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**Annual report of the United Nations High Commissioner
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High Commissioner and the Secretary-General**

Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 49/4. It provides an overview of the implementation of the resolution and developments relevant to the human rights situation in the Occupied Palestinian Territory and the obligation to ensure accountability and justice.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 49/4 and covers the period between 1 November 2021 and 31 October 2022. It draws on human rights monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, and information from governmental sources, other United Nations entities and non-governmental organizations (NGOs). The international staff of OHCHR continued to remain outside the Occupied Palestinian Territory during the reporting period due to the failure by Israel to grant entry visas.¹

2. For over 55 years, the Occupied Palestinian Territory – the West Bank, including East Jerusalem, and Gaza – has remained under belligerent occupation by Israel, affecting all rights of Palestinians, including the right to self-determination. The actions of Israel as the occupying Power also affect the protection and fulfilment of rights by the other duty bearers: the State of Palestine and the de facto authorities in Gaza. The present report covers alleged violations of international human rights law and international humanitarian law by all duty bearers in the Occupied Palestinian Territory, and accountability for them. It should be read in conjunction with recent relevant reports of the Secretary-General and the United Nations High Commissioner for Human Rights.²

3. On 25 November 2022, OHCHR requested Israel and the State of Palestine to provide information on any accountability measures adopted during the reporting period. OHCHR also requested other States Members of the United Nations to provide information on the steps taken by them as third States to promote compliance with international law. As at 28 December, only Qatar had responded.

4. The human rights situation in the Occupied Palestinian Territory continued to deteriorate during the reporting period, particularly in the northern West Bank. There was a sharp increase in the number of Palestinians killed in the West Bank, as well as Israeli fatalities. During the reporting period, at least 161 Palestinians were killed and 10,298 were injured in the Occupied Palestinian Territory by Israeli security forces.³ This includes 30 killed and 383 injured during the escalation of hostilities in Gaza in August 2022, and 131 killed and 9,904 injured in the West Bank, including East Jerusalem.⁴ The majority of the casualties were in the two northern Governorates of Jenin and Nablus. Settler violence continued unabated – with 2 Palestinian men killed and 248 injured by settlers – while 2 Palestinian boys were killed either by Israeli security forces or settlers, who both used firearms simultaneously. Twenty Israelis were killed – the majority by individual Palestinian attackers in Israel – and at least 112 injured.⁵

5. In the West Bank, including East Jerusalem, serious concerns persist that Israel continues to violate its international humanitarian law and international human rights law obligations. Many incidents raised serious concerns that the force used was unlawful, often leading to arbitrary deprivation of life, including extrajudicial execution. OHCHR monitoring of incidents during the escalation of hostilities in Gaza between Israel and some Palestinian armed groups indicated insufficient respect for international humanitarian law by all parties to the conflict. The prevailing climate of impunity by all duty bearers, noted previously by the Secretary-General and the High Commissioner,⁶ persisted.

¹ <https://www.ohchr.org/en/press-releases/2022/08/bachelet-deplores-israels-failure-grant-visas-un-human-rights-staff-occupied>.

² See A/77/493, A/76/333 and A/HRC/52/76.

³ Additionally, four West Bank Palestinians were killed by Israeli security forces in Israel.

⁴ Also, 11 children were injured in Gaza, outside of hostilities.

⁵ Information from the Office for the Coordination of Humanitarian Affairs, based on Israeli sources.

⁶ A/76/333, paras. 16 and 30; A/HRC/46/22, para. 11; and A/HRC/43/21, para. 45.

II. Human rights situation in the Occupied Palestinian Territory

A. Civilian casualties and damage to civilian objects during conduct of hostilities

6. Civilians faced the brunt of the escalation of hostilities in Gaza from 5 to 7 August 2022, which resulted in the death of at least 50 Palestinians – 30 killed by Israeli security forces and 16 by Palestinian armed groups; the perpetrator is unclear for the deaths of four persons killed in one incident. OHCHR monitoring indicates that among those killed were 36 civilians (15 men, 12 boys, 5 girls and 4 women), while the status of 6 Palestinians remains undetermined. Of the 383 Palestinians injured (255 men and boys, 128 women and girls), the vast majority were civilians, including 164 children.⁷ No Israelis were killed; according to Israeli sources, 34 Israelis were injured.⁸

7. The escalation began with Israeli air strikes against members of the Al-Quds Brigades, the armed wing of the Palestinian Islamic Jihad, allegedly for “the elimination of a concrete threat”.⁹ On 5 August, a senior Al-Quds commander was killed by Israeli air strikes at an apartment block in Gaza City. While no civilians were killed, over 50 families were left homeless due to building damage. Another senior commander was killed, along with two other armed-group members, in an Israeli attack in Rafah on 7 August. The air strikes destroyed the targeted three-storey building and seven adjacent buildings and also killed 4 civilians, injured 58 more and damaged 117 additional buildings, raising questions about the respect for the prohibition of indiscriminate attacks and the principles of proportionality and precautions in attack. Similar questions of precautions also arise with respect to the killing of a 5-year-old girl, along with another civilian, in an air strike that killed one armed-group member in Shuja’iyah on 5 August.

8. On 7 August, an Israeli air strike on a cemetery in Jabalya killed five boys, including a 4-year-old, and injured four other civilians. According to eyewitnesses, four of the boys had gathered around their grandfather’s tomb with a friend. While the Israeli Defense Forces initially rejected responsibility, senior officials reportedly acknowledged responsibility.¹⁰ This is consistent with OHCHR findings.¹¹ There was no apparent military objective nearby, raising concerns that this could potentially amount to a direct attack on civilians. Under international law, intentionally directing an attack against civilians not taking direct part in hostilities constitutes a war crime.¹²

9. Israeli strikes also hit prima facie civilian objects, causing civilian casualties and damage to civilian objects. According to the Office for the Coordination of Humanitarian Affairs, 32 houses were completely destroyed, 126 severely damaged and rendered inhabitable, and 1,445 partially damaged. Approximately 600 Palestinians were rendered homeless.

10. Palestinian armed groups, mainly Al-Quds Brigades, fired hundreds of rockets and mortars towards Israel. Most were intercepted, although some caused injuries and material damage in Israel. Many of the rockets fell short, killing 16 Palestinians (6 men, 6 boys, 3 girls and 1 woman) and injuring others in Gaza. On 6 August, seven civilians, including four boys, were killed after an explosion in a crowded area in Jabalya camp. According to the Gaza Ministry of Health, 37 others were injured, including 24 children. Israeli security forces denied responsibility for the attack.¹³ OHCHR monitoring indicates that the cause of the explosion was a rocket fired by Palestinian armed groups that fell short of the intended target.

⁷ Information from the Office for the Coordination of Humanitarian Affairs.

⁸ Ibid.

⁹ <https://www.ynetnews.com/article/h1mtes5p5>.

