

**Joint Submission to the United Nations Independent International Commission of Inquiry
on the Occupied Palestinian Territory, including East Jerusalem, and Israel**

on

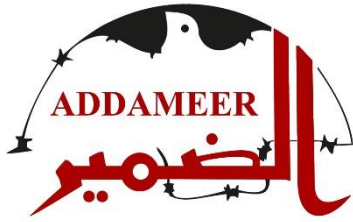
**Israel's Policies to Maintain and Entrench its Settler-Colonial Apartheid Regime: Violent
Suppression of Demonstrations and Ensuing Wilful Killing and Injuries, Arbitrary
Detention, Torture, and Smear and Delegitimisation Campaigns against Human Rights
Defenders and Organisations**

Submitted by:

Addameer Prisoner Support and Human Rights Association

Al Mezan Center for Human Rights

Al-Haq, Law in the Service of Man



A L - H A Q

**مركز الميزان لحقوق الإنسان
Al Mezan Center for Human Rights**



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1. Introduction

Al-Haq, Addameer Prisoner Support and Human Rights Association, and Al Mezan Center for Human Rights (hereinafter ‘our organisations’) submit this joint report pursuant to the UN Commission of Inquiry’s (‘the COI’) new call for submissions toward its ongoing investigation into the facts and circumstances regarding specific alleged violations and abuses of the rights to freedom of expression and association, along with related international crimes.

During the month prior to the establishment of the COI, the Unity *Intifada* had its beginnings in Jerusalem, following violations and provocations by the Israeli occupying forces (IOF) and settlers seeking to assert their dominance over, and solidify the erasing of, Palestinians in the city.¹ On 13 April 2021, the first day of Ramadan, the IOF broke into Al-Aqsa Mosque, cutting the wiring for the exterior minarets and speakers, and installing metal barriers on the stairs of Damascus Gate.² Israeli intimidation tactics persisted, as settlers marched and roamed Jerusalem under the protection of the Israeli police, calling for and chanting ‘death for Arabs’.³ At the same time, Palestinian residents of Sheikh Jarrah neighbourhood in Jerusalem were resisting their imminent threat of forced displacement.⁴

Across Palestine and around the globe, demonstrations against Israel’s Zionist settler-colonial project were held, exposing and refusing Israeli policies of dispossession, displacement and domination over the Palestinian people. As part of Israel’s ongoing policy to suppress any resistance to its colonisation, the Unity *Intifada* was met with repression and violence. The military bombardment on the Gaza Strip between 10 and 21 May 2021, and excessive use to force while suppressing protests, the mass campaign of arbitrary arrests, and facilitation of settlers’ violent attacks on Palestinians and their properties across all colonised Palestine, were all examples of Israeli repressive measures.⁵ On 14 May 2021 alone, the second day of Eid al-Fitr and the eve of *Nakba* day, nine Palestinians were killed during Israel’s military assault on the Gaza Strip,⁶ whereas the IOF and settlers shot and killed 12 Palestinians in protests and confrontations in the

¹ Al-Haq, ‘Action Alert: International Community Must Take Immediate and Concrete Measures to Halt Israel’s Aggression against Palestinian Jerusalemites’, (10 May 2021), available at: <https://www.alhaq.org/advocacy/18289.html>.

² *Ibid.*

³ *Ibid.*; Al-Haq, ‘Al-Haq Field Report on Human Rights Violations in April 2021’, (18 May 2021), available at: <https://www.alhaq.org/monitoring-documentation/18322.html>.

⁴ Al-Haq, ‘14 Palestinian and Regional Organisations Send Joint Urgent Appeal to UN Special Procedures on Forced Evictions in East Jerusalem’, (16 March 2021), available at: <https://www.alhaq.org/advocacy/17999.html>; Al-Haq, ‘Sheikh Jarrah Families Send Letter to the International Criminal Court Calling for Urgent Investigation of their Imminent Forced Displacement, Endorsed by 190 Organisations’, (24 April 2021), available at: <https://www.alhaq.org/advocacy/18240.html>.

⁵ Al-Haq, ‘Al-Haq and Partners Send Written Submissions Ahead of the 47th Regular Session of the Human Rights Council’, (5 June 2021), available at: <https://www.alhaq.org/advocacy/18481.html>.

⁶ Al-Haq, ‘Al-Haq Field Report on Human Rights Violations in May 2021’, (14 June 2021), available at: <https://www.alhaq.org/monitoring-documentation/19587.html>; Al-Haq, ‘No Safe Home: Israel Unleashes a Relentless Campaign of Intense and Targeted Bombing Attacks on Civilian Properties Across the Gaza Strip’, (18 May 2021), available at: <https://www.alhaq.org/advocacy/18368.html>.

West Bank—bringing the total number of Palestinian killings, in one single day, to 21.⁷ Israel’s military attack on Gaza, which lasted for eleven days, killed a total of 240 Palestinians—47% of whom were killed inside their homes— and wounded 1,968 more.⁸

With our trust that this report will be helpful for the purpose of the COI’s upcoming report to the Human Rights Council, as well as the core mandate of the COI, which is to investigate the underlying root causes of systematic discrimination and repression in colonised Palestine, our organisations highlight Israel’s long-established, widespread, systematic and institutionalised policies that aim to control and dominate Palestinians across historic Palestine with the ultimate purpose of entrenching and maintaining its settler-colonial apartheid regime over the Palestinian people as a whole.⁹ In particular, the submission focuses on Israeli policies of violent suppression of demonstrations and ensuing wilful killing and injuries, arbitrary detention, and torture and other ill-treatment, as well as smear and delegitimisation campaigns against individuals or groups, including human rights defenders and civil society organisations, seeking to challenge its apartheid regime.

Crucially, these policies and practices are supported by an array of discriminatory laws and military orders, designed and implemented to entrench Israeli domination over the Palestinian people. Military Order No. 101, which was one of the first military orders issued ensuing to the 1967 Israeli occupation of the West Bank, including the eastern part of occupied Jerusalem, and the Gaza Strip, collectively known as the occupied Palestinian territory (OPT), criminalises all aspects of civil and political life therein,¹⁰ including organising and participating in protests, assemblies or vigils, raising a Palestinian flag, and supporting what is deemed, by the Israeli regime, as “unlawful associations”.¹¹

With the same aim, Military Order No. 1651 lists incitement and support of a “hostile organisation” as one of the offences against public order and thuggery, imposing ten years of imprisonment to anyone who supports “hostile organisations”.¹² In its broad definition, as per the aforementioned Military Order, incitement includes “[a]ttempts, orally or otherwise, to influence public opinion in the Area in a manner which may harm public peace or public order”, words of

⁷ The figures include Palestinians who later succumbed to their wounds from injuries sustained on the day. Two days earlier, on 12 and 13 May 2021, the IOF killed 51 Palestinians during their bombardment on the Gaza Strip. All the killings were documented by Al-Haq field researchers. Field reports and affidavits on file with Al-Haq.

⁸ Al Haq, Al Mezan, and PCHR, ‘Assault on Gaza in Numbers: A Statistical report of civilian casualties and damage to private and public properties by Israeli occupation forces during Israel’s full-scale military operation on the Gaza Strip between 10-21 May 2021’, (February 2022), available at: https://www.alhaq.org/cached_uploads/download/2022/02/07/gaza-report-english-1-page-view-light-1644233950.pdf

⁹ Rania Muhareb, Elizabeth Rghebi, Pearce Clancy, Joseph Schechla, Nada Awad, and Maha Abdallah, *Israeli Apartheid: Tool of Zionist Settler Colonialism* (Al-Haq 2022)

¹⁰ Addameer, ‘Israeli Military Orders Relevant to the Arrest, Detention, and Prosecution of Palestinians’, (July 2017), available at: https://www.addameer.org/israeli_military_judicial_system/military_orders.

¹¹ Military Order No. 101, 1967.

¹² Military Order No. 1651, 5770-2009, 2010.

“praise, sympathy or support for a hostile organization, its actions or objectives”, and actions “expressing identification with a hostile organization, with its actions or its objectives or sympathy for them”.¹³ Notably, between June 1967 and July 2019, Israel classified 411 Palestinian organisations as “terrorist”, “unlawful”, or “hostile”,¹⁴ as over 1,700 Palestinians have been prosecuted in Israeli military courts for “membership and activity in an unlawful association” between 1 July 2014 and 30 June 2019.¹⁵

Human rights defenders and civil society organisations are also targeted through Israeli domestic laws that, *inter alia*, impose discriminatory restrictions on their funding. For instance, the Budget Foundations (Amendment No. 40) Law passed in March 2011 seeks to severely restrict organisations for refusing to recognise Israel as a “Jewish and democratic state”, supporting a “terrorist organisation” or for commemorating Nakba Day “as a day of mourning”.¹⁶ The 2011 Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity of 2011 imposes unnecessary reporting requirements on organisations registered in Israel,¹⁷ while excluding Zionist colonial institutions such as the World Zionist Organization, the Jewish Agency for Israel, the United Israel Appeal, and the Jewish National Fund from its provisions.¹⁸

In July 2011, the Bill for Prevention of Damage to the State of Israel Through Boycott was passed, imposing sanctions on any individual or entity that publicly promotes academic, economic or cultural boycott against Israel, its institutions or its colonial settlement enterprise.¹⁹ In a similar suppressing attempt, the Knesset passed the Entry into Israel (Amendment No. 28) Law in 2017, denying a visa for any non-Israeli individual who, or the organisation they work for, has “knowingly published a public call to engage in a boycott against the State of Israel... or has committed to participate in such a boycott”.²⁰ Furthermore, in 2008, the Knesset approved the Citizenship (Amendment No. 9) Law, authorising the Israeli Interior Minister to revoke the citizenship of Israeli citizens on the grounds of a broadly defined of “breach of trust or disloyalty to the state”.²¹ Alarming, on 21 July 2022, the Israeli Supreme Court upheld this amendment, authorising direct forcible transfer of Palestinians.²²

¹³ *Ibid*, Article 251.

¹⁴ HRW, ‘Born Without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank’ (2019) 37.

¹⁵ *Ibid*, 38.

¹⁶ Budget Foundations Law (Amendment No. 40) 5771 – 2011.

¹⁷ Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity 2279-2011.

¹⁸ *Ibid*, Article 7.

¹⁹ Bill for Prevention of Damage to the State of Israel Through Boycott, 5771-2011.

²⁰ Entry into Israel (Amendment No. 28) Law, 5777-2017.

²¹ Adalah, ‘Israeli Interior Minister Aryeh Deri’s decision is a drastic step that entails a severe violation of human rights’, (7 June 2016), available at: <https://www.adalah.org/en/content/view/9182>; <https://www.adalah.org/en/content/view/8824>.

²² Adalah, ‘Q&A: Israeli Supreme Court allows government to strip citizenship for ‘breach of loyalty’ (14 September 2022), available at: <https://www.adalah.org/en/content/view/10693>.

²² Entry into Israel Law, 5712-1952.

For Palestinians living in the eastern part of occupied and illegally-annexed Jerusalem, the Entry into Israel Law of 1952 imposes upon them a precarious “permanent resident” status, which has not only rendered them foreign visitors in their own land of their birth, but has become a tool through which residency revocation, based on expanding illegal, and vague criteria is used to transfer the protected Palestinian population from their land.²³ Since its occupation of the eastern part of Jerusalem in 1967, the Israeli occupying authorities have revoked the residencies of at least 14,500 Palestinians living therein, including on punitive grounds.²⁴ Crucially, the revocation of permanent Jerusalem residency for “breach of allegiance” to Israel is left to the discretion of the Minister of the Interior, meaning that its blanket application could be extended to any Palestinian Jerusalemite opposing Israeli human rights violations. While international humanitarian law stipulates that protected persons do not have a duty of allegiance to the Occupying Power, this criterion has been used to forcibly transfer the protected Palestinians and most recently against Salah Hammouri, a human rights defender working at Addameer Prisoner Support and Human Rights Association.

The policies and practices underlined in the following submission fall under Article II of the Apartheid Convention, which considers the following as inhuman acts committed to maintain an apartheid regime: denying a racial group of the right to life and liberty of person by murder, arbitrary arrest and illegal imprisonment and the “the infliction [...] of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment”.²⁵ Article II also lists “legislative measures and other measures calculated to prevent a racial group... from participation in the political... life... by denying... the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association”,²⁶ as well as the “[p]ersecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid”.²⁷ Furthermore, such acts may further be considered as indicative of the “intention of maintaining that regime”, within the meaning of the 1998 Rome Statute of the International Criminal Court (ICC). Notably, under both the Apartheid Convention and Rome Statute, apartheid is categorised as a crime against humanity giving rise to individual criminal responsibility before the ICC²⁸ and in domestic courts through the universal jurisdiction provisions in the Apartheid Convention.

²³ Al-Haq, ‘Punitive Residency Revocation’, (17 March 2018), available at: <https://www.alhaq.org/advocacy/6257.html>.

²⁴ Nir Hasson, ‘Israel Seeks to Block All East Jerusalem Family Reunification Hearings Over ‘Workload’ (Haaretz, 1 May 2019), available at: <https://www.haaretz.com/israel-news/premium-israel-seeks-to-block-all-e-jerusalem-familyreunification-hearings-over-workload-1.7188984>.

²⁵ International Convention on the Suppression and Punishment of the Crime of Apartheid (adopted 30 November 1973, entry into force 18 July 1976) 1015 UNTS 243 (hereinafter ‘Apartheid Convention’), Article II.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force, 1 July 2002) 2187 UNTS 3 (hereinafter ‘Rome Statute’), Article 7(2)(h).

Moreover, as a *jus cogens* norm of international law, giving rise to obligations *erga omnes*,²⁹ the presence of an apartheid regime triggers the responsibility of all states to refrain from recognising the unlawful situation as legitimate, and to further refrain from such acts which would contribute towards its maintenance.³⁰

Having contextualised Israel's policies and practices of wilful killings and injuries of Palestinian protesters, journalists and paramedics, arbitrary detention, and torture and other ill-treatment, as well as the targeting of human rights defenders, the present submission provides some illustrative cases that serve to exemplify and expose these institutionalised and systematic policies.

2. Israel's Arbitrary Deprivation of Life Policy

Under international law, Israel has obligations to respect the right to life of the protected persons within the occupied territory. Article 43 of the Hague Regulations provides that Israel, as the Occupying Power, has a duty to restore public order and safety in the OPT.³¹ In fulfilling this duty, Israel is obligated to use a law enforcement paradigm, which is governed by international human rights law.³² More specifically, Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) guarantees that, "every human being has the inherent right to life [and that] no one shall be arbitrarily deprived of his life".³³ Notably, the right to life is non-derogable.³⁴ In addition to binding human rights treaties protecting the right to life, law enforcement is regulated by the Code of Conduct for Law Enforcement Officials,³⁵ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.³⁶ Although the latter are soft law instruments, the provisions governing use of force represent universally binding customary international law.³⁷ International law limits the use of intentional lethal force during law enforcement operations to

²⁹ See, John Dugard and John Reynolds, 'Apartheid, International Law, and the Occupied Palestinian Territory', *European Journal of International Law*, Vol. 24 No. 3, 2013, p. 883.

³⁰ ILC, Draft articles on Responsibility of States for Internationally Wrongful Acts, 2001, in particular Articles 40-41.

³¹ Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land (adopted 18 October 1907, entry into force 26 January 1910) (hereinafter 'Hague Regulations'), Article 43.

³² L. Beck, 'The Right to Life in Armed Conflict: does international humanitarian law provide all the answers?' 88 *International Review of the Red Cross*, 892; M. Sassoli, 'Legislation and Maintenance of Public Order and Civil Life by Occupying Powers' 16 *European Journal of International Law* (2005)661, 665; and UCHL, 'Expert Meeting on the Right to Life in Armed Conflict and Situations of Occupation' 23, available at: http://www.geneva-academy.ch/docs/expert-meetings/2005/3rapport_droit_vie.pdf.

³³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entry into force 23 March 1976) 999 UNTS 171 (hereinafter 'ICCPR'), Article 6(1).

³⁴ *Ibid*, Article 4; M. Sassoli, 'Article 43 of the Hague Regulations and Peace Operations in the Twenty-First Century' *Expert Meeting Cambridge* (2004) 5, available at: <http://www.hpcrresearch.org/sites/default/files/publications/sassoli.pdf>.

³⁵ UNGA, *Code of conduct for law enforcement officials*, 5 February 1980, A/RES/34/169.

³⁶ Amnesty International, *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 7 September 2015, available at: <https://www.refworld.org/docid/55fec2f4.html>.

³⁷ UNGA, 'Extrajudicial, Summary or Arbitrary Executions, Note by Secretary General' (5 September 2006) UN Doc A/61/311, 11.

situations necessary to protect life from an imminent threat. The state obligation is to not kill or attempt to kill arbitrarily.³⁸ To ensure restraint in law enforcement operations, states must adhere to the principles of proportionality and necessity.³⁹

While human rights norms govern law enforcement, including during belligerent occupation, the overarching legal framework for the belligerent occupation is international humanitarian law.⁴⁰ Article 27 of the Fourth Geneva Convention⁴¹ has been interpreted by the International Committee of the Red Cross (ICRC) to imply the right to life on the basis that “there would be no reason for the other rights mentioned” in the aforementioned Convention.⁴² Similarly, Article 46 of the Hague Regulations provides that “the lives of persons” shall be protected.⁴³ The ICRC Commentary on Rule 89 on Violence to Life, establishes that “prohibition of ‘arbitrary deprivation of the right to life’ under human rights law, however, also encompasses unlawful killing in the conduct of hostilities”.⁴⁴ As such, arbitrary killing of protected persons in the OPT during law enforcement operations amounts to wilful killing, a grave breach of the Geneva Conventions and war crime prosecutable under Article 8 of the Rome Statute.⁴⁵

Despite clear international standards on the use of lethal force in law enforcement operations, including during a belligerent occupation, Israel has continued to ignore these standards and arbitrarily kill Palestinians. According to Al-Haq’s documentation, in 2022 alone, 192 Palestinians, including 44 children, were killed by the IOF throughout the OPT. Since the start of 2023, the IOF and Israeli settlers have further escalated its use of lethal force, killing 35 Palestinians, including seven children, throughout the West Bank, as of 31 January 2023. Moreover, on 26 January 2023, Nayef al-‘Oweidat, a ten-year-old Palestinian child living in the Gaza Strip, succumbed to his wounds sustained during Israel’s August 2022 aggression on Gaza.

