only as a last resort when strictly necessary to protect life or prevent serious injury from an imminent threat.<sup>25</sup> Statements by Israeli authorities following operations, announcing that operations resulting in the killing of Palestinians were carried out to “neutralize” them,<sup>26</sup> raise concerns that some of these killings, including arbitrary deprivation of life, may amount to extrajudicial executions and, in a context of occupation and, depending on the circumstances, wilful killings.<sup>27</sup>

15. Between January and May 2023, 112 Palestinians were killed (91 men, 19 boys and two women) in the West Bank, including East Jerusalem.<sup>28</sup> In comparison, between January and May 2022, 50 Palestinians were killed (33 men, 13 boys and 4 women) in the West Bank, including East Jerusalem.

16. According to OHCHR monitoring, in an operation on 22 February 2023 in the old city of Nablus, Israeli security forces killed 11 Palestinian men and one 16-year-old boy; and caused 103 injuries by live ammunition and 55 by shrapnel. Israeli security forces claimed that the operation, conducted between 10:20 and 13:00 hours, was to apprehend three Palestinian men allegedly involved in shooting attacks and planning further attacks.<sup>29</sup> The operation triggered clashes between armed Palestinians and Israeli security forces, who, among other weapons, used shoulder-fired explosive projectiles and launched tear-gas from drones in two populated and busy areas in the commercial heart of the city. Many residents, including children, were present at the time, and at least 700 persons were reportedly affected by tear gas. Among the 12 Palestinians killed was a 72-year-old man shot dead by Israeli security forces while he was walking. Israeli security forces also fired towards an armed Palestinian man fleeing through the crowded courtyard of a clinic and killed a 16-year-old boy, a 23-year-old man and a 64-year-old man, all bystanders. On 26 January

<sup>23</sup> Human Rights Committee, general comment No. 36 (2018), para. 13.

<sup>24</sup> Basic Principles on Use of Force and Firearms by Law Enforcement Officials (1990), para. 2.

<sup>25</sup> *Ibid.*, para. 9; and Human Rights Committee, general comment No. 36 (2018), para. 12.

<sup>26</sup> Hadas Gold and others, “11 Palestinians killed during Israeli raid targeting militants in West Bank”, CNN, 24 February 2023; and Emanuel Fabian, “4 Palestinians, including terror group members, killed by Israeli troops in Jenin”, *The Times of Israel*, 16 March 2023.

<sup>27</sup> A/76/333, para. 16.

<sup>28</sup> Another Palestinian man was killed either by a settler or by Israeli security forces.

<sup>29</sup> See [www.idf.il/%D7%9B%D7%AA%D7%91%D7%95%D7%AA-%D7%95%D7%A2%D7%93%D7%9B%D7%95%D7%A0%D7%99%D7%9D/2023/%D7%A4%D7%91%D7%A8%D7%95%D7%90%D7%A8/%D7%A0%D7%98%D7%A8%D7%95%D7%9C-3-%D7%9E%D7%97%D7%91%D7%9C%D7%99%D7%9D-%D7%A9%D7%9B%D7%9D-%D7%A4%D7%A2%D7%99%D7%9C%D7%95%D7%AA-%D7%90%D7%99%D7%95%D7%A9-%D7%99%D7%94%D7%95%D7%93%D7%94-%D7%95%D7%A9%D7%95%D7%9E%D7%A8%D7%95%D7%9F-%D7%92%D7%95%D7%91-%D7%94%D7%90%D7%A8%D7%99%D7%95%D7%AA-%D7%9C%D7%95%D7%97%D7%9E%D7%99%D7%9D/](http://www.idf.il/%D7%9B%D7%AA%D7%91%D7%95%D7%AA-%D7%95%D7%A2%D7%93%D7%9B%D7%95%D7%A0%D7%99%D7%9D/2023/%D7%A4%D7%91%D7%A8%D7%95%D7%90%D7%A8/%D7%A0%D7%98%D7%A8%D7%95%D7%9C-3-%D7%9E%D7%97%D7%91%D7%9C%D7%99%D7%9D-%D7%A9%D7%9B%D7%9D-%D7%A4%D7%A2%D7%99%D7%9C%D7%95%D7%AA-%D7%90%D7%99%D7%95%D7%A9-%D7%99%D7%94%D7%95%D7%93%D7%94-%D7%95%D7%A9%D7%95%D7%9E%D7%A8%D7%95%D7%9F-%D7%92%D7%95%D7%91-%D7%94%D7%90%D7%A8%D7%99%D7%95%D7%AA-%D7%9C%D7%95%D7%97%D7%9E%D7%99%D7%9D/) (Hebrew).

2023, Israeli security forces conducted an operation in Jenin refugee camp, resulting in clashes during which 10 Palestinians were killed and 28 others were injured.<sup>30</sup> This included two boys and one 61-year-old woman, killed inside her house, while posing no threat.

17. In some cases, killings in the West Bank appeared to amount to extrajudicial executions.<sup>31</sup> According to OHCHR monitoring, on 16 March 2023, Israeli security forces conducted an operation in Jenin city, killing four Palestinians, including one Palestinian boy, and injuring at least 23 others. Videos show two men, alleged members of Palestinian Islamic Jihad and Hamas, shot dead at close range, while they appeared unarmed and presumably posed no imminent threat.<sup>32</sup> One was killed while fleeing while the other was shot in the head while already immobilized.

18. Some cases raised concerns that Israeli security forces may have employed intentional lethal force against a suspect who no longer posed any threat, in attacks that have been characterized as “confirmation of kill” cases.<sup>33</sup> On 17 November 2021, a 16-year-old Palestinian boy was shot and killed in the old city of Jerusalem by an armed Israeli, believed to be a settler, and Israeli border police after he assaulted and moderately injured two Israeli border police with a knife.<sup>34</sup> A video from police surveillance cameras shows the police holding the boy against the wall, after which the armed Israeli shot him.