¹⁰ <https://www.haaretz.com/israel-news/2022-08-16/ty-article/.highlight/after-initial-denial-israeli-officials-admit-5-palestinian-minors-killed-in-gaza-strike/00000182-a2b6-d825-a5a7-aaf6d3320000>.

¹¹ See also <https://www.amnesty.org/en/documents/mde15/6079/2022/en/>, p. 13.

¹² Rome Statute of the International Criminal Court, art. 8 (2) (b) (i); and <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule156>.

¹³ <https://www.ynetnews.com/article/syjgor3a5>.

In another instance, a Palestinian armed group fired a mortar shell that killed a Palestinian woman and a girl in Beit Hanun on 6 August.

11. The rockets fired by Palestinian armed groups are inherently indiscriminate.¹⁴ Their use constitutes a clear violation of the prohibition of indiscriminate attacks under international humanitarian law and may amount to a war crime.¹⁵ The launching of mortars in indiscriminate attacks raises similar concerns.¹⁶

B. Collective punishment

12. Israeli practices that may amount to collective punishment – imposing punitive measures on individuals and communities for offences they did not commit – continued.¹⁷ Collective punishment is expressly prohibited by international humanitarian law¹⁸ and is incompatible with several provisions of international human rights law.¹⁹

13. The land, sea and air blockade and the closure of Gaza, which constitute collective punishment,²⁰ entered its sixteenth year, with extremely detrimental impacts on freedom of movement, and the enjoyment of economic, social and cultural rights, such as the rights to an adequate standard of living, health, education, work and family life.²¹ One significant consequence of the blockade is severe restrictions on access to specialized medical care not available in Gaza. Affected patients require an Israeli exit permit to receive critical and sometimes life-saving care. Such permits are often delayed or denied. Between January and October 2022, OHCHR recorded the death of 11 patients (5 men, 4 boys, 1 woman and 1 girl) who died while waiting for exit permits to receive potentially life-saving care.²²

14. Closures also repeatedly took place in the context of Israeli security forces operations in the West Bank. Some may amount to collective punishment, as they penalized entire communities without regard to individual responsibility. For example, following the killing of an Israeli soldier, Israeli security forces stated it had “implemented blockades and inspections around the city of Nablus and the nearby villages due to the recent rise in terrorism within the city”.²³ Israeli security forces controlled entry and exit into the majority of the city with permanent checkpoints, closed metal gates, and earth mounds.²⁴ These closures from 11 October to 3 November affected almost 200,000 Palestinians, including their access to education and health care. Children and teachers struggled to reach schools, and there was a 20 per cent drop in patients arriving at primary health-care facilities in Nablus. The closures also had a dramatic impact on the economy.²⁵ Disproportionate

¹⁴

https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoIGaza/A_HRC_CRP_4.docx, para. 97.

¹⁵ Rome Statute, art. 8 (2) (b) and (e).

¹⁶ <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule11>.

¹⁷ A/75/336, para. 23.

¹⁸ <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907>, regulations: art. 50; <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>, art. 33 and commentary; and <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule103>.

¹⁹ International Covenant on Civil and Political Rights, arts. 12 and 14; and International Covenant on Economic, Social and Cultural Rights, art. 11.

²⁰ A/HRC/46/63, para. 7; A/HRC/37/38, para. 4; and A/HRC/34/36, para. 36.

²¹ See A/73/420.

²² The numbers are likely underreported, as such deaths are often unknown unless families approach organizations.

²³ <https://www.nytimes.com/2022/10/26/world/middleeast/israel-palestinians-insurgency-blockade-nablus-jenin.html>.

²⁴

<https://static1.squarespace.com/static/54231cc6e4b0d46e9dc0c8c1/t/635ed5454fd8302e389fa2be/1667159365226/20221025+Nablus+interagency+visit+report+Final+.pdf>.

²⁵ <https://www.haaretz.com/israel-news/2022-10-27/ty-article-magazine/.premium/nablus-residents-putting-the-city-under-economic-siege-will-not-bring-peace/00000184-1531-d4e5-a3e6-f77dc8210000>.

restrictions are inconsistent with the obligations of Israel, as the occupying Power, to ensure that Palestinians enjoy the rights to freedom of movement, health and education.

15. Israeli authorities continued punitive demolitions of the family homes of alleged Palestinian attackers as collective punishment. During the reporting period, Israeli security forces punitively demolished 11 residential structures in the West Bank, including East Jerusalem, forcibly evicting 71 Palestinians (40 male and 31 female, including 29 children); 59 others were also affected.²⁶ Punitive home demolitions violate international human rights law,²⁷ and are prohibited by international humanitarian law.²⁸ They disproportionately affect Palestinian women and girls, with severe impacts on their physical and psychological well-being.²⁹ Extensive destruction and appropriation of property in occupied territory, not justified by military necessity and carried out unlawfully and wantonly, is a grave breach of article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and thus a war crime.

16. Israel continued withholding bodies of Palestinians killed by Israeli security forces. During the reporting period, Israeli authorities withheld 30 bodies, including those of 3 boys and 1 woman. As at 31 October, a total of 114 bodies were being held, including of at least 12 boys and 2 women.³⁰ There were no developments regarding two Israeli civilians and the bodies of two Israeli soldiers being held in Gaza.³¹ The Human Rights Committee has noted that withholding bodies of the deceased and denying the right of families to a burial may amount to torture and ill-treatment.³² Withholding of bodies is also inconsistent with the obligations of Israel as an occupying Power.³³

C. Unlawful killings and injuries in the context of law enforcement

17. During the reporting period, Israeli security forces killed 131 Palestinians (97 men, 29 boys and 5 women) in the West Bank, including East Jerusalem, mostly by use of firearms. Nearly half (65) were killed in the context of attempted or alleged attacks on Israelis or in armed clashes. Many of the clashes took place in Jenin and Nablus during Israeli raids against armed Palestinians. Heavy troop deployment by Israeli security forces and their use of heavy weaponry in densely populated areas exposed Palestinian residents and bystanders, including children, to serious harm and loss of life. In one arrest raid in Jenin on 13 May, Israeli security forces used the 16-year-old sister of a wanted Palestinian man as a human shield, forcing her to stand in front of an Israeli military vehicle for over two hours during a firefight with armed Palestinians. The use of human shields in law enforcement operations constitutes a violation of the right to life.

18. In another alarming resumption of an unlawful practice, at least one Palestinian was killed in an apparent targeted killing: a blatant violation of international human rights law.³⁴ On 22 October, a Palestinian man, reported to be a leader of a loose group of armed Palestinians in Nablus, was killed when an explosive device attached to a motorcycle detonated near him in the old city. Although Israel neither confirmed nor denied carrying out the operation, the modus operandi is consistent with previous Israeli extrajudicial

²⁶ Information from the Office for the Coordination of Humanitarian Affairs.

