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Free Palestine?

Illegal Occupation and International
Law in West Bank and Gaza

Report May 2021

List of Abbreviations

Fourth Geneva Convention	Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949
Hague Regulations	Regulations concerning the Laws and Customs of War on Land, 1907
ICC	International Criminal Court
ICJ	International Court of Justice
ICJ Wall Opinion	International Court of Justice, Advisory Opinion on the Legal Consequences on the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004.
ICRC	International Committee of the Red Cross
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
oPt	Occupied Palestinian Territory
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

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I. Introduction

ActionAid has been active on Palestine since 2007, following the humanitarian crisis in Gaza. Since that time, it has developed an ActionAid Palestine program that focuses on the end of poverty and oppression of the Palestinian people.



Helana Mesleh, Al Awda Hospital, Rushes. *Photograph: Rushdi Sarraj*

In the 1990s, ActionAid determined to apply a human-rights based approach to development.

This Briefing Paper catalogues some of the main violations of international law committed against the occupied Palestinian population, with a focus on the duties of Israel in its role of Occupying Power over the occupied Palestinian territory (oPt). Furthermore, the Briefing Paper refers to alleged crimes committed in the occupied territory against the occupied Palestinian population. Critical awareness of this context is vital for ActionAid and partners engaged in the women-led community-based protection work. It contributes to their meaningful participation in formal decision-making processes and to holding duty bearers and stakeholders responsible for the protection and enjoyment of the rights of occupation and conflict affected communities, in particular women and girls.¹

The paper is concerned with violations committed during an ongoing, already established, situation of occupation and armed conflict (*jus in bello*) as opposed to the law on the use of force under the United Nations (UN) Charter and justifications of self-defense (*jus ad bellum*).²

Part II of this Briefing Paper provides a snapshot of the history of Israel's occupation and expulsion of Palestinians from historic Palestine. Part III sets out Israel's legal obligations, as an Occupying Power, towards the occupied protected Palestinian population and territory. Part IV provides examples of violations of international law and alleged international crimes. That part does not provide an exhaustive list of all violations and international crimes but sheds light on some of the main and most pervasive practices and policies.

II. Background

In 1922, with the fall of the Ottoman empires, Palestine was placed under British mandate by the League of Nations. All the other territories mandated eventually gained independence, but for Palestine. Instead, the United Kingdom expressed in 1917 support for “the establishment in Palestine of a national home for the Jewish people” resulting in large-scale European immigration of Jews to Palestine.



Janna Jihad, Palestinian Journalist and Activist. *Photograph: Samar Hazboun/ActionAid*

In parallel with this immigration, the forefathers of the State of Israel, and other members of Zionist armed groups such as the Haganah, set out to massacre, beat and rape Palestinians, ensuring their forcible displacement. Between 1947 and 1949 the Zionist groups seized control over a majority of the lands of historic Palestine and expelled around 750,000 Palestinians from their homes and homeland. They also erased traces of a Palestinian presence in historic Palestine by destroying entire villages and planting trees where the villages stood.³

This violent and terrorizing process, also described as the ethnic cleansing of Palestinians, is commemorated each year as the Naqba (the catastrophe). Notably, Israel enacted in 2011 the so called Naqba law that empowers the finance minister to reduce state funding or support to an institution that commemorates the Naqba in Israel. Schools are understood to fall within the ambit of this law.⁴

In 1947, the UN General Assembly passed resolution 181 (III) that decided to end the

Mandate for Palestine and divide historic Palestine into three separate parts; an independent Arab State, an independent Jewish State, and an International Regime for the City of Jerusalem.⁵

On 14 May 1948, David Ben Gurion, the head of the Jewish Agency, declared the establishment of the State of Israel in historic Palestine. Two days later the newly founded State of Israel issued a Proclamation of Independence. Arab States and Israel went into war, the so called 1948-war, and Israel claimed sovereignty over more than 77 percent of historic Palestine. That was an area far larger than that set out in the Partition Plan. From 1948 until 1967, the remaining territory – the West Bank, including East Jerusalem, and the Gaza Strip – were controlled by Jordan and Egypt.⁶

In 1967, in the context of hostilities between Israel and Arab States, Israel moved to occupy the remaining Palestinian territory, the adjacent Syrian territory (the Golan Heights), and the Sinai Peninsula in Egypt. Israel gained total control over historic Palestine. Around half a million Palestinians were displaced during Israel's occupation of the Palestinian territory in 1967.⁷ Israel and its Zionist founders have and continue to aspire to establish Jewish dominion over so called Eretz-Israel.⁸

The UN has repeatedly called on Israel to withdraw from the occupied Palestinian territory of 1967 and asserted that Israel is not a sovereign over those lands.⁹ The UN has also recognized the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people.¹⁰

Today, most States have unilaterally recognized the State of Palestine. Notably, the UN General Assembly decided on 12 December 2012 to accord Palestine non-member observer State status at the UN.¹¹

Attempts at ending the occupation have failed over the years. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 (Oslo II Accord) divided the oPt into areas A, B and C with the aim to incrementally transfer control to Palestine over a period of five years. Since this transfer of control did not occur, over 60% of the West Bank is still considered Area C and Israel retains near exclusive military and civil control over it, including over matters of planning, construction, and security. Most of Area C has been allocated to Israeli settlements and military, at the expense of Palestinian communities.¹² While Israel withdrew its settlers and forces from the Gaza Strip in 2005, it continues to expand its settlements in the West Bank and entrench its control over the occupied territory.

As is explained in Part IV of this Briefing Paper, Israel's practices and policies towards Palestine and Palestinians – such as the closure of the Gaza Strip, the establishment and expansion of settlements in the occupied territory, the denial of Palestinian freedom of movement, and the malicious and forced grouping of Palestinians – have had severe socio-economic consequences for the Palestinian population, de-developed the territory, and disenfranchised the people of their protections and rights.



