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Agenda items 2 and 7

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

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

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

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

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

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



## I. Introduction

1. Submitted pursuant to Human Rights Council resolutions S-9/1 and S-12/1, the present report covers the period from 1 November 2020 to 31 October 2021. The report is based on monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, governmental sources and information collected by other United Nations entities and non-governmental organizations. It should be read in conjunction with other relevant reports of the Secretary-General and the High Commissioner submitted to the Human Rights Council and the General Assembly.<sup>1</sup> Through trends and cases documented by OHCHR, the present report illustrates violations of international humanitarian law and international human rights law by Israel, the State of Palestine and the de facto authorities in Gaza. Owing to space constraints, the High Commissioner does not address all issues of concern or all cases documented during the reporting period.

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

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

4. During the reporting period, the Israeli security forces killed 315 Palestinians, including 197 men, 41 women and 77 children (56 boys and 21 girls) and injured 17,597, including at least 527 women and 1,472 children. According to Israeli sources, 13 Israeli citizens and residents were killed (2 children), including 2 Israeli security forces personnel, and 824 were injured.<sup>3</sup> Civil and political rights came under unprecedented attack by all duty bearers. The widespread lack of accountability for violations by all duty bearers continued. Developments relating to accountability and to civic space are further covered in the report to the Human Rights Council on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice.<sup>4</sup>

5. The approval, planning and construction of Israeli settlements, demolition of Palestinian property and forced evictions continued unabated, increasingly threatening the contiguity of a Palestinian State. Settler violence increased and became more severe, resulting in at least four Palestinians being killed by settlers, who often acted side by side with the Israeli security forces.<sup>5</sup>

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<sup>1</sup> [A/76/333](#), [A/76/336](#), [A/HRC/49/25](#) and [A/HRC/49/85](#).

<sup>2</sup> [A/HRC/43/71](#).

<sup>3</sup> Information provided by the Office for the Coordination of Humanitarian Affairs. Indirect deaths on both sides are not included.

<sup>4</sup> [A/HRC/49/25](#).

<sup>5</sup> For more details, see [A/HRC/49/85](#).

### Legal framework

6. International humanitarian law and international human rights law apply concurrently in the Occupied Palestinian Territory. A detailed analysis of the applicable legal framework can be found in the report submitted by the Secretary-General to the Human Rights Council at its thirty-fourth session.<sup>6</sup>

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

### A. International humanitarian law violations

#### 1. International humanitarian law violations during hostilities

7. From 10 to 21 May, the most significant escalation in hostilities between Israel and Palestinian armed groups in Gaza since 2014 took place. Palestinian armed groups fired 3,240 rockets and 1,158 mortar rounds towards Israel, while the Israel Defense Forces fired 1,768 missiles and 2,455 shells into Gaza.<sup>7</sup> As a result, 261 Palestinians were killed, namely 153 men, 41 women (of whom 4 were pregnant), 67 children (23 girls and 44 boys) and 3 persons with disabilities (including 1 child). At least 130 of those killed were civilians. A total of 2,211 Palestinians were injured, including 413 boys, 272 girls and 480 women.<sup>8</sup> A total of 10 Israeli citizens and residents (5 men, 3 women, 1 boy and 1 girl)<sup>9</sup> were killed and, according to Israeli sources, 710 others were injured.<sup>10</sup>

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

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

<sup>6</sup> A/HRC/34/38, paras. 3–12.

<sup>7</sup> Information provided by the Department for Safety and Security.

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

<sup>9</sup> Indirect deaths on both sides are not included.

<sup>10</sup> Information provided by the Office for the Coordination of Humanitarian Affairs.

<sup>11</sup> A/76/333, para. 9.

<sup>12</sup> See [https://reliefweb.int/sites/reliefweb.int/files/resources/escalation\\_of\\_hostilities\\_-\\_dashboard4\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/escalation_of_hostilities_-_dashboard4_0.pdf).

<sup>13</sup> See <https://www.ochaopt.org/content/overview-november-2021#ftn1>.

<sup>14</sup> See <https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1>, rules 11–15 and 20.

<sup>15</sup> A/76/333, para. 7.

surrounded by a group of people trading hay in Beit Hanoun, killing 8 Palestinian civilians, including 1 girl and 5 boys, and injuring 11 others, including 5 children and 1 woman. On 14 May, during intense night air strikes in North Gaza, an Israeli missile exploded next to a two-storey house in Beit Lahia occupied by an extended family. The house collapsed, killing one woman, two boys and one girl and injuring five people, including one boy and one girl. There was no information indicating that the attack had been targeting a specific military objective in the area. No advance warning was given to the civilian population in any of these incidents.

10. In some cases, even when a warning was given, it did not allow enough time for civilians to evacuate an area, raising concerns about respect for the requirement to give effective warnings unless prevented by the circumstances.<sup>16</sup> On 13 May, shortly after midnight, dozens of Israeli missiles struck eight residential buildings in Al Sheikh Zayid, Beit Lahia. Eight civilians, including 2 women (1 pregnant) and 4 boys, were killed, and 33 Palestinians, including 8 women and 10 children, were injured. The attack caused major damage to critical civilian infrastructure, including power lines, and sanitation, water and communications networks. According to witnesses, an Israeli officer called one of the residents a few minutes before the attack, asking him to inform other neighbours to vacate their buildings before Israel Defense Forces “would erase the neighbourhood”. According to available information, Israel Defense Forces targeted a Hamas commander who was allegedly in the building or tunnels underneath it.

11. By launching indiscriminate attacks, in violation of international humanitarian law, Palestinian armed groups killed and injured Israeli civilians and caused significant damage to civilian objects, such as residential buildings, public facilities and factories.<sup>17</sup> Palestinian armed groups might also be responsible for killing at least 18 Palestinians in Gaza, including 3 women, 5 boys and 1 girl, by rockets falling short. On 12 May, a rocket reportedly fired by armed groups in Gaza exploded in a densely populated area in Al Zaytoon, east of Gaza City. Two boys and one woman were killed and at least seven people were injured.