In January 2017, the Office of the High Commissioner for Human Rights (OHCHR) reported to the Human Rights Council that the IOF “often use firearms against Palestinians on mere suspicion or as a precautionary measure, in violation of international standards”.⁴⁶ In February 2019, the UN Commission of Inquiry on the 2018 protests in the OPT found that, of the 189 Palestinians killed by the IOF during the protests in Gaza in 2018, only two incidents may have justified the use of

³⁸ S. Egan, *The UN Human Rights Treaty System: Law and Procedure* (Bloomsbury Professional, 2011) 281.

³⁹ UNGA, ‘RES 69/182’ (18 December 2014) UN Doc A/RES/69/182.

⁴⁰ Hague Regulations, Article 43.

⁴¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287 (hereinafter ‘Fourth Geneva Convention’), Article 27.

⁴² Pictet, ICRC Commentary IV Geneva Convention (ICRC, 1958) 201.

⁴³ Hague Regulations, Article 46.

⁴⁴ ICRC, IHL Customary International Law, Rule 89, Violence to Life, available at: https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule89.

⁴⁵ Fourth Geneva Convention, Article 147; Rome Statute, Article 8(2)(a)(i).

⁴⁶ UNGA, ‘Implementation of Human Rights Council resolutions S-9/1 and S-12/1: Report of the United Nations High Commissioner for Human Rights’ (25 January 2017) UN Doc A/HRC/34/36, para. 11.

lethal force.⁴⁷ The Commission also “found reasonable grounds to believe that Israeli snipers shot at journalists, health workers, children and persons with disabilities, knowing they were clearly recognizable as such.”⁴⁸ The Commission concluded that Israel’s rules of engagement for the use of live fire violate international human rights law and recommended that the Israeli government ensure these rules of engagement permit lethal force “only as a last resort, where the person targeted poses an imminent threat to life or directly participates in hostilities”.⁴⁹

Israel’s policies in violation of international law have also been repeatedly backed by its judiciary, thus making Israeli courts complicit in these violations, including by legitimising Israel’s longstanding use of a shoot-to-kill policy. For instance, in 2018, the Israeli Supreme Court gave permission for continued use of live fire against Palestinian protestors during the Great Return March in the Gaza Strip.⁵⁰ In 2002, Professor David Kretzmer stated that: “[i]n almost every legal crossroad, in almost every point where the [Israeli] court had to interpret international law, to establish the boundaries of authority, to declare the legality of a policy... [it] has chosen the path which strengthened the powers of the military commander, broadened the borders of his authority and legitimized his... decisions. [It] dismissed legally well-established petitions in the cost of breaking basic tenants of legal interpretation and it even sacrificed the consistency of its own decisions when it had to”.⁵¹

This blatant and consistent disregard for international legal standards highlights how the Israeli authorities, including the judiciary, continue to disregard Palestinian rights in order to maintain their settler-colonial apartheid regime. In particular, the shoot-to-kill policy employed by the IOF against Palestinians—including journalists, medical personnel, and protesters—has long reached the threshold to be prosecuted as a crime against humanity, as killings committed as part of a widespread or systematic attack against the civilian population with knowledge of the attack.⁵²

- Read Al-Haq’s [report](#) on Israeli killings in 2019, detailing the circumstances of the killing of 137 Palestinians, including 28 children, by the IOF and Israeli settlers. Notably, 112 of the killed Palestinians in 2019 sustained wounds in the upper part of the body or sustained multiple injuries, including in the upper part of the body.

⁴⁷ UNHRC, ‘Report of the independent international Commission of Inquiry on the protests in the Occupied Palestinian Territory’ (25 February 2019) UN Doc. A/HRC/40/74, paras. 93-94

⁴⁸ See, OHCHR, ‘No Justification for Israel to Shoot Protesters with Live Ammunition’ (28 February 2019), available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24226&LangID=E>.

⁴⁹ UNHRC, ‘Report of the independent international Commission of Inquiry on the protests in the Occupied Palestinian Territory’ (25 February 2019) UN Doc A/HRC/40/74, para. 119(b)(i).

⁵⁰ Adalah, ‘Israeli Supreme Court Gives Green Light to Continued Use of Live Fire, Snipers Against Gaza Protestors’ (25 May 2018), available at: <https://www.adalah.org/en/content/view/9522>.

⁵¹ David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (State University of New York Press, 2002); quoted in Al-Haq, *Legitimising the Illegitimate: The Israeli High Court of Justice and the Occupied Palestinian Territory* (20 July 2011), available at: <http://www.alhaq.org/publications/8085.html>.

⁵² Rome Statute, Article 7(1)(a).

- Read Al Mezan’s [report](#), titled ‘Attacks on Unarmed Protesters at the Great March of Return Demonstrations: A Two-Year Report from the Start of the Demonstrations on 30 March 2018’, published in March 2020.
- Read Al Mezan’s [monthly statistical report](#) on Israeli attacks on Palestinian civilians and properties in the Gaza Strip.

i. The Killing of Palestinian Protesters

- *The suppression of Palestinian protesters in Beita*

On 3 May 2021, Israeli settlers established the Evyatar colonial outpost on Jabal Sbeih, located on the lands of three Palestinian villages in occupied Nablus: Beita, Yitma, and Qabalan. In an abnormal speed and within less than one month, the settlers managed to establish around 50 structures and set up water and electricity networks to the colonial outpost, spanning over 35 dunams at Jabal Sbeih, taking into advantage of the violent and widespread Israeli repression that was currently take place against Palestinians on both sides of the Green Line in the context of the *Unity Intifada*.

In effect, the Evytar colonial outpost has seized private Palestinian land and prevented the access of some 30,000 residents of the three villages to their land, including agricultural land that they ploughed and cultivated.⁵³ Since 5 May 2021, and for over a year, Palestinians from Beita and neighbouring villages have been protesting against the colonial outpost which was established on their land, and more broadly against the denial of their right to self-determination. Calling themselves the ‘Guardians of the Mountain’, the protesters have vowed their lives until the last structure of the colonial outpost is removed from Jabal Sbeih, providing a resilient popular resistance model.

The popular resistance of Beita at Jabal Sbeih has been met with violent suppressive policies and practices by the IOF, including excessive use of force, arbitrary detention, as well as collective punishment measures. Between May 2021 and May 2022, ten Palestinians, including two children, were killed by the IOF near Beita. Of the ten killed, nine were unarmed protesters demonstrating

⁵³ JLAC, ‘Petition for the Cancellation of Evytar Deal’, available at: <https://www.jlac.ps/details.php?id=i8bt4da2256ygj5x0p0gu>.

against the Evyatar colonial outpost, and the tenth was a plumber, killed as he was trying to raise the water level at a well to circumvent water shortage on Beita.



The pictures and names of the ten Palestinians killed near Beita between May 2021 and May 2022

From top left to bottom right: Issa Suliman Barham, 40, Tariq Omar Snobar, 27, Zakaria Maher Hamayel, 25, Mohammad Saed Hamayel, 16, Ahmad Zahi Bani Shamsa, 15, Shadi Omar Salim, 41, Imad Ali Dweikat, 38, Mohammad Ali Khabisa, 28, Jamil Jamal Abu Ayash, 32, Fawaz Hamayel, 47

Furthermore, according to the Palestine Red Crescent Society, 6,454 Palestinian protesters were injured in the context of Jabal Sbeih protests between 10 May 2021 and 20 May 2022, including 178 injuries with live bullets, and 997 with rubber-coated metal bullets, dozens of whom have been left with disabilities.

- *The killing of Saeed Odeh*

On 5 May 2021, a group of Palestinian residents of Odala village, located southeast of Nablus city, gathered and headed towards the entrance of the village to protest the Israeli-imposed illegal closure of the village enforced since 3 May 2021. Palestinian protesters, who threw stones at the IOF, were met with Israeli excessive use of force, including the firing of tear gas canisters, and live ammunition. Israeli occupying soldiers were stationed behind earthen berms, around 300 meters away from the Palestinian protesters, as other occupying soldiers were spread among nearby trees and gradually approaching Palestinian protesters. The IOF fired live ammunition, injuring Saeed Yousef Mohammad Odeh, 16, who fell to the ground. Immediately, M.A., 24,⁵⁴ another protester who was close to Saeed, approached, carried Saeed on his shoulders, and started

⁵⁴ Full name withheld and omitted for his safety.

running towards the village. After running for some three meters, M.A heard another gunshot and felt something hit his lower back. Injured, M.A had to leave Saeed on the ground, and was forced to continue running towards the village, while feeling unbearable pain. Upon his arrival to the Palestinian paramedics, M.A informed them of the injury of Saeed.

At around 8:45 pm, a Palestinian ambulance arrived to the entrance of Odala village, to transfer Saeed. The ambulance was stopped by a group of Israeli occupying soldiers, who were closing the entrance of the village and pointed their guns at the medical vehicle. After being delayed for around five minutes, Palestinian paramedics were forced to go through a second checkpoint, which is located around 100 meters away. Then, the Palestinian ambulance was further delayed, as they were denied to approach Saeed for around 7-10 minutes. In his affidavit to Al-Haq, Fayez Faleh Suliman Abdel Jabar, 44, a paramedic with the Palestine Red Crescent Society, recalled:



Saeed Yousef Mohammad Odeh, 16

When we arrived [to the second checkpoint], I saw about 15-20 military vehicles, including military jeeps and carriers of Israeli soldiers. I also saw a large number of Israeli soldiers, who were alerted and walking. There was also a military ambulance that I was able to distinguish clearly. [At the checkpoint,] we were stopped again by the occupying soldiers, and one of the soldiers shouted at us, asking us to go back, and pointed his weapon at us, as they were five meters away from us... [We were also told] that we need to wait until all Israeli military vehicles have left. After about 7-10 minutes of waiting, two military vehicles and the Israeli ambulance left the site. Then, they allowed my colleague and myself to enter the site.⁵⁵

⁵⁵ Al-Haq Affidavit 163A/2021, given by Fayez Faleh Suliman Abdel Jabar, 44, resident of Odala village, on 8 May 2021.

Upon his arrival to Saeed's body, Fayeze was shocked to see that the injured Palestinian, who was on the ground and covered with a blanket, was his nephew. In his affidavit to Al-Haq, Fayeze recounted:

I approached [the injured Palestinian]. When I lifted the grey blanket [which was placed over him], and knelt on my knees, I was shocked to see that this person is my sixteen-year-old nephew, Saeed Yousef Mohammad Odeh. My colleague [name omitted] asked me if I knew this person, but I, shocked, did not answer him. My immobility lasted for two minutes. I didn't know what to do. I was then able to tell my colleague that the injured person was my sister's son. My colleague asked me to stay sitting on the ground and immediately went to the ambulance to get the necessary equipment to treat Saeed, who was not moving.⁵⁶

Fayeze and his colleague immediately started to provide Saeed with needed medical assistance, which the IOF had failed to deliver despite the presence of an Israeli ambulance. In his affidavit to Al-Haq, Fayeze recalled:

[It was obvious that Saeed] had not been provided with, and had not received, any treatment or medical assistance from any party, and I note that there was an ambulance belonging to the occupying forces at the place. As per the medical protocol, the medical authority that arrives first at the place usually provides the necessary first aid to the injured. However, when my colleague and I examined the injured, there were no traces of providing any medical assistance before we arrived at the place. [Saeed's] clothes were as they were, [they weren't torn, as] there were no traces of cutting or tearing. Also, there was no medical solution or remnants of medical equipment from the Israeli ambulance, or even medical waste on the ground or on the body.⁵⁷

Saeed was transferred to Rafidia Governmental Hospital, whereupon Palestinian doctors attempted to resuscitate his heart for around 15 minutes, before officially announcing his death. Saeed had sustained two injuries by two live bullets in his upper body. Saeed was a football player, a son and a brother to four siblings.

- *The killing of Ahmed Seif*

On 1 March 2022, at approximately 6:00 pm, a group of Palestinian youth gathered and headed towards al-Shuhada Roundabout, located near the western entrance of Burqa village, northwest of Nablus city, in support of Palestinian detainees and prisoners. Upon their arrival to the so-called

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

‘Nablus-Jenin’ Street, a group of Palestinian protesters burned tyres, and placed rocks on the aforementioned street. At around 6:30 pm, as an Israeli military vehicle was driving through the street, coming from the southern side of the street—i.e. the direction of the city of Nablus—and heading north on the street, some Palestinian protesters started throwing rocks and Molotov cocktails at the aforementioned vehicle. Israeli occupying soldiers, riding the military vehicle, fired tear gas canisters at the Palestinian protesters. This coincided with an ambush by around ten, fully armed Israeli occupying soldiers, who were stationed in the northwest side of the aforementioned main street. Ten occupying soldiers attacked and pursued the Palestinian protesters, firing live ammunition directly at them. At the same time, another four Israeli occupying soldiers dismounted from the aforementioned military vehicle. Almost two minutes later, Ahmed Hikmat Seif, 23, who was participating in the protest, and standing around 25-30 meters away from the Israeli occupying soldiers, was hit and injured by the live ammunition fired by the IOF. Ahmed was hit three times; in his left foot, right thigh, and his back. Immediately, Ahmed fell to the ground, as the IOF continued to fire live ammunition at any Palestinian who was trying to approach and assist Ahmed.



Ahmed Hikmat Seif, 23

After around ten minutes of Ahmed’s injury, a Palestinian citizen, along with Ahmed’s father and other Palestinians, was able to approach Ahmed, with his private car, and then took Ahmed, amidst the firing of live ammunition by the IOF at the direction of the car. At once, the group of Palestinians drove towards Nablus city, to transfer Ahmed to a hospital. Coincidentally, a Palestinian ambulance was driving the same route, which was stopped, as Ahmed was transported, by the aforementioned ambulance, to al-Najah Hospital in Nablus. Ahmed was hospitalised, and remained at the intensive care unit and on artificial respirators until 9 March 2022, at approximately 1:15 am, when he succumbed to his injuries. Ahmed was a son, a brother to three siblings, and a finance, who was supposed to get married in June 2022, three months after his injury and killing.

- *The killing of Bader Nabil Abu Musa during the Great March of Return*

Roughly every Friday from 30 March 2018 to 28 March 2020, thousands of Palestinians participated in the “Great March of Return” (GMR) demonstrations along the buffer zone at the separation fence in the Gaza Strip, demanding an end to Israel’s illegal settler-colonial closure and the right of return for Palestinian refugees. The GMR demonstrations drew large and diverse crowds of participants—including youth and children, women, elders, student groups, local community leaders, civil society, and private sector actors—and remained largely peaceful and

non-violent.⁵⁸ Regardless of the fact that no genuine threats were posed to Israeli occupying soldiers or to surrounding communities, the Israeli military responded to the demonstrations with the use of lethal and other excessive force—including live and high-velocity ammunitions, rubber-coated metal bullets, snipers, and other types of crowd-control weapons, such tear gas canisters—directly targeting protesters, media and medical personnel.

As the GMR demonstrations took place in a law enforcement paradigm, the conduct of the IOF was governed by international human rights law, under which lethal force can only be used as a last resort to protect against an imminent threat to life and when other, less forceful measures have been exhausted. Notwithstanding, facts on the ground shows that the Israeli military consistently used lethal and excessive force in circumstances that could not be justified under international human rights law, ultimately killing 217 Palestinians at the protests going on from March 2018 to March 2020—including 48 children, two women, two journalists, four paramedics, and nine persons with disability—while wounding, including injuring 4,974 children and 867 women, and traumatising thousands.⁵⁹

Al Mezan’s figures indicate that the IOF indiscriminately and disproportionately attacked participants of the GMR demonstrations regardless of the fact that they were children, journalists, or paramedics. For instance, on several occasions the IOF fired tear gas canisters directly at protesters, launching the canisters in handheld launchers, mounted launchers, and by drone.

One of many recorded incidents of unwarranted use of lethal force was the killing of Bader Nabil Abu Musa, 22, with a bullet to the head. Al Mezan’s field data indicates that Bader posed no imminent threat to life or serious injury, yet the IOF targeted him with a lethal shot to the head. The case is in no way exceptional, but rather serves as an example of the widespread, deliberate use of unnecessary lethal force by soldiers, in contravention of the international law and the rules for policing demonstrations. In an affidavit to Al Mezan, Musa Abu Azab, who eye witnessed Bader’s killing, recalled:

At around 4:30pm on Friday, 30 August 2019, I joined the GMR demonstrations in Khuza’a, Khan Younis, with Bader Nabil Abu Musa and a few other friends who live in my neighbourhood. I saw tens of young men, women, and children protesting within 70-100 meters of the fence. Around 6:25pm later that day, people were leaving the GMR camps. Only tens remained and continued to approach the fence. And as soon as we arrived, I heard a gunshot, then saw Bader fall face down next to me. For a second, I thought he was kidding, but as I approached him, I saw his head bleeding, so

⁵⁸ Al Mezan, ‘Attacks on Unarmed Protesters at the “Great March of Return” Demonstrations. A Two-Year Report from the Start of Demonstrations on 30 March 2018’ (April 2020), at:

<https://www.mezan.org/en/uploads/files/15952354571567.pdf>

⁵⁹ *Ibid.*

I knew he had been injured. I screamed for help and the protesters who were standing in the back rushed to help me move him away from the place. A number of young men helped me move him to about 70 meters from the fence. Then a number of paramedics gave him first aid, and transferred him to one of the Palestine Red Crescent ambulances located usually on Jakar Street, about 250 meters from the fence. [...] The ambulance transported him to the nearest field medical unit. I wasn't allowed to go with him in the ambulance, so I ran all the way to the medical unit. When I arrived, one of the paramedics told me that Bader had died of his injuries. I was so traumatised that I passed out. When I woke up, I learned that Bader was still in the medical unit and doctors were trying to revive him, although his head injury was critical. Fifteen minutes later, another ambulance transferred him to the European Gaza Hospital. This time I accompanied him. When we arrived, he was taken to the ICU. I stayed in the hospital. At 11:00 the next morning, on Saturday, 31 August, 2019, Bader was pronounced dead.⁶⁰

ii. The Killing of Palestinian Paramedics

- The killing of Razan Al-Najjar during the Great March of Return

Paramedics providing medical assistance to casualties at the GMR demonstrations were a consistent target of the Israeli military during the reporting period. Repeated attacks on paramedics and medical infrastructure and equipment, including vehicles, were documented, despite the personnel being visibly marked as paramedics. These attacks hindered access to medical assistance of persons attending the demonstrations as provided for in Articles 16-21 of the Fourth Geneva Convention. Al Mezan's documentation shows that the Israeli military's practices against paramedics posed a serious challenge to the mission of the medical personnel, with at least 283 attacks on paramedics recorded and four paramedics killed and another 225 medical personnel were injured by live ammunition, shrapnel from live fire, and/or tear gas canisters.



