

June 2024

# STATE OF THE OCCUPATION

## YEAR 57: A JOINT SITUATION REPORT



# JOINT SITUATION REPORT #2

The Platform - Israeli NGOs for Human Rights

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This report is written by a group of 21 organisations, a majority funded also by foreign governmental entities. We are proud to be funded by states that continue to believe, as we do, that the occupation is not an internal Israeli matter and support the advancement of human rights in these turbulent times. The lists of donors are available on our websites and on the website of the Israeli Registrar of Associations.

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## FOREWORD

### > Foreword to an inconceivable year

The morning of October 7 caught us all completely by surprise.

Avi was in his home in Kibbutz Nirim. Born and raised in Ashkelon and living in the Gaza Envelope and Sderot for over 16 years, Avi woke up on the morning of a Jewish holiday, after a night of celebrating the establishment of Kibbutz Nirim. He describes what occurred: “For over 30

hours I was besieged with my family in the safe room, under attack from Hamas. Five civilians were murdered and five kidnapped from Nirim. After a day and half, we were evacuated under fire to Eilat, where we stayed at a hotel for four months before relocating to Beer Sheva. The return to our house, which was hit by a rocket, is still not possible. The family’s children have returned to school after almost half a year without an educational framework; they still bear the horrors of war in a manner we never anticipated, as well as memories of dead and kidnapped friends and other dreadful sights.”

Ziv, a resident of Tel Aviv was visiting Kibbutz Kfar Azza, where she grew up, during the attack. She recalls: “Together with my sister and her family I was besieged in the safe room for 14 hours. With us were also my niece and her partner, who was wounded in both hands after terrorists broke into their apartment in the Younger Generation Neighbourhood and shot him as he held the door of the safe room. For hours, we improvised medical treatment, and hid from hundreds of terrorists who invaded the Kibbutz. Five of Kfar Azza’s members are still held hostage in Gaza. 64 were murdered, including my sister-in-law Mira, who was murdered in the safe room of her house together with the family’s two dogs. My family and the rest of the Kibbutz members have been uprooted from their homes since then, and the reconstruction of the Kibbutz will take a long time.”

The cruel massacre perpetrated by Hamas terrorists in the Gaza Envelope is a terrible crime for which there is no forgiveness. Hamas – which bears responsibility for the heinous attack, including acts of murder, sexual violence, taking civilian hostages and sowing destruction – is accountable for the commission of these war crimes, and must face justice. One hundred twenty men, women and children are still held hostage in Hamas captivity and their time is running out. We hope and call for their immediate release.

As we write these words, the war has not yet ended, and continues to exact a toll of victims. The death, hunger and destruction committed by the Israeli military in Gaza raise heavy suspicions of war crimes and crimes against humanity. We hope and pray for a ceasefire and for the end of the war.

Both of us have been condemned since October 7 to live with the scars; with the difficult memories; with the feeling of abandonment, the fear, grief and the loss. Unwillingly, we have found ourselves part of an event that changed us and will accompany us to the end of our lives. Our communities are wounded and broken, and the great loss we experienced has left a vacuum that can never be filled. The personal and collective trauma is a constant companion, invading our private and professional lives.

We, who experienced the terror and the loss, are more convinced than ever of the necessity and the urgency of not giving in to despair; we must hold fast to hope, and do all that is in our power to fight for this place, so that it will respect human rights and uphold the decrees of international law. This is far from being the situation at the moment, as this report shows.

We hold on to the hope that a day will come when the activity of the signatory organisations will no longer be necessary.

**Avi Dabush, Executive Director, Rabbis for Human Rights**  
**Ziv Stahl, Executive Director, Yesh Din**

## INTRODUCTION

### > Introduction to the State of the Occupation Report

Twenty-one human rights organisations are signatories to this report. Our position remains clear: human rights are the universal rights of men and women as such, war crimes are war crimes on either side of the border, and those responsible for crimes must face justice. One hundred twenty men, women and children are still held hostage in Hamas captivity; their time is running out and we call for their immediate release. This clarion call comes hand in

hand with our unambiguous statement: we must put an immediate end to the starvation and slaughter of civilians in Gaza.