6 Destruction following Israeli attacks on the Gaza Strip, May 2021. Photograph: Samar Abu Elouf/Photo courtesy of OCHA

Key facts and figures:

- oPt territory: Gaza Strip (365 km²) and the West Bank (approximately 5,655 km²), including East Jerusalem.¹³
- The Palestinian population in the oPt: 4.8 million.¹⁴
- The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 (Oslo II Accord) divided the oPt into administrative areas A, B and C. Over 60% of the West Bank is considered Area C and Israel retains near exclusive military and civil control over it, including over matters of planning, construction, and security. Most of Area C has been allocated for the benefit of Israeli settlements or the Israeli military, at the expense of Palestinian communities.¹⁵
- Israel is constructing a 712 km long Annexation Wall, made up of inter alia barbed wire, concrete, and electrical fences, around and inside the West Bank.¹⁶ An estimated 11,000 Palestinians live in the area between the 1967 border and the Wall, also referred to as the seam zone.¹⁷
- Israeli roadblocks and checkpoints obstructing Palestinian movement in the West Bank: 593, most of them aimed at protecting Israeli settlers.¹⁸
- Palestine refugees registered with UNRWA: 5.6 million (1.4 million in Gaza, 858 thousand in the West Bank, 2.2 million in Jordan, 476 thousand in Lebanon, and 562 thousand in Syria) as of December 2019.¹⁹
- Palestinians killed in the oPt by Israeli forces and Israeli civilian settlers between 1 June 2008 and 2 September 2021: 5,940 Palestinians including around 1,330 children.²⁰
- Palestinians injured in the oPt by Israeli forces and Israeli civilian settlers between 1 June 2008 and 2 September 2021: close to 130,000 injured.²¹
- Israelis killed and injured by Palestinians over the past 10 years: 262 Israelis killed and nearly 5691 injured.²²
- Between 2009 and 10 May 2021, more than 7,591 structures including 1,355 donor funded structures and residential buildings were demolished displacing over 11,000 Palestinians, affecting over 123,000 people.²³
- More than 100,000 Palestinians in the Gaza Strip were internally displaced in May 2021.²⁴
- 2 million Palestinians are considered food insecure, 68.5% of whom are in the Gaza Strip.²⁵

4.8 million

Palestinians live in the Occupied Palestinian Territory



593

Israeli roadblocks and checkpoints obstruct Palestinian movement in the West Bank



There are

5.6million

Palestinian refugees registered with UNRWA

(as of December 2019)



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Palestinians



2million

Palestinians are considered food insecure



II.1. Escalation of Violence in May 2021

In May 2021, the situation in the oPt escalated rapidly across the Gaza Strip, West Bank and inside Israel. It began with the forced eviction of families in Sheikh Jarrah in East Jerusalem, a village that has been illegally annexed by Israel and remains occupied. The families' homes are under threat to be transferred to Jewish settlers that claim ownership over the houses under a 1970 Israeli law. That Israeli law allows the return of property from before 1948 in East Jerusalem to Israeli Jews that claim to have owned or inherited it. The law also accepts ownership claims by Jewish organizations acting on the behalf of the alleged owners.

The families affected by the evictions are Palestinian refugees that are barred from returning to and claiming ownership over their homes and property in what is now the State of Israel. Thousands of Palestinians protested the eviction of the Palestinian families. These protests were met with excessive force resulting in the injury of 1,000 Palestinians within the span of three days. Palestinian armed groups in the Gaza Strip, the proclaimed defenders of Al Aqsa, fired rockets on Israeli population centers and Israel launched airstrikes against the Gaza Strip.²⁶

These attacks violate international law and resulted in civilian casualties and mass displacement.²⁷ A ceasefire came in on the morning of 21 May 2021.

The escalation of violence in May 2021 occurred during the Covid-19 pandemic. The weeks immediately following the ceasefire witnessed a surge in Covid-19 infected cases.²⁸ The health care system is already over-stretched in the Gaza Strip. Medical Aid for Palestinians recently warned that Gaza is experiencing a third wave of Covid-19 infections and that the health care system experiences persistent medical and equipment shortages due to the closure.²⁹ In addition, several health facilities were either damaged or destroyed in May 2021. Three airstrikes hit Al-Awda Hospital where lifesaving surgeries of those injured were carried out and where pregnant women turn to for care.³⁰

Sections IV.5 and IV.6 provide data on the injury and killing of Palestinians and the destruction of Palestinian structures in May 2021. Those sections also highlight the impact of the violence on women and children.



Large-scale destruction in Gaza following continued bombardment. *Photograph: Samar Abu Elouf/Photo courtesy of OCHA*

III. Israel's legal obligations towards the occupied Palestinian people and territory

Under international humanitarian law, a territory is occupied when it is placed under the authority of a hostile army.³¹ The international community, the UN Security Council, and the UN General Assembly, all consider that Israel occupies the West Bank, including East Jerusalem, and the Gaza Strip since 1967. Notably, UN Security Council Resolution 242 from 1967 called for the “Withdrawal of Israel armed forces from territories occupied in the recent conflict”.³²



Muna - Palestinian Youth in Jerusalem to Use Social Media and Music to face Forcible Eviction. *Photograph: ActionAid Palestine*

The international community overwhelmingly takes the position that the occupied territory encompasses the Gaza Strip and the West Bank, including East Jerusalem. Acquisition of territory by force is not permitted and States are under a duty not to recognize such an act.³³

The Fourth Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War applies to “all cases of partial or total occupation of the territory of a High Contracting Party” even if met with no armed resistance.³⁴

The Fourth Geneva Convention considers those who find themselves in any manner whatsoever in case of an occupation in the hands of the Occupying Power as protected persons.³⁵ The International Court of Justice has found that the Fourth Geneva Convention applies de jure to the occupied territory.³⁶ Furthermore, the UN Security Council and General Assembly have consistently adopted resolutions reaffirming the legal application of the Fourth Geneva Convention to the Palestinian territory and other Arab territories occupied in 1967.³⁷

As an Occupying Power and High Contracting Party, Israel must conduct itself in accordance with the applicable international humanitarian law set out in the Fourth Geneva Convention. Importantly, the Hague Regulations concerning the Laws and Customs of War on Land of 1907, that Israel has not joined, are also binding on Israel because they form part of customary international law. According to these laws, Israel is prohibited to transfer and deport the protected occupied population,³⁸ destroy personal property unless rendered absolutely necessary by military operations,³⁹ deport or transfer parts of its own civilian population into the occupied territory,⁴⁰ and pillaging.⁴¹ It is also incumbent on Israel, as the Occupying Power, to ensure food and medical supplies to the occupied population⁴² and public health and hygiene in the occupied territory.⁴³ Relief consignments to not relieve Israel of these responsibilities.⁴⁴

Israel has human rights obligations towards the occupied Palestinian people by virtue of its effective control of the occupied territory. The International Court of Justice confirmed in its opinion on the Wall that human rights protections do not cease in a situation of armed conflict⁴⁵ and confirmed that international human rights conventions apply extra-territorially⁴⁶ to the oPt.⁴⁷ The UN human rights bodies have consistently held the same position and urged Israel to accept and respect its human rights obligations towards Palestinians.⁴⁸

In general, international human rights law permits derogations of select human rights where a state of emergency is declared. Derogations must, however, be of “an exceptional and temporary nature and are limited to the extent strictly required”.⁴⁹ Many rights, including the prohibition of torture, cruel, inhuman or degrading treatment, the right to life, the right to recognition as a person before the law, and the right to freedom of thought, conscience and religion, are however absolute and no derogation from them is permitted.⁵⁰

The way that Israel came to occupy the Palestinian territory does not have any bearing on its duties as an Occupying Power under international humanitarian and human rights law. Nor does it, under any circumstance, allow for Israel’s acquisition by force of the occupied territory.⁵¹

Relevant treaties that Israel has signed and ratified:

- The Geneva Conventions of 1949, incl. the Fourth Geneva Convention.
- International Covenant on Economic, Social and Cultural Rights International Covenant on Civil and Political Rights
- International Covenant on the Elimination of All Forms of Racial Discrimination
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention of the Rights of the Child
- Convention Related to the Status of Refugees
- Convention Related to the Status of Stateless Persons.