19. While most fatalities were men and boys, the use of force by Israeli security forces took a heavy toll on women and girls. Eight Palestinian women and two girls were killed by Israeli security forces in the West Bank, including East Jerusalem, during the reporting period, including five killed during operations by Israeli security forces, and five in alleged assaults against Israelis. In most of the cases monitored, use of lethal force by Israeli security forces appeared unnecessary or disproportionate, seemingly resulting in the arbitrary deprivation of life. On 11 December 2022, according to OHCHR monitoring, Israeli security forces shot and killed a 15-year-old Palestinian girl during a night-time raid in Jenin city. She was shot with one bullet in the head and two in the upper chest while she was on the rooftop of her house filming the raid on her phone. The killing of Al-Jazeera journalist Shireen Abu Akleh while reporting on an operation in Jenin,<sup>35</sup> is another example. Five Israeli women and one Israeli girl were killed also by Palestinians in assaults by lone Palestinians.

20. The use of lethal force against children continued. Between 1 June 2021 and 31 May 2023, 63 children, including 61 boys and two girls, were killed by Israeli security forces in the West Bank, including East Jerusalem (24 during confrontations, 14 killed during Israeli security forces operations, 12 during armed clashes, 8 in the context of alleged Palestinian attacks, 3 during demonstrations, and 2 in other contexts). 44 children were hit above the waist, including 16 in the head, raising concerns that lethal force may have been intentionally used. In the first five months of 2023, Israeli security forces shot with live ammunition and killed 19 Palestinian children in the occupied West Bank, including East Jerusalem: the highest comparable number since 2008,<sup>36</sup> suggesting that Israel may not have yet taken the necessary steps

<sup>30</sup> Another man succumbed to his injuries on 29 January, bringing total fatalities to 10, the highest number of fatalities in a single operation since 2005, surpassed in another raid in Nablus in March.

<sup>31</sup> [A/HRC/52/75](#), para. 18.

<sup>32</sup> Videos on file with the Secretariat.

<sup>33</sup> [A/HRC/52/75](#), para. 57.

<sup>34</sup> Defense for Children – Palestine, “Armed Israeli civilian shoots, kills Palestinian boy during alleged stabbing attack”, 18 November 2021.

<sup>35</sup> See [www.idf.il/76056](http://www.idf.il/76056) (Hebrew); and [A/HRC/52/75](#), paras. 20 and 54.

<sup>36</sup> Figures from the United Nations, Office for the Coordination of Humanitarian Affairs.

to limit the use of lethal force against children. Seventeen children were hit with bullets in the upper part of their body, including seven of them in the head.

21. In several cases where children were killed, unwarranted lethal force appears to have been used intentionally, seemingly resulting in extrajudicial executions. According to OHCHR monitoring, on 29 April 2023, Israeli security forces targeted a 15-year-old boy with lethal force in the chest during confrontations in Tuqu', south-east of Bethlehem. The killing reportedly followed threats that he would be punished for his involvement in confrontations.<sup>37</sup> On 15 March 2022, Israeli security forces shot a 16-year-old boy in his back and killed him. While Israeli security forces claimed he opened fire at them, according to witnesses interviewed by OHCHR, he was shot in the back while fleeing in the context of an operation in Balata refugee camp in Nablus city. At dawn on 16 January 2023, Israeli security forces killed a 14-year-old boy at the end of an operation at Dheisheh refugee camp in Bethlehem. OHCHR monitoring suggests that snipers targeted the boy with lethal force after a Molotov cocktail had been thrown by an unknown individual at an armoured vehicle.

22. Israeli security forces put Palestinian children in danger, including by using them during some law enforcement operations in a practice akin to human shields. During an operation in Jenin on 13 May 2022, Israeli security forces forced the 16-year-old sister of a wanted Palestinian man to stand in front of an Israeli military vehicle for over two hours during a firefight with armed Palestinians. On 22 February 2023, a 16-year-old boy was handcuffed and placed between Israeli security forces and Palestinians who were the subject of an operation in Nablus. On 1 March 2023, during an operation in Aqabat Jaber refugee camp, south of Jericho, Israeli security forces forced a 20-year-old Palestinian man and his 21-month-old Palestinian infant cousin (boy) to stay next to them apparently to shield them from stone throwing.

23. Israeli security forces continued to use firearms apparently without resorting to less lethal means, regardless of the gravity of the potential threat detected and often as a first rather than a last resort,<sup>38</sup> including in response to Palestinians engaged in throwing stones, which in most incidents may not have constituted an imminent threat of death or serious injury. During the reporting period, Israeli security forces killed 56 Palestinians, including 32 men and 24 boys in the context of stone-throwing in the West Bank, including East Jerusalem. For example, on 26 January 2023, Israeli security forces shot and killed a 22-year-old Palestinian man from Ar Ram, north of Jerusalem, during confrontations with stone-throwing Palestinians and after one Palestinian had thrown fireworks towards them.

24. In the vast majority of the cases monitored, use of force by Israeli security forces may not have been lawful and may have failed to comply with the standards of necessity and proportionality.<sup>39</sup> The use of firearms causing death of persons not posing an imminent threat to life or of serious injury may constitute a violation of the prohibition of the arbitrary deprivation of life and may, depending on the circumstances, amount to wilful killing, a war crime in the context of a military occupation.<sup>40</sup>

<sup>37</sup> Gideon Levy and Alex Levac, "They had already lost six children when their 15-year old son was shot dead by Israeli troops", *Haaretz*, 20 May 2023.

<sup>38</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).

<sup>39</sup> *Ibid.*, arts.5 and 9; Human Rights Committee, general comment No. 36 (2018), para. 12; Human Rights Committee, general comment No. 37 (2020), paras. 78–79, and 88; and *Guidance on Less Lethal Weapons in Law Enforcement* (United Nations publication, 2020), paras. 2.1–2.3.

<sup>40</sup> International Covenant on Civil and Political Rights, art. 6; Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), arts. 27 and 147; ICRC, "Rules 89: violence to life"; ICRC, "Rule 156: definition of war crimes"; and Rome Statute of the International Criminal Court, art. 8(2)(a)(i).