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

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

## 2. Collective punishment

14. Israel continued to use a wide array of collective punishment practices, that is, imposing punitive measures on individuals and communities for acts they did not commit. Collective punishment is expressly prohibited by international humanitarian law<sup>21</sup> and

<sup>16</sup> See [https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1\\_rul\\_rule20](https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1_rul_rule20).

<sup>17</sup> [A/76/333](#), para. 8.

<sup>18</sup> In a multisectoral needs assessment conducted in Gaza from 4 to 28 July 2021, 38 per cent of households reported at least one member showing signs of psychosocial distress. See [https://www.impact-repository.org/document/reach/bec2d9cb/REACH\\_oPt\\_MSNA\\_Presentation\\_Gaza-UNGT-Meeting.pptx](https://www.impact-repository.org/document/reach/bec2d9cb/REACH_oPt_MSNA_Presentation_Gaza-UNGT-Meeting.pptx).

<sup>19</sup> Samah Jabr, “Assessment of MHPSS interventions in the West Bank and Gaza Strip”, paper prepared for the United Nations Population Fund (UNFPA), August 2021, p. 9.

<sup>20</sup> See <https://palestine.unfpa.org/en/publications/immediate-and-critical-needs-girls-and-women-aftermath-may-2021-escalation>.

<sup>21</sup> Regulations respecting the Laws and Customs of War on Land, art. 50; and Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 33. See also [https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1\\_rul\\_rule103](https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1_rul_rule103).

violates several human rights, notably the right to a fair trial, and may violate economic and social rights.<sup>22</sup>

15. The land, sea and air blockade and closures of Gaza, which constitute a form of collective punishment,<sup>23</sup> entered their fifteenth year, with extremely detrimental effects on freedom of movement and the enjoyment of the rights to an adequate standard of living, health, education, work and family life.<sup>24</sup> From 10 to 24 May, Israel fully sealed the Erez and Kerem Shalom crossings for the passage of people and goods, including for humanitarian supplies and urgent medical care.<sup>25</sup> Although the Erez crossing was reopened for urgent cases on 25 May, Israel further narrowed the definition of patients in need of urgent care.<sup>26</sup> According to the Al Mezan Center for Human Rights, four Palestinian patients, including two children, died between 13 May and 11 June while waiting for their permits to be approved.<sup>27</sup> The share of approved permits increased starting from mid-June.

16. On 31 May, Israel reopened the Kerem Shalom crossing for the passage of fuel and humanitarian aid into Gaza.<sup>28</sup> Until September, Israeli authorities had been blocking the entry into Gaza of much needed construction material and communications supplies, including Internet cables, which were heavily damaged in the conflict.<sup>29</sup> In October, the entry of essential items to restore and maintain critical civilian infrastructure was still restricted.<sup>30</sup> As restrictions were enforced, Israeli officials publicly conditioned the entry of reconstruction material upon the return of two missing civilians and two bodies of Israeli soldiers reportedly held by Hamas since 2014.<sup>31</sup> Similarly, the entry of fuel and access to the sea were made conditional upon Palestinian armed groups in Gaza refraining from hostile actions.<sup>32</sup> It was reported that the Israeli Minister of Defence stated, “we demand peace and we will allow the development of the Gaza Strip only after the boys return home”.<sup>33</sup> Due to their generalized impact on the civilian population, such punitive measures amount to forms of collective punishment.

17. In the occupied West Bank, including East Jerusalem, Israel continued to carry out punitive demolitions of homes of attackers and alleged attackers, a form of collective punishment disproportionately affecting women and children.<sup>34</sup> According to the Committee against Torture, a policy of punitive house demolitions violates the prohibition of cruel, inhuman or degrading treatment or punishment.<sup>35</sup> The demolitions also violate the prohibition of destruction of private property by the occupying Power.<sup>36</sup> Israel punitively

<sup>22</sup> International Covenant on Civil and Political Rights, arts. 12 and 14; International Covenant on Economic, Social and Cultural Rights, arts. 6, 10 (1) and 11; and Fourth Geneva Convention, arts. 71–73.

<sup>23</sup> [A/HRC/46/63](#), para. 7; [A/HRC/37/38](#), para. 4; and [A/HRC/34/36](#), para. 36.

<sup>24</sup> See [A/73/420](#).

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

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

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

<sup>28</sup> [A/76/333](#), para. 37.

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

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

<sup>31</sup> [A/76/333](#), para. 41. See also <https://www.haaretz.com/israel-news/.premium-gantz-non-humanitarian-aid-to-gaza-depends-on-return-of-israeli-soldiers-bodies-1.9836555>.

<sup>32</sup> See <https://ar-ar.facebook.com/COGAT.ABIC/photos/a.610100169141066/2036856769798725/?type=3&theater> (in Arabic), <https://bit.ly/3zF0OQh> (in Arabic) and <https://twitter.com/cogatonline/status/1386714044539809800>.

<sup>33</sup> See <https://www.haaretz.com/world-news/1.9947680> and <https://www.jpost.com/arab-israeli-conflict/gantz-conditions-gaza-development-on-prisoner-exchange-deal-673720>.

<sup>34</sup> [A/HRC/46/63](#), para. 11.

<sup>35</sup> [CAT/C/ISR/CO/5](#), para. 41; and Fourth Geneva Convention, art. 53.