²⁷ E.g., International Covenant on Economic, Social and Cultural Rights, art. 11. They may also amount to ill-treatment (CAT/C/ISR/CO/5, para. 41).

²⁸ Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 53; and <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule50>.

²⁹ CEDAW/C/ISR/CO/6, paras. 32–33. See also A/HRC/46/63, para. 10.

³⁰ Information from the Jerusalem Legal Aid and Human Rights Center.

³¹ <https://www.timesofisrael.com/hamas-netanyahu-lying-to-israelis-about-talks-to-free-captives/>.

³² CCPR/C/ISR/CO/5, para. 32.

³³ Fourth Geneva Convention, art. 27, and <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule114>.

³⁴ International Covenant on Civil and Political Rights, art. 6 (1).

executions.³⁵ There are also concerns that other members of the same group may also have been targeted.³⁶

19. OHCHR monitored several instances of apparent extrajudicial executions, where Israeli security forces used lethal force against attackers when they were wounded or subdued and no longer presenting imminent threat, to “confirm the kill”. For example, on 7 March, Israeli security forces killed a 22-year-old Palestinian man at an Al-Aqsa Compound gate in East Jerusalem after he stabbed police officers. According to an eyewitness, one of the injured officers grabbed the knife from the Palestinian man, who was lying on the ground barely conscious after a struggle with one officer in which both rolled down a set of stairs. A second officer shot five or six bullets at him. Soon after, as seen on a video recorded by another eyewitness, the officer fired a single shot at close range at the upper body of the wounded man.

20. Nearly half (65) of the Palestinians were killed in the context of stone-throwing confrontations or otherwise during operations of Israeli security forces (i.e., without exchange of fire). During one such raid in Nablus’ old city on 9 August, Israeli security forces shot dead two Palestinians – including a 16-year-old boy – and injured with live ammunition 76 Palestinians, including 15 boys.³⁷ Both killings and most injuries took place as Israeli security forces in the outer cordon used firearms extensively against Palestinians throwing stones at Israeli security forces vehicles and seeking to enter the old city. Among those killed in such operations was journalist Shireen Abu Akleh.³⁸ In that instance and in many other killings monitored by OHCHR, Israeli security forces used force unnecessarily or in a disproportionate manner, resulting in unlawful killings, in some cases possibly amounting to extrajudicial executions.

21. On 26 July, Israeli security forces shot a 59-year-old man with severe mental disabilities at Huwara checkpoint, near Nablus – he succumbed to his wounds three days later. The man was apparently initially shot in the legs by Israeli security forces from a military tower as he approached the checkpoint. According to witnesses, while the injured and unarmed man was limping away from the checkpoint, Israeli security forces arrived in a military jeep and shot him in the upper body several times from close range, as he did not stop as directed.

22. In a series of incidents, unwarranted lethal force was employed against Palestinian workers attempting to cross the wall into Israel. On 8 May, Israeli security forces shot dead a 27-year-old Palestinian worker while he was attempting to cross the wall south of Tulkarm. Israeli security forces publicly stated that the man had been unarmed when shot.³⁹ A similar incident took place on 19 June near Qalqiliya, where Israeli security forces shot a 53-year-old worker multiple times in the back and killed him, allegedly solely for damaging the separation barrier in an attempt to cross into Israel.⁴⁰ There was no claim that the man was armed or otherwise presenting an imminent threat to life or of serious injury. In the reporting period Israeli security forces shot and injured 35 workers crossing into Israel.⁴¹

23. The above instances of extensive use of firearms, often wholly unwarranted, by Israeli security forces in the Occupied Palestinian Territory raise serious questions as to what extent Israeli security forces rules of engagement, particularly around arrests, comply with international standards on the use of force. International human rights law permits the use of

³⁵ <https://www.timesofisrael.com/alleged-assassination-in-nablus-may-signal-major-israeli-policy-change-in-west-bank/>.

³⁶ <https://www.ohchr.org/en/press-briefing-notes/2022/10/unlawful-targeted-killings-west-bank>.

³⁷ Information provided by the Office for the Coordination of Humanitarian Affairs.

³⁸ <https://www.ohchr.org/en/press-briefing-notes/2022/06/killing-journalist-occupied-palestinian-territory>.

³⁹ <https://www.timesofisrael.com/palestinian-shot-dead-trying-to-illegally-cross-west-bank-security-barrier/>.

⁴⁰ <https://www.timesofisrael.com/palestinians-say-man-shot-dead-by-israeli-troops-near-qalqiliya-security-barrier/>.

⁴¹ Information provided by the Office for the Coordination of Humanitarian Affairs.

firearms only when absolutely necessary, in extremely limited circumstances, namely where there is an imminent threat of death or serious injury.⁴²

24. Similar concerns also arise with respect to the Israeli security forces approach of using firearms against Palestinian stone throwers, even though they rarely present any imminent threat to Israeli armoured vehicles and well-protected personnel, often at great distance. For example, on 9 August, Israeli security forces killed a 16-year-old boy during stone throwing by Palestinians in Hebron. According to eyewitnesses, an Israeli sniper, lying prone on the street, fired several rounds of live ammunition at stone throwers approximately 70 metres away, hitting the boy in the chest. These testimonies are consistent with photographs and video showing the distances. At least five other Palestinians were injured by live ammunition during the incident, including two teenage boys.

25. Concerns of Israeli unlawful use of force against Palestinian fishing boats along the Gaza coast remain. Israeli security forces reportedly injured at least 23 fishers (all male, including 2 boys), and arrested 65 male fishers, including 7 boys. This is a dramatic increase from the three fishers arrested and six injured during the previous reporting period. OHCHR monitoring indicates that the use of force against the fishers and their detention appears arbitrary, with many incidents taking place within the fishing zone unilaterally declared by Israel. Israeli security forces also confiscated at least 20 boats – only 2 had been returned as at 31 October – directly affecting livelihoods.

26. Israeli security forces' use of lethal force has become a pervasive practice in the Occupied Palestinian Territory, often employed regardless of the specific level of gravity of the potential threat detected and often as a first rather than as a last resort, contrary to international standards.⁴³ The use of firearms causing the death of persons not posing a threat to life or serious injury constitutes a violation of the right to life. In an occupation, these may also amount to wilful killings, under the Fourth Geneva Convention (art. 147), which is a war crime.⁴⁴

27. Specific instances during the reporting period also raised concerns of unlawful use of force by Palestinian forces. On 4 October, police of the de facto authorities in Gaza killed two men and seriously injured another young man in central Gaza in an alleged anti-drug raid. Although the Gaza Ministry of the Interior claims that there was an exchange of fire, OHCHR monitoring suggests that this was a planned ambush, raising questions of extrajudicial executions. In another instance, on 9 June, the forces of the de facto authorities shot and injured four men during stone-throwing confrontations triggered by a forced eviction in Beit Lahiya. Dozens of others were beaten with batons.