Razan Ashraf Abdel Qader Al-Najjar, 21

On 1 June 2018, at approximately 6:45 pm, Razan Ashraf Abdel Qader Al-Najjar, 21, a volunteer first responder with the Palestinian Medical Relief Society was shot in the chest by a live bullet fired by the IOF, during the Great Return March in the Gaza Strip. When she was shot, Razan was on duty providing medical aid to injured Palestinians, at a distance of about 100 meters from the barbed wire fence, east of Khuza'a, east

⁶⁰ Al Mezan, Affidavit by Musa Abu Azab, interviewed by Al Mezan's Fieldwork Unit on 1 September 2019.

of Khan Younis. She was wearing a visibility vest identifying her as a medic. At no point did she pose any threat to the IOF.⁶¹

An ambulance transferred Razan to the European Gaza Hospital in Khan Younis, where she was pronounced dead upon arrival, at approximately 7:00 pm. Al-Haq notes that Razan had volunteered to provide medical aid to injured Palestinian protesters for ten consecutive weeks and has been present as a first responder in the field since 30 March 2018, when the Great Return March began.⁶²

On Saturday, 2 June 2018, the UN Humanitarian Coordinator, Mr. Jamie McGoldrick, stated that “[t]he killing of a clearly-identified medical staffer by security forces during a demonstration is particularly reprehensible. It is difficult to see how it squares with Israel’s obligation as occupying power to ensure the welfare of the population of Gaza”.⁶³ Notably, the Office of the High Commissioner for Human Rights in Palestine stated that Razan Al-Najjar was “wearing her first responder clothing, clearly distinguishing her as a healthcare worker even from a distance”,⁶⁴ while the World Health Organization (WHO) provided that “[t]here are clear obligations to safeguard healthcare under international law and these must be respected”.⁶⁵

- Read Al-Haq’s [statement](#) on the Israeli Military Advocate General’s sham investigation into the killing of Razan Al-Najjar.

- *The killing of Sajed Mizher*

On 27 March 2019, at around 6:15 am, the IOF raided Dheisheh Refugee Camp, south of Bethlehem, and confrontations took place between Palestinian youth and Israeli occupying soldiers in Al-Walajiyya neighbourhood, in the centre of the camp. At around 6:20 am, six Palestinian Medical Relief Society first responders—amongst them Sajed Abd al-Hakim Hilmi Mizher, 17—arrived in the neighbourhood to tend to possible injuries arising during the confrontations. Sajed, and all Palestinian Medical Relief Society field staff, wore reflective vests and were clearly marked as health workers.

⁶¹ Al Mezan, ‘Female Volunteer Paramedic Shot Dead and 97 Protesters Injured on the Tenth Friday of Demonstrations in Gaza’, (2 June 2018), available at: <https://www.mezan.org/en/post/22911>

⁶² Al-Haq, ‘Israeli Forces Kill Paramedic and Injure 100 Palestinians as Great Return March Enters 10th Week’, (3 June 2018), available at: <https://www.alhaq.org/advocacy/6192.html>.

⁶³ OCHA, ‘UN Agencies Deeply Concerned over Killing of Health Volunteer in Gaza’, (2 June 2018), available at: <https://www.ochaopt.org/content/un-agencies-deeply-concerned-over-killing-health-volunteer-gaza>.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

At around 7:05 am, as he was approaching an injured Palestinian, Sajed fell to the ground, screaming “my leg!” Then, Sajed was initially transferred to Beit Jala Government Hospital and then to the Bethlehem Arab Society for Rehabilitation’s Specialized Rehabilitation and Surgery Hospital, where he was taken into surgery within about 15 minutes of his arrival. Resuscitation attempts were made for nearly an hour until Sajed’s death was pronounced at approximately 10:00 am of the same day, due to his injury sustained by a live ammunition in the lower-right side of the abdomen. Based on the medical report received by Al-Haq from the Palestinian Public Prosecution according to the law and following a meeting on Tuesday, 2 April 2019, with the Attorney General of the State of Palestine, Sajed had suffered severe internal bleeding, which could not be controlled, and his condition continued to deteriorate until his vital signs were no longer visible.



Sajed Abd al-Hakim Hilmi Mizher, 17

Soon following the killing of Sajed, the IOF and Israeli media sources issued video footage, which they claimed showed Sajed taking off his reflective vest during the confrontations in Dheisheh Refugee Camp and throwing stones at Israeli occupying soldiers. The Israeli army spokesperson, Avichay Adraee, posted the video, and wrote health workers can turn into “rioters in seconds”.⁶⁶ Less than 30 minutes later, the video was further shared by 0404 News, with the following headline: “Exclusive documentation: A “Red Crescent” worker takes off his vest, throws stones at our forces and is wiped out”.⁶⁷ The news update, which again incorrectly stated that Sajed volunteered for the Red Crescent, rather than Palestinian Medical Relief Society, went on to state: “[t]he heinous terrorist was wiped out only after he was identified as endangering our forces”.⁶⁸

The scene photographed in the video is that of a rooftop in Dheisheh Refugee Camp, captioned by the Israeli army with “Dheisheh Camp, Wednesday morning, 27 March 2019”, although no time stamp is indicated. In the video, an individual wearing a white shirt and standing on a rooftop takes off an orange vest and proceeds to throw stones at Israeli occupying soldiers. The IOF claims that the youth in the video is Sajed and that he was shot because he posed a threat to the IOF, even though the video does not show the individual in the white shirt being shot or injured.

Notably, Al-Haq’s documentation confirms that Sajed was not present on any rooftop during the confrontations, which took place in the day he was fatally shot by the IOF. Moreover, Al-Haq’s documentation shows that Sajed wore a black shirt under his distinctive reflective vest. Al-Haq’s

⁶⁶ The video, as posted on the Facebook page of Israeli army spokesperson Avichay Adraee, is available at: <https://www.facebook.com/watch/?v=318438288858820>.

⁶⁷ 0404 News, ‘Exclusive documentation: A “Red Crescent” worker takes off his vest, throws stones at our forces and is wiped out’, (27 March 2019), available in Hebrew at: <https://www.0404.co.il/?p=408133>.

⁶⁸ *Ibid.*

documentation also indicates that Sajed was fatally shot while attempting to tend to an injured youth, as part of his duties as a first responder, on the main road of Dheisheh Refugee Camp, close to Al-Sarafandi Electrical Appliances and Al-Artufi Health Services stores and not on a rooftop as shown in the video. Nonetheless, it appears that IOF sought to discredit Sajed’s work as a volunteer first responder and that of health workers across the OPT on the basis of the video, suggesting that Sajed’s conduct may have stripped him of the special protection to which he is entitled under international human rights and humanitarian law, and that the deprivation of his life may not have been arbitrary as a result.

- Read Al-Haq’s [special focus](#) on the killing of Sajid Mizher.

iii. The Killing of Palestinian Journalists

- *The killing of Shireen Abu Aqleh*

On 11 May 2022, Shireen Abu Aqleh, 51, a Palestinian-American journalist, along with other five journalists, arrived at Balat Al Shuhada Street in Jenin city to cover an Israeli military raid and incursion in Jenin refugee camp. The journalists wore clear ‘PRESS’ signs before slowly

approaching the IOF position, which was a convoy of five armoured vehicles parked along the same roadway, about 200 meters to the south of the journalists. At 06:31 am, the first burst of six bullets was fired at the journalists, through a sniper hole in the front military vehicle. Journalist Ali Samoudi, who was leading the way, turned around and screamed “bullets being fired” and started running back when he was



Shireen Abu Aqleh, 51

struck by one of the bullets in his left shoulder, which entered from his back and exited the front of his body. Eight seconds later, as the group of journalists sought to take cover, a second burst of seven bullets was fired at them. During these seconds, Shireen, who was standing against a wall and a tree, screamed “Ali is hit” before she was hit by a bullet in her head; killing her. Two minutes later, three bullets were fired at Sharif Azab, an unarmed Palestinian, who was attempting to provide and deliver first aid to Shireen.

Israel’s final conclusions from its ‘investigation’ into the killing of Shireen stated that: “[I]t is not possible to unequivocally determine the source of the gunfire which hit Ms. Abu Aqleh. However, there is a high possibility that Ms. Abu Aqleh was accidentally hit by IDF gunfire that was fired toward suspects identified as armed Palestinian gunmen, during an exchange of fire in which life-risking, widespread and indiscriminate shots were fired toward IDF soldiers... Another possibility

which remains relevant is that Ms. Abu Aqleh was hit by bullets fired by armed Palestinian gunmen”.⁶⁹

Having created a 3D precise, measurable, and geo-locatable photogrammetry model of the scene, Forensic Architecture, working with Al-Haq’s new Forensic Architecture Investigation Unit, were able to establish and reconstruct, through digital modelling, the exact positions of Shireen, the five journalists, and the Israeli military vehicles, throughout the incident. The analysis determines and shows beyond doubt that the distinctive journalists’ blue vests with ‘PRESS’ written on them are plainly and clearly visible, in the moments leading up to, and during, the targeting of Ali, Shireen, and the other journalists.

Contrary to Israel’s superficial and biased ‘investigation’, the visibility and audio analysis clearly confirms that no other persons can be seen or heard in the location between the IOF and the journalists, at the time of the incident. Furthermore, the shrapnel retrieved from Shireen’s skull indicates that the bullet is commonly used by the IOF’s marksmen. The analysis further establishes that no other shots were fired at or near the scene, in the two minutes and five seconds prior to the IOF’s first burst of bullets. While a single bullet was fired two minutes and five seconds before the first burst of shots, the audio analysis identified that it too was most likely fired by the IOF. Furthermore, the carried-out trajectory analysis reveals a close proximity of impact points. This is indicative of the IOF’s intentional and repeated targeting of journalists as a precise aim. This is further evident in the IOF’s continued shooting at the journalists, even after they attempted to take shelter, and at Mr. Azab, while he was trying to provide Shireen with first aid following her injury.

- Read Al-Haq’s [legal brief](#) on the killing of Shireen Abu Aqleh.
- Watch Al-Haq and Forensic Architecture’s [investigative video](#) on the killing of Shireen Abu Aqleh.
- Read Al-Haq and Forensic Architecture’s [investigative report](#) on the killing of Shireen Abu Aqleh.

3. Israel’s Deliberate Maiming and Injuring Policy

The Palestinian right to health has also been harmed by Israel’s unlawful use of force. In 2022, OCHA reported 10,342 Palestinian injuries throughout the OPT—162 injuries in the Gaza Strip and 10,177 injures in the West Bank. Of the overall injuries, 751 injuries were sustained by live ammunition, and 1,625 injuries were brought on by rubber-coated metal bullets. Notably, Israel maintains a policy of deliberately targeting specific body parts designed to cause serious and permanent injury. Indeed, Israel’s excessive use of force has led to numerous cases of permanent disabilities for Palestinians throughout the OPT. In 2017, BADIL Resource Center for Palestinian

⁶⁹ IOF, ‘Final Conclusions from the Investigation into the Shooting Incident which Resulted in the Death of Journalist Shireen Abu Akleh’, 5 September 2022, available at: <https://idfanc.activetrail.biz/ANC0509202205>.

Residency and Refugee Rights highlighted Israel’s systematic targeting of Palestinians’ lower limbs as a “kneecapping” policy,⁷⁰ and found that “Israeli forces were shooting with the aim of causing severe injury to Palestinian youth”.⁷¹ BADIL concluded that the IOF’s “threats and actions [targeting Palestinians] are not accidental or isolated incidents, but rather result from a systematic Israeli military policy aimed at suppressing resistance by fostering an atmosphere of fear, punishing anyone who opposes the Israeli regime, terrorizing Palestinian youth, and causing permanent injuries and damage to their physical and mental well-being”.⁷²

- *The injury of thousands of protesters during the Great March of Return*

The use of excessive force against unarmed protesters included the infliction of injuries, both physical and psychological, on protesters, journalists and paramedics. In many cases, life-altering injuries were caused, with casualties suffering from debilitating conditions or amputation of body parts. Given the state of Gaza’s crippled healthcare sector, the huge number of casualties were channelled toward a system lacking facilities, medicines, equipment, and qualified personnel—a deficit grown from and exacerbated by the occupying authority’s ongoing closure and blockade.

Between March 2018 and March 2020, 19,237 individuals received treatment in local hospitals for injuries sustained during the demonstrations. Among them, 9,517 suffered gunshot wounds from live ammunition while the rest sustained injuries from rubber-coated bullets, teargas inhalation or direct blows to the body with teargas canisters. Al Mezan’s documentation of the injuries is limited to individuals treated at hospitals and does not account for those treated and discharged at Trauma Stabilization Points (field clinics) established at the GMR camps.

The review of tens of documented cases reveals that a pattern of deliberate and systematic shooting guided the engagement of Israeli soldiers with unarmed protesters. In many cases, sharpshooters landed their bullets in areas of the body where an injury, if not fatal, would cause disability.

The UN Commission of Inquiry on the 2018 protests in the OPT held that it was widely known that the IOF were “injuring demonstrators with high-velocity ammunition fired at relatively close range, resulting in life-changing, permanent disabilities including amputations”.⁷³ According to the WHO, 149 amputations have taken place as a result of protest-related injuries, including 30 children, as of 31 August 2019. Of those, 122 were lower limb amputations and 27 were upper limb amputations. Another 24 Palestinians were paralyzed due to spinal cord injuries, while a

⁷⁰ BADIL, *Excessive Use of Force by the Israeli Army*, April 2017, p. 6

⁷¹ *Ibid*, p. 53.

⁷² *Ibid*, p. 55.

⁷³ UNHRC, ‘Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory’, (18 March 2019), UN Doc A/HRC/40/CRP.2, para. 546.

further 15 Palestinians suffered permanent loss of vision as a result of injuries sustained during the demonstrations.⁷⁴

- The injury of Bilal Mas'oud

On 6 April 2018, at approximately 4:30 pm, Bilal Muhammad Mas'oud, 27, a protester participating in the GMR in Talet Abu Saffiya near the buffer zone east of Jabaliya, was shot, by the IOF, in the arm and both legs as he was placing a Palestinian flag on the buffer zone fence. Palestinian youths, situated at distances varying between zero and 300 metres from the fence, were throwing stones at the IOF, or burning tires, while others were carrying Palestinian flags near the fence. Tens of Israeli occupying soldiers were positioned behind sandbags elevated above ground level, approximately five metres from a second fence, which is about 100 metres away from the first fence where the youth reached. Soldiers were firing heavily at protestors with live fire and tear gas. A small plane would occasionally fire tear gas at the protestors. In his affidavit to Al-Haq, Bilal recalled:

While I was putting the flag, the IOF heavily shot live fire towards me. I felt excruciating pain in my left arm and both legs. I saw blood profusely gushing out of me. That is when I started waving to the other youth, indicating that I have been shot with several bullets. Every time the youth would try to come close to me to pull me out, the soldiers would start shooting live fire and tear gas towards them so they would have to retreat. I remained on the ground wounded and bleeding from my left arm and legs for about 20 minutes. Then I crawled to the west away from the fence, for about ten metres, to reach a place where the others would be able to pull me away. I felt dizzy and blacked out.⁷⁵

At the hospital, Bilal underwent several surgeries and a platinum plate was inserted in his right leg. He was shot in the left arm, the left leg, and twice in the right leg.