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 This joint annual report is being published for the second time. This year as well, the report aims to present the overall picture of different elements of the occupation and of Israel's policy, according to the areas of expertise of the signatory organisations. Although the report surveys the main trends of the past year, many of the trends raised here are not the product of the last year, but of 57 years of occupation. We present here a comprehensive picture of the consequences of the occupation in four geographical parts: the humanitarian disaster in the Gaza Strip and the suspected war crimes committed by Israel; the deepening of the annexation and the acceleration of dispossession in the West Bank; the increased Israelisation efforts and displacement of the Palestinian population in East Jerusalem; and the accelerated erosion of democratic space in Israel.

These four issues are intertwined; their appearances in the entire area under Israeli rule should be understood holistically. In this report we addressed each geographical region separately because of the separate legal reality and the different forms of rule in Gaza, Israel, Jerusalem and the West Bank. Within the different normative frameworks, identical themes appear in different formations: the de-humanisation of Palestinians and the advancement of Jewish supremacy, violations of international law, contempt for human lives and the normalisation of violence and destruction, attempts to widen and strengthen Israeli control on the ground irreversibly – all these are elements of the report. We implore the reader to see the situation as it truly is: one comprehensive picture, with different formations, each affecting one another.

**The humanitarian disaster in Gaza** is a man-made and unjustified, even given the reality of war. Israel is responsible for this disaster, and there is an urgent need to investigate suspected war crimes and to implement Israel's responsibility as an occupying power for the population in Gaza. Israel is still obligated to prevent the deaths and suffering of thousands of people. This change is mainly dependent on public and international pressure on the government of Israel.

**The annexation and the deepening of the occupation** regime in the West Bank have accelerated greatly under Israel's 37th government, and even more so since the start of the war. Currently, the situation in the West Bank continues to change beyond recognition due to settler and soldier violence, the expansion of the settlements, and changes in the legal and structural way Israel rules over the West Bank. In parallel, the growth in the use of arrests of all kinds and the radical reduction in freedom of movement violates the rights of hundreds of thousands and deepens the apartheid regime.

After October 7 and under the mantle of the war, Israel furthered its **dispossession efforts in East Jerusalem**. Using legislative and bureaucratic mechanisms, restrictions on freedom of movement and freedom of worship, and demolition of houses and violence by state powers, Israel is pushing Palestinians from the city. In practice, by making daily life in Jerusalem unbearable for Palestinians; by deepening restrictions on Palestinian residents; and by creating demographic change, the process of Israelisation of the city is deepened and its character is changed fundamentally.

These processes all take place against a background of racist and inflammatory rhetoric and policies led by the coalition members and its head, especially by senior ministers whose ministries have a direct influence on the occupied territories; chief among them are the Minister for National Security, Itamar Ben Gvir, and the Minister of Finance, Bezalel Smotrich. In parallel, steps have been taken to **ensure the continued weakening of safeguards for human rights**. Currently, the government openly sabotages and attacks anyone who expresses criticism of Israeli policy, and the protection afforded by the courts for basic democratic rights is decreasing. Without a change in policy and significant support for activists and for human rights organisations, we foresee that the power of the executive branch will carry on increasing; the power of the safeguards will continue decreasing; civil society will grow smaller, and the occupation will continue to deepen unimpeded.

These issues shape the reality of the occupation and its consequences. The 21 human rights organisations behind this report are committed to changing this grim reality, and so we end with hope: in the hope of a ceasefire and an end to the assault on human lives and human rights, in the hope for the return of all hostages, and in the hope for a different reality.

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We note that the brief nature of this report necessitated general formulations with no elaboration and few references. In a year when event follows on the heel of event, and pain follows on the heel of pain, the situation is constantly changing; the data in this report is accurate as of May 2024.