25. The United Nations High Commissioner for Human Rights has expressed concern regarding lack of accountability for unlawful use of force by Israeli security forces.<sup>41</sup> Any suspected arbitrary killings must give rise to prompt, effective, independent and transparent investigations and, where there is sufficient evidence, prosecution of the perpetrators.<sup>42</sup>

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

26. Israel continued to impose punitive measures on Palestinian individuals and communities for offences they did not commit, in a discriminatory manner.<sup>43</sup> Collective punishment is expressly prohibited by international humanitarian law,<sup>44</sup> and may violate numerous provisions of international human rights law.<sup>45</sup>

27. Israeli authorities continued and expanded the practice of sealing and demolishing the family homes of Palestinians alleged to have assaulted or killed Israelis. This practice has only been used against Palestinians and not against other individuals accused of similar crimes. Israel punitively demolished 27 residential structures in the West Bank, including East Jerusalem, forcibly evicting 132 Palestinians (42 men, 35 women, 30 boys and 25 girls), 171 others were also detrimentally affected.<sup>46</sup>

28. Escalations have included decisions to immediately seal houses, a preliminary step towards demolition, further eroding judicial oversight.<sup>47</sup> Early in the morning of 28 January 2023, Israeli security forces reportedly raided the family home of the alleged perpetrator of the shooting incident on 27 January in Neve Yacoub, in which a Palestinian allegedly killed seven Israelis in East Jerusalem, arresting 15 of his relatives, including his mother. The house was reportedly sealed with concrete on 29 January and on 8 February the family was informed that the house would be demolished.<sup>48</sup>

29. The punitive demolition of family homes may be accompanied by other human rights violations. On 15 November 2022, a Palestinian man from Haris village in Salfit was shot dead after he allegedly killed three Israelis and injured three others near the settlement of Ariel.<sup>49</sup> According to OHCHR monitoring, Israeli security forces withheld the alleged perpetrator's corpse, raided his family house, arrested his cousin and held him in detention for 27 days without charge, where he reported ill-treatment. The Coordinator of Government Activities in the Territories<sup>50</sup> revoked work permits for dozens of relatives of the alleged perpetrator who relied on working

<sup>41</sup> [A/HRC/49/25](#), para. 17; [A/HRC/52/75](#), para. 52; and Yesh Din Volunteers for Human Rights, "Law enforcement against Israeli soldiers suspected of harming Palestinians and their property", data sheet, December 2022.

<sup>42</sup> Human Rights Committee, general comment No. 36 (2018), paras. 27–28; Minnesota Protocol on the Investigation of Potentially Unlawful Death, para 8 (c); and Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, principles 9 and 18.

<sup>43</sup> [A/75/336](#), para. 23.

<sup>44</sup> Regulations annexed to the Hague Convention IV of 1907, art. 50; Fourth Geneva Convention, art. 33; and ICRC, "Rule 103: collective punishments".

<sup>45</sup> International Covenant on Civil and Political Rights, arts. 12 and 14; International Covenant on Economic, Social and Cultural Rights, arts. 6 and 11; and [A/76/333](#), para. 35.

<sup>46</sup> Figures from the United Nations, Office for the Coordination of Humanitarian Affairs.

<sup>47</sup> Confirmed by the government in a case filed by Hamoked to the Israeli High Court of Justice on 13 February 2023. Documents on file with the Secretariat.

<sup>48</sup> Emanuel Fabian, "Military issues demolition order for East Jerusalem home of Neve Taakov terrorist", *The Times of Israel*, 8 February 2023.

<sup>49</sup> Emanuel Fabian, "3 killed, 3 wounded in West Bank attack; terrorist shot dead", *The Times of Israel*, 15 November 2022.

<sup>50</sup> See [www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page](http://www.gov.il/en/departments/coordination-of-government-activities-in-the-territories/govil-landing-page).



in Israel or Israeli settlements as their main source of income. According to OHCHR monitoring, the family house of the alleged perpetrator was demolished on 3 May 2023.

30. On 10 February 2023, the father of an alleged perpetrator of a ramming attack that killed three Israelis was reportedly summoned by the office of the Israeli Ministry of Interior in East Jerusalem to review his residency status. His brothers have all been detained for various periods and two of them have been subjected to house arrest. On 14 March 2023, the alleged perpetrator's brother-in-law was arrested and held under administrative detention until 30 April. In none of these cases have the families of the alleged perpetrator been accused or charged with any crime.

31. Israeli practices that may amount to collective punishment disproportionately affect Palestinian women and girls, with severe impacts on their physical and psychological well-being.<sup>51</sup> In some monitored cases, in addition to being subjected to forced evictions, the relatives of alleged perpetrators, often including wives, mothers and sisters, appear to also have been arbitrarily arrested, detained and ill-treated.

32. Israeli authorities may have arbitrarily used administrative powers under counter-terrorism legislation to seize property from Palestinians convicted of assaulting or killing Israelis.<sup>52</sup> These measures affect family members of Palestinian prisoners, who have in many cases also had their homes unlawfully demolished by Israeli authorities. Reportedly, as of the end of February 2023, Israeli authorities had seized bank accounts and valuable items from 160 persons from East Jerusalem, including 24 prisoners, 55 freed prisoners and 81 family members of imprisoned Palestinians from East Jerusalem.<sup>53</sup>

33. During the reporting period, the closure of Gaza entered its sixteenth year. The Secretary-General has repeatedly expressed concern over its impact on the civilian population, underlining that it may amount to collective punishment.<sup>54</sup> Israeli authorities continued aggravating the suffering of civilians in Gaza through measures that may constitute wide-ranging violations of their economic, social and cultural rights, 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, food, medical and other essential supplies in and out of Gaza.<sup>55</sup> In addition to preventing civilians from fleeing conflict-related violence, the closures have had serious implications on those needing to flee gender-based violence.

34. According to OHCHR monitoring, along the Gaza coast, the Israeli Navy continued to enforce access restrictions, using live ammunition, rubber-coated bullets and water cannons against Gaza fishers. In 2022, the Israeli Navy dramatically increased the detention of fishers sailing along the Gaza coast often within 1 to 3 nautical miles, and thus within the Israeli decreed fishing zones, compounding uncertainty for fishers. According to OHCHR monitoring 66 fishers were detained in 2022, compared to 12 in 2021. In the first five months of 2023, the Israeli Navy detained 14 Gazan fishers. On many occasions, the Israeli Navy forced fishers to undress and jump into cold water, handcuffed and blindfolded them and denied them access to their families or legal representation. Twenty-three fishers were injured by rubber-coated bullets shot by the Israeli Navy, including from close range, most of them during arrests in 2022. Seven boats were confiscated in 2021, 24 in 2022 and 4 as at 31 May 2023, with serious implications for the livelihoods of the fishers

<sup>51</sup> CEDAW/C/ISR/CO/6, paras. 32–33; A/HRC/46/63, para. 10. See para. 43 below.

<sup>52</sup> Israel, Counter-Terrorism Law (2016), sect. 56.