III.1 The Palestine situation at the International Criminal Court

In January 2015, the State of Palestine submitted a declaration granting the Prosecutor jurisdiction over war crimes and crimes against humanity committed in the oPt. That same year, the State of Palestine acceded to the Rome Statute of the International Criminal Court (ICC) and thus became a member of it. The State of Palestine also submitted a referral in 2018, requesting that the Prosecutor open an investigation into the situation in Palestine.⁵²

The ICC Prosecutor opened a preliminary examination into the situation in Palestine in January 2015. After almost five years the ICC Prosecutor informed a Pre-Trial Chamber that she finds that there is a reasonable basis to believe that war crimes have been committed in the oPt but requested a ruling clarifying the territorial scope of ICC's jurisdiction.

On 5 February 2021, the Pre-Trial Chamber issued its decision that the ICC has jurisdiction over the Palestinian territory occupied in 1967, composed of the West Bank including East Jerusalem and the Gaza Strip.⁵³ The Prosecutor thereafter confirmed the opening of formal investigation into the situation in Palestine. That investigation remains open.⁵⁴

The ICC has jurisdiction over crimes committed on the Palestinian territory of 1967, regardless of the nationality of the perpetrator. The ICC can therefore hold to account Palestinians, Israelis and others that commit crimes in the oPt. This is regardless of whether Israel has itself granted jurisdiction to the ICC. In addition, Palestinians can be tried for crimes that they commit outside the oPt.

IV. Violations of International Law and International Crimes

Israel has occupied the Palestinian territory for over fifty years. During that time, Israel has sought to achieve a minimum number of Palestinians and an ever-expanding Israeli Jewish majority population over the same territory, thereby entrenching Israel's control over oPt and de facto annexing it.⁵⁵ A complex myriad of practices and policies that violate international law have been employed to this end. This part will only highlight some of these practices and policies. Many of the practices and policies are connected, and form patterns of illegal conduct. This Briefing Paper does not allow for an in-depth, layered analysis.



Clashes at the Al Aqsa Mosque, 10 May 2021. Photograph: OCHA

The violations recounted herein must be considered in the context of Israel's responsibilities as an occupying power. Furthermore, they must be viewed against Israel's legal obligation to administer the

territory for the benefit of the occupied population, while ensuring the security of its armed forces. Israel may not administer the territory for the benefit of its own civilian population.

IV.1. Denial of the right to self-determination, colonialism, and the right to resist

Articles 1 of the UN Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, all recognize the right to self-determination of peoples. The UN General Assembly and the International Court of Justice have affirmed that the Palestinian people have an inalienable right to self-determination and that it is to be exercised over the Palestinian territory occupied in 1967.⁵⁶

This right has been vested with the Palestinian people from the time of the British mandate.⁵⁷ According to this right, the Palestinian people has a right to determine their political status and freely pursue their economic, social and cultural development. Many of the unlawful practices and policies included in this Briefing Paper, notably those that result in the fragmentation or the territory and the occupied population make it impossible for Palestinians to exercise their right to self-determination.

The Declaration on the Granting of Independence to Colonial Countries and Peoples is now considered customary international law. It therefore applies to Israel's occupation of the Palestinian people. Self-determination is described in this instrument as the rejection of "alien subjugation, domination and exploitation".⁵⁸ Colonialism is understood as a claim to sovereignty by the dominant power, as opposed to prolonged occupation. An Occupying Power can become a colonial power if it attempts to annex the territory that it is occupying in a way that denies the people their right to self-determination; it assumes permanent sovereignty over natural resources; and if it transfers its own population into the occupied territory. Territorial integrity is of special concern to ensure self-determination.⁵⁹

For the purpose of this paper, it suffices to highlight that the denial of Palestinian self-determination illustrates a "colonial policy by Israel [that] has not been piecemeal but is systematic and comprehensive".⁶⁰ Israel has made a claim to sovereignty over East Jerusalem when it annexed it by Israeli law, Israeli officials including members of the government regularly express an intention to exercise sovereignty over other large parts of the West Bank such as Area C,⁶¹ and Israel has assaulted the territorial integrity of the occupied territory through the construction of settlements and associated road networks. In addition, Israel is transferring a significant number of settlers into the occupied territory (section IV.10). Israel has also exploited and seized natural resources of the oPt (section IV.12).

The UN recognizes the right of a people to resist a foreign occupation and colonial domination in pursuance of their right to self-determination. That right must be pursued in accordance with international human rights and humanitarian law and the people are entitled to seek and receive the support in accordance with the UN Charter.⁶²

The UN recognizes the right of a people to resist a foreign occupation and colonial domination in pursuance of their right to self-determination.



IV.2. Denial of the right to return

International human rights law entails a right of individuals to leave and return to their country.⁶³ International humanitarian law and customary international law also recognize a right of persons displaced to safely return to their “homes or places of habitual residence” when the reasons for their displacement cease to exist.⁶⁴

The UN General Assembly 194 provided in 1948 that “refugees wishing to return to their home and live at peace with their neighbours should be permitted to do so at the earliest practicable date”.⁶⁵ That resolution is understood to impose on Israel an obligation to allow Palestinians to return to their homes.⁶⁶ The UN General Assembly reaffirmed in 1972 “the inalienable rights of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return”.⁶⁷

There are currently nearly 6 million registered Palestinian refugees⁶⁸ in the world, with the vast majority living in Jordan, Lebanon, Syria and the oPt.

Several generations have been forced to live their entire lives in overcrowded camps and in dire conditions, denied access to essential services.⁶⁹

Israel’s denial of Palestinians’ right to return stands in stark contrast with its treatment of persons of the Jewish faith; the Israeli Law of Return from 1950 grants every Jew the right to immigrate to Israel.