28. In the West Bank, Palestinian security forces shot and injured a 22-year-old Palestinian man near Budrus on 17 July, reportedly after firing at an unlicensed car that turned away from a checkpoint. In another incident on 19 and 20 September, Palestinian security forces carried out a large operation in Nablus, arresting two men reportedly wanted by Israel. Clashes took place with armed Palestinians, during which a 55-year-old bystander was shot dead, apparently by Palestinian security forces. Eight other Palestinians and one Palestinian security forces member were reported to have been shot during the incident, where protesters threw stones and damaged property.

D. Undue restrictions on freedoms of expression and association

29. Civil society space continued to shrink. On 3 February, five human rights and humanitarian organizations submitted a procedural objection to the November 2021 decision of the Israeli military commander of the West Bank declaring them “unlawful”,⁴⁵ based on

⁴² Human Rights Committee, general comment No. 36 (2018), para. 12; and <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>.

⁴³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>.

⁴⁴ See also the Rome Statute, art. 8 (2) (a) (i).

⁴⁵ A/HRC/49/25, footnote 68.

the lack of due process and evidence. On 17 August, the military commander rejected the objection. Early the next morning, in Ramallah, Israeli security forces broke into and searched the offices of those organizations and another two declared “unlawful” in January 2020.⁴⁶ Israeli security forces sealed the offices’ entrances with iron plates, confiscated and destroyed equipment and documents, and left copies of military orders to close the offices of the organizations. Between 18 August and 15 September, directors of four of the organizations were summoned by the Israeli Security Agency for interrogation. They all told OHCHR that the Agency officials had threatened them with further consequences, including arrest, if they did not stop working for the organizations. Two also reported Israeli Security Agency intimidation directed at their children. The continued Israeli measures against the seven organizations raise serious concern of flagrant undue interference with the legitimate work of those organizations, undue restrictions on freedoms of expression and association, harassment and threats against human rights defenders, and a chilling effect on broader civil society organizations.

30. The Palestinian Authority continued to introduce regulations raising serious concerns of unduly restricting freedom of association.⁴⁷ In September 2022, the Council of Ministers issued a regulation that, among other restrictions, placed a limit of 25 per cent on salary and operating expenses in non-profit companies,⁴⁸ identical to a change in the NGO law made in 2021, the implementation of which was subsequently frozen. The regulation includes extensive reporting requirements, ministerial approval as a condition for donations, and broad powers for the registrar, including conducting risk assessments of non-profits’ activities.

31. The de facto authorities in Gaza continued to severely hamper the exercise of freedom of expression, especially of journalists. For example, on 30 October, the authorities briefly detained and questioned a Palestinian journalist who was investigating incidents related to misfired rockets during the August 2022 escalation. Another journalist reported similar treatment.

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

32. In connection with the designation and declaration by Israel of seven Palestinian organizations as “terrorist” or “unlawful”, some women in senior positions in organizations promoting women’s rights were targeted and arbitrarily detained. On 17 November 2021, an Israeli military court sentenced Juana Rishmawi to 13 months’ imprisonment and a fine, including for providing services to an “unlawful” association, a reference to her fundraising work for Health Work Committees. She was released from prison on 7 February 2022, having been in detention since April 2021. On 12 May 2022, an Israeli military court sentenced Shatha Odeh to 16 months’ imprisonment, a fine and a suspended five-year imprisonment sentence. She was convicted of holding a position in and attending a meeting of an “unlawful” association, namely, Health Work Committees, of which she was the Director, and receiving and bringing funds into the West Bank without military authorization. She was released on 3 June 2022, having been detained since July 2021.

33. Both women were convicted on the basis of plea bargains. Ms. Odeh told OHCHR that she had no option but to accept it because of her age and health condition and because she believed she would be sentenced regardless of her innocence. Her testimony of ill-treatment that she suffered for weeks – limited sleep, 8-to-11-hour interrogations, being transported to interrogation while handcuffed, and being shackled for 8 hours every day – and that it led to her coerced confession, raises serious concerns of torture. Ms. Rishmawi was held in incommunicado detention for 13 days and not allowed to meet her lawyer for seven weeks. She described the plea bargain as “blackmail” – the only way of ending her detention. Both women were also detained three to four weeks in a cell in a men’s prison,

⁴⁶ Ibid.

⁴⁷ The President introduced by decree-law a requirement for NGOs to submit their workplans and budgets consistent with the plan of line ministries, among other unacceptable restrictions.

⁴⁸ Regulation on non-profit companies, No. 20 of 2022.

apparently a practice to intimidate women at the beginning of their detention, and in violation of the international human rights obligation to incarcerate women and men separately.⁴⁹

34. Another designated organization – the Union of Palestinian Women’s Committees – reported that 15 women staff or volunteers had been interrogated or called by the Israeli Security Agency in the reporting period. All were told to stop working for the Union, some were intimidated, including with threats of action against their families. Some of the reported threats had a clear gender dimension, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society, and were aimed at intimidating and silencing them.⁵⁰

35. The declarations and the arbitrary detention and intimidation of women human rights defenders had a significant chilling effect on the women’s rights movement in Palestine, as it deprived it of leaders and intimidated other women. Such defenders also face threats and hate speech from private actors, mostly on social media, without significant protection from Palestinian authorities. The intimidation includes accusations of “destroying” the “social fabric and collaborating with Israel and Western countries. In March, one such defender was vilified on a website against the Convention on the Elimination of All Forms of Discrimination against Women, which labelled her and other women human rights defenders “collaborators” and threatened her. On 31 March, she submitted a complaint to the Palestinian Attorney General, but was unaware of any steps taken as at 31 October.

36. Gender-based violence in the private sphere – exacerbated by the occupation – remained a human rights violation of utmost concern.⁵¹ According to the July 2022 results of an official Palestinian survey on violence, 59.3 per cent of Palestinian women – 70.4 per cent in Gaza and 52.3 per cent in the West Bank – had experienced violence by their husbands.⁵² In the reporting period, OHCHR noted 23 cases raising concerns of gender-based killings or femicides of women (20) and girls (3) – 17 in the West Bank and 6 in Gaza – a slight decrease from the previous period (26). Many of these cases are officially reported as suicides, “accidents” and deaths in unclarified circumstances. Women, including victims of gender-based violence, who report to the police continue to be arbitrarily detained on discriminatory charges, such as for adultery and other moral crimes, leading to their revictimization.⁵³ Claiming pressure from conservative groups, the Government of the State of Palestine also stalled the adoption of a family protection bill pending since the early 2000s and the revision of outdated criminal and personal status laws that discriminate against women and girls and create fertile ground for gender-based violence.