<sup>53</sup> Palestinian News and Information Agency, "Until the end of February, Israel seized money from 160 Palestinian prisoners from Jerusalem", 6 March 2023.

<sup>54</sup> A/76/333, para. 36; A/75/336, para. 24; A/74/468, para. 22; and A/73/420, para. 7.

<sup>55</sup> A/76/333, para. 36; and A/HRC/52/75, para. 13.

concerned. The Israeli authorities released arrested fishers without charge, most within a day, suggesting that the arrests may have been arbitrary.

35. According to the Jerusalem Legal Aid and Human Rights Centre, at the end of the reporting period, Israeli authorities withheld 127 bodies of Palestinians killed by Israeli security forces, including 1 woman and 10 boys.<sup>56</sup> There were no developments regarding the two Israeli civilians and the bodies of two Israeli soldiers held in Gaza.<sup>57</sup> The Human Rights Committee has noted that withholding bodies of the deceased and denying the right of families to a burial may amount to torture and ill-treatment.<sup>58</sup> Withholding of bodies is also inconsistent with the obligations of Israel as an occupying Power.<sup>59</sup>

#### D. Detention and ill-treatment

36. There was a considerable increase in the number of Palestinians held in Israeli detention. Reports by non-governmental organizations indicate that at the end of May 2023, the Israel Prison Service was holding 4,857 detainees on what it defined as security grounds, including 160 children (1 girl), 29 women and 181 from Gaza.<sup>60</sup> Most were arrested in the Occupied Palestinian Territory and held within Israel. Under international humanitarian law, individuals accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. Unlawful deportation or transfer or unlawful confinement can be considered grave breaches of the Fourth Geneva Convention and war crimes under article 8 of the Rome Statute of the International Criminal Court.<sup>61</sup> In line with Israeli regulations, security prisoners are subjected to harsh conditions such as restricted access to their families and outside world through the denial of telephone calls, prison leave or conjugal visits.<sup>62</sup> Hamas-affiliated prisoners from Gaza are reportedly denied family visits as a form of pressure on Hamas.<sup>63</sup> Denial of family visits to persons deprived of liberty may constitute treatment contrary to article 7 of the International Covenant on Civil and Political Rights and, under certain circumstances, may amount to collective punishment.

37. According to the Addameer Prisoner Support and Human Rights Association, the number of Palestinian administrative detainees doubled from 495 in May 2021 to 1,131 as at 31 May 2023, reaching its highest level since 2008.<sup>64</sup> Administrative detention occurs for indefinite periods and is often based on secret information, without an opportunity to meaningfully challenge the detention, and could result in

<sup>56</sup> This number does not include the 253 bodies of Palestinians killed in hostilities and buried in graves marked only by numbers.

<sup>57</sup> A/HRC/52/75, para. 16.

<sup>58</sup> CCPR/C/ISR/CO/5, para. 32.

<sup>59</sup> Fourth Geneva Convention, art. 27; and ICRC, “Rule 114: return of the remain and personal effects of the dead”.

<sup>60</sup> B’Tselem, “Statistics on Palestinians in Israeli custody”, 7 September 2023.

<sup>61</sup> Fourth Geneva Convention, arts. 76 and 147; and Rome Statute of the International Criminal Court, art. 8(2)(a)(vii).

<sup>62</sup> Israel Prison Service, Order No. 03/02/00, “Regulations on security prisoners”, 15 November 2020. Available at 03.02.00 - בטחוניים ביחס לאסירים (www.gov.il); and Israel Prison Service, Order No. 04.40.00, “Prisoners furloughs”, 2 April 2020 (part B, para. f on furloughs). Available at 04.40.00 - חופשות אסירים (www.gov.il).

<sup>63</sup> Israel, Ministerial Committee on National Security Affairs, Decision No. B171, 1/01/2017; <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/17/140/063/z18&fileName=17063140.Z18&type=4> (in Hebrew); and B’Tselem, “Court-sanctioned vengeance: HCJ upholds ban on family visits for Hamas prisoners from Gaza”, 14 July 2019.

<sup>64</sup> See [www.addameer.org/statistics](http://www.addameer.org/statistics).

physical and mental suffering that may constitute torture or other ill-treatment.<sup>65</sup> According to the Human Rights Committee, administrative detention would normally amount to arbitrary detention as other effective measures to address the threat would be available. To be in conformity with international human rights law, any deprivation of liberty must be made on such grounds and in accordance with such procedures as are established by law. Where no reasonable legal ground is invoked, the detention may be considered arbitrary.<sup>66</sup> In contrast with the high number of Palestinians administratively detained, as at 1 March 2023, reportedly only four Israelis were held in administrative detention, raising concerns that this practice disproportionately affects Palestinians.<sup>67</sup>

38. On 2 May 2023, a Palestinian activist and a political member of Palestinian Islamic Jihad, Khader Adnan, was found dead in his cell in Nizan detention centre, following an 86-day hunger strike. Israeli authorities failed to ensure that he was transferred to a hospital even though civil society representatives, including medical experts from Physicians for Human Rights, his lawyer and his family had urged his immediate hospitalization.<sup>68</sup> Adnan had been detained by Israeli authorities 12 times in the past, spending around eight years in Israeli prisons, often without charge or trial, during which he had been on hunger strike five times for lengthy periods.

39. On 1 February 2023, the Israeli Minister of National Security announced measures<sup>69</sup> to worsen conditions in detention for Palestinians, including women some of which have reportedly already been implemented.<sup>70</sup> Measures reportedly include the removal of ovens to bake bread, and the reduction of bath time and the amount of water for showers. Women in Damon prison reported to Addameer that daily cell checks were conducted with a male guard accompanying the female guard.<sup>71</sup> According to Physicians for Human Rights, protests against the announced measures led to harsh reprisals, including a raid of the women's section of Damon prison, placing of women prisoners in solitary confinement, and a ban on family visits and usage of phones for one month.<sup>72</sup> Reportedly, the Israel Prison Service conducted similar raids in men's prisons.<sup>73</sup>

40. According to Addameer, as at May 2023, more than 700 Palestinians with serious health conditions were held in Israeli prisons, including 200 suffering from chronic diseases.<sup>74</sup> Article 40A of the 2016 Counter-Terrorism Law prevents the early

<sup>65</sup> CAT/C/ISR/CO/4, para. 17; and CAT/C/ISR/CO/5, paras. 22–23.