<sup>36</sup> Fourth Geneva Convention, art. 53.

demolished four Palestinian homes in the West Bank, resulting in the forced eviction and displacement of 23 Palestinians, including 6 women and 11 children.<sup>37</sup> In one case, following a drive-by shooting attack at Huwara junction on 2 May in which a 19-year-old Israeli man was killed and two others injured, on 8 July, Israeli authorities demolished with dynamite the home of the wife and three children of the man accused of, but not yet convicted for, the attack. The Israeli High Court of Justice endorsed the demolition despite noting that the alleged attacker was living abroad and had effectively separated from his wife.<sup>38</sup>

18. Israeli authorities withheld the bodies of 23 additional Palestinians killed by the Israeli security forces during the reporting period, including 4 children and 1 woman, bringing the total number of bodies withheld to 86 as at 31 October.<sup>39</sup> There were no developments on the two Israeli civilians and the bodies of two Israeli soldiers being held in Gaza. Withholding bodies punishes the families of the deceased and thus could amount to collective punishment and violate the prohibition of torture and ill-treatment and the obligations of Israel, as an occupying Power, pursuant to article 27 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

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

20. Of particular concern, Israeli authorities resumed the practice of revoking health and social security entitlements in East Jerusalem as a punitive measure, affecting at least 20 Palestinian activists who had participated in peaceful mass demonstrations in May 2021<sup>40</sup> and dozens of their family members, including at least three pregnant women.<sup>41</sup> From June to August, HaMoked – Centre for the Defence of the Individual provided legal assistance to seven families who discovered that the Israeli National Insurance Institute had revoked their health insurance and other social security rights without prior official notice or holding a hearing, as required by law. In these seven cases, the Institute restored the entitlements following legal interventions. Among those affected were individuals arrested and questioned by the Israeli security forces for participating in demonstrations or who had received a warning to not participate, and former administrative detainees. By 31 October, Israeli authorities had not provided reasonable explanations to justify the revocations,<sup>42</sup> raising concerns of collective punishment.

21. Actions by the Israeli security forces during military operations in Jenin following the escape of six Palestinian prisoners from the Gilboa high security prison on 6 September also raise concerns of collective punishment.<sup>43</sup> Between 16 and 19 September, the Israeli security forces set up hundreds of temporary checkpoints, raided villages and homes,<sup>44</sup> and arbitrarily arrested and ill-treated persons not involved in the jailbreak. Between 8 and 10 September, at night, the Israeli security forces forcibly entered into the homes of extended families of two escaped prisoners, Mahmood and Mohammed al-Arda, arrested and ill-treated 11 relatives, including 1 woman, and detained them incommunicado for periods ranging from 2 to 28 days, including after the 2 prisoners had been rearrested in Israel on 10 and 11 September. Among those arrested on 8 September, Nidal al-Arda' was shackled, blindfolded and beaten by the Israeli security forces while being transported to a military base. As he protested, a soldier pushed him out of the jeep, fracturing an arm. Nidal al-Arda' reported that the Israeli security forces had given him painkillers and held him shackled in solitary

<sup>37</sup> Information provided by the Office for the Coordination of Humanitarian Affairs.

<sup>38</sup> See [https://hamoked.org/files/2021/1665110\\_eng.pdf](https://hamoked.org/files/2021/1665110_eng.pdf).

<sup>39</sup> Information provided by the Jerusalem Legal Aid and Human Rights Center.

<sup>40</sup> A/76/333, paras. 14–15.

<sup>41</sup> See <https://www.haaretz.com/israel-news/.premium-israel-restores-state-stipends-to-seven-palestinian-activists-1.10146418>.

<sup>42</sup> Information provided by HaMoked – Centre for the Defence of the Individual. See also <https://www.haaretz.com/israel-news/.premium-israel-restores-state-stipends-to-seven-palestinian-activists-1.10146418>.

<sup>43</sup> See <https://www.timesofisrael.com/six-security-prisoners-feared-to-have-escaped-gilboa-prison-in-northern-israel>.

<sup>44</sup> See [https://life-exposed.com/wp-content/uploads/2020/11/Exposed\\_Life\\_EN\\_FINAL.pdf](https://life-exposed.com/wp-content/uploads/2020/11/Exposed_Life_EN_FINAL.pdf).



confinement for eight days, against medical advice. He was released on 14 September. Eight of those arrested learned upon their release without charges that Israeli authorities had revoked their permits to enter Israel and to visit the prison. House raids and arrests targeting families of escaped prisoners continued until the end of the reporting period. Israeli authorities also reportedly undertook possibly punitive measures against Palestinian detainees, such as bans on family visits and solitary confinement for prolonged periods.<sup>45</sup> Israeli media and organizations reported that, on 7 September, Israel Prison Service guards beat at least 10 shackled detainees, some of them on the floor, raising concerns of collective punishment and ill-treatment possibly amounting to torture.<sup>46</sup>

## **B. Recurring human rights violations**

### **1. Violations of the rights to life and physical integrity**

22. There was a steep increase in the number of Palestinians killed by the Israeli security forces in incidents of apparent excessive use of force in comparison to the previous reporting period. Israeli security forces killed 74 Palestinians (17 boys, 54 men and 3 women) during law enforcement operations, including 4 in Gaza.

23. International law requires any use of lethal force to comply with fundamental principles of legality, necessity, proportionality and non-discrimination<sup>47</sup> and that those using firearms should be held accountable for each use of force.<sup>48</sup> In the vast majority of cases documented by OHCHR, the Israeli security forces resorted to the use of firearms and other lethal force unnecessarily or in a disproportionate manner, resulting in unlawful killings, in some cases possible extrajudicial executions. Such recurring cases, along with consistent failure to ensure accountability,<sup>49</sup> suggests a permissive policy concerning the use of lethal force against Palestinians, in violation of their right to life.