37. During the reporting period, there were various instances of intimidation, including by individuals and groups involved with the movement against the Convention on the Elimination of All Forms of Discrimination against Women, who coerced organizations to cancel activities perceived to promote LGBTI+ rights and gender equality. For example, on 17 June, approximately 40 Palestinian men attacked the Al-Mustawda’ cultural centre in Ramallah, forcing the cancellation of a concert, alleging that the singer was gay. Similarly, on 8 July, participants in a march by the Ashtar Theatre group in Ramallah were attacked by young Palestinians shouting “gay, LGBTI, collaborators”. In these incidents, there was concern that Palestinian authorities failed to protect the rights of the affected groups or hold the perpetrators to account.

38. LGBTI+ persons continued to be subjected to violence in the private and public spheres. On 5 October, 25-year-old Ahmad Abu Markhiyeh was beheaded in Hebron, allegedly by an acquaintance who was arrested at the crime scene. The victim had escaped his community in Hebron in 2020 reportedly following threats due to his sexual orientation. He entered Israel, where he filed a request for asylum in a third country. The reasons for his return to Hebron are unclear. On 8 October, in a tribal reconciliation ceremony, the family of

⁴⁹ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 11 (a).

⁵⁰ [A/HRC/46/63](#).

⁵¹ *Ibid.*, para. 27.

⁵² <https://www.pcbs.gov.ps/Downloads/book2611.pdf>, p. 26 (in Arabic).

⁵³ [A/HRC/46/63](#), para. 27.

the alleged perpetrator agreed to pay 50,000 Jordanian dinars to the victim's family. As at 31 October, the suspect remained under arrest, but no indictment had been filed.

39. LGBTI+ persons have few or no avenues for protection, and limited access to services in the Occupied Palestinian Territory.⁵⁴ If they manage to flee to Israel, they are vulnerable to further violence and abuse.⁵⁵ The situation of victims of gender-based violence is compounded in Gaza, where vulnerability to such violence is further exacerbated by the ongoing blockade, the high rate of unemployment and the recurrent escalation of hostilities. During the reporting period, OHCHR documented cases of women and LGBTI+ individuals who were trapped in Gaza, unable to leave due to the Israeli blockade. They are forced either to hide or endure violence and other violations as the de facto authorities are unwilling or unable to provide protection due to prevailing patriarchal norms.

F. Arbitrary detention, torture and ill-treatment

40. As at 31 October, Israel held 820 Palestinians in administrative detention (812 men, 5 boys and 3 women) without charge or trial. This is the highest number since 2008, and a dramatic increase from the 500 in the previous reporting period.⁵⁶ More than 70 detainees boycotted courts in protest against the Israeli administrative detention policy and several carried out prolonged hunger strikes.⁵⁷

41. Among those held without charge or trial is Palestinian-French human rights defender Salah Hammouri. He was arrested on 7 March and subsequently placed under administrative detention for three months, which was extended twice, based on secret evidence. In July, shortly after Mr. Hammouri wrote to the President of France protesting his detention, Israeli authorities categorized him as an "extremely dangerous prisoner", entailing a number of restrictions, including solitary confinement. Mr. Hammouri's East Jerusalem residency permit was unlawfully revoked in October 2021 for "breach of allegiance" to Israel – explicitly prohibited by international humanitarian law.⁵⁸

42. On 30 August, Mohammad el-Halabi the former head of the World Vision International office in Gaza, was sentenced by an Israeli court to 12 years in prison, after being held in detention for six years; there are credible allegations of torture, incommunicado detention and pressure to confess under duress. He was convicted of 13 counts of terrorism-related crimes, despite serious due process violations, including the lack of evidence against him presented in open court, extensive use of secret evidence and closed-door hearings and restricted access to his lawyer.⁵⁹ Despite enormous pressure to accept a plea deal seemingly in the absence of evidence, Mr. el-Halabi maintained his innocence. His lawyers submitted an appeal to the Supreme Court of Israel on 18 October. His continuing deprivation of liberty may amount to arbitrary detention, given the serious due process violations.⁶⁰

43. On 19 June, an Israel Prison Service special committee denied Ahmad Manasrah the possibility of early release, based on retroactive application of a 2016 counter-terrorism law.⁶¹ In 2016, Manasrah, then aged 13, was sentenced to nine and a half years of imprisonment for participation in a knife attack that injured two settlers. Despite serious concerns for his psychological and physical health, the Israel Prison Service parole committee also rejected his early-release motion on medical grounds on 28 June. As at 31 October 2022,

⁵⁴ Ibid., para. 40.

⁵⁵ <https://www.timesofisrael.com/ghastly-murder-lays-bare-the-myrriad-perils-for-lgbt-palestinians-fleeing-to-israel/>.

⁵⁶ <https://hamoked.org/prisoners-charts.php>.

⁵⁷ <https://www.ppsmo.ps/home/news/4842?culture=ar-SA>, in Arabic.

⁵⁸ Fourth Geneva Convention, art. 45. Mr. Hammouri was deported on 18 December (<https://www.ohchr.org/en/press-releases/2022/12/comment-un-human-rights-spokesperson-jeremy-laurence-deportation-salah>).

⁵⁹

<https://www.facebook.com/UNHumanRightsOPT/posts/pfbid0SNLV13X1WHQrrfHKRTiASy6hyqi uWknnxwF2kf5p9YXtsdmUBaas6YmWM3bj9xYl>.

⁶⁰ A/HRC/40/39, para. 31.

⁶¹ <https://www.ohchr.org/en/press-releases/2022/07/un-experts-urge-israel-free-ahmad-manasra>.

Mr. Manasrah remains in solitary confinement – since November 2021 – despite his schizophrenia diagnosis, raising serious concerns of torture or ill-treatment.

44. During the reporting period, OHCHR continued to document allegations of ill-treatment, in some cases possibly amounting to torture, in Palestinian detention facilities in the West Bank and Gaza.

45. In the West Bank, the Independent Commission for Human Rights received 220 complaints (from 210 males and 10 females, including 15 children) of torture or ill-treatment in the West Bank. OHCHR monitored several cases of concern. Following an explosion on 6 June in Ramallah, six Palestinian men were arrested by Palestinian security forces for manufacturing explosives. OHCHR detention monitoring indicated that at least two of the six men were subjected to severe beatings in detention, which may amount to torture. The beatings allegedly intensified as a reprisal after they spoke to representatives of OHCHR and other organizations who visited them in detention. In July, eight detainees held in the police detention facility in Bethlehem made credible allegations of torture and ill-treatment during interrogation. Alleged treatment included stress positions, particularly suspension for long hours with hands cuffed behind; flogging with electric cables and sticks; beating, punching, slapping, kicking and stomping on different parts of their bodies, including the head and genitals; sleep deprivation; and deprivation of access to food, water and the toilet for several days. OHCHR documented injuries and marks on the bodies of four of the detainees, consistent with the allegations. These four detainees, who were held in relation to the same incident, consistently stated that they were subjected to this physical violence in order to force them to confess to the crime of robbery, raising serious concerns of torture.