<sup>66</sup> Fourth Geneva Convention, art. 78; International Covenant on Civil and Political Rights, art. 9; Human Rights Committee, general comment No. 35 (2014), paras. 15 and 64; A/HRC/37/42, paras. 9–39; A/76/333, para. 31; A/71/355, para. 20; A/71/364, paras. 34–35; A/69/347, paras. 28–29; and A/HRC/37/42.

<sup>67</sup> Hagar Shezaf, “Number of Palestinians under detention without trial has doubled in Israeli prisons”, *Haaretz*, 27 May 2023.

<sup>68</sup> Physicians for Human Rights, “Palestinian hunger striker Khader Adnan dies in Israeli prison”, 2 May 2023.

<sup>69</sup> Khaled Abu Toameh, “Palestinian prisoners ‘revolt’ against Ben-Gvir’s measures”, *Jerusalem Post*, 15 February 2023; Amos Harel, “Analysis: trolling Palestinian prisoners, Ben-Gvir could drag Israel into another Gaza war”, *Haaretz*, 2 February 2023; and Israel National News, “Increasing the pressure: Ben Gvir orders to limit showering time of terrorist prisoners”, 14 February 2023.

<sup>70</sup> Ali Sawafta and Nidal Al-Mughrabi, “Israel jail crackdown sets up showdown with Palestinian prisoners”, Reuters, 2 February 2023; and [www.kan.org.il/content/kan-news/defense/215776/](http://www.kan.org.il/content/kan-news/defense/215776/).

<sup>71</sup> Addameer, “Addameer commemorates International Women’s Day by shedding light on the 29 Palestinian women prisoners languishing in harsh and degrading conditions in Damon Israeli occupation prison”, 8 March 2023.

<sup>72</sup> Physicians for Human Rights, “Escalation in violations of Palestinian prisoners’ rights”, 5 March 2023.

<sup>73</sup> *Ibid.*

<sup>74</sup> See [www.addameer.org/node/5018](http://www.addameer.org/node/5018).

release of security prisoners convicted of murder-related offences considered as an act of terror. So far, this article has only been applied against Palestinians, including those with terminal illness.<sup>75</sup>

41. A 24-year-old woman suffering from a neurological disorder was arrested during a 3 am raid on her house and sent to Al-Jalama detention centre with her hands and legs shackled. She reported to OHCHR that she was kept in solitary confinement and subjected to ill-treatment. She was transferred to Damon prison and subsequently sentenced to five months imprisonment, during which she was not provided with appropriate health care, leading to health complications. Other women reported the denial of medication or the administration of medication without their consent.

42. Palestinians continued to face extended periods in pretrial detention.<sup>76</sup> Pretrial detention cannot be used as the general rule and must be based on an individualized determination that it is reasonable and necessary, taking into account all the circumstances for such purposes as to prevent flight, interference with evidence or the recurrence of crime.<sup>77</sup> Moreover, as stated by the Human Rights Committee, time in pretrial detention must be as short as possible.<sup>78</sup>

43. Palestinian women human rights defenders reported the threat of extended pre-trial detention to pressure them to accept plea bargains, which they saw as a means to secure release from lengthy pretrial detention and based on a belief that they would be convicted and sentenced regardless of their innocence. This was supported by data provided by the Israeli Defence Forces to the Movement for Freedom of Information that showed, between 2018 and 2021, 96 per cent of cases opened by military prosecutors against Palestinians ended with conviction, with only 0.3 per cent acquitted. Of the convictions, 99.6 per cent were based on plea bargains.<sup>79</sup>

44. Palestinian women were reportedly subjected to gender-based ill-treatment during arrest, interrogation and detention. A Palestinian woman from East Jerusalem described how she and her daughter, a minor, who were relatives of an alleged perpetrator of a crime, were subjected to unnecessary, degrading and humiliating strip searches at their home. Women reported that their treatment was used to extract confessions and to deter activism. A Palestinian woman from East Jerusalem described being subjected to verbal insults of a sexual nature by a woman Israeli officer while being transported to Israel. Another Palestinian woman described her hands and feet being shackled and transported inside a van that was “something like a cage” and “dark and narrow”. The previous Director of Health Work Committees, a Palestinian non-governmental health and developmental organization, Shatha Odeh, described journeys back and forth between Ramat HaSharon and Ofer prison in these vans that lasted eight hours and were followed by 8 to 11 hours of interrogation. Women described the experience as humiliating and intimidating.

45. Israeli security forces reportedly used physical violence during interrogation, particularly against young Palestinian men and boys. One teenage boy reported that he was subjected to multiple interrogations during which he was beaten with sticks, slapped, punched, kneed in the face and head and kicked in the legs and stomach. Israeli authorities have still not taken legislative or other measures to ensure that any

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<sup>75</sup> OHCHR monitoring. See also, [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffs.knesset.gov.il%2F%2F20%2F1aw%2F20\\_lst\\_517851.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffs.knesset.gov.il%2F%2F20%2F1aw%2F20_lst_517851.docx&wdOrigin=BROWSELINK), setting out the legislative intention to target cases where Jews were attacked.

<sup>76</sup> See para. 53 below.

<sup>77</sup> International Covenant on Civil and Political Rights, art. 9(3); Human Rights Committee, general comment No. 35 (2014); and [CCPR/C/46/D/432/1990](https://www.unhcr.org/refugees/432/1990), para. 6.3.

<sup>78</sup> Human Rights Committee, general comment No. 35 (2014), para. 37.

<sup>79</sup> See [www.meida.org.il/12407](http://www.meida.org.il/12407).

statement which is established to have been made as a result of torture is not invoked as evidence in any proceedings.<sup>80</sup>

46. Between 31 May 2021 and 30 March 2023, a monthly average of 146 Palestinian children were detained in Israeli prisons;<sup>81</sup> of those, 27 per cent were serving sentences and the remainder were detained pre-trial, during proceedings or administratively. The United Nations Children's Fund (UNICEF) verified that at least 29 Palestinian children were held by Israel in administrative detention during the period from 31 May 2021 to 30 March 2023. Sworn testimonies from 149 Palestinian children held in Israeli military detention, 57 per cent of whom were detained in Israel, alleged patterns of ill-treatment during arrest, transfer, interrogation and detention, including physical violence (77 per cent), denial of food and water (61 per cent), denial of access to toilets (47 per cent) and denial of access to lawyer or parent before and during interrogation (91 per cent).<sup>82</sup> Fifty children reported being held in solitary confinement during interrogations for periods from 1 to 45 days. 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.<sup>83</sup>

47. Inappropriate use of solitary confinement against Palestinians was also documented. On 13 March 2023, Be'er Sheva District Court added an additional six months to the 16 months of solitary confinement for 21-year-old Palestinian prisoner Ahmad Manasra, despite his being diagnosed with schizophrenia. During his time in prison, since he was 13 years old, Manasra's mental health has reportedly deteriorated drastically. Solitary confinement often causes severe mental and physical suffering that amounts to torture or cruel and inhuman treatment. The 2016 Counter-Terrorism Law prevents his early release on medical grounds.