- The injury of Iyad Dawahid

Another example of deliberate injury from the GMR is the attack on Iyad Manar Al-Dawahid, 28, who was shot twice in the legs on Friday 6 April 2018 at about 5:00 pm. Iyad was shot by the IOF while participating in protests near the fence east of Jabaliya. When he called on others to help evacuate him into an ambulance, the IOF shot at anyone who approached him. He was on the ground for about ten minutes, bleeding, before he was transferred to a hospital. A bullet landed

⁷⁴ WHO, 'Situation Report: occupied Palestinian territory, Gaza, 01 – 31 August 2019', available at: http://www.emro.who.int/images/stories/palestine/documents/sitrep_aug_2019_v0_sh_rev_gro.pdf?ua=1

⁷⁵ Al-Haq, 'Israel Deliberately Injures and Maims Palestinian Civilians, Prevents Evacuation of Wounded, and Denies Access to Vital Healthcare Facilities Outside the Gaza Strip', 18 April 2018, available at: <https://www.alhaq.org/monitoring-documentation/6243.html>.

below the knee of his prosthetic leg, while another bullet rested in his right leg, cutting its main artery. Iyad was transferred to two other hospitals and underwent surgery. In 2014, during the Israeli offensive on Gaza, Iyad was injured in an Israeli shelling and consequently, his leg was amputated. Since then, Iyad had used a wheelchair until he received a donated prosthetic leg, allowing him to walk. Iyad is now unable to use the prosthetic leg as it no longer fits his size due to the injury and damage caused by the bullet in his left leg. In his affidavit to Al-Haq, Iyad stated:

It took me years to be able to receive a prosthetic leg donated by Jordanian doctors. I have now lost the ability to receive another prosthetic limb, and therefore I am unable to move, even restrictively, while standing on my feet. I will remain a prisoner to the wheelchair because of my injury.⁷⁶

- *The injury of journalist Muath Amarneh*

On 15 November 2019, a group of Palestinians gathered and headed to an area north of the town of Surif, northwest of Hebron city, to hold the Friday prayer therein, in protest of Israel's recent announcement of its confiscation of that land. Following the prayer, at around 12:00 pm, some of the Palestinian group stayed in the area, as the IOF, who were deployed in the area, fired sound and tear gas canisters at them to disperse them. During the confrontations between Palestinian protesters and the IOF, Muath Amarneh, a Palestinian journalist who was present to cover the protest, was shot in his left eye. Two other Palestinian journalists carried Muath, to transfer him to a hospital to get the needed medical assistance. As they were walking towards their private cars, an Israeli occupying soldier approached them, asking and demanding to take Muath's camera, which was given to him. The soldier continued to follow the journalists, videotaping them, and saying, in Hebrew, that the injured is not a journalist, but is only wearing a 'PRESS' vest. The soldier directly placed his camera on Muath's face, impeding the movement of the three Palestinian journalists toward the car. Upon their arrival to the car, the two journalists cleaned and bandaged Muath's face, and then started driving towards Hebron Governmental Hospital. On the way, one of the journalists contacted the Palestine Red Crescent Society, which sent an ambulance to Beit Ummar, east of Surif. The ambulance then transferred Muath to Hebron Governmental Hospital. Due to his injury, Muath lost his left eye.⁷⁷

4. Israel's Arbitrary and Mass Detention Policy

Arbitrary arrests have been a critical feature of the Israel's attempts to repress the Palestinian people's struggle for liberty. The increased systematic practice of arbitrary detention undertaken by Israeli authorities—including the IOF, police, special units, border police, secret service, and the undercover *mista'arivim*—is widely backed by the broader Israeli establishment, including its judicial system. Violence is present at every stage: during the repression of peaceful protests and

⁷⁶ *Ibid.*

⁷⁷ Al-Haq Affidavit 475A/2019, given by Abdel Hafiz Diab Hashlmoun, 55, resident of Khillet Hadour, on 23 November 2019.

acts of solidarity, upon arrest and transfer to detention centers, and during the period of detention and trial. These arbitrary arrest and detention methods are central to the Israeli apartheid and colonial practices, yet they are differentially applied geographically across the OPT.

At the time of writing, there are around 4,700 Palestinians held in Israeli occupation prisons, including 29 women, 150 children, five Legislative Council members, 15 journalists, and around 860 administrative detainees held without charge or trial.⁷⁸ In 2022, the IOF arrested a total of around 7,000 Palestinians—with April 2022 recording the highest number of arrests with 1,228 cases, followed by May and October 2022, with 690 cases. The number of Palestinians arrested from occupied Jerusalem remained the highest among other Palestinian cities, with more than 3,000 arrests, including 600 house arrests. Notably, around 106 Palestinians from the Gaza Strip were arrested, including 64 Gazan fishermen.

Since the beginning of its belligerent occupation in 1967, Israel has made extensive use of military orders to serve the sole purpose of maintaining control over protected Palestinians. Israeli military orders define broad categories of ‘security offenses’, ranging from disturbance of the public order and ‘terrorism’ offenses to regular activities, participation in non-violent protests, illegal presence in Israel, and even traffic violations, which are subject to prosecution in Israeli military courts.⁷⁹ As a result, thousands of Palestinians in the West Bank are prosecuted in Israeli military courts each year for allegations that include ‘entering a closed military zone’, which can be a designation attached on the spot to an area of protest or ‘membership and activity in an unlawful association’. Furthermore, the Israeli military commander in the West Bank has assumed power to declare as ‘unlawful association[s]’ groups that advocate for ‘bringing into hatred or contempt, or the exciting of disaffection against’ the Israeli occupying authorities.⁸⁰

Similarly, there are military orders that criminalise gatherings of more than ten people that ‘could be construed as political’ if they take place without a permit, publishing material ‘having a political significance’, and displaying ‘flags or political symbols’ without prior military approval.⁸¹ Peaceful expression of opposition to Israel’s settler-colonial apartheid regime and occupation may run counter to military orders that criminalise anyone who ‘attempts, orally or otherwise, to influence public opinion in the area [the West Bank] in a manner which may harm public peace or public order’, ‘publishes words of praise, sympathy or support for a hostile organization, its actions or objectives’, or commits an “act or omission which entails harm, damage, disturbance to the security of the area or of the Israeli Defense Forces’.⁸² These categories are deliberately capacious

⁷⁸ Addameer, ‘2022 In Review’, (1 January 2023), available at: <https://www.addameer.org/media/4968>.

⁷⁹ Addameer, ‘The Israeli Military Court System’, (July 2017), available at: https://www.addameer.org/israeli_military_judicial_system/military_courts.

⁸⁰ HRW, ‘Born Without Civil Rights: Israel’s Use of Draconian Military Orders to Repress Palestinians in the West Bank’ (2019).

⁸¹ *Ibid.*

⁸² *Ibid.*

and provide tools for targeting Palestinian civil society, political expression, human rights advocacy, and peaceful opposition to Israeli unlawful policies and practices.⁸³

While norms and procedural guarantees of an independent judiciary and fair trial are well substantiated in international law and under the Israeli Basic Law, Israeli military courts fall short on nearly every dimension of due process right.⁸⁴ Palestinians are deprived of the right to be tried before an independent and impartial tribunal.⁸⁵ As the Israeli military commander in the West Bank holds executive, legislative, and judicial functions, this lack of separation of powers makes military judges susceptible to political interference by the executive branch and legislature—as also argued by the UN Human Rights Committee.⁸⁶ Furthermore, this lack of separation is a large part of why military tribunals are never supposed to be used to try civilians.⁸⁷ The prosecutors, administrative officers, and, most importantly, judges in the military courts, are all Israeli military officers.⁸⁸

Palestinian detainees can be arrested and held without charge for the purpose of interrogation for a period of 75 days.⁸⁹ Upon request of the regional Israeli military advisor, a military appellate judge may extend the detention period ‘from time to time’ for an additional period of up to 90 days.⁹⁰ Palestinians who are not suspected of a particular crime but are considered by the Israeli military to pose a ‘security concern’ may be placed in administrative detention indefinitely,

⁸³ In 2010, Military Order No. 1651 (2009) came into effect, consolidating a number of previously issued orders into what is called now “the Criminal Code,” which governs the procedures of the arrest, detention, and prosecution of Palestinians in the West Bank. The Order has been amended several times since then; the up-to-date Hebrew version is available at https://www.nevo.co.il/law_html/law65/666_027.htm.

⁸⁴ Addameer, ‘In the case of The Palestinian People vs. Military Courts’, (March 2021), available at: <https://www.addameer.org/node/4318>; B’Tselem, ‘Presumed Guilty: Remand in Custody by Military Courts in the West Bank’, (June 2015), available at: https://www.btselem.org/download/201506_presumed_guilty_eng.pdf; Yesh Din-Volunteer for Human Rights, ‘Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories’, (2007) p.47.

⁸⁵ In the Israeli military court system in the occupied Palestinian Territories, the military serves as the legislator, the police, the prosecutor, and judge. See General Comment no. 32 (2007) on article 14 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/32, <https://ccprcentre.org/ccpr-general-comments>. Further, the UN Working Group on Arbitrary Detention has stated that “military courts should not have jurisdiction to try civilians, whatever the charges they face. They can no[t] be considered as independent and impartial tribunals for civilians.” United Nations Working Group on Arbitrary Detention, Opinion No. 27/2008 (Egypt), A/HRC/13/30/Add.1, 4 March 2010, [Microsoft Word - 1011672.doc \(un.org\)](#)

⁸⁶ Human Rights Committee, General Comment 32, Article 14, CCPR/C/GC/32 (2007)

⁸⁷ Human Rights Committee, General Comment 32, Article 14, CCPR/C/GC/32 (2007) at 9, referring to the ICCPR and customary international law; Decision of the UN Working Group on Arbitrary Detention, Opinion No. 15/2016 concerning Khalida Jarrar (Israel), at 4-5

⁸⁸ In a typical trial, a panel of three judges or a single judge presides over the case; a single judge can pronounce a sentence of up to ten years of imprisonment, while a three-judge panel may impose a sentence of any length. Until 2004, there was no requirement for these officials to have legal training or possess judicial expertise (Order no. 550 of 2004, amending article 4 of the Security Provisions Order, No. 378 of 1970); see also Yesh Din, ‘Backyard Proceedings: The Implementation of Due Process Rights in the Military Courts in the Occupied Territories’, (2007), p.47

⁸⁹ Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), Article 37, available at: <http://www.militarycourtwatch.org/files/server/MO%201651%20.pdf>.

⁹⁰ *Ibid.*

without charges or trial, if a military judge finds that the prolonged detention to be ‘justified’. Additionally, a Palestinian detainee in the military court system can be held for up to 60 days without access to a lawyer.⁹¹ No search or arrest warrant is required for the Israeli military to raid Palestinian homes in the West Bank.⁹²

For decades, the Israeli occupying authorities have systematically utilised administrative detention to indefinitely hold Palestinians without charge or fair trial under the scheme of ‘security reasons’ based solely on ‘secret evidence’. Re-appropriating a colonial practice established during the British Mandate era, Israel has established an administrative detention scheme under three laws:

1. Article 285 of Military Order 1651, which is part of the military legislation they apply to the West Bank,⁹³
2. the Internment of Unlawful Combatants Law, which they have used against residents of the Gaza Strip since 2005,⁹⁴
3. and the Emergency Powers (Detentions) law, which they can apply to individuals holding Israeli citizenship.⁹⁵

The Israeli authorities have only but expanded their systematic and arbitrary administrative detention practices, issuing around 2,409 administrative detention orders during the year 2022 alone, including new orders and renewal orders as well. As of January 2023, there are around 860 Palestinians held under administrative detention, without charge or trial in Israeli prisons, including seven children, two women, and two PLC members. These indefinite, baseless administrative detentions take a major psychological toll on detainees, with Israeli authorities weaponising this psychological effect to exact revenge on Palestinians. Indeed, the Israeli occupying authorities will deliberately withhold the length of the detention, only informing detainees their detention was renewed on the day they thought they would be released.⁹⁶

⁹¹ Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), Articles 58 and 59, available at: https://www.nevo.co.il/law_html/law65/666_027.htm.

⁹² On 1 September 2021, the Israeli Supreme Court handed down a decision confirming that only Palestinian homes can be raided by the Israeli military without a warrant. Military Court Watch, ‘Israeli High Court confirms only Palestinian homes can be entered without a warrant’, (6 October 2021), available at: <http://www.militarycourtwatch.org/page.php?id=316TyVgssCa1576758AcoFf14Rge5>.

⁹³ Order Regarding Security Directives [Consolidated Version] (Judea and Samaria) (No. 1651), Article. 285(A), available at: https://www.nevo.co.il/law_html/law65/666_027.htm.

⁹⁴ Internment of Unlawful Combatants Law, 5762-2002, section 2; Human Rights Watch, ‘Gaza: ‘Unlawful Combatants Law’ Violates Rights’, (2017), available at: <https://www.hrw.org/news/2017/03/01/gaza-unlawful-combatants-law-violates-rights>; B’Tselem and HaMoked, ‘Without Trial: Administrative detention of Palestinians by Israel and the Incarceration of Unlawful Combatants Law’, (2009), available at: https://www.btselem.org/sites/default/files/sites/default/files2/publication/200910_without_trial_eng.pdf.

⁹⁵ While the law states that it “shall only apply in a period in which a state of emergency exists”, Israel’s extension of its emergency state “is repeated yearly.” Emergency Powers (Detention) Law, 5739-1979, Articles. 2, 4, and 5.

⁹⁶ Addameer, ‘Induced Desperation: The Psychological Torture of Administrative Detention’, (26 June 2016), available at: <https://www.addameer.org/publications/induced-desperation-psychological-torture-administrative-detention>.

Administrative detainees are not charged with specific offenses and cannot access the information used against them, often deemed ‘secret information’. Notably, while a military judge can rely upon such ‘secret information’ when confirming the order, detainees and their attorney are barred from viewing it.⁹⁷ A judge’s examination of this privileged information takes place *ex parte* (without the detainees or their attorney present). It often features an explanation of the information by security personnel from Israel’s intelligence apparatus.⁹⁸ As Article 186 of Military Order 1651 permits the use of ‘secret evidence’, judges in most cases decide a case ‘only by familiarising [themselves] with a summary of the secret information’ and without examining the information’s authenticity’.⁹⁹ Military judges generally defer to the military prosecutor, routinely affirming, reducing, and/or extending administrative detention orders.¹⁰⁰ The lack of specific charges, and inability to access evidence or basis for the detention of such information, in addition to the lack of separation of power,¹⁰¹ hamper individuals’ ability to challenge their arbitrary detention or mount an effective defense.¹⁰²

According to data provided by the Israeli military court system in 2017, most charges Palestinians face relate to ‘security’ violations, public disturbance, and entry to Israel/transit infractions. Of the 10,445 Palestinians indicted that year alone, nearly 20% were charged for ‘security’ violations, 10% for public disturbances, and 67% for transit-related offenses.¹⁰³ Contrary to the Israeli characterisation as ‘security’ violations, the most common cases brought against Palestinians in the West Bank documented by Addameer in recent years pertain directly to affiliation with

⁹⁷ See, Decision of the U.N. Working Group, Opinion No. 60/2021 concerning Amal Nakhleh (Israel), ¶ 45 (“Finally, although Mr. Nakhleh appeared before a court upon arrest and was subsequently administratively detained on 25 January 2021 by a decision of a military court that he was able to appeal, the Working Group notes that Mr. Nakhleh was never provided with the charges against him, as established above. This means that his right to challenge the legality of his detention . . . was also violated.”); David Kretzmer and Yael Ronen, ‘The Occupation of Justice: The Supreme Court of Israel and the Occupied Palestinian Territories’, (2021) pp. 329-336.

⁹⁸ See, Shiri Krebs, ‘Lifting the Veil of Secrecy: Judicial Review of Administrative Detentions in the Israeli Supreme Court’, 45 VAND. J. TRANSNAT’L L. 642, 683 (May 2012)

⁹⁹ Addameer, ‘On Administrative Detention’, (July 2017), available at:

https://www.addameer.org/israeli_military_judicial_system/administrative_detention.

¹⁰⁰ For instance, according to numbers from Addameer’s Legal and Documentation unit, from June 2022 to September 2022, the number of renewed detention orders only increases from 95, 126, 129, 143 respectively. See, e.g., case of Thabet Nassar, available at: <https://www.addameer.org/sites/default/files/campaigns/Thabet.pdf>.

¹⁰¹ See, Sharon Weill, ‘The Judicial Arm of the Occupation: The Israeli Military Courts in the Occupied Territories’, 89 INT’L REV. RED CROSS 395, 400 (June 2007); see also, UNHRC, ‘Summary of the Discussions Held During the Expert Consultation on the Administration of Justice Through Military Tribunals and the Role of the Integral Judicial System in Combating Human Rights Violations’, U.N. Doc. A/HRC/28/32, paras. 25-27. We further note that members of the U.N. Working Group on Arbitrary Detention have found military tribunals, when used to try civilians, constitute a violation of the ICCPR and that, more specifically, a military judge “who is neither professionally nor culturally independent was likely to produce an effect contrary to that afforded by guarantees of a fair trial.”; Addameer, ‘The Israeli Military Court System’, (July 2017), available at:

https://www.addameer.org/israeli_military_judicial_system/military_courts.

¹⁰² Addameer, ‘In the case of The Palestinian People vs. Military Courts’, (March 2021), available at:

<https://www.addameer.org/node/4318>.

¹⁰³ Addameer, ‘Annual Report 2017’, (17 April 2018), p. 71, available at:

https://www.addameer.org/sites/default/files/publications/web_eng_book.pdf.

organisations deemed ‘unlawful’ by Israeli military orders, ‘incitement’ on social media, and entering Israel without a permit.¹⁰⁴

The cases detailed below highlight Israel’s broader framework of control and repression of the Palestinian people and showcase the systematic targeting of Palestinian human rights defenders for merely engaging in freedom of expression and their right to association. Their security-based justifications shift attention and eliminate all political, union, and social activity to prevent Palestinians from actualising and exerting their right to self-determination and liberation. The harassment and violation of rights these human rights defenders are subjected to illustrate a prominent strategy utilised by the Israeli regime to silence Palestinians and criminalise the expression and cultivation of Palestinian identity.

i. Arbitrary Arrest of Palestinian Legislative Council (PLC) Members

Since its establishment in 1996, members of the Palestinian Legislative Council (PLC) have been targeted by Israel, including through continuous arrests, harassment, travel bans and residency revocations. Most prominently, in the wake of the Palestinian legislative elections in 2006, over a third of PLC members were arrested, severely obstructing the Council’s work. In 2020 alone, ten members of the PLC were incarcerated in Israeli prisons. Through a well-established and consolidated practice, Israel continues to place PLC members under administrative detention, without charge or trial, under ‘secret evidence’ that they pose a ‘security threat’ to the region.

In 2020, PLC member Hassan Yousef was arrested and placed under administrative detention twice without charge or trial, due to his membership in a ‘banned organisation’ and participation in its political activities. Hassan was arrested again on 13 December 2021, and his detention was extended by request of the Israeli military prosecutor, pending the submission of a list of charges against him. By the end of 2022, five PLC members continue to be arbitrarily held in Israeli prisons, including Marwan Barghouti, Ahmad Sa’adat, and Hassan Yousef, in addition to Mohammad Abu Teir and Nasser Abdul Jawad, who are held under administrative detention.