## GAZA

### > Overview and background

In 2005, Israel initiated a one-sided withdrawal from Gaza. In practice, Israel continued to rule over countless aspects of Palestinian lives in all the Occupied Territories, directly and indirectly, including all infrastructure of life in Gaza. Israel's policy was to isolate and separate Gaza from the West Bank, to shirk its duties toward the civilian population in Gaza, and to create a situation whereby the humanitarian crisis in Gaza – preserved and created

in no small measure by the Israeli closure – appeared as a decree of fate and not as a premeditated policy.

On October 7, 2023 Hamas carried out a premeditated, widespread attack on dozens of civilian residences and army bases in Israel and killed hundreds of civilians and soldiers, committing numerous documented war crimes and taking soldiers and civilians into Gaza as hostages – among them babies, children, women and the elderly. Israel responded with a military attack, which is still ongoing in varying intensity, and has led to severe harm to the civilian population. Meanwhile, voices within Israel's government are pushing for the implementation of permanent Israeli military rule in Gaza and the renewal of Israeli settlements.

International law decrees that even if one of the sides to a conflict is in breach of their duties according to the rules of war, the obligation of the other side is not released thereby. As of this writing, Hamas is holding 120 Israeli hostages in contravention of international law. The hostages are held in terrible conditions; Hamas does not release any information about them and refuses to allow ICRC visits. This crime does not, however, change in the least Israel's duties towards Palestinian civilians, including captives and detainees. Tens of thousands of Palestinians have been killed in Israeli attacks, and tens of thousands more have been wounded. The widespread bombing, military action, and denial of continuous access to water, electricity, fuel, and humanitarian aid for eight months – all these factors have created an unprecedented humanitarian disaster in Gaza. A number of actions undertaken by the State of Israel brought about this crisis and should be investigated as suspected war crimes.

### - Loss of life

The scale of civilians killed in Gaza by Israel's actions testifies to a policy of flagrant violations of international law. This sub-chapter focuses on harm to the civilian population that should have been prevented by Israel, and that occurred because Israel's policies did not minimize disproportionate harm to civilians. As of May 27, 2024, the UN, based on data from the Palestinian Ministry of Health, reported more than 36,000 killed in

Gaza, among them at least 7,800 children and 5,000 women.<sup>1</sup> These figures include both fighters and civilians; there is no information at the moment as to whom among the dead was killed in a manner consistent with the rules of war. But even according to Israeli estimates, over a third of the people killed are civilians who did not take part in the fighting.

It is abundantly clear that in the current war Israel has drastically changed its open-fire regulations, and thus has caused unprecedented killing of innocents. Among other changes, Israel has significantly decreased the advance notice afforded to civilians whose house is about to be attacked, in contrast to its practice in previous rounds of violence. According to estimates provided by American intelligence, almost half of the ammunition used by Israel in the war has consisted of ‘dumb’ bombs with a low level of accuracy, and there has been extensive use of powerful shells that create massive damage.<sup>2</sup> Israel’s practice and its deliberate policy constitute a stark violation of the duty to protect the civilian population and to avoid harming civilians and civilian infrastructure.

A clear example of harm to uninvolved civilians occurred at the end of March, when Al-Jazeera published footage of an unmanned aircraft shooting remotely at four unarmed Palestinians in the Khan Yunes area, including a ‘kill-confirmation’ shot.<sup>3</sup> The comments of the IDF spokesman as well as senior officers suggest that any person found in an active combat zone is defined by the Israeli army as a legitimate target, even if they are not armed or endangering forces. In the current situation in Gaza, the army definition of widespread areas as ‘extermination zones’ results in harm to civilians, with the army assuming that these civilians bear responsibility for their own deaths.