24. The Israeli security forces killed 35 Palestinians, including 10 boys, and injured 795 with live bullets during demonstrations and clashes in the West Bank, as Israel intensified the use of live ammunition to suppress largely peaceful demonstrations against the occupation and settlement activities,<sup>50</sup> particularly in May. In East Jerusalem, the Israeli security forces fired kinetic impact projectiles at Palestinian demonstrators, injuring 1,586 Palestinians, some of them seriously.<sup>51</sup> The use of live ammunition at demonstrations significantly decreased following a public call, on 8 August, by the Israel Defense Forces Chief of Staff to reduce the number of shootings of Palestinians.<sup>52</sup>

25. Excessive use of force resulted in 17 boys being killed by the Israeli security forces during the reporting period. OHCHR documented 15 of the killings. In each case, the Israeli security forces' use of firearms against children was unnecessary or disproportionate, amounting to arbitrary deprivation of life. On 28 July, the Israeli security forces killed 11-year-old Mohammad al-Alami, who was in a car with his father and two young siblings, in Beit Ummar, Hebron. Without any apparent reason, the Israeli security forces fired live ammunition, intensively and from a close range, towards the car as it was slowly reversing. A bullet lethally hit Mohammad in the lungs. After the killing, the Israeli security forces stated that, after a warning, soldiers had opened fire, suspecting that the vehicle's passengers

<sup>45</sup> Information provided by the Addameer Prison Support and Human Rights Association. See also <https://www.haaretz.com/israel-news/.premium-prison-break-israel-cancels-family-visits-for-palestinian-prisoners-after-riots-1.10193664>.

<sup>46</sup> Information provided by HaMoked – Centre for the Defence of the Individual. See also <https://www.haaretz.com/israel-news/.premium-palestinian-inmates-testify-they-were-beaten-by-israeli-guards-after-prison-escape-1.10451115>.

<sup>47</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, arts. 5 and 9.

<sup>48</sup> Ibid., art. 22; Human Rights Committee, general comment No. 36 (2019), paras. 27 and 29; and Human Rights Committee, general comment No. 37 (2020), para. 78.

<sup>49</sup> See A/HRC/49/25.

<sup>50</sup> See A/HRC/49/85 and A/76/333, paras. 12–13.

<sup>51</sup> A/76/333, paras. 14–15 and 20. See also A/HRC/49/85.

<sup>52</sup> See <https://www.haaretz.com/israel-news/.premium-idf-chief-of-staff-asks-senior-officers-to-reduce-shootings-of-palestinians-1.10102726>.

had buried a baby at a cemetery nearby, without providing further details on how this represented a threat to the soldiers. Israeli authorities subsequently announced a military investigation;<sup>53</sup> no further details were made available by the end of the reporting period.

26. OHCHR documented several cases in which the Israeli security forces used lethal force in response to attacks or alleged attacks as a measure of early resort, including when less lethal means could have sufficed to neutralize a danger, or when an assailant no longer posed a threat. Such practices may amount to extrajudicial, as well as wilful, killing.<sup>54</sup> On 23 July, the Israeli security forces killed 17-year-old Mohammad Tamimi in Nabi Saleh by shooting him twice from behind at a distance of 30–40 metres. The Israeli security forces stated that the boy had thrown stones in a manner that had fatally threatened one of the soldiers and they would “look into the incident”.<sup>55</sup> It is difficult to conceive of the lawful use of lethal force in such circumstances. By 31 October, the investigation had not been completed.<sup>56</sup>

27. Two Palestinian men were killed in law enforcement operations carried out by the Palestinian security forces in the West Bank and two by the security forces of the de facto authorities in Gaza. OHCHR documented cases of unnecessary and disproportionate use of force during search and arrest operations by the Palestinian security forces leading to serious injuries of wanted persons and their family members and, in extreme cases, to death. On 24 February, undercover Palestinian security forces agents killed a 34-year-old Palestinian man wanted on criminal charges in Ni’lin, Ramallah. The man, unarmed, was running away in an attempt to escape arrest. Four agents chased and fired several bullets at the man, who was begging them not to shoot. Agents were shown in a video recording dragging the man by the legs into a vehicle. The case raises serious concern over extrajudicial execution. OHCHR was informed that the military prosecution opened an investigation into the killing, which remained pending as at 31 October. In Gaza, on 23 July, a 27-year-old man was killed after being shot in the abdomen with live ammunition by the security forces of the de facto authorities in Gaza after the car in which he was travelling drove away from a checkpoint east of Gaza City reportedly without authorization. No one was held accountable for the killing and the investigation was closed.<sup>57</sup>

28. The number of death sentences issued by courts in Gaza troublingly doubled during the reporting period, with 19 death sentences issued, including 7 by military courts. Six sentences were confirmed on appeal. There continue to be serious concerns that death sentences were handed down in the absence of fair trial guarantees, including the improper sentencing of civilians by military courts.<sup>58</sup> No executions were carried out.

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

29. Israel introduced new repressive measures against human rights defenders and civil society actors. On 19 October, Israeli authorities designated six prominent Palestinian human rights and humanitarian organizations as “terrorist organizations”<sup>59</sup> based on vague and unsubstantiated allegations and with potentially far-reaching consequences for the organizations and their staff, as well as for donors and partners.<sup>60</sup> The designations were preceded by a long stigmatization campaign.<sup>61</sup> Israel also carried out arbitrary arrests and criminal prosecutions of human rights defenders, including women human rights defenders, movement restrictions, searches and closures of civil society organizations, the dispersal of

<sup>53</sup> See <https://www.haaretz.com/israel-news/.premium.MAGAZINE-israeli-soldiers-kill-11-year-old-palestinian-his-brother-still-hears-the-shooting-1.10097613>.

<sup>54</sup> [A/76/333](#), para. 11.

<sup>55</sup> See <https://www.timesofisrael.com/pa-palestinian-teen-killed-by-idf-live-fire-during-west-bank-clashes/>.

<sup>56</sup> See <https://www.haaretz.com/israel-news/.premium.HIGHLIGHT.MAGAZINE-what-the-israeli-army-does-to-soldiers-who-shoot-palestinians-1.10398852>.

<sup>57</sup> See [A/HRC/49/25](#), para. 27.

<sup>58</sup> See Human Rights Committee general comment No. 32 (2007), para. 22; and Human Rights Committee, general comment No. 36 (2019), para. 45.