There are nearly

6million



Palestinian refugees registered in the world, forced to live their lives in overcrowded camps and dire conditions



Samah Kassab is a senior programme officer at ActionAid Palestine who lives in north-west Gaza. She is pictured among the devastation caused by Israeli airstrikes. *Photograph: ActionAid Palestine*

IV.3. Apartheid and Persecution

Apartheid, which relates to the establishment and maintenance of domination of a racial group over another, is prohibited under international customary law.⁷⁰ Apartheid is referenced in several international law instruments, namely the Convention on the Suppression and Punishment of the Crime of Apartheid from 1973 and the International Convention on the Elimination of All Forms of Racial Discrimination from 1979. Apartheid is also a crime against humanity in the Rome Statute of the International Criminal Court. The Rome Statute defines apartheid as “inhumane acts of a character similar to [other crimes against humanity], committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime”.⁷¹ Another related crime against humanity is the crime of persecution. The crime of persecution in the Rome Statute is “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”.⁷²

Several human rights organisations – including Human Rights Watch,⁷³ Al-Haq,⁷⁴ and Bt’Selem⁷⁵ – have levelled the accusation against Israel that it is engaged in the crimes of apartheid and persecution against Palestinians. These organisations point to, amongst others, the following aspects of Israel’s treatment of Palestinians versus Jewish persons;

- a. Israel’s aim to achieve a demographic Jewish majority over historic Palestine (part II and section IV.1);
- b. The right to return afforded to Jewish persons as opposed to the denied right to return Palestinians (section IV.2)
- c. The right of Israeli Jews to re-claim property from before 1948, unlike Palestinians (section II.2);
- d. The distribution of water and other natural resources for the benefit of Israeli Jews and the deprivation and limitation of enjoyment of those resources for Palestinians (section IV.12);
- e. The construction of and access to separate road networks (section IV.12);
- f. The application of different legal systems to Israeli Jews and Palestinians, living in the same territory (sections IV.9 and IV.12);
- g. Settlers’ full enjoyment of civil rights including the right to freedom of movement versus the deprivation of Palestinians human rights (section IV.14);
- h. The discrepancy between authorised settlement construction and systematic rejection of permits for Palestinian construction (section IV.7).



Ahmad Al-Madhoun works as a volunteer with the Palestinian Medical Relief Society. *Photograph: ActionAid Palestine*

IV.4. Violation of the rights to expression and assembly

International human rights law recognizes the rights of persons to freedom of expression and assembly. These rights are enshrined in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. The rights to freedom of expression and assembly are referred to as a “foundation stone for every free and democratic society”⁷⁶ and the right to freedom of expression is considered “a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.”⁷⁷

Israel has criminalized Palestinian exercise of the rights to expression and assembly since the start of the occupation and the promulgation of military orders (section IV.9). Notably, Military Order No. 101 on the prohibition of incitement and hostile propaganda actions criminalizes the assembly, rally, or procession of ten or more people on any issue “that could be construed as political” without a military permit. Those that breach that military order face ten years imprisonment. The order also prohibits persons from holding, waving, displaying or affixing flags or political symbols without the permission of the military commander. It also prohibits the printing or publication of a poster, notice, photo, pamphlet or other document having a political significance unless authorized by the military commander. Furthermore, the order criminalizes the act of revealing an identification with a hostile organization, including by signing a hymn or sounding a slogan. The military commander may also close a café, club or other places of public gatherings and use force to prevent the violation of the order.⁷⁸ The 2010 new military “criminal code” further criminalizes the acts of “disturbing a soldier” or “offending [the soldier’s] honor”.⁷⁹ Human Rights Watch has found that these broadly defined crimes have been used to arbitrarily and discriminatorily justify the detention of journalists, activist and Palestinians exercising their basic rights.⁸⁰

The Israeli military frequently designates protest sites as closed military zones. According to data provided to Human Rights Watch, the Israeli army prosecuted 4,590 Palestinians for entering a “closed military zone” between 1 July 2014 and

30 June 2019. The Israeli army also prosecuted 1,704 for “membership and activity in an unlawful association,” and 358 for “incitement.”⁸¹

Several members of the Palestinian Legislative Council have been placed under administrative detention, which is detention without a charge for potentially indefinite periods, in a concerted campaign since 2006. Unlawful association is a crime that Israel applies to all major Palestinian political parties and several non-governmental and charitable organizations.⁸² These members are elected by the Palestinians people and, like Khalida Jarrar, were not accused of a violent crime. Khalida Jarrar is an elected member of the Popular Front for the Liberation of Palestine and she was placed under administrative detention between July 2017 and February 2019 based on “secret information” that is not disclosed. She was re-arrested in 2019 and sentenced to two years imprisonment for assuming a function within an Israeli-prohibited organization. The indictment clarified that she has no ties to any military, organizational or financial work.⁸³ Israel refused to allow Khalida Jarrar from attending the funeral of her daughter Suha Jarrar in July 2021.⁸⁴



Young Palestinians living in East Jerusalem are harnessing the power of social media and music to tell the world about their fears of forced eviction and what life is like living under Israeli occupation. *Photograph: ActionAid Palestine*

IV.5. Killings

Under international law, a human life can only be taken under certain circumstances. To safeguard civilian life, international law obligates parties engaged in hostilities to abide by the principle of distinction between civilians and combatants, prohibition against indiscriminate attacks, principle of proportionality in attack, and the principle of precaution.⁸⁵ However, where incidental loss of civilian life is expected it must not be excessive in relation to the concrete and direct military advantage anticipated,⁸⁶ and all precautions must be made to avoid, and in any event minimize, incidental loss of civilian life.⁸⁷ Each party has a duty to take all feasible precautions also in the choice of means and methods of warfare.⁸⁸ Outside of the context of hostilities, and as part of Israel's obligation to ensure safety and order in the occupied Palestinian territory, Israel must respect and ensure respect for Palestinians' human right to life and its law enforcement officials may only use force within the strict limits of the law.⁸⁹

Killing could amount to a war crime if committed in the context of armed conflict, or a crime against humanity where it is part of a widespread or systematic attack.⁹⁰

Since the UN Office for the Coordination of Humanitarian Affairs (OCHA) began recording fatalities in the oPt in 2008, almost 6,000 Palestinians have been killed.⁹¹ Most of them have been killed in the Gaza Strip and by air-launched explosions.⁹² During a slightly shorter period, 262 Israelis have been killed, 122 of these belonged to the Israeli security forces.⁹³

In the latest round of violence, between 10 and 21 May 2021, 253 Palestinians were killed in the Gaza Strip⁹⁴ and 31 Palestinians were killed in the West Bank.⁹⁵ Of all the Palestinians killed during this time, 71 were children. Thirteen Israelis were killed during the same period.⁹⁶

UN Women has drawn attention to the gendered impact of the killing of Palestinians; it says that wives that have lost their breadwinners are among the most vulnerable and least protected in society. In Palestine, the women are under the protection and guardianship of their male spouses and those that were widowed in the violence and don't have a male adult son are extremely vulnerable.