#### - Artificial intelligence

Thousands of the targets bombed by Israel in the current war were created by a master-system of artificial intelligence called ‘the Gospel,’ apparently with almost no significant human control.<sup>4</sup> The issue of human control is critical: there is a significant moral difficulty in relying on AI systems to make sensitive decisions that involve significant harm to human rights. Among others issues, AI systems are prone to biases, and the ‘conclusions’ reached are taken in a ‘black box’, while the responsible human element has no ability to track the manner in which the system works to justify its recommendations. The army takes care to emphasize that every individual recommendation made by the system is then passed on for an independent human examination of the intelligence material; but investigations reveal that in practice, this examination and human approval are often purely formal stages, and may take only a few seconds. Even more worrying, according to our information, the examination of the consequences of the possible bombings and the danger to innocents is now accomplished by AI.<sup>5</sup>

#### - Humanitarian crisis: starvation and aid supply

Gaza is currently experiencing an unprecedented hunger crisis, stemming from the destruction of the food industries and agriculture, the displacement of over a million people from their homes, siege, and months of severe restrictions on the passage and distribution of aid. The percentage of households suffering from food insecurity is catastrophic. After October 8, Israel forbade the use of its ports for unloading supplies and humanitarian aid to Gaza, closed the crossings between its territory and Gaza, and, according to reports, demanded that Egypt follow suit. Even after supplies were eventually allowed in, the amounts that Israel allows into Gaza are not close to meeting the growing needs and countering the accumulating deficiencies. Over a million people in Gaza are now suffering from hunger of the highest order.<sup>6</sup>

In addition, Israel – in contravention of its duties – does not allow the conditions necessary for distributing aid across Gaza. The Israeli authorities do not properly coordinate access for aid organisations to different areas, and they deny Israel’s duty under international law to ensure the needs of the civilian population. The aid that does enter Gaza does not reach those who need it, both because of the massive destruction caused to the roads, and the lack of guarantees by the Israeli army for the safety of civilians and aid workers on the ground; this is true to such an extent that aid workers have been fired upon and killed. Steps taken to expand aid to Gaza, declared by the Israeli authorities as of April 2024, have not been fully implemented; had they been implemented, they still would have been far from providing a significant and effective response to the health and nutrition crisis created by Israeli policy.<sup>7</sup>

After the expansion of the military operation in the south of Gaza and the Israeli takeover of the Palestinian side of Rafah Crossing in early-May, access to basic supplies has been further compromised. In May, the United States launched a floating naval pier, yet by early June, only 60 trucks-worth of aid had entered through the pier before the project was put on hold following bad weather which caused the pier to fall apart. The expensive project, like the parachuting of aid from aircraft, was insufficient in addressing the gap in aid supply caused by the closure of the Egyptian route.

We note as well that since January, Israeli right-wing activists have been attacking convoys of trucks with aid heading for Gaza, destroying the aid and preventing its entry. These actions have been met with practically no intervention on the part of Israeli law enforcement on the ground.<sup>8</sup>

The rampant hunger in Gaza is a direct and intended consequence of the Israeli starvation policy. As a party to the hostilities and as an occupying power, Israel bears duties under international law – duties it is far from fulfilling. The starvation of a civilian population is absolutely forbidden under international law; the warring parties bear an absolute duty

to permit consistent and continuous passage of humanitarian aid, including food. The contravention of these laws constitutes a war crime, according to the Rome Statute of the International Criminal Court (ICC) in the Hague.<sup>9</sup>

In December 2023, South Africa initiated legal proceedings against Israel in the International Court of Justice (ICJ) in the Hague, claiming that Israel is in breach of the UN Convention on the Prevention and Punishment of the Crime of Genocide. During the proceedings, the Court issued an emergency ruling demanding that Israel ensure the supply and distribution of humanitarian aid and change its policy in order to prevent further deterioration of the humanitarian situation in Gaza. From the information available to us, it appears that Israel has not done so: the aid entering is not sufficient, not enough care is taken to ensure effective and safe distribution, and civil infrastructure vital for the subsistence of the population in Gaza, including the health system, continues to be gravely harmed as part of the offensive. Israel's actions and its responsibility for the continuing humanitarian disaster are not only a flagrant breach of international law and morality, but also a breach of the provisional measures issued by the ICJ. Following the ground offensive in Rafah and the Israeli takeover of the border crossing between Gaza and Egypt, in May the ICJ ordered that the offensive in Rafah cease.