<sup>59</sup> See [A/HRC/49/25](#), paras. 35–41.

<sup>60</sup> *Ibid.*, para. 37.

<sup>61</sup> [A/76/333](#), para. 23.



peaceful assemblies, attacks against journalists and restrictions on online civic space.<sup>62</sup> Pegasus spyware produced by the Israeli company NSO Group was discovered on mobile telephones of some Palestinian human rights workers.<sup>63</sup>

30. Israeli authorities raided the office and arrested and prosecuted staff of the Health Work Committees, a Palestinian organization that has promoted the right to health since the 1980s, including through the provision of women's health services and services relating to gender-based violence. On 8 March, the Israeli security forces detained two former staff and an acting accountant of the organization. On 13 April and 6 July, respectively, the Israeli security forces arrested Juana al-Rishmawi, a fundraiser, and Shatha Odeh, the director, who were indicted for membership in an "unlawful" association,<sup>64</sup> and for receiving funds and bringing them into the West Bank.<sup>65</sup> Prior to the indictments, staff of the Health Work Committees were not aware that the Israeli military commander for the West Bank had declared the organization "unlawful" in January 2020.<sup>66</sup> According to his lawyer, one of the arrested former staff was subjected to ill-treatment to force a confession, in which he admitted to forgery.<sup>67</sup> As at 31 October, all the detained staff were under significant pressure to accept plea bargains, a widespread practice in the Israeli military justice system.<sup>68</sup>

31. Israel continued to arbitrarily detain Mohammad el-Halabi, former head of World Vision International's office in Gaza, held in remand since June 2016 over allegations of diverting funds to Hamas. This raises serious concerns about incommunicado detention, alleged ill-treatment that may amount to torture and the violation of fair trial guarantees.<sup>69</sup> The prosecution did not present any evidence to substantiate the charges against Mr. El-Halabi. Earlier, an investigation by the Department of Foreign Affairs and Trade of Australia<sup>70</sup> and a forensic investigation ordered by World Vision<sup>71</sup> found no evidence that he had diverted any charity funds. Mr. El-Halabi had reportedly repeatedly refused plea bargains offered by the prosecution.

32. Israeli restrictions were accompanied by concerns over bias in the moderation of online expression in social media, which increasingly restricted content published by Palestinian users, particularly against the evictions in Sheikh Jarrah in East Jerusalem and during hostilities in May in Gaza.<sup>72</sup> Facebook's own Oversight Board reviewed an instance of the reposting on 10 May of an Al-Jazeera news item quoting a Hamas spokesperson. On 14 September, the Board determined that Facebook had wrongfully removed the content and recommended a "thorough examination to determine whether Facebook's content moderation in Arabic and Hebrew, including its use of automation, has been applied without

<sup>62</sup> Ibid., paras. 17–25.

<sup>63</sup> See <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>.

<sup>64</sup> Pursuant to the Defense (Emergency) Regulations of 1945.

<sup>65</sup> Pursuant to Military Order No. 1651.

<sup>66</sup> It appears that the Health Work Committees was declared unlawful following the arrest on 3 October 2019 of Walid Hanatsheh, its administrative and financial director, in relation to the so-called Ein Bubin attack. The Israeli security forces allegedly held Mr. Hanatsheh incommunicado for 45 days and tortured him before indicting him for 14 offences, including intentionally causing death, in December 2019.

<sup>67</sup> See A/HRC/49/25, para. 37.

<sup>68</sup> A/HRC/37/42, para. 32; and A/76/333, paras. 27–29.

<sup>69</sup> A/HRC/37/42, paras. 27–32; and A/HRC/34/36, para. 21.

<sup>70</sup> See <https://www.jpost.com/arab-israeli-conflict/australian-probe-finds-no-evidence-that-government-funds-were-misused-by-world-vision-484791>.

<sup>71</sup> See [https://www.wvi.org/jerusalem-west-bank-gaza/mohammad-el-halabi-trial-overview?gclid=Cj0KCQiA5OuNBhCRARIsACgaiqXymznhZMQvxNY0BRmQeazWnps3H9bpEq4UaXCNGC3QzzEdzlHialMaAiIvEALw\\_wcB](https://www.wvi.org/jerusalem-west-bank-gaza/mohammad-el-halabi-trial-overview?gclid=Cj0KCQiA5OuNBhCRARIsACgaiqXymznhZMQvxNY0BRmQeazWnps3H9bpEq4UaXCNGC3QzzEdzlHialMaAiIvEALw_wcB).

<sup>72</sup> See <https://7amleh.org/2021/05/21/7amleh-issues-report-documenting-the-attacks-on-palestinian-digital-rights>; <https://www.hrw.org/news/2021/10/08/israel/palestine-facebook-censors-discussion-rights-issues>; and <https://www.oversightboard.com/decision/FB-P93JPX02>.

bias” and to make the report and its conclusions public,<sup>73</sup> which Facebook pledged to do.<sup>74</sup> Of greater concern is the role of the cyber unit of the Attorney General of Israel<sup>75</sup> in restricting freedom of expression by requesting social media platforms to remove social media content, with reportedly a 90 per cent success rate, and the lack of social media companies’ transparency about content removed upon the request of State actors.<sup>76</sup>

33. The Palestinian authorities also took measures restricting civic space. On 15 January, the President of the State of Palestine announced that national parliamentary and presidential elections would take place in May and August, for the first time since 2006. In the following months, summonses by the Palestinian security forces and shootings by unknown assailants targeting opposition candidates were recorded in the West Bank.<sup>77</sup> The President also issued several decrees affecting public freedoms and the separation of powers, including a decree requesting non-governmental organizations to submit their workplans and budgets consistent with the plan of line ministries, among other unacceptable restrictions,<sup>78</sup> and three decrees broadening the authority of the executive and limiting legal safeguards for judges.<sup>79</sup> On 29 April, he postponed the elections indefinitely, until such point as Israeli authorities allowed Palestinians to vote in Jerusalem, which is in violation of the right to participate in public affairs and to vote and to be elected at periodic elections,<sup>80</sup> deepening concerns of a lasting democratic deficit. Opposition candidates came under increasing pressure in the following months, including through arrests, physical attacks, death threats and intimidation.