Further, the prominent case of PLC member feminist leader Khalida Jarrar highlights the targeting, harassment, and arbitrary detention of Palestinian civil society and political leaders. Khalida was re-arrested from her home on 31 October 2019, just eight months following her release from administrative detention, in a mass arbitrary arrest campaign targeting dozens of Palestinian political activists and university students during the second half of 2019. On 1 March 2021, Ofer Military Court sentenced Khalida Jarrar to a 24-month prison sentence, an additional 12-month

¹⁰⁴ See, Addameer, ‘Israeli Military Orders Relevant to the Arrest, Detention and Prosecution of Palestinians’, (July 2017), available at: https://www.addameer.org/israeli_military_judicial_system/military_orders; Addameer, ‘Annual Report 2019’, (1 January 2021), pp. 77-84, available at: https://www.addameer.org/sites/default/files/publications/v2020_online.pdf; Addameer, ‘Defenders Suppressed: The Price of Defending Human Rights’, (27 February 2019), available at: <https://www.addameer.org/publications/defenders-suppressed-price-defending-human-right>.

suspension over a period of five years, as well as a 4,000 NIS fine on charges exclusively limited to her political role as a member of the PLC. On 11 July 2021, Khalida’s youngest daughter, Suha Jarrar, a prominent Palestinian human rights defender, unexpectedly passed away.¹⁰⁵ Despite several communications submitted to the Israeli Prison Service (IPS) for Khalida’s temporary humanitarian release to attend her daughter’s funeral, IPS firmly denied the requests due to her ‘[negative] leadership role’, which deemed her a ‘security threat’.¹⁰⁶ Accordingly, she was denied to attend the funeral of her youngest daughter and mourn this devastating loss with dignity, in further violation of rights protected under the Universal Declaration of Human Rights (UDHR), the ICCPR, and the Fourth Geneva Conventions.

ii. Mass Arrests and Detention Campaigns Amidst the Palestinian Unity Intifada

Beginning of April 2021, heightened violence by IOF and Israeli settlers targeting Al-Aqsa Mosque, Damascus Gate, and the Sheikh Jarrah neighbourhood in Jerusalem initiated a series of protests across historic Palestine, culminating in the Palestinian Unity *Intifada*.¹⁰⁷ In response, IOF undertook, *inter alia*, mass arbitrary arrest and detention campaigns.

On 22 April 2021, three members of the Salah family—Khaldoon Salah, the father, and his two sons, Ali Salah and Yousef Salah—were all physically assaulted and arrested by the IOF close to Damascus Gate. Khaldoon reported that while sitting close to Damascus Gate with his sons, the IOF approached them and started aggressively shoving and physically assaulting them. All three Palestinians were taken to the holding room in Damascus Gate, and the IOF continued to brutally beat them without any reason. Khaldoon reported that he repeatedly notified and yelled at the soldiers that his son Yousef has impaired vision and poor eyesight. Nonetheless, they kept beating him. Khaldoon describes the IOF’s attacks as extremely brutal and violent, targeting their heads, faces, and back area. After half an hour of detention and beatings in Damascus Gate, Khaldoon and his two sons were transferred to the Salah Al-Deen police station. Later, Khaldoon and Yousef were transferred to a hospital due to Khaldoon’s high blood pressure and Yousef’s severe injuries. Ali remained in detention and was released the next morning without any charges or conditions of release.

Further, on 9 May 2021, the day before the settlers’ march to Al-Aqsa, the IOF launched an arrest campaign of Palestinian Jerusalemites who were previously imprisoned and/or activists. They were arrested after their homes were raided and then arbitrarily detained for several days before releasing some of them. Israeli courts also issued dozens of orders of deportation from the Al-Aqsa

¹⁰⁵ Al-Haq, ‘Commemorating the Work of Human Rights Defender, Suha Jarrar (11 September 1990 - 11 July 2021)’, (12 July 2021), available at: <https://www.alhaq.org/advocacy/18623.html>.

¹⁰⁶ Addameer, ‘Israeli Prison Service Denies Humanitarian Release Appeal for Political Prisoner Khalida Jarrar to Attend Her Youngest Daughter’s Funeral’, (13 July 2021), available at: <https://www.addameer.org/news/4453>.

¹⁰⁷ Addameer, ‘Mass Arrests and Detention Amidst the Escalation of Israeli Aggression Against the Palestinian People’, (20 May 2021), available at: <https://www.addameer.org/media/4393>.

Mosque, surrounding neighbourhoods, and the Sheikh Jarrah neighbourhood. These orders were coupled with dozens of additional orders of forced house arrest.

Despite clear acts of violence and provocation, Israeli settler violence is afforded impunity and protection: this is best captured by the event on 22 April 2021, in which Israeli settlers—including those affiliated with the Israeli far-right group *Lehava*—roamed the streets chanting “death to Arabs”,¹⁰⁸ throwing rocks and attacking Palestinian cars, homes, and stores. According to the Palestine Red Crescent Society, 105 Palestinians were wounded, 22 of whom were hospitalised. Nevertheless, the IOF arrested 50 Palestinians,¹⁰⁹ accusing them of “violence”. Official statistics, taken from the Israeli Public Prosecutor’s Office, indicate that the IOF have arrested 1,160 Palestinians in Jerusalem and historic Palestine from the start of the events, most of whom were released with or without stipulations, while indictments were submitted against 155 of them.

The indictments submitted against Palestinian detainees centered on charges of incitement to “murder Jews”, incitement to “terrorism”, “obstruction of police work”, and other “racially-motivated” charges aimed at the intentional portrayal of Palestinian detainees as violent and racists committing ideologically-motivated activities. Notably, Israeli judges refused to address physical evidence of assault and beatings evident on the detainees’ bodies. Conversely, the Israel police arrested 159 Israeli-Jews and released most of them. The Israeli Prosecutor’s Office submitted indictments against only 15 Israeli Jews, including charges related to stone-throwing and attacks on Israeli press crews covering events.

Moreover, Israeli courts imposed arbitrary release conditions against Palestinian detainees, such as house arrest, deportation from certain neighbourhoods, and a ban on participating in demonstrations. The majority of Palestinian detainees, especially in Jerusalem and inside the Green Line, were released through high fines and signing financial guarantees, or by forced transfer to home arrest. The release of most of the detainees without charges highlights the arbitrary nature of mass arrests of Palestinians, which are rather aimed at harassment and repression of Palestinians.

In the occupied West Bank, excluding occupied Jerusalem, Israeli authorities enforced a campaign of arbitrary arrests beginning on 4 May 2021 and intensifying on 12 May 2021 which targeted ex-prisoners, activists, and politicians. On 12 May 2021 alone, nearly 60 Palestinians, including journalists, activists, leaders, and candidates for the Legislative Council had their homes stormed, families attacked, and were arrested. The majority of them were former political prisoners. At least 25 of them were transferred to administrative detention without charge or trial. Among those held

¹⁰⁸ Mondoweiss, ‘Israeli Mobs Chant “Death to Arabis” in Night of Violence in Jerusalem’, (23 April 2021), available at: <https://mondoweiss.net/2021/04/israeli-mobs-chant-death-to-arabs-in-night-of-violence-in-jerusalem/>.

¹⁰⁹ Anadolu Agency, ‘Israeli Settlers Assault Palestinians in Occupied Jerusalem’, (23 April 2021), available at: <https://www.aa.com.tr/en/middle-east/israeli-settlers-assault-palestinians-in-occupied-jerusalem/2218004>.

in administrative detention were four Palestinian women from the West Bank, including a mother and her daughter, as well as a number of children, including a 16-year-old child from Hebron.¹¹⁰

- Read a [joint written submission](#) on the escalation of Israel’s systematic arbitrary arrest and detention campaigns against Palestinians throughout colonised Palestine amidst the Unity *Intifada*.

iii. Israel’s Systematic Arrest of Palestinian Students and Journalists

Israel has persistently and systematically targeted Palestinian youth and students through arbitrary arrest and detention. This practice, amounting to a form of collective punishment, violates Palestinian students’ rights to education and to freedom of association, assembly, and expression, all protected under international legal standards. Though the Israeli occupying authorities target students and student groups across Palestine, students at Birzeit University, located in Birzeit town, north of Ramallah, have been subjected to the most consistent, systematic attacks, raids on campus, arbitrary detention orders, and torture and ill-treatment.

In both 2021 and 2022, Birzeit University students experienced military raids and mass arbitrary arrest campaigns on campus. The 2021 incident, which saw over 45 Palestinian students detained and arrested for participating in a solidarity visit to a recently demolished Palestinian home, came on the heels of the IOF’s mass arrest and detention campaigns amid the Palestinian Unity *Intifada*.¹¹¹ Similarly, in 2022, undercover Israeli occupying soldiers of the *mista’arivim* unit raided the Eastern Gate of Birzeit University¹¹² to target a student council meeting with over a dozen students, including the heads of various student blocs, arresting five Palestinian students and indiscriminately firing live ammunition, wounding one student.¹¹³

Mass raids and arrests often target students involved in on-campus organising activities through student groups, which the occupying authorities consider these groups to be ‘illegal’ under Israeli military orders. The Israeli occupying authorities first outlawed Shabiba Youth Bloc—a student union commonly associated with Fatah—through an Israeli military order on 13 March 1988. The Israeli occupying authorities continue to consider Shabiba Youth Bloc as an ‘unlawful association’ until today. On 19 May 1998, the Islamic Bloc was the next student group to be declared unlawful. Most recently, in 2020, the Israeli occupying authorities designated the Democratic Progressive Student Pole (DPSP)—a leftist student bloc at Birzeit University—as an ‘unlawful association’. Subsequently, the IOF arrested and detained several students for their participation with DPSP. On 7 June 2021, the UN Working Group on Arbitrary Detention published an opinion finding that

¹¹⁰ Statistics provided by Addameer Prisoner Support and Human Rights Association.

¹¹¹ Addameer, ‘IOF Launch Mass Arrest Campaign Against Birzeit University Students Visiting Site of Israeli Home Demolition’, (18 July 2021), available at: <https://www.addameer.org/news/4458>.

¹¹² Notably, in this instance, Israeli occupying soldiers did not enter the premise of the University, but stayed outside its Eastern Gate.

¹¹³ Addameer, ‘Undercover Israeli Occupation Force Storm Birzeit University, Arresting Five Palestinian Students and Shot Live Ammunition’, (12 January 2022), available at: <https://www.addameer.org/news/4652>.

three of the students arrested for involvement with DPSP were arbitrarily detained merely for “their legitimate exercise of the freedoms of expression, peaceful assembly and association”.¹¹⁴

For example, attending a rally of an ‘unlawful association’ or an association ‘with ties’ to an ‘unlawful association’; putting up posters of such an association; and writing, producing, printing, and distributing publications related to an ‘unlawful association’ are all activities that are considered to “endanger the security of the State of Israel”. These activities are then prosecuted as crimes under the banner of ‘hostile and terrorist activities’. In some cases, students were indicted with charges as unreasonable and far-fetched as dancing *dabke*, a traditional Palestinian folkloric dance, at an event organised by a student union ‘with ties to an unlawful organization’, or attending a film screening at an ‘illegal rally’. The nature of charges against students—no matter how frivolous—is never of interest to the prosecution and hardly ever examined by the military judge.

Notably, on 7 March 2018, the then-president of the student council at Birzeit University, Omar Kiswani, was arrested on campus during the day when a group of individuals approached him claiming to be journalists. After conducting a fake press interview with him, the journalists, who were undercover Israeli occupying soldiers disguised in civilian clothing, suddenly exposed their weapons and pointed them at Omar and other students. During the arrest process, Omar was attacked, beaten, slapped, and electrocuted with taser guns for around three to five minutes. The undercover unit arrested Omar and withdrew from campus under the protection of a group of the IOF, who were riding a civilian vehicle. The occupying soldiers continued to beat Omar inside the vehicle, cursed at him, and insulted his family. They shackled his hands behind his back, blindfolded him, and forced his head against the floor of the vehicle, where they kept him for 15 minutes before transferring him to an unknown military camp. He stayed outside the camp on a chair until 9:00 pm in the cold weather. He was later taken to Bet El military camp before transferring him to Moskobiyyeh Interrogation Center.

The Israeli military prosecutor submitted a six-page indictment against Omar that included 11 clauses related to his position as the president of the student council at Birzeit University, his student activism at the university, and providing financial assistance to students. His trial lasted nearly 26 months, until he was sentenced to a 50-months imprisonment and fined 25,000 NIS. Omar’s legal counsel appealed the decision. However, the court of appeal affirmed the first instance court’s decision in addition to a suspended sentence for one to five years based on charges of affiliation to an ‘unlawful’ organisation and six months to five years based on charges of attending gatherings or meetings of an ‘unlawful’ organisations. The Israeli occupying authorities released Omar on 1 May 2022, after finishing his sentence.

Further, the IOF target Palestinian journalists affiliated with news networks, independent reporters and photojournalists, as well media students, through arrests and physical beatings, shooting live

¹¹⁴ UNHRC, ‘Opinions adopted by the Working Group on Arbitrary Detention’, (7 June 2021), UN Doc A/HRC/WGAD/2021/8.

ammunition at them as they cover Israeli attacks against Palestinians, closing down their social media accounts, and suppressing their right to share their content. Some journalists face forcible transfer and deportation from their place of residence. Anadolu Agency's Jerusalem-based photojournalist, Mustafa Kharouf, was arrested on 22 January 2019 in his house in Jerusalem. The Israeli occupying authorities claimed that he was arrested due to his illegal residency in Jerusalem, when in fact it was due to the nature of his work. In December 2018, the Israeli Ministry of Interior rejected Mustafa's family unification application for 'security reasons' in relation to his work as a photojournalist.¹¹⁵

The Palestinian Ministry of Information documented more than 350 violations by Israeli occupying authorities against Palestinian journalists in 2020.¹¹⁶ Similarly, the Palestinian Center for Development and Media Freedoms (MADA) documented 11 cases of police summons and interrogations of journalists, 13 cases of brief detention that mostly included interrogation, as well as 16 cases in which Palestinian journalists were arrested, detained, and placed under administrative detention.¹¹⁷ In 2020, Israel issued administrative detention orders against journalists Amer Tawfiq Abu Halliel, Mujahed Al-Sa'adi, Nidal Abu Aker, Mus'ab Said, Sami Al-Assi, Izzat Al-Shunnar, and Bushra Al-Taweel. Notably, female journalist Bushra Al-Taweel has repeatedly been subjected to arbitrary detention, including her most recent arrest on 21 March 2021 under administrative detention, without charge or trial, for three months, which was renewed three times consecutively, until her release on 10 December 2022.¹¹⁸

iv. The Arrest of Human Rights Defenders Working in Civil Society Organisations

Israel continuously attempts to coerce and attain individual human rights defenders criminalisation under an Israeli military judicial system absent of fair trial guarantees and rife with ill-treatment, arising to torture, so as further to justify their arbitrary criminalisation of Palestinian civil society.

- Read a [joint submission](#) to the Special Rapporteur on the Situation of Human Rights Defenders, detailing Israel's systematic use of arbitrary detention, torture, and other ill-treatment against Palestinians, including human rights defenders, for challenging Israel's policies, laws and practices of racial domination and oppression.

¹¹⁵ Al-Haq, 'Six Human Rights Organizations Submit an Urgent Appeal to UN Special Procedures on Israel's Imminent Deportation of Palestinian Jerusalemite', 4 May 2019, available at: <http://www.alhaq.org/advocacy/6063.html>.

¹¹⁶ Palestinian Ministry of Information, 'The annual report on Israeli violations against Palestinian journalists and media institutes of 2020' (4 February 2021), available in Arabic at: <https://www.minfo.ps/home/Details/10990>.

¹¹⁷ Palestinian Center for Development and Media Freedoms (MADA), 'Media Freedoms Violations in Palestine 2020', p. 10, available at: <https://www.madacenter.org/en/article/1334/>.

¹¹⁸ For more information on the case of woman prisoner Bushra Al-Tawil, see Addameer, 'Profile on Bushra al-Tawil, available at: <https://www.addameer.org/prisoner/3089>.

- *The arrest of Juwana Rashmawi*

On 17 November 2021, an Israeli military court sentenced 63-year-old Juwana Rashmawi, a Spanish-Palestinian former aid worker and fundraiser manager for the Health Work Committees (HWC)—a prominent Palestinian CSO providing health services for hundreds of thousands of Palestinians outlawed by the Israeli military orders according to a plea bargain. The Israeli military prosecutor illicitly amended the indictment to include background paragraphs unrelated to Juwana, alleging links between targeted Palestinian CSOs and the PFLP. The blatant politically-motivated amendment, immediately [leveraged](#) by the Israeli ‘Defense’ and Foreign Ministries to justify their criminalisation of the organisations,¹¹⁹ prompted Juwana lawyer, Avigdor Feldman, to submit a letter to the court denouncing the modified indictment. In a rare move, the Israeli military court publicly refuted these claims, limiting the sentence to the charges outlined in the original indictment, which solely relate to the HWC, and notes that she was unaware of the alleged intended transfer of funds accepted by Juwana in her plea deal.¹²⁰

- *The arrest of Bashir Khairi*

Similarly, on 29 October 2021, the IOF stormed Bashir Khairi’s home in Ramallah, arresting him and directly transferring him to Ofer military base. On 1 November 2021, the Israeli military prosecutor requested multiple extensions to the detention of Bashir to 3 November, then to 8 November, then again to 15 November 2021—all of which were approved by the Israeli military court. On 15 November 2021, the military prosecutor submitted a list of charges against Bashir relating to his alleged association in an organisation deemed “unlawful” under Israeli military orders. Notably, the list of charges cited as evidence events dated as far back as decades, including 2000, 2014, and 2017, including his participation in public events. In addition to the arbitrary charges laid against him, the indictment cited unrelated and unreliable testimony of two former employees of a different organisation in an attempt to link Bashir—along with the six Palestinian CSOs’ subject to Israel’s escalated harassment campaign to “terrorist activities”.¹²¹

Still, noting Bashir’s old age, health condition, and the dated charges laid against him, the Israeli military court ordered his release on bail on 21 November 2021. In response, the military prosecutor requested the postponement of his release for 72 hours to submit an appeal, and upon approval by the military court, subsequently requested an extension to his detention until 6

¹¹⁹ Haaretz, ‘Israel’s Spin in Its Efforts to Justify Labeling of Palestinian NGOs Terrorist Groups’, (18 November 2021), available at: <https://www.haaretz.com/opinion/2021-11-18/ty-article-opinion/.premium/israels-claims-against-six-palestinian-terror-groups-grow-steadily-weaker/0000017f-e218-d804-ad7f-f3fa22c90000>.