Widowed "women suffer a lack of protection in accessing rights to child custody and guardianship, as well as control over heritage from a deceased spouse".⁹⁷

Rajaa' Al-Aijlah

Rajaa' Al-Aijlah shared with ActionAid that she and her family were forced to leave their house due to Israeli shelling. She walked with her loved ones for an hour before reaching a UNRWA school in Jabalia.

"The situation in the schools was very bad during the first days of war lacking basic necessities of life [...] we slept on the ground [...] 10 members of my family are children under age of 16 years old. They were continuously terrified. The want to be stuck to their mothers all the time and they are still afraid of sounds".



Rajaa used to work as a psychologist providing psychological support to people affected by wars. However, victims of this war will be unable to receive her support.

Rajaa and her four children were killed by Israeli warplanes that had fully bombed the building they live in.

Photograph: ActionAid Palestine

Around 40 women were also killed in May 2021. UN Women has pointed out the unique challenges attached to the killing of women:

*The resulting single-male heads of households face unique needs, as they often do not have the skills to care for young children, as these responsibilities are traditionally and exclusively assigned to women and girls. Orphan children who lost their mothers during the escalation are usually among the most vulnerable.*⁹⁸

Israel claims that it is warning Palestinians ahead of attacks. However, several cases of bombings without prior warning alerting the affected civilians have been recorded.⁹⁹ Moreover, when warnings are issued there is no real safe haven available for the Palestinian population in the Gaza Strip, The Gaza Strip is a tiny area of land and one of the most densely populated territories in the world. It is subjected to a closure with tightly controlled movement across the external borders, making it virtually impossible for the Palestinian population to seek refuge elsewhere.

The UN Commission of Inquiry on the 2014 Gaza Conflict drew attention to Palestinians' reactions to warnings issued, saying:

*Witnesses pointed to several reasons for staying, including not knowing in which direction to go, given that intense shelling and air strikes were under way in many parts of Gaza; lack of clarity of and unclear time frames indicated by the warnings; the fact that many places considered safe were already overcrowded; and the poor conditions in shelters, which themselves came under attack.*¹⁰⁰

Killing of the Abu al-Ouf and al-Kolaq families

According to Amnesty, on 16 May 2021, Israel launched several airstrikes against residential buildings and streets in Gaza City. Two residential buildings, belonging to Abu al-Ouf and al-Kolaq families were completely destroyed and the family members were buried under the rubble. The families did not receive prior warning and 30 of these families dies, including 11 children.



Sally with her children, Qysay (7) and Kinda (4). Following attacks on Gaza, Kinda is frightened by all kinds of sounds and images of other children who were injured and killed and keeps asking: "When is shelling going to end?"

Photograph: ActionAid Palestine

During the Great March of Return civilian demonstrations¹⁰¹ by thousands of Palestinians, Israeli forces killed in 2018-2019, 214 Palestinians, including 46 children. Of these, 183 were killed by live ammunition.¹⁰² In addition, 36,100 Palestinians were injured including nearly 8,800 children.¹⁰³ Around seven percent of those injured were women.¹⁰⁴ One in five of the Palestinians injured during the protests were hit with live ammunition.¹⁰⁵

Israel must comply with the right to life and restrain the use of force, in particular lethal force. The UN Commission of Inquiry mandated to investigate violations and abuses under international law found that Israeli security forces "killed and maimed Palestinian demonstrators who did not pose an imminent threat of death or serious injury to others when they were shot, nor were they directly participating in hostilities." It also said that the use of lethal force was neither necessary nor proportionate, and therefore impermissible.¹⁰⁶ "The commission therefore found reasonable grounds to believe that demonstrators were shot in violation of their right to life or of the principle of distinction under international humanitarian law".¹⁰⁷

IV.6. Attacks against Civilian Objects

International humanitarian law and customary international law prohibits the destruction of civilian objects and permits attacks only against military objectives.¹⁰⁸ Military objectives are those that “by their nature, location, purpose or use make an effective contribution to military actions” or whose partial or total destruction “offers a definite military advantage”.¹⁰⁹ Civilian objects are those that are not qualified as military objectives. Prima facie civilian objects are for example residential areas, schools, houses, hospitals, and places of worship.¹¹⁰

Extensive destruction of property not justified by military necessity and intentionally directing attacks against civilian objects could amount to a war crime.¹¹¹

Over the course of the 11-day offensive on the Gaza Strip in May 2021, Israel destroyed 1,042 housing and commercial units, severely damaged 769 housing and commercial units, damaged 58 education facilities, partially damaged 9 hospitals and damaged 19 clinics.¹¹² Vital infrastructure like electrical grids and media offices, such as the offices of Aljazeera and Associated Press, were also attacked.¹¹³ These attacks violate international law and resulted in civilian casualties and mass displacement.¹¹⁴

Destruction of Al-Jalaa Tower

Aljazeera reported that on 15 May 2021 its journalists, hosted in the Al-Jalaa tower with journalists from the Associated Press and 60 residential apartments, received a phone call telling them that they had one hour to get to safety before Israel would launch airstrikes at it. The building was thereafter levelled to the ground, displacing all of its residents.



Gaza crisis, May 2021. Photograph: ActionAid Palestine

Israel has regularly carried out large-scale attacks against civilian objects in the Gaza Strip over the past decade. During Operation Cast Lead in 2009¹¹⁵ and Operation Protective Edge in 2014, entire neighborhoods such as Shuja'iyya and Rafah were razed to the ground.¹¹⁶ About 18,000 residential units were either completely or heavily damaged in 2014.¹¹⁷ Israeli forces has declared that 5,000 tons of munitions were supplied, and that 14,500 tank shells and approximately 35,000 artillery shells were fired in the neighborhood of Shuja'iyya in 2014.¹¹⁸

In 2014, attacks against civilian objects occurred in the evening or at dawn, when families gathered at home. The UN Commission of Inquiry on the Gaza conflict of 2014 pointed out that the attacks against residential buildings rendered women particularly vulnerable to death and injury.¹¹⁹

More than 100,000 Palestinians in the Gaza Strip were internally displaced in May 2021.¹²⁰ UN Women has said the following on the impact of the displacement on women and girls:

Securing a private home space for women and girls is also of exceptional importance in Gaza, due to dominant norms of female modesty and varying degrees of gender segregation. Families who were displaced or lost their homes during the crisis usually express an acute sense of vulnerability towards the bodily safety and security needs of their female family members. In addition, displaced women are more likely than other women to feel unsafe using a bathing or latrine facility. Due to the large house destruction, families are expected to stay at host families resulting in overcrowding which has been reported in previous escalations to increase incidence of sexual and gender-based violence among women and girls.¹²¹

According to Israel, Palestinian armed groups launched 4,360 unguided rockets and mortars towards Israeli population centers between 10 and 21 May 2021.¹²² The Israeli aerial defense system, the Iron Dome, intercepted about 90 percent of the rocket attacks. Palestinian armed groups are also obligated to abide by the prohibition of attacks against civilian objects and the principle of distinction.¹²³

IV.7. Demolitions

International humanitarian law and customary international law provides that movable public property may be used for military operations during occupation,¹²⁴ and that private property must be respected and not confiscated unless its destruction or seizure is required by imperative military necessity.¹²⁵ The extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly could amount to a war crime.¹²⁶

In general, Israel's destruction of Palestinian owned-structures does not fall within the narrow scope of the exception to the main rule that private property be respected; Israel demolishes Palestinian owned-structures for two main reasons, namely for the lack of building permits issued by Israeli authorities, and for punitive reasons.

Since 2009, the OCHA has recorded the destruction of nearly 8,000 structures, displacing 12,000 Palestinians and affecting almost 130,000 persons in the West Bank. More than 1,400 of those structures have been donor-funded.¹²⁷ According to OCHA, the Israeli Civil Administration has issued more than 14,000 demolition orders against Palestinian-owned structures in Area C since the start of the occupation because Israel did not issue building permits for their construction.¹²⁸



Gaza crisis, May 2021. Photograph: ActionAid Palestine

Nabeel al-Kurd

Nabeel al-Kurd is a 77-year resident of Sheikh Jarrah. He faces displacement for the third time in his lifetime. He has told ActionAid that he was first forced to leave his home in Haifa to Jerusalem during the Naqba in 1948. His new home in Sheikh Jarrah was later, in 2009, served with a demolition order and gave half of it to Israeli settlers. A wall now separates him from the settlers. And Nabeel is currently facing an eviction order from an Israeli court. Appeals proceedings in this case are ongoing.

Punitive house demolitions refer to the destruction of homes of Palestinians that Israel considers are related to Palestinians who have attacked or attempted to attack Israeli civilians or security forces. Israel claims that the demolitions are aimed at deterring Palestinians from wrongdoing. In 2005 an Israeli committee questioned the efficacy of the practice and pointed out that the hate that it was engendering may do more harm than good.¹²⁹

Punitive house demolitions violate the prohibition against the destruction of private property as well as the prohibition against collective punishment.¹³⁰

Describing the impact of house demolitions on their inhabitants, Médecins sans Frontiers has said that:

House demolitions almost always have a psychological impact on those directly affected, and sometimes even on the larger family and community. People who have been violently uprooted often express intense feelings of anger, sadness, hopelessness and helplessness. Some children and adolescents experience developmental regression, including bedwetting, as well as behavioural changes and concentration problems. The most common disorders observed in the weeks following the demolition are anxiety, depression and post-traumatic stress disorder.¹³¹

IV.8. Unlawful displacement and transfer

The Fourth Geneva Convention absolutely prohibits individual or mass forcible transfers and deportations of protected persons from occupied territory, regardless of their motive. Total or partial evacuations of a given area is only permitted if the security of the population or imperative military reasons so demand. And in that situation the evacuated persons shall not be transferred outside the occupied territory unless it is unavoidable. Moreover, persons evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.¹³²

The unlawful deportation or transfer of persons may amount to a war crime¹³³ and a crime against humanity.¹³⁴

Transfer, displacement, and evacuation for reasons of settlement construction and settler road-networks (section IV.10), erection of the Annexation Wall (section II), unlawful seizure of Palestinian lands (section IV.13), enforcement of Israel's building permit regime (section IV.7) and settler claims of ownership are hardly "imperative military reasons" justifying the transfer or displacement of Palestinians. Neither is the loss of Israeli-imposed residency rights (section IV.14).

The mass displacement and transfer of Palestinians has been happening since at least 1947 (see section II).

The Palestinians that were refuge in the Naqba and in 1967 are not allowed to return home (section IV.2)

UN experts have recently said that "The Israeli planning regime in the occupied territory is discriminatory and restrictive, and rarely grants Palestinian applications for permits" and that this results in a "coercive atmosphere, where property demolitions, or the threats of demolitions, drives the Palestinians away from their homes, lands and livelihoods".¹³⁵

The UN Special Rapporteur on Violence against Women has highlighted that internally displaced women, in particular the Bedouin, are particularly vulnerable to sexual and gender-based violence. For example, in the case of the Bedouin women from the Jahalin tribe, the women have been physically cut from employment prospects through the erection of the Annexation Wall, leaving them few options to support themselves. Women who are excluded from the job market are more likely to marry and women who suffer from domestic violence are less likely to report the abuse if they risk losing their income.¹³⁶ The same Special Rapporteur found that women and girls living in refugee camps are at risk of particular forms of violence that result from their confinement to the household.¹³⁷



Fear and anxiety after latest attacks leave new mothers in Gaza unable to breastfeed and bond with their babies.
Photograph: Rushdi Sarraj

IV.9. Arbitrary arrest and detention and torture

International humanitarian law requires an occupying power to restore and ensure public order and safety in the occupied territory.¹³⁸ It must also respect the laws in force in the occupied territory unless they constitute a threat to its security or an obstacle to the application of the law of occupation.¹³⁹ Persons who violate penal provisions promulgated by the occupying power under the strict conditions of the law (for the sake of the Convention, for the safety of the occupying power, or to maintain order)¹⁴⁰ may be tried by non-political military courts sitting in the occupied territory.¹⁴¹ Military courts must be compatible with fair trial standards under international humanitarian law. All human rights treaty bodies have deemed military courts of civilians unlawful because the courts are not impartial or independent.¹⁴²

International law imposes an absolute prohibition against torture while in detention. Torture in custody may amount a crime against humanity¹⁴³ and torture or inhuman treatment may amount to a war crime.¹⁴⁴