## **E. Restrictions on the rights to freedoms of expression, peaceful assembly and association**

48. Restrictions imposed by Israeli authorities on the rights to freedom of expression, peaceful assembly and association continued<sup>84</sup> during the reporting period, with an escalation in Israel's attempts to silence human rights defenders and to close civil society organizations advocating for the human rights of Palestinians, claiming they are affiliated with terror organizations, including possibly in reprisal for cooperating with the United Nations.<sup>85</sup>

49. Israeli counter-terrorism legislation has been at times applied to outlaw the legitimate work of human rights and humanitarian organizations.<sup>86</sup> Israeli security forces summoned or arrested staff members from seven human rights and humanitarian organizations that Israel has either designated or declared terrorist or unlawful.<sup>87</sup> Summons, arrests, detentions and intimidation appear to have been

<sup>80</sup> See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2 and 15.

<sup>81</sup> Based on Israel Prison Service data.

<sup>82</sup> Based on United Nations Children's Fund data.

<sup>83</sup> Convention on the Rights of the Child, arts. 3(1), 6 and 37(b). See also, Committee on the Rights of the Child, general comment No. 24 (2019), paras. 82–95.

<sup>84</sup> [A/75/336](#), paras. 45–49.

<sup>85</sup> [A/HRC/54/61](#), annex II, para. 89.

<sup>86</sup> [A/HRC/49/25](#), paras. 36–40.

<sup>87</sup> See [A/HRC/49/83](#). As far as OHCHR has been able to ascertain, there is no credible information or evidence to support the accusations made against these seven organizations.

targeted especially at women's human rights defenders, at times with a clear gender dimension.<sup>88</sup>

50. Travel bans have targeted human rights defenders, preventing members of designated organisations from raising human rights concerns at international fora. For example, Union of Palestinian Women's Committee executive director Tahreer Jaber and Bisan executive director Ubai Al-Aboudi are subject to travel bans and could not travel to provide their testimonies to the Commission of Inquiry on the Occupied Palestinian Territory and Israel on 8 November 2022.<sup>89</sup>

51. In November 2021, a forensic peer-reviewed investigation by the non-governmental organization Front Line Defenders of devices belonging to Palestinian human rights defenders and employees of civil society organizations revealed that those of the directors of Bisan Center, Al-Haq and Addameer had been infected with Pegasus<sup>90</sup> spyware.<sup>91</sup>

52. The designations and declarations of the seven human rights and humanitarian organizations as terrorist or unlawful have had serious impacts on their work, including through the withdrawal of funding, denial or delay of bank transfers, staff and board members resigning for fear of detention or retaliation, summons for questioning, travel bans against staff and detention of staff and board members, including administrative detention. Such measures have had a considerable impact on the work of women human rights defenders,<sup>92</sup> disrupting services essential to women, including gender-specific health services.

53. According to the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, targeting by Israeli authorities of civil society organizations reporting on human rights violations was particularly severe, leading to concerns in at least one case that actions taken may amount to a war crime.<sup>93</sup> On 7 March 2022 Israeli security forces arrested, a staff member of Addameer (one of the organizations designated as terrorist), Salah Hammouri, and subsequently placed him under three months administrative detention, which was extended twice, based on "secret evidence"; he was never charged or tried.<sup>94</sup> Hammouri's East Jerusalem residency permit was revoked in October 2021 for "breach of allegiance" to Israel and on 12 December 2022, he was deported to France, seemingly in violation of international humanitarian law, which prohibits the deportation of the protected population from occupied territory.<sup>95</sup>

54. On 30 August 2022, the former head of the Gaza office of the non-governmental organization World Vision International office in Mohammad el-Halabi, was sentenced by an Israeli court to 12 years in prison. He was convicted on 13 counts of terrorism-related charges,<sup>96</sup> despite allegations of serious due-process violations,

<sup>88</sup> A/HRC/52/75, para. 34.

<sup>89</sup> See <https://media.un.org/en/asset/k1p/k1pn7mkrqz>.

<sup>90</sup> Spyware developed by a private Israeli cyber company, the use of which may violate human rights.

<sup>91</sup> See communication No. AL ISR 11/2021.

<sup>92</sup> A/HRC/52/75, paras. 32–35.

<sup>93</sup> A/HRC/53/22, para. 79–80.

<sup>94</sup> A/HRC/52/75, para. 41.

<sup>95</sup> OHCHR, "Comment by UN human rights spokesperson Jeremy Laurence on deportation of Salah Hamomouri from occupied Palestinian territory", 19 December 2022.

<sup>96</sup> In addition to due process concerns, Israel's Counter-Terrorism Law applies broad and vague definition of "terrorist acts" which risks unjustifiable restrictions on human rights; see also A/HRC/49/25, paras. 37–40.

including six years of pretrial detention,<sup>97</sup> torture, incommunicado detention, reliance on a confession made under duress, lack of evidence against him presented in open court, extensive use of secret evidence, closed-door hearings without good cause and restricted access to his lawyer.<sup>98</sup> His appeal to the Supreme Court has been pending since 18 October 2022, following repeated postponements of hearings, mainly owing to confidentiality procedures and restrictions on the defence.<sup>99</sup> Serious due process violations may make a detention arbitrary.<sup>100</sup>

55. Palestinian journalists continue to face an environment that restricted free expression and placed them at risk of violence. According to the Committee to Protect Journalists, Israel has failed to hold anybody accountable for the killing of 20 Palestinian and foreign journalists (19 men and 1 woman) since 2001.<sup>101</sup> A freelance Palestinian journalist, Lama Ghousheh, was arrested on 4 September 2022 on charges of “identifying with a terrorist organization and incitement to violence” reportedly related to her reporting on social media about Palestinians killed by Israeli security forces and interviewing released prisoners. She was transferred to house arrest on 13 September 2022 on condition that she not access social media or communicate with people outside of her family.