¹²⁰ Haaretz, ‘Spaniard Israel Claimed was Tied to Six Blacklisted Palestinian NGOs Is Not, Military Court Says’, (16 November 2021), available at: <https://www.haaretz.com/israel-news/2021-11-16/ty-article/.premium/court-spaniard-israel-claimed-was-tied-to-six-blacklisted-palestinian-ngos-is-not/0000017f-e3b6-d7b2-a77f-e3b739980000>.

¹²¹ Addameer, ‘Israeli Occupation Authorities Leverage Individual Palestinian Human Rights Defenders to Escalate Systematic Harassment Campaign against Palestinian Civil Society’, (12 December 2021), available at: <https://www.addameer.org/news/4611>.

December 2021, which the military court again approved. On 6 December 2021, the Israeli military judge amended the terms of Bashir's release to increase bail to 10,000 NIS, along with a third-party guarantee of 20,000 NIS. Notwithstanding, the Israeli military prosecutor requested to postpone his release for 24 hours to consider an administrative detention order, to which the court acceded. On 7 December 2021, the Israeli military prosecutor issued a six-month administrative detention order, without charge or trial, against Bashir, until 28 April 2022, based on "secret evidence" that he constituted an imminent "security threat" to the region. The confirmation hearing for the administrative detention order was set to 9 December 2021, then postponed to 14 December 2021. Yet, in light of the farcical military judicial proceedings poorly masking Israeli occupation authorities' persecution attempt, Bashir announced, in a letter, on the same day, his intent to boycott all further military court proceedings.

The arbitrary arrest and continued detention of 79-year-old lawyer and human rights defender Bashir Khairi reflects Israel's persistent endeavours to incarcerate him in an attempt to coerce testimony and/or a plea bargain to more broadly criminalise entire Palestinian CSOs. This is especially highlighted by the arbitrary and dated charges against him, which, when proven insufficient to incarcerate him, is subsequently turned into an administrative detention order without charge or trial.

- *The arrest of Shatha Odeh*

Shatha Odeh, 62 years old, is a former chairwoman of Palestinian NGOs Network (PNGO)—a coalition of 142 Palestinian civil society organisations leading NGO work in different fields of development—and serves as the Director of the Health Work Committees (HWC). Her detention comes amid Israel's ongoing and systematic crackdown on Palestinian civil society actors and human rights defenders, which has intensified through violent raids, harassment, arbitrary arrests and detention, and arbitrary criminalisation of civil society organisations.

On 7 July 2021, the IOF conducted a night raid of Shatha's home in Ramallah, occupied West Bank, deploying gas grenades, terrorising her family, and arbitrarily detaining Shatha. Despite the lack of an arrest warrant or a confiscation order, the IOF stormed Shatha's house, forcibly arresting her and confiscating her mobile phone, along with the keys of her organisation's car, and the car itself.¹²² Since Shatha's arrest on 7 July 2021, her detention was extended three times by the Israeli military court on 8 July, 14 July, and up until her third hearing on 26 July 2021, when the military prosecutor laid out the charges against her. The nature of the charges brought against Shatha primarily revolve around her leadership role in the HWC, deemed "unlawful" by Israeli military orders, and her alleged affiliation with a "terrorist" organisation. The Israeli military prosecutor brought a list of charges primarily targeting her leadership within the HWC, deemed "unlawful",

¹²² Addameer, 'Palestinian Civil Society Submit Urgent Appeal to UN Special Procedures on the Arbitrary Detention and Harassment of HRD Shatha Odeh', (12 August 2021), available at: <https://www.addameer.org/news/4469>.

the “illegal” transfer of funds, and infractions alleging fraudulent activities. Notably, in ascribing to Shatha the latter charges relating to alleged fraud, the Israeli military prosecutor relies on military orders that directly reference the 1960 Jordanian Penal Code, representing a dangerous expansion of subject-matter jurisdiction.¹²³

The charges laid against Shatha lacked clear evidentiary bases and are purposely extreme in nature. They reflect both an escalating policy by Israeli occupying authorities of criminalising fundamental Palestinian human rights and services through allegations of terrorist links, and a dangerous encroachment of the jurisdiction of the Israeli military judicial system over the OPT. Further still, the evidentiary basis for the charges submitted against Shatha relies prominently on witness testimonies of detainees subjected to torture and ill-treatment during interrogation. In seeking to build a case against Shatha, the Israeli military prosecutor expands the subject-matter jurisdiction of the courts through the inclusion of allegations of fraudulent activity as security-related offenses falling under the military judicial system’s mandate. Such expansion points to the Israeli military judicial system as the functioning arm of the Israeli occupation and settler-colonial apartheid regime against the Palestinian people. Nonetheless, Ofer military court sentenced Shatha to a 16-months imprisonment, and she was released on 3 June 2022.¹²⁴

Amid Israel’s sustained campaign against Palestinian civil society, IOF have conducted multiple raids of HWC’s office, confiscating several items belonging to the organisation, including computers and documents, along with the arbitrary arrest and detention of HWC staff members, some of whom were subjected to torture and ill-treatment. During the most recent raid of HWC’s office in Ramallah, on 9 July 2021, IOF forcibly closed the office with metal barriers and ordered its continued closure for six months until 7 December 2021 as stipulated by Israeli military orders. The printed military order further justified the closure due to “security reasons” and the HWC’s alleged affiliation with “terrorist organisations”.

These allegations stem from an Israeli military declaration, dated 22 January 2020, declaring HWC to be “unlawful and illegitimate”, and falsely alleging its terrorist ties. Notwithstanding the arbitrary criminalisation of the HWC, a leading Palestinian non-governmental health and development organisation providing essential health services to over 400,000 Palestinians in the occupied West Bank, especially in Area C, the military declaration was never sent to the HWC upon its issuance. Therefore, they were not immediately or properly notified of the banning of the HWC. The closing of HWC offices and arbitrary detention of HWC staff, including its Director, Shatha Odeh, during a global pandemic further illustrate Israel’s blatant disregard towards its legal obligation to protect Palestinians’ right to health and constitutes a collective punishment against HWC and Palestinians.

¹²³ *Ibid.*

¹²⁴ Addameer, ‘Israeli Occupation Release Mrs. Shatha Odeh After Nearly a Year’, (3 June 2022) available at: <https://www.addameer.org/news/4807>.

The military declaration constitutes one of the over 1,800 military orders issued by the Occupying Power. These military orders aim to control and criminalise many aspects of Palestinians' daily lives, including various forms of civil society work, advocacy, political and cultural expression, association, movement, and other acts that might be considered opposing Israel's occupation and settler-colonial apartheid regime. These orders form the basis of the Occupying Power's systematic use of arbitrary arrests and detentions, which include men, women, children, the elderly, and human rights defenders.

Upon detention and up until her third hearing, for almost two weeks, Shatha was not allowed to have underclothing or clothes to change despite requests and clothes brought to the prison by her lawyer. Furthermore, the conditions of her detention and interrogations in Hasharon Detention Center were poor, cruel, and inhumane, wherein the harsh transport and process of her interrogation from Hasharon Detention Center to Ofer Military Camp last 20 hours while detainees remain shackled by their wrists and feet. In Hasharon, Shatha was held in a room with two metal beds, plastic mattresses, a thin cover and no pillows, using the jacket she wore on the day of her arrest as a cover. She was also monitored by a surveillance camera, infringing on her privacy, and compounding upon psychological punishment, medical negligence, and ill-treatment. Shatha was held in Damon Prison, located inside the Green Line, in clear contravention of Article 76 of the Fourth Geneva Convention, which states that an Occupying Power must detain residents of occupied territory in prisons inside the occupied territory.¹²⁵

These systemic issues go unaccounted for in Israeli military courts, which at most offer piecemeal ameliorations that are often disregarded by the IPS, who are never held responsible, further illustrating the complicity of the Israeli military judicial system in the systematic offenses against absolute prohibitions of torture and other cruel, inhuman or degrading treatment or punishment under international law.

- *The arrest of Khitam Sa'afin*

Khitam Sa'afin is the former President of the Union of Palestinian Women's Committees (UPWC), a secretariat member of the General Union of Palestinian Women, and a prominent Palestinian human rights defender. Her work is well renowned at the regional and international levels. Khitam is an active member at the World Social Forum and the regional Coalition for Women Human Rights Defenders in the Middle East and North Africa. She has been a voice for underprivileged Palestinian women regarding social issues and believes that women's freedom is parallel to the

¹²⁵ Fourth Geneva Convention, Article 76; Addameer, 'Palestinian Civil Society Submit Urgent Appeal to UN Special Procedures on the Arbitrary Detention and Harassment of HRD Shatha Odeh', (12 August 2021), available at: <https://www.addameer.org/news/4469>.

Palestinian people's freedom. Khitam is a former prisoner, arrested several times including under administrative detention in 2017 and 2020.¹²⁶

Most recently, Khitam was arrested on 2 November 2020, and issued an administrative detention order for four months, which was later renewed twice. Prior to the beginning of her third administrative detention order, the Israeli military prosecutor submitted an indictment against Khitam on 8 June 2021, thus cancelling the administrative detention order and transferring her to pretrial incarceration, under a long set of inflated charges of acts and activities well beyond any singular, specific act carried out by Khitam. This practice is widely used by the Israeli military prosecution to extend detention and trial procedures as a punitive and coercive measure against the detainee.

During trial proceedings, the Israeli military prosecution brought charges against Khitam alleging that she held responsibility for “joint administration” with the six Palestinian CSOs arbitrarily outlawed by Israel. The military prosecution further alleged that she helped “launder[ing] money” between the organisations and the Popular Front for the Liberation of Palestine (PFLP). Most strikingly, this move not only exemplifies the practice of applying Israeli military orders retroactively to bring charges against human rights defenders and student activists, but it dangerously alludes to the imminent, and now explicit, consequences of the latest criminalisation of the six Palestinian organisations, all of whom engage in critical human rights work and services in the OPT.

Khitam's legal counsel submitted several requests to the military court to reveal the “secret material”, in addition to her release until the end of the legal procedures. However, the military court intentionally delayed looking into these requests, compelling Khitam's legal counsel to directly engage in communications with the military prosecutor. Consequently, the parties reached an agreement to amend the final list of charges to limit it to Khitam's alleged membership in an organisation deemed “unlawful” under Israeli military orders, referring to the PFLP, her participation in social and public activities relating to the aforementioned organisation, and her position as the President of the UPWC, prior to the military order outlawing the organisation.

The criminalisation of mere membership in or affiliation with a political party violates fundamental international conventions that ensure such activities are protected under the freedoms of belief and association. It also allows Israeli military authorities to detain individuals without proving—or even alleging—any actual individual culpability for activities or resistance against the ongoing belligerent Israeli occupation that could be deemed legitimate offenses. Such attacks and

¹²⁶ Addameer, ‘Profile on Khitam Khatib’, available at: <https://www.addameer.org/prisoner/2964>. See also, Addameer, ‘Ofer Military Court Sentences HRD Khitam Sa’afin to 16-Months Imprisonment, Following Exaggerated Allegations by the Military Prosecutor’, (15 February 2022), available at: <https://www.addameer.org/news/4696>.

harassment are part of the Israel's aim to silence those who defend and express their opposition to the Israeli apartheid and illegal policies, at the foremost Palestinian human rights defenders.

- *The arrest of Mohammad Al-Halabi*

In August 2022, following 160 court hearings over six years, Mohammad Al-Halabi,¹²⁷ a human rights defender, was sentenced to twelve years of imprisonment. Mohammad, the former Gaza Manager of Operations of World Vision International, was detained, reportedly subjected to torture, denied his right to fair trial, and convicted on secret evidence and forced 'confession', which was obtained under duress.¹²⁸ Mohammad, who pled not guilty to all charges made against him, was detained for allegedly funnelling \$50 million to Hamas. Notably, Israel's allegations of the amount of money allegedly funnelled to Hamas via Mohammad exceeds World Vision's cumulative operating budget in Gaza, which was approximately \$22.5 million for the past ten years.¹²⁹ Furthermore, World Vision's investigation, including an external audit, found no evidence of criminal wrongdoing by Mohammad or of his membership in Hamas.

5. Israel's Torture and Ill Treatment Policy

Palestinian prisoners and detainees are interrogated and held in military-run detention centres and prisons, where human rights organisations have documented prevalent practices of torture and ill-treatment, including deliberate medical neglect, harsh detention conditions, and brutal prison raids.¹³⁰ Upon arrest and throughout the period of transfer, the IOF perpetrate various forms of

¹²⁷ World Vision, 'World Vision Statement Regarding the Sentencing of Mohammad El Halabi' (31 August 2022), available at: <https://www.wvi.org/stories/jerusalem-west-bank-gaza/mohammad-el-halabi-trial-overview/world-vision-statement-regarding-sentencing-mohammad-el-halabi>.

¹²⁸ Al-Haq, 'Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms Mary Lawlor, in Response to a Call for Input on Long-Term Detention of Human Rights Defenders', (19 March 2021), available at: https://www.alhaq.org/cached_uploads/download/2021/03/22/210319-final-joint-submission-to-the-united-nations-special-rapporteur-on-the-situation-of-human-rights-defenders-1616422371.pdf;

Amnesty, 'Israel/OPT: Quash Flawed Conviction of Aid Worker Mohammed Al-Halabi' (16 June 2022), available at: <https://www.amnesty.org/en/latest/news/2022/06/i-opt-quash-flawed-conviction-of-aid-worker-mohammed-al-halabi/>.

¹²⁹ Shira Rubin and Hazem Balousha, 'Israel Sentences Gaza Aid Worker Convicted of Funding Hamas to 12 years' (Washington Post, 30 August 2022), available at: <https://www.washingtonpost.com/world/2022/08/30/israel-gaza-halabi-world-vision/>.

¹³⁰ Addameer, "Annual Violations Report 2019," (2020), available at: https://www.addameer.org/sites/default/files/publications/v2020_online.pdf; Addameer, 'Torture and Ill-Treatment Beyond Interrogation', (March 2021), available at: https://www.addameer.org/sites/default/files/publications/Torture%20and%20Ill-Treatment%20Beyond%20Interrogation_0.pdf; Addameer, 'The Systematic Use of Torture and Ill-treatment at Israeli Interrogation Centers ... Cases of Torture Committed at Al-Mascobiyya Interrogation Center', (23 January 2020), available at: <http://www.addameer.org/publications/systematic-use-torture-and-ill-treatment-israeli-interrogation-centers-cases-torture>; Al-Haq, 'Urgent Appeal for the Immediate Release of Human Rights Defender, Ms. Shatha Odeh Abu Fannouneh', (23 July 2021), available at: https://www.alhaq.org/cached_uploads/download/2021/07/24/23-july-2021-ms-odeh-urgent-appeal-1627128914.pdf.

torture and ill-treatment against Palestinians, including physical assault, invasive body searches,¹³¹ sexual and gender-based violence (SGBV), and positional torture, that carry on and escalate throughout to also include psychological torture,¹³² and threats of family arrest and harassment.¹³³

The culture of impunity at the heart of the Israeli occupation, domestic legislation, and judicial rulings derogating prohibitions of torture form the bulk of all challenges to accountability.¹³⁴ Between 2019-2021, Addameer documented 238 cases of torture among Palestinian prisoners and detainees, filing over 25 complaints against the perpetrators to the specialised Israeli bodies (*MAVTAN*). None of the complaints were opened for investigation, clearly demonstrating the overt entanglement of the Israeli accountability mechanisms, including the judicial system, with the Israeli Security Agency (*ISA/Shin Bet*).

Further, the Israeli occupying authorities continue to blatantly violate international norms and conventions related to protecting prisoners, specifically sick prisoners. International humanitarian law conventions guarantee the provision of necessary medical care to patients. Articles 76 and 92 of the Fourth Geneva Convention stipulate the right of sick detainees to receive necessary medical care, maintain a healthy diet, and have access to necessary medical examinations.¹³⁵

Statistics compiled by human rights organisations indicate that the number of sick Palestinian detainees and prisoners in Israeli prisons is currently around 600, including around 200 prisoners with chronic diseases and 24 prisoners diagnosed with cancer and other serious illnesses. About 14 prisoners are held in Ramleh Prison Clinic, six of whom remain there permanently. Since 1967, with the death of Nasser Abu Hamid, the total number of Palestinian prisoners who have passed away in Israeli prisons has reached 233—74 of whom have passed away as a result of deliberate

¹³¹ Breiner Josh, 'It Started With a Palestinian Woman's Arrest. It Ended With Israeli Officers Investigated for Rape', (*Haaretz*, 21 April 2021), available at: <https://www.haaretz.com/israel-news/premium.HIGHLIGHT.MAGAZINE-it-started-with-palestinian-s-arrest-it-ended-with-israeli-officers-probed-for-rape-1.9737766>.

¹³² Addameer, 'I've Been There: A Study of Torture and Inhumane Treatment in Al-Moscabiyyeh Interrogation Center', (March 2018), available at: https://www.addameer.org/sites/default/files/publications/al_moscabiyyeh_report_0.pdf.

¹³³ Yara Hawari, 'The Systematic Torture of Palestinians in Israeli Detention', (*Al-Shabaka*, 28 November 2019), available at: <https://al-shabaka.org/briefs/the-systematic-torture-of-palestinians-in-israeli-detention/>; Addameer, 'Torture and Ill-Treatment Beyond Interrogation', (March 2021), available at:

https://www.addameer.org/sites/default/files/publications/Torture%20and%20Ill-Treatment%20Beyond%20Interrogation_0.pdf;

B'Tselem, 'Routine Torture: painful binding, isolation from the outside world and deprivation of food, drink, and toilet access: This is what the ISA's "interrogation system" looks like', (23 May 2022), available at:

https://www.btselem.org/torture/20230523_painful_binding_isolation_and_deprivation_of_food_drink_and_toilet_access_in_isa_interrogation_system;

Save the Children, 'Defenseless: The impact of the Israeli military detention system on Palestinian children', (2020), available at:

https://www.savethechildren.org.uk/content/dam/gb/reports/defenceless_impact_of_detention_on_palestinian_children.pdf.

¹³⁴ OHCHR, 'Special Rapporteurs Call on Israel to End Impunity for Torture and Ill-treatment – Press Release', (8 February 2021), available at: <https://www.un.org/unispal/document/special-rapporteurs-call-on-israel-to-end-impunity-for-torture-and-ill-treatment-un-experts/>.