34. On 24 June, Nizar Banat, an outspoken parliamentary candidate from the opposition, previously detained by the Palestinian security forces for expressing criticism of the Palestinian Authority, was killed during a Palestinian security forces arrest operation. Mr. Banat had started to receive anonymous death threats in May, after he had publicly called on the European Union to cease funding the Palestinian Authority.<sup>81</sup> At dawn on 24 June, Palestinian security forces officers broke into a house in the H2 area of Hebron without showing a search or arrest warrant and, according to eyewitness testimonies, sprayed Mr. Banat, who was still in bed, with gas, brutally beat him and drove him away. Mr. Banat was pronounced dead at Alia hospital in Hebron. According to the autopsy, Mr. Banat died from an acute cardiac respiratory failure due to traumatic shock. A military trial of 14 officers who had executed the arrest was ongoing as at 31 October.<sup>82</sup>

35. From 26 June until late August, hundreds of Palestinians gathered peacefully in major cities in the West Bank, calling for accountability for Mr. Banat’s death and for changes in leadership. The Palestinian security forces responded with unnecessary or disproportionate force and arrested 75 protesters, 40 of whom faced charges relating to the protests. In several instances, particularly on 26 and 27 June, persons in civilian clothes in coordination with the Palestinian security forces beat, sexually harassed and stole recording devices from protesters, particularly targeting women protesters, and journalists.<sup>83</sup> On 5 July, Palestinian police arrested several protesters ahead of a planned demonstration in Ramallah and later beat others, including women, who had gathered in front of the police station calling for their

<sup>73</sup> See <https://www.oversightboard.com/decision/FB-P93JPX02>.

<sup>74</sup> On 11 June, OHCHR contacted Facebook regarding restrictions affecting Palestinian users and content. Facebook responded on 28 October reiterating its public commitment to engage an independent non-profit organization to “conduct human rights due diligence” of Facebook’s impacts during intensified violence in May–June and make the “insights and actions” relating to the due diligence public.

<sup>75</sup> See [https://www.adalah.org/en/content/view/10292?mc\\_cid=6ad16eca10&mc\\_eid=d7c2a256e1](https://www.adalah.org/en/content/view/10292?mc_cid=6ad16eca10&mc_eid=d7c2a256e1).

<sup>76</sup> See <https://www.hrw.org/news/2021/10/08/israel/palestine-facebook-censors-discussion-rights-issues> and <https://www.gov.il/BlobFolder/generalpage/files-general/he/DATA%202019.pdf> (in Hebrew).

<sup>77</sup> On violations by Israel, see [A/76/333](#), paras. 24–25.

<sup>78</sup> Palestinian presidential decree law No. 7 of 2021; its implementation remained frozen as at 31 October 2021.

<sup>79</sup> Decree laws No. 39, No. 40 and No. 41 of 2020.

<sup>80</sup> International Covenant on Civil and Political Rights, art. 25 (b); and Human Rights Committee, general comment No. 25 (1996), para. 9.

<sup>81</sup> See [https://m.facebook.com/story.php?story\\_fbid=241723441061921&id=104858951247903&\\_rdr](https://m.facebook.com/story.php?story_fbid=241723441061921&id=104858951247903&_rdr) (in Arabic).

<sup>82</sup> [A/HRC/49/25](#), para. 26.

<sup>83</sup> *Ibid.*, para. 44.

release. Two journalists with visible identity cards were severely beaten, one with a plastic riot shield until he lost consciousness.

36. In Gaza, OHCHR documented undue restrictions on freedom of opinion and expression by the de facto authorities. On 12 January, police of the de facto authorities in Gaza arbitrarily arrested a lawyer and detained him incommunicado for 48 hours for a social media post critical of the authorities. In July, the Palestinian Centre for Human Rights came under pressure for releasing a statement indicating that an incident at the Al-Zawiya market in Gaza City on 22 July, in which 1 person was killed and 14 were injured, had been due to the blast of large explosive devices stored inside a residential house.<sup>84</sup> Palestinian armed groups called on the Palestinian Centre for Human Rights to withdraw the statement and apologize for “falsehood and slander”.<sup>85</sup>

### 3. Gender-based violence, including against women human rights defenders

37. Gender-based violence in the private and public spheres, including online,<sup>86</sup> remained prevalent, threatening the right to life and physical integrity of women and girls. OHCHR recorded 26 cases (16 women and 10 girls) of possible femicide or gender-related killing, including 12 killings and 14 reported cases of suicide, accidental death and death in unclarified circumstances. Fifteen took place in the West Bank, including East Jerusalem, and 11 in Gaza. Overall, the prevention of and response to femicides and gender-based violence remained unsatisfactory, including owing to biased judicial practice and a lack of dedicated anti-violence legislation, in violation of women’s right to life.<sup>87</sup>

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

39. In the West Bank, five indictments were issued, three cases were closed and three investigations were pending as at 31 October. Exact figures concerning investigations in Gaza were not available. In several cases, concerns persisted that a thorough follow-up was not done in the cases of reported suicides and deaths in unclarified circumstances, contributing to underreporting and indicating social acceptance of these crimes.<sup>88</sup> Adding to concerns, women human rights defenders publicly advocating for the increased protection of women and for the passing of the long-overdue family-protection bill continued to be subjected to threats and defamation by non-State actors, mostly online.<sup>89</sup>

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

41. The gender-based targeting of women, including women human rights defenders, by the Palestinian security forces and men in plain clothes seemingly acting in a coordinated manner was prominent at demonstrations in the West Bank. In Ramallah on 24–26 June, 5

<sup>84</sup> See <https://www.pchrgaza.org/en/not-first-of-its-kind-citizen-killed-and-14-others-injured-including-6-children-in-blast-of-explosive-materials-belonging-to-armed-group-in-residential-house-in-central-gaza-city/>.