46. In Gaza, the Independent Commission for Human Rights received 223 complaints (from 209 male and 14 female complainants, including 59 children). In one incident, a 52-year-old man died in custody several weeks after his arrest on 2 September by the anti-drug police of the de facto authorities. On 16 October, the Gaza Ministry of the Interior announced that he had died due to a heart attack after being transferred to a hospital two days before. However, he had reportedly complained about ill-treatment and torture and about his ill-health.

G. Death penalty

47. On 4 September, the de facto authorities in Gaza executed two men sentenced to death for collaboration with the enemy and three men convicted of murder. These were the first executions since May 2017 and were condemned by OHCHR.⁶² Despite requirements under Palestinian law, the approval of the President was not secured, nor were there opportunities for the men to seek clemency or a pardon. Courts in Gaza also issued 20 death sentences (all men), including 8 by military courts; appeals courts confirmed 16 death sentences and cassation courts, 5. Serious concern remains that criminal proceedings resulting in the imposition of death sentences in Gaza do not meet due process requirements and fair trial guarantees.

48. No death sentences were issued in the West Bank. However, two prisoners apparently have remained under death sentences since 2015,⁶³ even though the State of Palestine has committed to abolishing the death penalty by its 2019 accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

⁶² <https://www.ohchr.org/en/statements/2022/09/comment-un-human-rights-office-spokesperson-ravina-shamdasani-execution-five>.

⁶³ Information from Human Rights and Democracy Media Center SHAMS .

III. Update on accountability

A. Violations during the escalation of hostilities in Gaza

49. As at 31 October, OHCHR was not aware of any criminal investigations opened by Israel into the conduct of the Israeli Defense Forces during the August 2022 hostilities. There is also no information on steps taken by the State of Palestine to investigate apparent violations of international humanitarian law by Palestinian armed groups. According to the de facto authorities in Gaza, investigations into allegations of violations by both sides have been initiated, but no outcome was known as at 31 October.

50. Impunity persists. OHCHR is not aware of any steps taken during the reporting period by any party to the conflict to ensure accountability for actual or potential violations of international humanitarian law, including alleged war crimes, perpetrated in the context of previous rounds of hostilities. In April, the Israeli Defense Forces provided information to Yesh Din regarding the May 2021 escalation, showing no significant progress.⁶⁴ On 24 April, the Israeli High Court of Justice upheld the decision by the Attorney General to close the investigation into an Israeli attack that killed four Palestinian boys on a Gaza beach on 16 July 2014, notwithstanding serious concerns about the attack and the conduct of the investigation.⁶⁵

51. The High Commissioner has previously expressed concerns with regard to the independence, impartiality, promptness and transparency of the Israeli office of the Military Advocate General,⁶⁶ and the consistent failure of all parties to ensure accountability for alleged serious violations of international humanitarian law in the context of hostilities.⁶⁷ The Human Rights Committee expressed concern in March that no perpetrator had been brought to justice for violations committed during the May 2021 escalation.⁶⁸ It further regretted the lack of updated information on investigation into previous escalations in 2008/09, 2012 and 2014 and their outcomes.⁶⁹

B. Unlawful use of force, and other violations of international human rights law

52. Impunity remained pervasive for incidents of apparent unlawful use of force by Israeli security forces in law enforcement operations, outside the context of hostilities.⁷⁰ Between 1 January 2017 – when the High Commissioner began reporting to the Human Rights Council on accountability – and 31 October 2022, 559 Palestinians (including 120 children) were killed by Israeli security forces in law enforcement operations in the Occupied Palestinian Territory.⁷¹ OHCHR is aware of 79 criminal investigations opened in relation to these deaths, of which at least 30 were closed without further action and only 5 resulted in indictments, 3 of which led to convictions. OHCHR is unaware of any indictment made during the reporting period, and the lack of transparency continues.⁷²

53. International human rights law requires that all deaths and injuries caused by use of force in law enforcement operations be subject to an independent, impartial, transparent,

⁶⁴ https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/Investigating+Themselves/YeshDin+-+Shomer+5.22+-+Eng_01.pdf, pp. 10–11.

⁶⁵ A/HRC/28/80/Add.1, para. 36; and https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoIGaza/A_HRC_CRP_4.docx, para. 663.

⁶⁶ A/HRC/40/43, para. 9; and A/HRC/37/41, para. 11.

⁶⁷ A/71/364, para. 40; A/HRC/43/21, para. 17; and A/HRC/46/22, para. 8.

⁶⁸ CCPR/C/ISR/CO/5, para. 26.

⁶⁹ *Ibid.*, para. 22.

⁷⁰ A/71/364, para. 66; A/76/333, paras. 5 and 16; A/HRC/43/21, para. 20; and A/HRC/46/22, para. 11.

⁷¹ This does not include Palestinians killed in the context of hostilities or those killed in unclear circumstances. The total number of Palestinians killed by Israeli security forces in this period is 1,016.

⁷² A/HRC/49/25, para. 17.

thorough and effective investigation. The Israeli Defense Forces investigation policy applicable in the West Bank since 2011 requires an immediate investigation into operations that result in the death of a person, except when the incident involves “actual combat”.⁷³ This is understood broadly to include any exchange of fire.⁷⁴ It appears that if the office of the Military Advocate General understands the incident to include “actual combat”, it applies the rules regulating the conduct of hostilities.⁷⁵

54. Such a “combat” exemption was also claimed by Israeli authorities in the killing of Palestinian-American journalist Shireen Abu Akleh on 11 May, who was shot dead by an Israeli soldier while covering an Israeli security forces operation in the Jenin refugee camp that triggered armed clashes with Palestinians. On 5 September, the Israeli Defense Forces admitted it was highly probable the journalist was killed by an Israeli soldier,⁷⁶ but the Military Advocate General stated that no criminal investigation into any soldiers would be opened as it had happened in a situation of combat and there was no suspicion that a criminal offence had been committed.⁷⁷

55. In practice, the Israeli Defense Forces appears to have adopted an even broader interpretation of “actual combat”, as the majority of Palestinian deaths are not investigated – even when they take place in the context of alleged stabbing or ramming attacks, stone throwing or Molotov-cocktail throwing, and in the absence of exchange of fire. For example, on 11 May, Israeli security forces shot dead a 16-year-old boy near his school in Al Bireh – 100 metres away from soldiers and not posing any threat; no criminal investigation was announced. Commonly, instead of a criminal investigation, as required by the policy, only operational military probes are conducted within the Israeli security forces unit involved in the incident, solely based on soldiers’ accounts without collecting evidence from other witnesses and sources.⁷⁸ Of concern, such overbroad interpretations of “combat exemption” have previously been approved by the High Court of Justice in clear contradiction of international law.⁷⁹

56. The Israeli conflation of two distinct regimes on use of force – law-enforcement operations regulated by international human rights law and hostilities regulated by international humanitarian law rules – is key in ensuring that Palestinian deaths in the West Bank and along the Gaza border are rarely investigated. Such lack of investigation extends to apparent cases of extrajudicial executions or wilful killings. For example, on 2 September, Israeli security forces repeatedly shot and killed a 19-year-old Palestinian attacker, while he was lying injured on the ground in Beit ‘Einun, near Hebron, and not presenting any further threat. No criminal investigation was opened.