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

56. Israeli authorities continued to restrict freedom of movement, primarily through a discriminatory permit system, as well as through unilaterally defined access-restricted areas inside Gaza on land and at sea as part of the Gaza closures.<sup>102</sup> Such restrictions continued to disrupt the daily life of Palestinians, profoundly affecting their enjoyment of other rights, including the rights to work, to an adequate standard of living, to education and to health. Movement and travel restrictions imposed by Israel, including the checkpoint system in the West Bank, remained a key factor preventing Palestinian women from accessing health-care services, education and employment opportunities and realizing women’s rights and gender equality.<sup>103</sup> The Human Rights Committee expressed deep concern about continuing restrictions on freedom of movement imposed through the discriminatory permit regime.<sup>104</sup> The Human Rights Committee also expressed concern that violations of the right to freedom of movement compound the coercive and oppressive environment for Palestinians, by forcing Palestinians to leave communities they have lived in for generations. Displacement and relocation to alternative residential areas as a result of a coercive environment could amount to forms of forcible transfer, contrary to the obligations of Israel under international humanitarian and human rights law.<sup>105</sup>

57. Legislation that, according to the Committee on the Elimination of Racial Discrimination, discriminates against Palestinians in the Occupied Palestinian

<sup>97</sup> Prolonged pretrial detention jeopardizes the presumption of innocence under International Covenant on Civil and Political Rights, art. 14, para. 2 (see Human Rights Committee, general comment No. 34 (2011), para. 37).

<sup>98</sup> OHCHR, “UN experts condemn Israel’s arbitrary detention and conviction of Palestinian aid worker”, 16 June 2022; and [www.facebook.com/UNHumanRightsOPT/posts/pfbid0SNLV13X1WHQrrfHKRTiASy6hyqiuWknnxwF2kf5p9YXtsdmUBaas6YmWM3bqj9xYl](https://www.facebook.com/UNHumanRightsOPT/posts/pfbid0SNLV13X1WHQrrfHKRTiASy6hyqiuWknnxwF2kf5p9YXtsdmUBaas6YmWM3bqj9xYl).

<sup>99</sup> See <https://twitter.com/LynnHastings/status/1669573745881628675?s=20>; and Amnesty International, “Israel/OPT: release prisoner of conscience Mohammed al-Halabi”, 17 May 2023.

<sup>100</sup> A/HRC/40/39, para. 31.

<sup>101</sup> Jonathan Shamir and Hagar Shezaf, “Israel has not prosecuted anybody for the killing of 20 journalists, report finds”, *Haaretz*, 9 May 2023.

<sup>102</sup> A/76/333, para. 43; and CCPR/C/ISR/CO/5, para. 36.

<sup>103</sup> A/HRC/46/63, para. 41.

<sup>104</sup> CCPR/C/ISR/CO/5, para. 36.

<sup>105</sup> A/HRC/43/67, paras. 41 and 68.

Territory, continued to be applied<sup>106</sup> to revoke the status of Palestinian residents of occupied East Jerusalem. According to Hamoked, Ministry of Interior figures show that 81 Palestinian residents of East Jerusalem, including 42 women and one child, had their residency status revoked in 2022 for having left the country, compared to 26 in 2021.<sup>107</sup> According to Hamoked, in total, Israel has revoked the status of 14,808 Palestinians from East Jerusalem between 1967 and 2022 on the basis that their status had “expired”.<sup>108</sup> Restrictions on freedom of residence and movement divide and fragment Palestinian communities from each other and segregate<sup>109</sup> them from Jewish Israelis.

58. Since 2003, Israel has also applied laws to deny residency status for family reunification in Israel for Palestinians.<sup>110</sup> Following a petition from human rights organizations, the High Court of Justice instructed the Government in December 2022 to consider mitigations to the Law,<sup>111</sup> which have not yet been implemented. Israeli authorities continued to use the discriminatory permit system and the “Procedure for Issuing Permits for Judea and Samaria Residents in the Gaza Strip”<sup>112</sup> to prohibit family unification of Palestinians from Gaza in Israel or the West Bank, including East Jerusalem; as a result families where one or more family members is registered as a resident of Gaza are either separated or forced to relocate to Gaza.<sup>113</sup> According to the non-governmental organization Gisha the result is to pressure Palestinians from the West Bank, including East Jerusalem, to move to Gaza.<sup>114</sup> Given prevailing cultural norms, women are most likely to live with their husbands, meaning that the policy disproportionately affects Palestinian women.<sup>115</sup> Implemented as part of Israel’s separation policy, this practice furthers the forced displacement of Palestinians from the West Bank, including East Jerusalem, to Gaza.<sup>116</sup>

59. In amendments to legislation from 2008 and 2018, the Knesset granted the Government authority to revoke citizenship and East Jerusalem permanent residency from Palestinians convicted of acts that constitute a “breach of loyalty.”<sup>117</sup> In February 2023, these powers were extended to allow revocation of citizenship or residency of Palestinians sentenced to prison for an “act of terrorism”<sup>118</sup> and who have received monetary benefits from the Palestinian Authority allegedly in relation to committing the act.<sup>119</sup> This amendment allows Israel to transfer or deport Palestinians from Israel, including occupied East Jerusalem to other parts of the West Bank, Gaza or to a third country. Forcible transfers, as well as deportations of protected persons

<sup>106</sup> CERD/C/ISR/CO/17–19, para. 15.

<sup>107</sup> Hamoked, “Revocation of permanent residency in 2022: 81 East Jerusalem Palestinians were stripped of their permanent residency status as part of Israel’s ‘quiet deportation’ policy – the highest number of revocations since 2016”, 12 March 2023.

<sup>108</sup> Ibid.

<sup>109</sup> See for example CERD/C/ISR/CO/17–19, para. 22.

<sup>110</sup> Israel, Citizenship and Entry into Israel Law (Temporary Order) 5763, which expired in July 2021 and was re-enacted in March 2022.