¹³⁵ Fourth Geneva Convention, Articles 76 and 92.

medical negligence. Compounding their crimes of medical neglect, Israeli occupying authorities continue to withhold the bodies of the now-eleven Palestinian prisoners in refrigerators, who passed away while incarcerated, including Anis Doula (1980), Aziz Owaisat (2018), Fares Baroud, Nassar Taqatqa, and Bassam Al-Sayeh (2019), Saadi Al-Garabli and Kamal Abu Wa'ar (2020), Sami Al-Amour (2021), and Daoud Zubeidi, Mohammad Turkman Ghawadra and Nasser Abu Hamid (2022). By withholding the bodies, Israel does not only punish the individual, but further inflicts severe psychological pain on the deceased's family.¹³⁶

- Read Addameer's [report](#), titled 'I've Been There: A Study of Torture and Inhumane Treatment in Al-Moscobiyyeh Interrogation Center'.

- *The torture of Mais Abu Ghosh*

On 29 August 2019, the IOF arrested Mais Abu Ghosh, then media student at Birzeit University, during a night raid at her house in Qalandia refugee camp. Mais was transferred to interrogation in Al-Mascobiyyeh interrogation center for 30 days, during which she was banned from meeting with her lawyer for 25 days. Throughout her interrogation, Mais endured extreme and cruel torture techniques as she was subjected to sleep deprivation, and prolonged interrogation, as well as threatened with the arrest of her family, and with demolishing her family house for a second time.¹³⁷ Furthermore, the Israeli interrogators subjected Mais to extreme positional torture by forcing her into various cruel stress positions, including the banana position, against-the-wall position, squatting without leaning on the walls, as well as handcuffing her hands behind her back in an upward position and bounding them to a table higher than her chair. Moreover, the interrogation techniques show the extent of the Israeli cruelty and inhuman treatment of Palestinian women prisoners as Mais was denied access to menstrual hygiene products and was only allowed to use the bathroom at the discretion of the interrogators regardless of her needs.¹³⁸

In addition to physical torture, Israeli interrogators also subjected Mais to further psychological torture. During Mais' detention—as of 21 January 2020, when Al-Haq met with Mais' family—her father was brought in for interrogation twice. In the first incident, an Israeli interrogator used patriarchal methods to pressure him, alleging that Mais was having a relationship and asking him if he knew about and/or approved of the alleged relationship. Then, the interrogator attempted to

¹³⁶ Budour Hassan, 'The Warmth of Our Sons: Necropolitics, Memory and the Palestinian Right to Mourn' (JLAC, 2019), available at: <http://www.jlac.ps/userfiles/file/Studies/The%20Warmth%20of%20our%20Sons.pdf>.

¹³⁷ Mais Abu Ghosh's mother and father were called into Al-Mascobiyyeh interrogation center multiple times; on one occasion, they saw their daughter. Additionally, her brother Sulaiman Abu Ghosh was detained under administrative detention.

¹³⁸ Banana position: The detainee is bound sideways on the chair, with feet and hands shackled to the chair legs to prevent movement. The chest is pushed backwards and away at an obtuse angle to the chair which causes immense pain in the abdomen; all the while, the interrogators continue to apply pressure on the chest. The human body cannot hold this position for long, so the detainee falls back on the floor or on the knees of the interrogator sitting behind the detainee.

force Mais' father to talk to his daughter, and even tried to take a picture of him.¹³⁹ During the second incident, both Mais' mother and father were called in for questioning, during which they met their daughter for nearly 15 seconds. Seeing Mais for the first time since she was arrested, her father recalled:

When she first entered the room, she did not react to my and her mother's presence. After a few seconds, it seems that she noticed, as she smiled lightly. She was handcuffed to the front with iron shackles, and I think, from her walk, that her feet were shackled. She did not say a word. I hugged her and whispered in her ear that we are fine, that she should not worry about us, and that we love her and we are proud of her. Then her mother got up and hugged her. This meeting lasted only about 15 seconds. I think that the [Israeli interrogations'] aim for this meeting is to deceive Mais into thinking that we were detained, and to further pressure her.¹⁴⁰

Notably, Mais' arrest aimed to pressure and extract confessions of other detainees. This became apparent when the military prosecution charged Mais with charges that deviated completely from the course of her interrogation. In the charge sheet against Mais, the military prosecution noted her student union activism in Birzeit University, as well as accused her of "communicating with the enemy" due to nurturing a professional relationship with a Lebanese journalist. The Israeli authorities considered Mais' trip to Lebanon and communication with a Lebanese journalist in order to prepare a report on her 17-year-old brother, Hussein Abu Ghosh, who was killed by the IOF in 2016, a form of "communicating with the enemy".

The Israeli allegations fail to take into consideration that Mais is a student of media studies at Birzeit university. Thus, her participation in many activities and conferences stems from her work as a media student and an upcoming journalist. The report Mais made on her brother comes first and foremost as part of her professional journalism work that aims primarily to deliver the voice of the Palestinian people and show the world what they go through. Moreover, the report is voiced through a grieving sister whom the military prosecution manipulated into an "illegal offense".

- *The torture of Ameer Hazboun*

On 10 September 2020, at around 1:00 am, the IOF, accompanied by military dogs, broke into Ameer Hazboun's dorm at Birzeit University and arrested him. After breaking into the dorm, the Israeli occupying soldiers used dogs to attack Ameer and beat him on his chest before handcuffing and blindfolding him. Ameer was continuously kicked and beaten as he was transferred to a nearby military checkpoint. After noticing that Ameer's forehead was bleeding from being hit, the IOF

¹³⁹ Al-Haq Affidavit 24/2020, given by Mohammad Hussein Saleem Abu Ghosh, 51, resident of Betunia, on 21 January 2020.

¹⁴⁰ *Ibid.*

sent Ameer to a medical centre in an Israeli colonial settlement to check and clean his wound. He was then blindfolded again and transferred to another military camp before he was finally taken to Ofer prison. During his transportation, Israeli occupying soldiers relentlessly beat Ameer all over his body using their rifles. Ameer was then transferred to Al-Moskobiyeh Detention and Interrogation Centre in Jerusalem, where he was physically and mentally tortured for almost 50 days. Immediately after his arrest, a ban order was issued to prevent Ameer from meeting with his lawyer for five days. The order was renewed six times for a total of 22 days. Ameer was not even allowed to consult his lawyer during the hearings to extend his detention. His lawyer was also not able to document the brutal torture Ameer endured during his interrogation.

In the beginning, Ameer was interrogated for long hours without reprieve and was deprived of sleep and rest. Ameer was questioned for 22 hours a day for the first seven days of interrogation. Whenever he dozed off, the interrogators would sit on his knees and shake his body violently while hurling obscenities at him. After the first week, from behind a glass window, the interrogators showed Ameer his father sitting in an interrogation room in a ploy to pressure him into thinking his father had been detained because of him. After two weeks of interrogation, interrogators threatened Ameer with military interrogation and threatened him that “his guts will be ripped out of his body and his jaw will be broken”. Later, Ameer was moved to a larger chamber where he was brutally tortured for two days using military interrogation tactics. During the military interrogation, Ameer’s face was slapped harshly and his outer thighs were beaten heavily. He was forced into various stress positions including the banana torture position, where interrogators shackled his legs to a chair, tied his hands behind his back, and then pushed his chest backward until his body formed an arch. With only a blanket to catch his fall, Ameer had to hold this position for a long time, causing severe back and abdomen pain. Ameer was forced into another stress position where he had to stand on his tiptoes while his arms were pulled backward and upwards and shackled to a high point on the wall. This position puts immense pressure on the muscles of the shoulders and arms, forcing him to keep standing on his tiptoes or risk excruciating pain in the shoulders and arms.

Additionally, prior to his arrest, Ameer had broken his arm and underwent surgery for it. The interrogators used Ameer’s injury against him by putting pressure on his injured arm to exacerbate the suffering. After the military interrogation, Ameer was interrogated for five more consecutive days, during which he was forced to eat inside the chamber. He was then transferred to the collaborators’ cells (*asafir*) for four days before going back to al-Moskobiyeh Detention and Interrogation Center for more interrogation. During his last week of questioning, Ameer was placed in solitary confinement and then transferred to the prisoner cells at Ofer Prison.

While from the first moments of arrest through the interrogation process the Israeli occupying authorities justify Ameer’s torture by utilising the argument of a ‘ticking time bomb scenario’, we stress that the prohibition of torture is a peremptory norm in public international law, and thus, torture is prohibited under all circumstances. Furthermore, and crucially, the ‘ticking time bomb

scenario’ does not align with the charges listed against Ameer, which were limited to student activism, which is protected under all international conventions, rendering his torture in violation of both international law and Israeli law itself.

Despite the fact that Ameer had informed the military judge that he was tortured and interrogated ceaselessly, the military judge continued to extend his detention. Addameer’s lawyer representing Ameer lodged multiple appeals against the extension, but were all dismissed under the pretext of needing further interrogation because the results were still inconclusive, and the alleged charges against Ameer were of extreme gravity. On 3 November 2019, the Israeli occupying authorities brought charges against Ameer related to his student activism at Birzeit University. They claimed that Ameer is a member of DPSP, a student bloc at Birzeit University which was designated as an “unlawful association” through a military order, and that he attended meetings and participated in student activities organised by DPSP. After more than a year of military trial, on 2 November 2020, Ofer military court sentenced Ameer to 16 months in prison and fined him NIS 3,000. On 13 December 2020, the Israeli occupying authorities released Ameer after serving his sentence.

6. The Silencing of Palestinian Civil Society Organisations

For decades, Israeli governments and its affiliates have worked tirelessly to shrink Palestinian human rights civil society spaces through orchestrated and widespread attacks against Palestinian human rights defenders and organisations. This has been done by employing an unjust set of laws, policies and practices in the form of smear campaigns, threats and harassment— including by the Israeli Ministry of Strategic Affairs and Public Diplomacy and in coordination with government-operated non-governmental organisations (GONGOs).¹⁴¹ These measures aim to discredit their image, efforts, and initiatives, delegitimise and criminalise their actions, and cut off their sources of funding, on both regional and international stages. Over the last decade, the pace and intensity of these attacks have dramatically accelerated.

Critically, since 2015—that is, when the ICC Prosecutor opened a preliminary examination into the Situation in Palestine—the attacks and harassment campaigns against staff members of Palestinian human rights organisations actively engaging in international justice mechanisms dramatically increased, with some receiving death threats directed at themselves and their families because of their work. In 2016, coinciding with, and as a result of, the progress achieved at the ICC and decisions at the European Union (EU) level regarding the labelling of settlement products, Nada Kiswanson, Al-Haq’s Legal Advocacy Officer in the Hague at the time, and Shawan Jabarin, Al-Haq’s General Director, received death threats.¹⁴² Delivering the death threat from a blocked

¹⁴¹ The Policy Working Group, ‘Defaming human rights organizations that criticize the Israeli occupation’, (September 2018), available at: http://policyworkinggroup.org.il/report_en.pdf.

¹⁴² See, Al-Haq, ‘Al-Haq Under Attack – Staff Member’s Life Threatened’, (3 March 2016), available at: <http://www.alhaq.org/advocacy/6432.html>; Al-Haq, ‘Update: Attacks Against Al-Haq Continue’, (4 June 2016), available at: <http://www.alhaq.org/advocacy/6408.html>; Al-Haq, ‘Dutch paper highlights attacks against Al-Haq’, (11 August 2016), available at: <http://www.alhaq.org/advocacy/6395.html>; and ESCR-Net, ‘Al-Haq staff member

number, the anonymous caller directly connected the death threat with Al-Haq's work regarding the ICC.¹⁴³

This ongoing disinformation and smear campaign is often carried out in symbiosis with several Israeli government-affiliated organisations. It focuses, in large part, on vilifying both individuals and groups documenting Israeli settler-colonisation of Palestine, as well as its apartheid regime over the Palestinian people, using inaccurate and false information. With the intended purpose of delegitimising their message, Israel and its surrogate organisations have branded Palestinian human rights defenders as “terrorists,” falsely accused several Palestinian organisations of being involved or linked to “terrorism”. Implemented and reasserted through many publications by both the Israeli government and Israeli GONGOs, this narrative is deliberately designed to obstruct and undermine the pursuit of international justice and accountability. In addition to the many hazards already highlighted above, one of the intended purposes of this campaign is to hinder the granting and allocation of funds from international donors to Palestinian organisations, thereby inevitably harming their key human rights and accountability work.

Since May 2018, the Israeli Ministry of Strategic Affairs has published several reports against Palestinian organisations and named individuals, under the pretext of ‘exposing’ allegations of ‘terrorist’ affiliations and interrogating the funding sources of Palestinian and European civil society organisations which promote a “delegitimization and boycott campaign” against Israel. Similarly, Israeli proxy organisations, including NGO Monitor and the Jerusalem Center for Public Affairs, frequently engage in Israel's systematic smear campaign, including by publishing reports filled with inaccurate and false information on Palestinian civil society organisations, including Al-Haq, Al Mezan, and Addameer.¹⁴⁴

In addition to using GONGOs, Israel, including its Ministry of Strategic Affairs, has deployed other means to further its disinformation campaign, including by lobbying foreign politicians, governments, and donors, urging and pressuring them to halt their funding to Palestinian organisations.¹⁴⁵

faces ongoing death threats in connection with human rights defense for Palestinians’, (2016), available at: <https://www.escriet.org/news/2016/al-haq-staff-member-faces-ongoing-death-threats-connection-human-rightsdefense>.

¹⁴³ Al-Haq, ‘Al-Haq Under Attack – Staff Member's Life Threatened’, (3 March 2016), available at: <http://www.alhaq.org/advocacy/6432.html>.

¹⁴⁴ See, for example, NGO Monitor, ‘Al-Haq’, last updated 21 June 2022, available at: https://www.ngo-monitor.org/ngos/al_haq/; NGO Monitor, ‘Al Mezan Center for Human Rights’, last updated 5 April 2022, available at: https://www.ngomonitor.org/ngos/al_mezan_center_for_human_rights/; NGO Monitor, ‘Addameer’, last updated 25 July 2022, available at: <https://www.ngo-monitor.org/ngos/addameer/>; NGO Monitor, ‘EU Funding to Terror-Linked Palestinian NGOs Since 2011’, (11 June 2020), available at: <https://www.ngo-monitor.org/reports/eu-funding-to-terror-linked-palestinian-ngos-since-2011/>; and NGO Monitor, ‘Key Issue: International Criminal Court (ICC) and NGOs’, available at: <https://www.ngo-monitor.org/key-issues/international-criminal-court-icc-and-ngos-whichngos-are-involved-in-lobbying-the-icc/>.

¹⁴⁵ Middle East Monitor, ‘Netanyahu thanks Denmark for cutting aid to Palestinian NGOs’, (25 December 2017), available at: <https://www.middleeastmonitor.com/20171225-netanyahu-thanks-denmark-for-cutting-aid->

- Read our [joint submission](#) to the United Nations Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, on Israel's continues smear campaign against Palestinian civil society organisations, carried out by Israel's Ministry of Strategic Affairs and government-affiliated organisations.
- Read Al-Haq's [submission](#) to the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor, detailing Israel's ongoing and systematic smear campaign against Al-Haq and its staff members, including hate speech and death threats.
- Read a [joint submission](#) to the UN Secretary-General, detailing the intimidation and reprisals to which Palestinian organisations are subjected for cooperation with the UN.

Israel's targeting of Palestinian civic space intensification culminated on 19 October 2021, when the then-Israeli Minister of Defense, Benny Gantz, outlawed six leading Palestinian human rights and civil society organisations under Israel's domestic Anti-Terrorism Law (2016)¹⁴⁶ without any official notification to the affected organisations.¹⁴⁷ The six targeted organisations are: Al-Haq, Law in the Service of Man (Al-Haq), Addameer Prisoner Support and Human Rights Association (Addameer), Bisan Center for Research and Development, Defence for Children International-Palestine (DCI-P), the Union of Agricultural Work Committees (UAWC), and the Union of Palestinian Women's Committees (UPWC). On 3 November 2021, the Israeli military commander signed a military order that outlaws the six Palestinian civil society organisations within the rest of West Bank as well.¹⁴⁸ Notably, in addition to these six Palestinian organisations, Israel had outlawed Health Work Committees (HWC), a Palestinian non-governmental health and developmental organisation, and further raided the headquarters of HWC in Al-Bireh city, and delivered a military order forcing the office to close for six months.¹⁴⁹

The ramifications of these designations are significant and severe. This decision effectively outlaws these organisations and places them at imminent risk of reprisals. It entails severe legal

[topalestinian-ngos/](#); Herb Keinon, Greer Fay Cashman, 'Netanyahu, Norwegian FM at odds over Palestinian NGO', (the Jerusalem Post, 7 January 2018), available at: <https://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-Norwegian-FM-at-oddsover-Palestinian-NGO-533054>.

¹⁴⁶ The Counter-Terrorism Law, 5776-2016, updated on 14 February 2018.

¹⁴⁷ Al-Haq, 'Palestinian Human Rights NGOs Will Not Be Silenced, and Call on the International Community to Take Concrete Actions to Rescind Barbarous Israeli Designations', (23 October 2021), available at: <https://www.alhaq.org/advocacy/19009.html>; Al-Haq, 'PNGO & PHROC: Israel's Sinister Designation of 6 Leading Palestinian Organizations As "Terror Organizations" is an Attempt to Silence and Control Palestinians', (23 October 2021), available at: <https://www.alhaq.org/advocacy/19006.html>; Al-Haq, 'Al-Haq Calls on Third States to Publicly Condemn and Call for the Full Rescinding of Palestinian Human Rights NGOs as "Terrorist Organizations"', (24 October 2021), available at: <https://www.alhaq.org/advocacy/19050.html>.

¹⁴⁸ Al-Haq, 'Alert: Israel Takes Alarming Steps to Enforce its Persecution of Six Palestinian Organisations in the West Bank, International Community Must Intervene' (7 November 2021), available at: <https://www.alhaq.org/advocacy/19179.html>.