57. The approach in East Jerusalem appears to be similar, as noted above. On 7 March, Israeli security forces shot and killed a barely conscious Palestinian attacker. No criminal investigation was opened; instead, Israeli political and security leaders reportedly praised the soldiers.⁸⁰ Even where investigations are opened, they raise questions of impartiality. For example, on 4 December 2021, Israeli security forces shot and killed a 25-year-old Palestinian stabber near Jerusalem’s old city. Despite the man being shot, injured on the ground and no longer posing any apparent threat, Israeli security forces subsequently shot him twice. Such “confirmation of kill” raises serious concerns of extrajudicial execution and may amount to wilful killing, yet the Israeli Ministry of Justice closed the investigation on 9

⁷³ https://www.gov.il/BlobFolder/generalpage/downloads_eng1/en/ENG_turkel_eng_b1-474.pdf, p. 322.

⁷⁴ https://embassies.gov.il/MFA/AboutIsrael/state/Law/Pages/New_investigation_policy_Palestinian_casualties_IDF_fire_Judea_Samaria_6-Apr-2011.aspx (in Hebrew).

⁷⁵ https://www.gov.il/BlobFolder/generalpage/downloads_eng1/en/ENG_turkel_eng_b1-474.pdf, p. 377.

⁷⁶ <https://www.idf.il/76056> (in Hebrew).

⁷⁷ <https://usms.cellcom.co.il/files/QEIKC4/jdwke0b345.pdf> (in Hebrew).

⁷⁸ https://www.gov.il/BlobFolder/generalpage/downloads_eng1/en/ENG_turkel_eng_b1-474.pdf, pp. 380 and 384.

⁷⁹ A/HRC/46/22, para. 18.

⁸⁰ <https://www.israelhoyom.co.il/news/defense/article/13026997> (in Hebrew).

December, asserting that the officers had acted in self-defence as “there was a real and concrete threat to the lives of the fighters and the civilians in the area”.⁸¹

58. Concerns of impunity also apply to the continuing lack of progress in investigations relating to widespread use by Israeli security forces of lethal force in the context of the Great March of Return demonstrations (2018/19) in Gaza.⁸² OHCHR is not aware of any accountability steps taken by Israeli authorities in the reporting period.⁸³

59. The duty of the State to investigate potential unlawful deaths is an important element of the protection afforded to the right to life.⁸⁴ The Human Rights Committee has highlighted its deep concern at continuing and consistent reports of excessive use of lethal force by Israeli security forces against Palestinians and the lack of accountability for those acts, resulting in a general climate of impunity.⁸⁵ The systematic Israeli failure to investigate such incidents furthers impunity, leading invariably to increased Palestinian casualties.

60. While complaint channels exist for Palestinians living under the effective control of the Palestinian Authority and the de facto authorities in Gaza, there is rarely any action towards accountability. The Palestinian Security Forces Justice Commission received six complaints of use of force by Palestinian security forces – one is being investigated and four were closed without charge. One has proceeded to trial; it may relate to the Budrus shooting (see para. 28 above) – according to the complainant’s family, one Palestinian security forces member is currently detained while undergoing trial. However, no complaint was registered by the Security Forces Justice Commission with respect to the killing of a bystander in Nablus in September. Although Palestinian security forces denied responsibility, there is no information on an investigation into the death.

61. With regard to the June 2021 killing of opposition activist Nizar Banat, the military court in Ramallah has significantly delayed, with no justification, the trial of the 14 accused Palestinian security forces personnel. On 21 June the military public prosecutor decided to release all 14 from detention. OHCHR is unaware of any legal basis for such release and has serious concerns about the willingness of the Palestinian authorities to ensure accountability for the killing of Mr. Banat. The Security Forces Justice Commission did not respond to the specific query from OHCHR in this regard.

62. In Gaza, the de facto authorities announced that some police officers had been injured in the incident in Beit Lahiya on 9 June (see para. 27 above) and vowed to investigate the incident. However, OHCHR is unaware of any action taken as at 31 October. The de facto authorities also indicated that no investigation was being carried out into the shooting incident on 4 October (see para. 27 above), as it involved exchange of fire with those wanted for drug trafficking and previous violence against the police.

63. Impunity for gender-based violence remains pervasive in both the West Bank and Gaza. In the West Bank, a trial is still ongoing three years after the murder of 21-year-old Israa Ghrayeb.⁸⁶ Of 17 likely cases of gender-based killings of women and girls in the West Bank in the reporting period, according to the Attorney General’s Office of the Palestinian Authority, three indictments were filed, six cases were closed for lack of criminal suspicion, and seven cases remained under investigation as at 31 October. One case involving a member of the security forces was transferred to the military prosecution. According to the de facto authorities in Gaza, of the six cases there, three were reportedly closed, while in two cases alleged perpetrators were sentenced to death. One case was transferred to the military prosecution as it involved a member of the de facto authorities’ forces.

⁸¹ <https://www.haaretz.com/israel-news/2021-12-09/ty-article/israel-closes-probe-of-officers-who-shot-palestinian-assailant-in-jerusalem-attack/0000017f-e59d-df5f-a17f-ffdf946b0000>.

⁸² A/HRC/46/22, para. 12.

⁸³ A/HRC/43/21, para. 24; and

https://www.btselem.org/sites/default/files/publications/202112_unwilling_and_unable_eng.pdf.

⁸⁴ Human Rights Committee, general comment No. 36 (2018), para. 27.

⁸⁵ CCPR/C/ISR/CO/5, para. 26.

⁸⁶ A/HRC/43/70, para. 34.

C. Violations relating to torture and ill-treatment

64. Concerns persisted regarding lack of accountability by relevant Israeli authorities in investigating allegations of torture or ill-treatment of Palestinians, including sexual violence, in Israeli detention facilities. In May, the Israeli Ministry of Justice decided not to open a criminal investigation into alleged torture or ill-treatment by the Israeli Security Agency against Palestinian prisoner Tariq Bargut in February 2019.⁸⁷ On 25 August, the Attorney General upheld the decision to close the criminal investigation into apparent sexual assault – two forced genital searches – of a Palestinian woman detainee in 2015.⁸⁸ On 1 September, the Israeli Supreme Court upheld the admissibility of confessions given after 36 hours of interrogations, during which Israeli Security Agency investigators had used “special measures”, including physical harm and humiliation.⁸⁹ These decisions raise serious concern about a lack of respect for the absolute prohibition of torture.⁹⁰

65. The Human Rights Committee has expressed deep concern about reports of a widespread and systematic practice of torture and ill-treatment by the Israel Prison Service and Israeli security forces against Palestinians. It has also noted with concern a low rate of criminal investigations, prosecutions and convictions concerning allegations of such violations.⁹¹

66. The Palestinian Security Forces Justice Commission reported having received nine complaints alleging torture or ill-treatment by Palestinian security forces. Two cases are undergoing trial, five remain under investigation and two were closed without charge. According to the Commission, “no case or any action has been registered” with respect to the 6 June Ramallah allegations, while the July complaints concerning torture in Bethlehem were dismissed for lack of evidence (see para. 45 above). This raises serious questions about the willingness of the Palestinian authorities to ensure accountability for torture or ill-treatment perpetrated by Palestinian security forces.