At the beginning of the occupation, the Israeli Military Commander established a military judiciary system composed of military laws and military courts.¹⁴⁵ Since then, an estimated 750,000-800,000 Palestinians have been imprisoned, representing around 40 percent of the male population and 20 percent of the total population.¹⁴⁶ This is the result of widely framed security offenses,¹⁴⁷ a lack of an explicit presumption of innocence, the use of torture and ill-treatment in detention,¹⁴⁸ no access to a lawyer for up to 60 days after arrest, and the composition of the court. The court is made up of members of the Israeli army.¹⁴⁹



An estimated

750,000-800,000

Palestinians have been imprisoned, around 40% of the male population and 20% of the total population

Israel has also instituted administrative detention of Palestinians, which is essentially detention without charge.¹⁵⁰ On 6 September 2021, a total of 4,650 Palestinians were imprisoned including 200 children and 40 women. Of these, 520 were held in administrative detention.¹⁵¹

Addameer, an organization that represents Palestinian prisoners, has said that Palestinian female prisoners held in Hasharon Prison in Israel are assigned to small cells and that they are under 24-hour surveillance. That organization has also stated that pregnant women in detention are subjected to “constant shackling and harsh living conditions that result in high-risk pregnancies and endanger the lives of the women and their unborn children”.¹⁵²

In the recent case of Anhar al-deek, the Israel Prison Service ruled that she was to undergo a forced caesarean surgery under anesthesia while shackled to her bed by her arms and legs. The Israeli Prison Service revisited their decision due to international pressure in September 2021 when Anhar was nine-months pregnant, having initially denied requests for her release, and allowed her to go home and deliver while under house arrest. She had been kept in isolation and subjected to harsh treatment in prison while pregnant. Since 1972, eight Palestinian women are recorded as having given birth in prison.¹⁵³

The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders holds that instruments of restraint shall never be used during labor, birth and immediately after birth.¹⁵⁴ The use of solitary confinement as punishment against pregnant women or women with young children can amount to torture, the UN Special Rapporteur against Torture stated in a 2016 report.¹⁵⁵ He also noted that separation of babies and young children from their mothers can result in “considerable hardship” for the children and that the best interest of the child, including to maintain direct contact with the mother, must be carefully considered.¹⁵⁶

Palestinian women prisoners have shared that they have been ill-treated and tortured in Israeli prisons, they are also often denied family visits even if from their children, and the prisons where they are held do not meet the basic health and hygiene standards.¹⁵⁷

IV.10. Illegal settlements and settler violence

Israel is not permitted under international law to transfer its own population into the occupied Palestinian territory.¹⁵⁸ That prohibition is intrinsically linked with the prohibition of annexation of occupied territory and the principle of temporariness of the occupation. The transfer of Israelis into the occupied territory may amount to a war crime.¹⁵⁹

There are currently 272 settlements located within the occupied West Bank including 140 outposts.¹⁶⁰ More than 600,000 Israeli settlers reside illegally in settlements in the oPt, including East Jerusalem.¹⁶¹ Data placed around 42 percent of the occupied West Bank under settlement control in 2010¹⁶² and settlements have since increased. In 2019 and 2020, the Israeli authorities approved plans for 16,098 units in settlements and issued permits for at least 2,233 housing units.¹⁶³

Unlike the Palestinians residing in the same area, settlers are protected by the Israeli army, may carry arms, exploit the natural resources of the oPt, enjoy the full scope of the rights of Israeli citizens living inside Israel and are subjected to Israeli law and jurisdiction.¹⁶⁴ Settlements are integrated with Israel proper through water infrastructure, sewage, roads, and electrical grids.¹⁶⁵

The settlers are physically integrated with Israel and settlements are connected through a settler-road network that bypasses Palestinian populated areas and serves settlers. Palestinian travel on these roads is restricted or prohibited.

To ensure segregation, Palestinians are allowed access “fabric of life” roads, a myriad of rudimentary secondary roads that run alongside or underneath the settler-roads. Palestinians must pass through Israeli surveilled and set-up gates to access the “fabric of life” roads. Israel can deny access through these gates and exerts full control over Palestinian travel on the roads. The “settler-roads” and “fabric of life” roads strategically and physically fragment the Palestinian territory and the Palestinian people, cutting off Palestinian populated areas from each other and entrenching a separation between Palestinian land over which settlers reside and Palestinians reside.¹⁶⁶

Settler violence is a consequence of settler transfer into the oPt; Palestinians are regularly physically assaulted and threatened by settlers. Furthermore, settlers frequently destroy Palestinian property and routinely burn and uproot Palestinian olive. Settler violence is seemingly condoned by the Israeli authorities, with Israeli military protecting and joining settlers engaged in attacks against Palestinians and Palestinian property. Statistics on the fate of investigations into such illegal acts show that 85 percent of the investigations result in no action being taken.¹⁶⁷

Between 1 November 2019 and 31 October 2020, 339 incidents of settler violence were documented during which 142 Palestinians were injured, and a total of 8,700 trees and 477 vehicles owned by Palestinians were vandalized.¹⁶⁸



Dr. Ahmad Muhanna, the director of Al-Awda hospital supervised by the Union of Health Work Committees (UHCW).
Photograph: ActionAid Palestine

IV.11. Closure of the Gaza Strip

The Fourth Geneva Convention provides that “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited”.¹⁶⁹ This prohibition against collective punishment is part of customary international law.¹⁷⁰

Israel has imposed a comprehensive land, air and sea closure on the occupied Gaza Strip since Hamas was elected in 2007. As part of the closure, Israel subjects Palestinians to severe economic and movement restrictions with only basic humanitarian goods allowed to enter the territory. Describing the effect of the fourteen year-long closure, the UN has said that:

*Gaza has witnessed one of the worst economic performances globally and the world’s highest unemployment rate, and more than half of its population lives below the poverty line. The vast majority of the population has no access to clean water, electricity or a proper sewage system, and the Gaza Strip experiences major environmental deterioration.*¹⁷¹

Cycles of assaults against the Gaza Strip exacerbate an already dire humanitarian situation. The Gaza Strip is suffering serious electricity and fuel shortages due to the closure. As of August 2021, the Gaza Strip has an average of 14 hours of electricity.¹⁷² These shortages have a devastating impact on women and girls who are mainly responsible for household tasks and their access to basic health and education services.¹⁷³

The UN, human rights organizations, and ActionAid considers the closure an act of collective punishment.