<sup>111</sup> זך. 1777/22 "החלטת בתיק בג

<sup>112</sup> See [www.gov.il/BlobFolder/policy/procedureforissuingaresidencepermitinjudeaand-samariatogazaresidents/he/%D7%A0%D7%95%D7%94%D7%9C%20%D7%94%D7%A0%D7%A4%D7%A7%D7%AA%20%D7%94%D7%99%D7%AA%D7%A8%20%D7%A9%D7%94%D7%99%D7%99%D7%94%20%D7%91%D7%90%D7%99%D7%95%D7%A9%20%D7%9C%D7%AA%D7%95%D7%A9%D7%91%D7%99%20%D7%A2%D7%96%D7%94.pdf](http://www.gov.il/BlobFolder/policy/procedureforissuingaresidencepermitinjudeaand-samariatogazaresidents/he/%D7%A0%D7%95%D7%94%D7%9C%20%D7%94%D7%A0%D7%A4%D7%A7%D7%AA%20%D7%94%D7%99%D7%AA%D7%A8%20%D7%A9%D7%94%D7%99%D7%99%D7%94%20%D7%91%D7%90%D7%99%D7%95%D7%A9%20%D7%9C%D7%AA%D7%95%D7%A9%D7%91%D7%99%20%D7%A2%D7%96%D7%94.pdf).

<sup>113</sup> A/76/333, para. 43; A/75/336, paras. 27–28; and A/HRC/46/63, para. 44.

<sup>114</sup> Gisha, “One-way ticket”, 25 December 2022.

<sup>115</sup> A/75/336, paras. 27–28; and A/HRC/46/63, para. 44.

<sup>116</sup> Gisha, “Give up your right to live in the West Bank, or never see you children in Gaza again”, 23 January 2023.

<sup>117</sup> Israel, Amendment No. 30 to the Entry into Israel Law (2018). See also, para. 52 above.

<sup>118</sup> Israel, Counter-Terrorism Law (2016); and Israel’s Penal Law, arts. 97–99. See also, paras. 52–53 above.

<sup>119</sup> See [https://fs.knesset.gov.il/25/law/25\\_lsr\\_1840587.pdf](https://fs.knesset.gov.il/25/law/25_lsr_1840587.pdf).



from occupied territory, are prohibited by, and are a grave breach of, the Fourth Geneva Convention.<sup>120</sup> On 5 March 2023, Israel reportedly revoked Palestinian ex-prisoner Munir Ar-Rajabi's East Jerusalem residency and transferred him to Hebron in the West Bank after he had completed a 20-year prison sentence.<sup>121</sup>

60. On 4 September 2022, the Coordinator of Government Activities in the Territory published an updated version of the "Procedure for the Entry of Foreigners to the Areas of Judea and Samaria", which governs all entry of foreigners solely to the West Bank and which entered into effect on 20 October 2022. According to Hamoked, the procedure is highly restrictive and could harm thousands of families where one of the spouses is a foreign national. It could disrupt routine functioning of education and academic institutions and prevent many foreign passport holders from working, volunteering or studying in the Occupied Palestinian Territory, damaging the local economy and society.<sup>122</sup>

61. The impact of movement restrictions by Israel on the right to health of Palestinians remained a serious concern.<sup>123</sup> According to the World Health Organization, from 1 June 2021 to 31 May 2023, only 26,419 (69.1 per cent) out of 38,226 Gaza patient permit applications were approved by the Israeli authorities. Movement of essential medical equipment and supplies to Gaza remained restricted, while long-standing gaps in stocks persisted, with 43 per cent of essential medicines and 25 per cent of essential medical disposables reported at less than 30 days stock as at 31 May 2023.

#### IV. Recommendations

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

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

(a) **Ensure respect for international humanitarian law in the conduct of hostilities, in particular the principles of military necessity, distinction, proportionality and precaution, and ensure accountability for all violations of international humanitarian law and international human rights law;**

(b) **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, that all law enforcement operations are planned and implemented to minimize the threat to life and by adopting appropriate disciplinary and penal sanctions for members of security forces who do not respect such regulations;**

(c) **Promptly subject to independent, impartial, transparent, thorough and effective criminal investigation all incidents of use of force in law enforcement operations that result in death or injury, hold the individuals**

<sup>120</sup> Fourth Geneva Convention, arts. 49 and 147.

<sup>121</sup> The Limited Times, "After 20 years in the occupation detention centres Palestinian prisoner Muni Al-Rajabi embraces freedom", 3 May 2023.

<sup>122</sup> Hamoked, "Hamoked to the Minister of Defense: the revised procedure for the entry of foreigners to the oPt is still fundamentally flawed and must be frozen until it is amended", 14 September 2022.

<sup>123</sup> E/C.12/ISR/CO/4, paras. 11 and 58.

responsible for violations accountable and provide appropriate redress to victims;

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

(e) 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;

(f) Ensure that counter-terrorism legislation complies with international laws and standards, and in particular that definitions of “terrorist acts” and “terrorist organizations” are compatible with the principles of legality, foreseeability and legal certainty. Definitions should be accessible and formulated with precision, and should comply with the principles of non-discrimination and non-retroactivity; and rescind the designations of and declarations against Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations;

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

(h) Take all measures to end all discriminatory and unlawful practices, including ending all practices that amount to collective punishment, and to repeal all discriminatory legislation;

(i) Immediately lift the closures on Gaza and ensure that the right of 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;

(j) Fulfil its responsibilities as an occupying Power, including in relation to Palestinians’ access to health care;

(k) 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;

(l) Ensure that journalists, human rights defenders and civil society actors, including women’s human rights defenders, 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;

(m) Ensure that reports of killings, intimidation or attacks against journalists and civil society actors are thoroughly investigated, with a view to ensuring accountability. In particular, ensure that investigations into attacks against women human rights defenders use a gender-sensitive lens and take urgent interim protection measures to prevent further gender-based violence, threats and intimidation;

(n) Grant visas and full access to OHCHR international staff in order that they can carry out critical mandated work on human rights in the Occupied Palestinian Territory.

64. **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.**

65. **The Secretary-General also:**

(a) **Calls upon all States to take all measures necessary to effectively ensure respect for the Geneva Conventions of 12 August 1949 by the occupying Power, taking into account the means reasonably available to them and their level of influence, and reminds States, in particular those with close ties to the parties, that they should exert their influence to ensure respect for international law;**

(b) **Calls upon all States to take the measures necessary to ensure full respect for and compliance with the relevant resolutions of the Security Council, the General Assembly and the Human Rights Council.**

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