67. According to the de facto authorities in Gaza, the 16 October death of a man in custody (see para. 46 above) was investigated and found to be a natural death. A prosecutor who reportedly joined the autopsy also noted no signs of torture or ill-treatment. In July, the Committee against Torture specifically expressed concern about reports that individuals were held in unlawful and incommunicado detention by Palestinian armed groups for collaboration and criticism, and about allegations of torture and ill-treatment in such unofficial places of detention.⁹² The Committee observed that there were consistent reports of torture and ill-treatment by persons in custody in both the West Bank and Gaza, in particular during the investigation stage, and highlighted that there was a climate of impunity, as few complaints had led to prosecution and almost none had led to convictions.⁹³

D. Civil remedies

68. In October, the Israeli Ministry of Defense reportedly agreed to compensate the family of a 78-year-old Palestinian-American man who had died in Israeli security forces custody.⁹⁴ The family reportedly rejected the offer.⁹⁵ Palestinians in Gaza continued to face significant

⁸⁷ <https://www.haaretz.com/israel-news/2022-05-16/ty-article/.premium/shin-bet-deprived-palestinian-of-sleep-during-interrogations-of-up-to-48-hours/00000180-e9ee-dc12-a5b1-fdff738b0000>.

⁸⁸ Information from the Public Committee against Torture in Israel. See also <https://www.haaretz.com/israel-news/2022-11-07/ty-article/.premium/prosecutor-order-to-search-palestinian-womans-private-parts-was-legit/00000184-53bb-d842-a987-dffb5c780000?lts=1676014981883>.

⁸⁹

<https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/20/880/073/j29&fileName=20073880.J29&type=2> (in Hebrew).

⁹⁰ A/HRC/49/25, para. 30.

⁹¹ CCPR/C/ISR/CO/5, para. 30.

⁹² CAT/C/PSE/CO/1, para. 26.

⁹³ Ibid., para. 28.

⁹⁴ <https://www.jpost.com/middle-east/article-719237>.

⁹⁵ <https://www.arabnews.com/node/2179436/middle-east>.

barriers in seeking civil remedies. During the reporting period, the Israeli Supreme Court rejected two appeals on rulings denying Palestinians compensation. On 24 November 2021, an appeal of Izzeldin Abu El-Eish from Jabalya, whose three daughters and niece were killed by Israeli security forces during the 2008/09 escalation, was rejected. An appeal related to the shooting and serious injury of 15-year-old Palestinian Attiya Nabaheen in November 2014 in Gaza was rejected on 5 July.

IV. Conclusions and recommendations

69. **The human rights situation in the Occupied Palestinian Territory continues its downward spiral. As the occupation continues, Israel – the occupying Power – routinely and systematically disregards its obligations under international humanitarian law and international human rights law. In the West Bank, Israeli use of firearms is endemic and unchecked by rules of engagement, which themselves appear inconsistent with international human rights law. The number of arbitrary administrative detentions is the highest in 15 years, collective punishment is widespread and restrictions on freedom of expression and association have increased, with the very existence of human rights and humanitarian organizations being targeted. In Gaza, the collective punishment of the population continues as the blockade and closures enter a sixteenth year.**

70. **Israeli security forces and authorities are able to act with impunity given the lack of accountability for their actions violating international humanitarian law and international human rights law, whether in the context of law enforcement or during hostilities. Such impunity also extends to unlawful use of force and torture and ill-treatment by Palestinian security forces, as well as the forces of the de facto authorities in Gaza.**

71. **The reporting period included a brief escalation of hostilities in Gaza in August 2022, with all parties failing to respect international humanitarian law rules on the conduct of hostilities. The long-standing pattern of such violations and the failure by all parties to take sufficient steps to prevent their repetition allow for mounting civilian casualties.⁹⁶**

72. **Recalling the comprehensive review of the status of recommendations addressed to all parties since 2009, the High Commissioner calls on Israel to fully comply with its legal obligations, including in particular:**

(a) **To ensure that the rules of engagement of its security forces and their application are fully consistent with international human rights law, including use of firearms in law enforcement activities only in cases of imminent threat of death or serious injury as a measure of last resort;**

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

(c) **To end practices of administrative detention and other forms of arbitrary detention and ensure that all detainees are released unless promptly charged and fairly tried;**

(d) **To immediately end all practices of collective punishment, including lifting its blockade and closures of Gaza;**

(e) **To urgently revoke the designations against Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations;**

(f) **To resume cooperation with OHCHR, including by granting visas to OHCHR international staff to access the Occupied Palestinian Territory.**

⁹⁶ [A/HRC/28/45](#), para. 16; and [A/HRC/49/25](#), para. 16.

73. **The High Commissioner further calls on:**

(a) **Palestinian authorities to protect the rights of all Palestinians without discrimination, including discrimination based on gender, sexual orientation or gender identity;**

(b) **The de facto authorities in Gaza to implement an immediate moratorium on the use of the death penalty, and the State of Palestine to take robust measures to abolish the death penalty in all its territory;**

(c) **All duty bearers to immediately end all practices that may amount to torture or ill-treatment, including sexual violence;**

(d) **All duty bearers to put an end to impunity and conduct prompt, independent, impartial, thorough, effective and transparent investigations into all alleged violations of international human rights law and international humanitarian law, including into allegations of international crimes; and also calls upon them to ensure that all victims and their families have access to effective remedies, gender-responsive reparation and truth;**

(e) **All duty bearers to take measures to prevent all forms of gender-based violence, including in the domestic sphere, and ensure that perpetrators, including of gender-based killings, are prosecuted and appropriately sentenced;**

(f) **All duty bearers to ensure that the rights to freedom of expression and association are respected and protected and that civil society actors, including women human rights defenders, are able to conduct their legitimate activities safely, freely and without harassment;**

(g) **All parties to the conflict to ensure full respect for international law, including international humanitarian law, in particular the principles of distinction, proportionality and precautions in attack, and that they ensure accountability for serious violations;**

(h) **All States to exert their influence, to the degree possible, to stop violations of international humanitarian law by all parties to the conflict.**