<sup>85</sup> See <https://bit.ly/3eUMzyH> (in Arabic).

<sup>86</sup> See <https://euromedrights.org/publication/online-gender-based-violence-what-scenario-for-the-mena-region/>.

<sup>87</sup> A/HRC/35/23, paras. 57–72; and A/HRC/46/63, paras. 31–33. See also <https://www.wclac.org/files/library/21/11/oacdm6raannp1oehgzhtpw.pdf> (in Arabic).

<sup>88</sup> A/HRC/46/63, para. 32.

<sup>89</sup> Ibid., para. 53.

July and 21 August in particular, OHCHR documented numerous cases of physical attacks against women activists, journalists and bystanders, seemingly aimed at punishing them for being at the forefront of demonstrations and video recording the conduct of the security forces and men in plain clothes, and at deterring their further participation in protests. Women were slapped and beaten with batons, pulled by the hair, pepper sprayed, struck in private body areas, insulted and subjected to threats with sexual connotations, and other sexual violence and harassment. In two cases, women arrested during demonstrations stated that they had been asked by men doctors to remove their trousers, which they had refused. Many telephones and video recording devices were snatched and confiscated from women journalists and protesters. Several women who managed to retrieve their telephones reported that their social media accounts had been hacked. In the following days, names and pictures of women who had participated in demonstrations were posted on fake social media accounts and closed WhatsApp groups with hate speech and accusations of “collaborating” with Israel and foreign entities, putting those women at serious risk of harm from families and communities.

42. Palestinian women continued to be disproportionately affected by house raids by the Israeli security forces,<sup>90</sup> including as collective punishment against families of wanted persons. The Israeli security forces raided the home of a 36-year-old pregnant woman in Bethlehem over four consecutive nights, from 30 August onwards, allegedly looking for her wanted husband. On the fifth day, the woman had a miscarriage. On 14 September, the Israeli security forces raided the home again, arrested and blindfolded the woman in front of her toddlers and took her to the Etzion police station. The Israeli security forces allegedly touched her inappropriately around her waist and attempted to remove her scarf. The woman was released a few hours later, after her husband handed himself over to the Israeli security forces, which raises serious concerns that her arrest and detention were arbitrary and could amount to a violation of the prohibition of taking of hostages.<sup>91</sup>

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

43. The Israeli authorities continued to restrict freedom of movement across the Occupied Palestinian Territory between Gaza and the West Bank, and to Jerusalem and abroad.<sup>92</sup> These restrictions violate the right of Palestinians to freedom of movement and prejudice the enjoyment of a range of other human rights, including economic, social and cultural rights, and the right to family life. In Gaza, significant restrictions due to the coronavirus disease (COVID-19) pandemic<sup>93</sup> remained during most of the reporting period. From August 2021, Israeli authorities gradually increased the quota of permits for Gazan merchants, which reached 10,000 in October, the highest number since 2004.<sup>94</sup> As a result, the movement of Palestinians through Erez increased.

44. Inside Gaza, Israeli authorities continued to enforce restrictions, including through use of force, which, in many documented cases, was excessive, in the unilaterally declared “access restricted areas” on the land along the Gaza-Israel fence and at sea. During the reporting period, the Israeli security forces injured five fishers and arrested another three, damaged three fishing boats and confiscated four boats. The ban by Israel on the entry of boat engines and spare parts as “dual-use” items negatively affected the rights of Palestinians to work, to an adequate standard of living and to food.<sup>95</sup>

45. The access of Palestinian farmers to their lands isolated by the wall<sup>96</sup> further deteriorated. According to HaMoked – Centre for the Defence of the Individual, in 2020, the Israeli security forces denied permits to 73 per cent of Palestinian applicants who own land in the so-called seam zone, which amounts to 9 per cent of the West Bank.<sup>97</sup> These restrictions

<sup>90</sup> A/HRC/46/63, para. 21; and CEDAW/C/ISR/CO/6, para. 30 (b).

<sup>91</sup> Fourth Geneva Convention, art. 34.

<sup>92</sup> A/HRC/46/63, para. 41.

<sup>93</sup> A/76/333, para. 39.

<sup>94</sup> Information provided by Gisha.

<sup>95</sup> A/76/333, paras. 46–47.

<sup>96</sup> A/HRC/31/44, para. 14.

<sup>97</sup> See [https://hamoked.org/files/2021/1665241\\_eng.pdf](https://hamoked.org/files/2021/1665241_eng.pdf), p. 31.

have had a devastating impact on the livelihoods of affected communities, who relied mostly on agriculture and have had to search for other income opportunities.<sup>98</sup> The Israeli security forces used live ammunition against Palestinian workers crossing into Israel to reach their workplaces through breaches in the wall, raising concerns of excessive and unwarranted use of force.<sup>99</sup>

46. On 14 February, the Sharia Supreme Judicial Council of the de facto authorities in Gaza issued judicial circular No. 01/2021, envisaging, among other measures, that male guardians may prevent women from travelling. The decision was amended after protests by Gazan civil society. Concerns persisted that discriminatory restrictions were nonetheless applied in practice,<sup>100</sup> further curtailing freedom of movement for Gazan women.