¹⁴⁹ Al-Haq, 'Israel's Attack on the Palestinian Health Work Committees is Part of its Systematic Targeting of Palestinian Civil Society', (19 June 2021), available at: <https://www.alhaq.org/advocacy/18527.html>.

consequences, including the potential closure of the six organisations' offices, the seizure of their property, the freezing of their assets, the blockade of their funding and the prohibition of public support for their activities. Moreover, their staff members may be arbitrarily arrested and are liable to detention and criminal sanctions.¹⁵⁰ Directors and senior staff of the organisations can be sentenced to 25 years of imprisonment.¹⁵¹ Incontestably, the designations severely obstruct the essential human rights work of the six organisations.

Following the unlawful designation of the six civil society organisations, Front Line Defenders (FLD) revealed, on 8 November 2021, that there has been a systematic underground campaign of spyware surveillance aimed at infiltrating Palestinian human rights defenders and lawyers' devices.¹⁵² Specifically, FLD revealed in a report that the iPhone devices of at least six Palestinian human rights defenders were subjected to mass surveillance via the Israeli spyware 'Pegasus'. Of the six Palestinian human rights defenders, three were working with the outlawed Palestinian organisations.

Moreover, on 18 August 2022, at approximately 3:00 am, the IOF raided Ramallah, forcibly entered, raided and closed the offices of the six outlawed Palestinian civil society organisations in an attempt to quash the work of human rights defenders. Private property and information were seized from three of these organisations by the IOF, while the offices were vandalised, the front doors sealed with a welded metal sheet, and a military order declaring the organisation an unlawful association was placed on the metal sheet.¹⁵³

On 21 August 2022, Shawan Jabarin, General Director of Al-Haq, and Khaled Quzmar, General Director of DCI-P, were summoned by the IOF for interrogation at the Ofer military base. In the first of these cases, the caller threatened Shawan that a price, including a personal price from Shawan, will be paid through imprisonment, interrogations and other measures, if Al-Haq continues to work.¹⁵⁴ As for Khaled, he was seen being escorted into Shin Bet premises and was not allowed legal representation, only to be released after being in Shin Bet custody for two hours.

¹⁵⁰ Al-Haq, 'Urgent Appeal to the United Nations Special Procedures, Israel's Designation of Six Palestinian Organisations as 'Terrorist Organisations', A Legal Analysis of Israel Counter-Terrorism Law (2016)', (30 December 2021), available at: https://www.alhaq.org/cached_uploads/download/2021/12/07/soas-memo-1638860121.pdf.

¹⁵¹ Library of Congress, 'Israel: New Comprehensive Counterterrorism Legislation Adopted', (15 July 2016); Al-Haq, 'The Six Designated Organisations Call for Urgent International Intervention to Revoke the Designations', (21 April 2022), available at <https://www.alhaq.org/advocacy/19949.html>.

¹⁵² Al-Haq, 'Spyware Surveillance of Palestinian Human Rights Defenders' (8 November 2021), available at: <https://www.alhaq.org/advocacy/19188.html>.

¹⁵³ Al-Haq, 'Al-Haq's Urgent Appeal to UN Special Procedures; Protect Human Rights Directors, Mr. Shawan Jabarin and Mr. Khaled Quzmar, Threatened with Arrest and Imprisonment', (21 August 2022), available at: <https://www.alhaq.org/advocacy/20471.html>; Al-Haq, 'The Raid on Al-Haq's Offices: 18 August 2022', (16 September 2022), available at: <https://www.alhaq.org/monitoring-documentation/20580.html>.

¹⁵⁴ Al-Haq, 'Al-Haq's Urgent Appeal to UN Special Procedures; Protect Human Rights Directors, Mr. Shawan Jabarin and Mr. Khaled Quzmar, Threatened with Arrest and Imprisonment', (21 August 2022), available at: <https://www.alhaq.org/advocacy/20471.html>.

These organisations are being targeted for attempting to promote a critical narrative and mobilise action concerning issues spanning from the Israeli occupation, annexation, apartheid and colonisation of Palestinian lands, business and settlement activities, environmental and natural resources, political prisoners, and refugees to accountability before the ICC. Moreover, these organisations work relentlessly to uphold Palestinian human rights and support their struggle for freedom, justice and their right to self-determination. They provide indispensable services that ensure the steadfastness of Palestinians in the face of Israeli oppression and international crimes, and work towards achieving accountability and putting an end to Israel's impunity for its crimes against humanity and war crimes committed, including through the ICC.

- Read a [position paper](#) prepared by the six designated Palestinian civil society organisations, titled 'Dangerous Designations, Israel's Authoritarian Dismantling of Palestinian Civil Society, an Attack on Human Rights and the Rule of Law'.
- Read Al-Haq's [report](#) titled 'Designated Shrinking Space: Israel's Systematic Harassment Campaigns Against Al-Haq, are the Acts of an Illegal Apartheid Regime'.
- Read Al-Haq's [urgent appeal](#) to the UN special procedures on Israel-orchestrated mass surveillance campaign against Palestinian human rights defenders.
- Read the Institute for Palestine Studies' [report](#) titled 'Persecution of Palestinian Civil Society: Epistemic Violence, Silencing, and the Apartheid Framework'.

- *The case of Salah Hammouri*

Salah Hammouri, 37, was born in the eastern part of occupied Jerusalem to a Palestinian Jerusalemite father and a French mother and has lived in Jerusalem his entire life. He is a long-time human rights defender, who first started as a field researcher in Jerusalem with Addameer Prisoner Support and Human Rights Association, and later became lawyer advocating on behalf of Palestinian political prisoners in Israeli military courts. He is also a former political prisoner. Since her was only 15 years old, Salah has been the subject of Israeli persecution, facing continuous judicial and administrative harassment by the Israeli occupying authorities.

During the second *Intifada*, when he was only sixteen years old, Salah was detained for five months for participating in student activities and spray painting slogans on walls.¹⁵⁵ In 2004, he was arrested again and spent five months in jail under administrative detention, without trial or charges.¹⁵⁶ His third and longest detention began in 2005 when he was imprisoned for allegedly planning to kill an Israeli Rabbi, Ovadia Yosef, who was the spiritual godfather of the ultra-

¹⁵⁵ Al-Haq, 'PHROC condemns the arrest of human rights defender Mahmoud Nawajaa', (6 August 2020), available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17191.html>.

¹⁵⁶ Middle East Monitor, 'Israel court releases BDS activist Mahmoud Nawajaa', (18 August 2020), available at: <https://www.middleeastmonitor.com/20200818-israel-court-releases-bds-activist-mahmoud-nawajaa/>.

Orthodox Shas Movement. Salah denied the accusations and was imprisoned for seven years rather than accepting an offer to be deported to France for fifteen years.¹⁵⁷ Three months before the end of his seven-year sentence, Salah was released as part of a prisoner exchange deal.

Following his release, Salah was and still is, subject to unrelenting harassment by the Israeli occupying authorities. In an attempt to regain control of his life following the seven years spent in prison, Salah enrolled in university, graduated from law school, and immediately enrolled in a human rights program for a master's degree. The Israeli occupying authorities have undertaken a targeted harassment campaign against Salah, who is a vocal Palestinian human rights advocate, with the aim of repressing his right to free expression and de-legitimising and discrediting his work as a human right defender. The persistent attacks against Salah have included arbitrary arrests, the imposition of exorbitantly high fines and bail, and the imposition of travel bans against him and his family. In September 2014, Salah was banned for a period of six months from traveling to designated areas within the occupied West Bank from his place of residency in Jerusalem. The travel ban order was renewed twice, until it was finally lifted in March 2016.

In 2014, Salah Hammouri married Elsa Lefort, a French national who, at the time of the wedding, had a visitor's visa for six months. Despite Elsa's persistent efforts, the Israeli occupying authorities refused to renew her visa, under the pretext that Salah was released through a prisoner exchange deal and is therefore blacklisted in all of departments affiliated with the Israeli government. Similarly, Salah and Elsa submitted a family reunification application to enable Elsa to stay and live in the OPT. However, the Israeli occupying authorities repeatedly delayed their response to the application, forcing Elsa to stay in the OPT, fearing to be unable to re-enter the country in the event she travels to see her family in France. Finally, in 2015, Elsa was granted a one-year visa, which she received through her work at the Consulate General of France in Jerusalem. Accordingly, Salah and Elsa, who was pregnant, decided to travel to France to visit her family before she gave birth.

Upon Elsa's return on 5 January 2016, she was held at the airport for six to seven hours before being denied entry and ordered to return to France. Salah and Elsa immediately appealed the decision, and the hearing was set for the next morning. Pending her hearing, Elsa was detained at the airport, was denied contact with her husband and family, had her belongings confiscated, and was refused medical attention despite being seven months pregnant. The next morning, the judge rejected the appeal and Elsa was deported to France two days later. At around the same time, Salah's family reunification request was denied. Ever since, Elsa has been denied entry to the OPT, eliminating the possibility of her, Salah and their new-born living a normal life as a family in Salah's hometown. Separating Salah from his wife and son, who was born in France, Salah was

¹⁵⁷ Al-Haq Affidavit 209A/2020, given by Salah Hasan Salah Hammouri, 35, a resident of eastern part of occupied Jerusalem, on 17 September 2020

traveling to Paris every three months in order to spend some time with his family. Following these visits, he would return home, alone.

On 3 September 2020, the Israeli occupying authorities notified Salah Hammouri of the Israeli Minister of Interior's, Ayelet Shaked, intention to revoke his permanent residency status for so-called "breach of allegiance to the State of Israel".¹⁵⁸ While Salah's legal counsel exhausted every remedy available in the Israeli political and legal system, only to be met by racist rulings that operate under the pretense of the law but exist in reality to maintain Israel's racial domination over the Palestinian people. On 7 March 2022, Salah Hammouri was arrested from his home in Kufri Aqab and was placed under administrative detention without charge or trial. The Israeli military commander issued the first order for three months and later renewed it twice, to expire on 4 December 2022. This arbitrary detention proved to be a psychological form of torture and a coercive tool to forcibly deport Salah Hammouri in spite of the then-ongoing legal procedures challenging his residency revocation.¹⁵⁹

Notably, on 29 November 2022, the Israeli Minister of Interior re-affirmed her decision to revoke Salah's permanent Jerusalem residency, alleging he poses a "security threat" to Israel, citing his active civic work and "secret information". Further, in her decision, the Minister of Interior noted that Salah's latest administrative detention order expires on 4 December 2022 and hence ordered his forcible deportation following a hearing scheduled the next day on 1 December 2022. Notably, the decision was approved by the then-Israeli Minister of Justice, Gideon Sa'ar, and follows recommendations from the Israeli Security Agency. Salah's residency revocation order was initially taken on 17 October 2021 and subsequently appealed by Salah's legal counsel in a public hearing on 14 September 2022.¹⁶⁰

On the morning of Sunday, 18 December 2022, the Israeli occupying authorities enacted the final step of residency revocation and unlawfully forcibly deported Salah, exiling him to France. Though Israeli occupying authorities alerted the French Ministry of Foreign Affairs of Salah's scheduled deportation date days before, Salah himself and his legal counsel were not notified of the event until it began. Salah was directly transferred from pre-deportation detention in Hadarim prison to the airport, shackled by his hands and feet and accompanied by three Israeli intelligence agents. He was then boarded onto an Israeli national airline flight, *El Al*, flying to Charles de Gaulle airport. Throughout the brutal journey, Salah remained shackled and monitored by the Israeli agents until his arrival in France. The fact that the Israeli occupying authorities chose to

¹⁵⁸ Addameer, 'Human Rights Organizations Send Urgent Appeal to UN Special Procedures on the Imminent Threat of Forcible Transfer/Deportation of Salah Hammouri for "Breach of Allegiance"', (5 October 2020), available at: <https://www.addameer.org/news/human-rights-organisations-send-urgent-appeal-un-special-procedures-imminent-threat-forcible>.

¹⁵⁹ Addameer, 'Ofer Military Court of Appeal Rejects the Administrative Detention Order Appeal for HRD Salah Hammouri Following Punitive Transfer to Hadarim Prison', (7 August 2022), available at: <https://www.addameer.org/news/4854>.

¹⁶⁰ Addameer, 'Israeli Minister of Interior to Officially Revoke Permanent Residency of Lawyer Salah Hammouri', (18 October 2021), available at: <https://www.addameer.org/news/4531>.

deport Salah via their own national airlines demonstrates the integrated nature of the Israeli apartheid regime, in which Israeli institutions and companies play a crucial role.

The forcible deportation of Salah Hammouri, the final act to his residency revocation and forced exile from his homeland, only further exemplify the apartheid nature of the Israeli regime. During the proceedings, Salah exhausted every remedy available in the Israeli political and legal system, only to be met by racist rulings that operate under the pretense of the law but exist in reality to maintain Israel's racial domination over the Palestinian people. Israeli authorities' perversion of 'legal' processes to apply its illegal rulings is ironically evident by their issuing of a temporary Israeli travel document for Salah—who no longer holds a Jerusalemite ID and was not in possession of his French passport—to be able to forcibly board him on the *El Al* flight and deport him to France. Like the millions of Palestinians exiled since 1948, Salah will now struggle for his right to return to his homeland—a right enshrined to all displaced peoples across the globe.

Residency policies embedded in Israel's regime of racial domination and oppression are designed to maintain an ever-present precarious legal status for Palestinians in Jerusalem to gradually expel the native population and uphold an Israeli-Jewish demographic majority in the city. Such practices are explicitly illegal under international law, specifically international humanitarian law and the Fourth Geneva Convention, governing foreign occupations, and constitute a war crime under the Rome Statute. To this effect, on 16 May 2022, the Center for Constitutional Rights (CCR) and the International Federation for Human Rights (FIDH) submitted a communication to the ICC Office of the Prosecutor on behalf of Salah Hammouri, detailing the years of persecution and new tactics to forcibly transfer Palestinians from occupied Jerusalem in the context of the ongoing investigation into the Situation in Palestine. Salah's case was also highlighted by the UN Human Rights Committee in March 2022 in its fifth periodic review of Israel on its implementation of the ICCPR.

7. Conclusion and Recommendations

In this submission, our organisations highlight Israeli long-established, widespread, systematic, and institutionalised policies that violate Palestinians' right to self-determination, freedom of association and assembly, and freedom of expression, with the ultimate purpose of maintaining its settler-colonial apartheid regime over the Palestinian people as a whole. In line with its mandate to investigate the underlying root causes of systematic discrimination and repression in colonised Palestine, we urge the Commission to adopt the following recommendations:

- 1) Recognise and acknowledge that the root causes of Israel's systematic violations and crimes against the Palestinian people as a whole are Zionist settler-colonialism and the ensuing apartheid regime;
- 2) Address the root causes of Israeli violations by calling on Israel to dismantle its settler-colonial apartheid regime, bring to a complete end its illegal occupation since 1967, end the illegal blockade and closure on Gaza, end the ongoing annexation of the city of

Jerusalem in its entirety, and the *de facto* annexation of vast swathes of the occupied West Bank, and enable the exercise of the right of self-determination of the Palestinian people, including the right of return for Palestinian refugees and exiles abroad;

- 3) Recognise Israel's systematic and institutionalised violent suppression of protests, ensuing killings and injuries, contributes to the maintenance of Israel's settler-colonial apartheid regime imposed over the Palestinian people as a whole, embedded in a system of impunity, which prevents Palestinians from effectively challenging Israel's settler-colonial apartheid regime;
- 4) Call on Israel to immediately bring their rules of engagement for the use of live fire in line with international human rights law, as recommended by the UN Commission of Inquiry on the 2018 protests in the occupied Palestinian territory and adopted by Member States of the Human Rights Council in accountability resolution 40/13 of 22 March 2019;
- 5) Call on states to implement a mandatory and comprehensive arms embargo nationally or multilaterally against Israel, that include:
 - a. Prohibition of the provision to Israel of arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, security equipment, paramilitary equipment, and spare parts for the aforementioned; and
 - b. Termination of all existing and forthcoming contractual arrangements with and licenses granted to Israel relating to the manufacture and maintenance of arms, ammunition, military equipment, vehicles, and security and surveillance equipment.
- 6) Call on Israel to release all political prisoners, to end its widespread and systematic use of arbitrary detention and the use of torture and other ill-treatment, as means to entrench and maintain its settler-colonial apartheid regime, and to end the trial of Palestinian civilians, including children, in Israeli military courts;
- 7) Call on Israel to immediately cease its systematic and ongoing policies and practices aimed at intimidating, smearing, and silencing Palestinian civil society and human rights defenders, in breach of their right to freedom of expression, including through arbitrary detention, torture, and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other forms of coercive or punitive measures, including recent designations;
- 8) Denounce the application of the Anti-Terror Law, 2016 to civil society organisations in the OPT as an overreaching of Israel's domestic law to the OPT;
- 9) Call on Israel to repeal the Anti-Terror Law, 2016 effectively used to institutionalise the persecution of human rights defenders and entrench its colonial domination over the Palestinian people and their lands;
- 10) Call on third state to act in good faith and protect the important civil society and human rights work in Palestine, and to take concrete and immediate measure to end Israel's

prolonged occupation of the occupied Palestinian territory and bring to an end the apartheid regime over the Palestinian people as a whole since 1948; guaranteeing the right of self-determination, and the right of refugees and exiles in the diaspora to return to their homes in Palestine;

- 11) Adopt a comprehensive approach in your investigation of alleged violations of international human rights and humanitarian laws and into the underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial, or religious identity, in a manner that encompasses the Palestinian people as a whole, including Palestinian refugees in exile;
- 12) Call for the reconstitution of the UN Special Committee against Apartheid and the UN Centre against Apartheid, which played essential roles in the international mobilisation against apartheid in South Africa and in challenging third state complicity in the apartheid regime;
- 13) Ensure the UN Database of businesses involved in Israel's illegal settlement enterprise is updated annually and broaden the scope of the Database to include businesses entities and other for-profit or non-profit organisations that are complicit in Israeli apartheid on both sides of the Green Line; and
- 14) Urge Special Procedure mandates to adopt an approach that addresses the root causes of the situation and frame the violations within the wider context of settler-colonialism and apartheid, focusing on the racial domination and oppression Israel imposes over the Palestinian people in order to entrench their colonial subjugation.