### Water and sewage

Even before October 7, the available water in Gaza did not meet the needs of its 2.2 million inhabitants. Only some of the tap water was potable, and not all houses had continuous access to running water. Like all civil infrastructure in Gaza, the maintenance and development of water and sewage infrastructure in Gaza were severely disrupted as a result of the Israeli siege policy and frequent attacks on infrastructure.

On October 9, Israel cut off the supply of water purchased by the Palestinian Authority and transferred from Israel to Gaza through three underground pipes. Since there was no electricity in the grid or fuel to power generators, the ability to pump and purify water from the aquifer was also affected. Thus began a dramatic clean water supply crisis, which ultimately became life-threatening scarcity. Since then, Israel has renewed the supply of

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water to Gaza, but as of May 27, the three pipes are operating only at a limited capacity. Due to widespread damage caused to water infrastructure throughout Gaza, and given the lack of sufficient electricity, fuel, or spare parts, the ability to distribute the water entering Gaza is also severely compromised. International organisations now note with alarm that many Palestinians are surviving on less than 3% of the minimal daily water consumption.<sup>10</sup> Parallel to the lack of clean water, the damage to sewage infrastructure and to the ability to treat raw sewage also contribute to the humanitarian, health, and nutritional disaster in Gaza.<sup>11</sup> The severe lack of clean water which has been imposed on Gaza increases the existing health risks exponentially, and the UN is already reporting rapid spread of disease among the population.<sup>12</sup> Access to water is a basic human right and a humanitarian necessity. As an occupying power and as a party to the hostilities, Israel has the duty to provide and allow access to clean running water for the entire civilian population of Gaza.

### Women and children

Though nobody in Gaza is immune to the effects of the continuous military offensive and the restrictions on access to humanitarian supplies, the situation does have unique and especially severe repercussions on women and children. The consequences of starvation on pregnant and nursing women and their children are devastating and can be fatal; starvation of children affects their long-term development. Nursing mothers report their milk drying up because of malnutrition as well as great difficulty in preparing food for babies given the lack of clean water. The Palestinian Ministry of Health in Gaza reported, as of April 5, the death of 28 children in Gaza from malnutrition and dehydration. This data refers only to those children who were admitted to hospital before dying.<sup>13</sup>

According to estimates provided by the World Health Organization, over 180 women give birth in Gaza every day. Prenatal treatment, anaesthesia and sedation during birth, surgical interventions during birth, and post-natal treatment are rarely available, if at all, and raise the frequency of infections and other complications that may prove fatal to the mother and the newborn.<sup>14</sup>

### - Health system

Israel has followed a policy that creates a health disaster: it has systematically and deliberately destroyed the health system in Gaza, fatally damaging its ability – which was limited in the first place – to respond to the growing needs of the sick and wounded and to prevent diseases; meeting these needs would be difficult even for a developed state. The damage was made possible by the Israeli de-legitimisation campaign against the health system in Gaza and the spread of unverified information regarding the existence of Hamas command centres under the hospitals, which supposedly remove the hospitals' protections under international law. Strong evidence of Hamas's use of the health facilities, in a manner that put the patients and the staff in danger while harming the integrity of the system and its protection, should be investigated as a war crime. And yet, this cannot

justify the destruction meted out by Israel on the health system.

The destruction of the health system in Gaza created a self-perpetuating humanitarian disaster, which will continue to affect the lives of Palestinians from Gaza for decades. The deliberate destruction of the health system is a major facet of the deterioration of the situation in Gaza into an unprecedented humanitarian crisis, causing severe harm to the population at large and putting their lives at further risk.

#### **Attack on hospitals**

As of April 2024, Israel has attacked 142 health institutions, out of which 30 hospitals and 53 health institutions were put out of commission. Hospitals in the north of Gaza were put out of commission for lengthy periods, and then returned to functioning only partially. As of February 2024, only 8 out of 26 hospitals in Gaza were operational, and their operations hampered by a severe shortage of critical equipment and staff while operating at 200% capacity. As of the end of May 2024, 493 health professionals have been killed, exacerbating the inability of health institutions in Gaza to respond to needs. Israel claims that hospitals were warned to evacuate. This claim does not hold water: hospitals were not guaranteed professional or safe evacuation nor directed to a hospital able to receive their patients, and in fact such a hospital was not to be found in Gaza. The tragic result of a forced evacuation was demonstrated at Nasser hospital, where staff reported that upon their return to the building they found the bodies of five premature newborns.