## 5. Arbitrary detention, ill-treatment and torture

47. According to the Palestinian Prisoner Society, the Israeli security forces arrested 5,952 Palestinians, including 956 children and 162 women, during the reporting period. As at 31 October, 4,406 Palestinians, including 42 women and 163 children, were detained on security-related charges by Israel.<sup>101</sup> The vast majority were brought to and held in Israel, in violation of international humanitarian law.<sup>102</sup>

48. In a significant increase from the previous reporting period, 500 Palestinians, among them 4 boys, were held in administrative detention without having been charged or tried.<sup>103</sup> Several Palestinian detainees protested their administrative detention with hunger strikes, some of them extremely prolonged, risking their lives and causing significant damage to their health. On 21 January, the Israeli security forces arrested and have thereafter held in administrative detention a 17-year-old boy, Amal Nakhleh, with a chronic health condition despite repeated appeals for his release.<sup>104</sup>

49. There was an increase in the number of children arrested and detained by the Israeli security forces. Children as young as 8 years of age continued to report ill-treatment and a lack of fair trial guarantees, including freedom from self-incrimination, the right to prompt legal assistance and the due involvement of parents or guardians in legal proceedings.<sup>105</sup> Some documented cases may amount to torture or other ill-treatment.<sup>106</sup> On 1 May, the Israeli security forces arrested and beat a 13-year-old boy in the Old City of Jerusalem. Police officers dragged him to premises above the Damascus Gate and kicked him in the face and head as he was lying on the floor with his hands tied behind his back. They hit him with a helmet in his genitals and burned his chest with a cigarette. The police initially refused to call an ambulance and did so only upon the intervention of a lawyer. The police interrogated the boy without the lawyer or a parent present on charges of assaulting a police officer and asked him to sign papers in Hebrew, a language that he did not understand. The Israeli security forces released him on condition of a 5-day house arrest and a 12-day movement restriction.

50. Serious concerns over the ill-treatment and possible torture of Palestinians in Israeli detention persisted, with statements extracted under duress used as evidence in legal proceedings, without due accountability for these human rights violations.<sup>107</sup> A Palestinian man died in custody at the Russian Compound detention centre in West Jerusalem. On 21 July, he was found unconscious in his cell and, according to the Israel Prison Service, died despite attempts to resuscitate him.<sup>108</sup> Based on accounts of other detainees, his family alleged that guards had beaten him prior to his death. The lack of transparent investigation,

<sup>98</sup> Ibid., pp. 31 and 33.

<sup>99</sup> A/76/333, para. 48.

<sup>100</sup> See <https://www.hrw.org/news/2021/11/02/woman-gaza-fights-travel-ban-imposed-her-father>.

<sup>101</sup> Data provided by HaMoked – Centre for the Defence of the Individual.

<sup>102</sup> Fourth Geneva Convention, art. 76.

<sup>103</sup> Information provided by the Addameer Prison Support and Human Rights Association and Defense for Children International – Palestine Section.

<sup>104</sup> A/76/333, para. 33.

<sup>105</sup> Ibid., para. 32.

<sup>106</sup> Ibid., para. 33.

<sup>107</sup> A/HRC/49/25, para. 30; and A/76/333, paras. 27–30.

<sup>108</sup> See <https://www.timesofisrael.com/palestinian-dies-in-israeli-police-detention-sparking-inquiry/>.



including the failure to share an autopsy report with the family, further aggravates these concerns.

51. The Independent Human Rights Commission received 195 complaints of torture and ill-treatment, including 141 (8 by women) against the Palestinian Authority security forces in the West Bank and 164 (14 by women) against the security forces of the de facto authorities in Gaza.

52. In the West Bank, in numerous cases documented by OHCHR, detainees reported being subjected to prolonged solitary confinement, shackling and suspension for long periods of time, electric shocks or burning and sexual violence, and being beaten with batons, sticks and hoses, including on the soles of the feet. In some cases, detainees were not released, despite court orders. For example, on 13 October, the Palestinian security forces in Hebron arrested and interrogated a 19-year-old Palestinian man about his supposed affiliation with Hamas. The man reported that interrogators had tied his hands behind his back and suspended him from the ceiling for three and a half hours. Afterwards, they had beaten him, handcuffed and blindfolded, with a stick on the soles of his feet, and slapped and punched him repeatedly. The Palestinian security forces kept the man detained until 24 October, despite a court order to release him on 17 October. In several cases, the Palestinian security forces conditioned the release of detainees subjected to torture and ill-treatment on their pledges not to file complaints upon release. Accountability was limited, even when complaints about torture were filed.<sup>109</sup>

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

54. As at 31 October, 76 women were being held in detention by the Palestinian security forces (36) and the de facto authorities in Gaza (40). Most women were in lengthy pretrial detention, including on charges for non-violent offences (48), such as theft or fraud. Of serious concern, 21 women, including survivors of gender-based violence, had been arbitrarily detained on charges of adultery, “moral misconduct” and other discriminatory charges amounting to arbitrary detention.<sup>110</sup> Detention of pregnant women and women with infants, often in extremely unsuitable conditions, continued in the West Bank and Gaza, in contravention of international standards prescribing the use of non-custodial measures, particularly for non-violent crimes.<sup>111</sup>

### III. Recommendations

55. **The United Nations High Commissioner for Human Rights recommends that the Government of Israel:**

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

(b) **End violations against children and protect children from all forms of violence, including the unnecessary or disproportionate use of force resulting in killings**

<sup>109</sup> See [A/HRC/49/25](#), para. 32.

<sup>110</sup> [A/HRC/36/38](#), para. 8 (e); [A/HRC/31/57](#), para. 14; and [A/HRC/46/63](#), para. 64.

<sup>111</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), rule 64; and [A/HRC/46/63](#), paras. 65–67.



and injuries, torture and ill-treatment; end arbitrary detention, including the administrative detention of children; detain children only as a measure of last resort and for the shortest appropriate period of time, fully respecting international juvenile justice standards; and ensure accountability for all violations of children's rights;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Immediately end all practices that may amount to torture or ill-treatment, ensure that all violations are promptly, impartially and independently investigated,

hold perpetrators accountable and guarantee that victims have access to an effective remedy;

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

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

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

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

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

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

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

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

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