“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited”

– The Fourth Geneva Convention



Fear and anxiety after latest attacks leave new mothers in Gaza unable to breastfeed and bond with their babies.
Photograph: Rushdi Sarraj

IV.12. Unlawful exploitation of natural resources

According to international humanitarian law and customary international law, Israel is merely an administrator and usufructuary of public immovable property, such as natural resources.¹⁷⁴ Under this rule, the occupying power may enjoy the fruits of the resource without depleting or exploiting it in a manner that leads to its destruction.¹⁷⁵ Furthermore, it may not financially profit of the resources for the sake of the occupying power's economy and inhabitants. Private property can only be seized during hostilities subject to the imperative demands of the necessities of war.¹⁷⁶

The seizure of enemy property unless imperatively demanded by the necessities of war,¹⁷⁷ the appropriation of property not justified by military necessity and carried out unlawfully and wantonly,¹⁷⁸ and pillaging are war crimes.¹⁷⁹

The occupied population's sovereignty over its natural resources is considered a fundamental aspect of the right to self-determination.¹⁸⁰ Israel's exploitation of water sources, mineral, land (section IV.13), oil and gas violate the rule of usufruct as Israel seeks to unlawfully exercise sovereignty thereover. It is also discriminatory, with resources exploited for the benefit of Israeli settlers at the expense of the occupied Palestinian population.¹⁸¹

Israel deprives Palestinians of their water sources and asserts sovereignty over them through the destruction of Palestinian water-structures, limits on Palestinian development of water-infrastructure and connection to it, diversion of water sources, corporate hegemony, and by imposing physical barriers like the Annexation Wall. As a result, Israeli settlers enjoy from around three to seven times the amount of water that Palestinians in the same territory consume.

While Palestinians struggle to access the bare minimum levels of water necessary for short-term survival recommended by the World Health Organization, Israeli settlers fill up their pools and water their plants without hesitation.¹⁸²

Israel's treatment of Palestinian natural resources, for the benefit of its own economy and nationals, obstructs the development of the Palestinian economy. The UNCTAD estimated in 2019 that Israel, in preventing Palestinian development of its oil and natural gas reserves in the West Bank and Gaza Strip, has caused accumulated losses in the billions of dollars for Palestine.¹⁸³



Gaza crisis, May 2021. Photograph: ActionAid Palestine

Israeli settlers enjoy up to

Seven times

the amount of water that Palestinians in the same territory consume



IV.13. Appropriation of land

International customary law prohibits the Occupying Power from confiscating private property.¹⁸⁴ It also forbids the destruction or seizure of the enemy's property, unless "imperatively demanded by the necessities of war".¹⁸⁵ Such acts may amount to war crimes.¹⁸⁶

Israel has appropriated extensive areas of the land of the occupied territory. According to UNCTAD, Palestinians have lost access to more than 60 percent of the land in the West Bank and two thirds of its grazing land since the start of the occupation. In the Gaza Strip, half of the grazable land is inaccessible to producers.¹⁸⁷ Israel has appropriated or denied access of Palestinians to its lands through different mechanisms. The primary tools employed by Israel in the West Bank to appropriate land are to declare land as state land, or to designate the lands natural reserves or firing zones.¹⁸⁸

A substantial percentage of Palestinian land is de facto annexed by the Annexation Wall. The Annexation Wall is strategically placed to physically detach Palestinian lands from the occupied West Bank.¹⁸⁹

The land appropriated or restricted has been subsequently allocated to settlements, allowing them to expand and connect while fragmenting Palestinian lands, community, and Palestinian control.¹⁹⁰

In the Gaza Strip, Palestinian access to farming land is restricted near the perimeter fence. The size of the access restricted area fluctuates and can extend to 500 meters on the Gaza side of the fence. However, the area is not demarcated, making it difficult for farmers to be sure if they are passing into the area in which the person will be shot at.¹⁹¹



Janna Jihad, Palestinian Journalist and Activist. *Photograph: Samar Hazboun/ActionAid*

IV.14. Restrictions on the right to freedom of movement

Palestinians have a right, under international human rights law to enjoy freedom of movement. That right is included in inter alia the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. That right encompasses the freedom to move freely within the territory of one's State.¹⁹²

Israel has separated the Palestinian territory into three distinct areas, being the West Bank, the Gaza Strip, and East Jerusalem. Each area is physically disconnected, either by distance or movement barriers that control each exit and entrance way. Barriers that ensure separation are, amongst others, the Annexation Wall, road gates, and checkpoints.¹⁹³

Palestinian movement is absolutely determined by Israel's designation of Palestinians on their identification cards and movement permits. Occupied Palestinians carry either West Bank or Gaza Strip identification cards, or East Jerusalem residency permits. Palestinians are not freely allowed to venture outside of the area of their identification card. Movement barriers ensure that Palestinians remain within their designated areas.

Palestinians with Jerusalem residency permit are constantly at risk of losing their status and thereby their access to East Jerusalem. Israel demands that Palestinians with Jerusalem residency permits maintain their "center of life" in Jerusalem or else Israel will revoke their residency permits. Travel abroad or to other Palestinian areas is enough to convince Israel that a Palestinian's "center of life" is no longer Jerusalem. Palestinians with Gaza Strip or West Bank identification cards may only enter East Jerusalem by military permit. The Israeli Ministry of Interior has provided that Israel revoked the status of 14,595 residency permits for Palestinians living in Jerusalem between 1967 and the end of 2016.¹⁹⁴

OCHA's comprehensive closure survey of 2018 recorded over 700 road obstacles inside the West Bank. These were roadblocks, earth mounds, checkpoints, road gates, trenches etc.¹⁹⁵



Muna El-Kurd is a young woman who is facing eviction from her home in Sheikh Jarrah. *Photograph: Riham Jafari*

IV.15. Gender-based violence

Sexual and gender-based violence against Palestinian women is experienced in both the private and public spheres. According to the UN Special Rapporteur on violence against Women, the causes for this violence are the occupation as well as tradition, culture and outdated legal frameworks.¹⁹⁶ The oppressive occupation regime manifests in domestic violence spurred by the pressure of the closure in the Gaza Strip, the worsening economic situation, overcrowding, and cycles of violence against the Palestinian population. In the Gaza Strip, these factors are exacerbated by political situation that made violence against women more acceptable and social norms of shaming.¹⁹⁷ Furthermore, victims of sexual violence are stigmatized in society.

According to the Palestinian Central Bureau of Statistics 2011 violence survey, an average of 37 percent of women are victims of gender-based violence in Palestine. In the Gaza Strip, this percentage increases to 51 percent.¹⁹⁸

Young girls' education has also been compromised by the occupation. UNRWA has reported that its students lost 83 days of school between 1 October 2005 and 9 March 2016 due to raids and incursions in the vicinity of schools. And the violence exerted by soldiers and settlers against Palestinian students going to school has the effect of parents preventing their girls from attending class.¹⁹⁹



Hanan Salem Al-Dehini, staff nurse and Obstetric department supervisor in Al-Awda hospital. *Photograph: Rushdi Sarraj*

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