We emphasize that even Hamas's criminal and forbidden use of hospitals cannot justify an Israeli attack on the hospitals nor the ignoring of the needs of their patients. At the end of the day, Israel destroyed the Palestinian health system, and this should be investigated as a war crime.<sup>15</sup>

#### **Lack of life-saving medical equipment**

The lack of medical equipment – itself a direct result of the draconian restrictions Israel places on aid into Gaza – brings about untold pain in Gaza, in the first instance because of the lack of sedatives and the ensuing carrying out of medical procedures under conditions which do not meet basic requirements. The lack was such that for long periods there were no bandages for burns or anaesthetics to perform amputations. Many areas in Gaza had no ability to perform surgical operations at all, and hospitals resorted to treating even severe injuries with only first aid. Naturally, this led to cases of death and severe disability, which could have been prevented with standard medical treatment. An example of the severe harm to chronically ill people is the incidence of dialysis treatments in Gaza. Because of the inability to provide these critical treatments as needed, for long months patients suffering from kidney disease died every day. Israel had a duty to prevent these unnecessary deaths.

#### **Preventing evacuations of sick and wounded**

Up until October 7, Israel would permit the exit of 2,000–3,000 sick people a month to the West Bank or to Israel to receive urgent or life-saving medical treatment not available in Gaza. After October 7, the Israeli authorities cancelled the permits held by patients. Since then, people suffering from chronic illness and the thousands of wounded do not have access to sufficient medical treatment: Israel does not permit their exit from Gaza, and the number of patients who were permitted to evacuate to Egypt is minuscule and very far from fulfilling the growing need. As of the end of May, with the occupation of the Rafah crossing, all medical evacuations to Egypt have been halted. According to the WHO, as of April 20 there are 9,000 chronic patients and critically wounded people in Gaza in need of immediate medical evacuation.<sup>16</sup>

#### **- Destruction of infrastructure**

Israel's aerial attacks on Gaza have caused untold systematic destruction. According to estimates, about 70% of homes in Gaza and about half of the total buildings have been damaged or completely destroyed in the bombardments.<sup>17</sup> The destruction includes buildings destroyed as part of the 'exposure' of territory along the fence separating Gaza and Israel, where a buffer zone, about a kilometre wide, has been created. We emphasize that this destruction was intended as a means of dealing with a future theoretical danger, and should thus be investigated as a war crime.

Among other phenomena of destruction, we emphasize the deliberate and systematic destruction of cultural properties, including universities, religious institutions, historical buildings, archives, museums, and heritage sites. According to local and international organisations, 70% of the historical sites in Gaza were badly damaged or destroyed.<sup>18</sup> A prime example is the Al-Omari Mosque (the Great Mosque), which was bombed on October 20 by Israel, among other sites such as the Samaritan's Hamam, Pasha's Palace, archive of the city of Gaza, Rafah Museum, and the remains of the ancient harbour of Gaza. The Hague Convention for protecting cultural assets during armed conflict – to which Israel is a signatory party – decrees that such destruction may be considered a war crime.

#### **Electricity**

There is no electricity in the Gaza grid as of October 11, since Israel continues to block the supply of electricity and prevent the entry of fuel for the operation of the power station in Gaza. Israel has permitted the entry of small amounts of fuel and cooking gas for distribution since November, but the current amount of fuel entering Gaza is far from meeting the massive need caused by the total lack of electricity in the local grid. There is an urgent need to renew the supply of electricity to Gaza and to introduce large scale entry of fuel to ensure the steady operation of hospitals and ambulances, for pumping and distribution of water, for the operation of the sanitation and communication systems, and other needs.



### Telecommunication systems

The cellular network in Gaza is under complete Israeli control; according to international law, Israel is duty-bound to ensure the normal operation of telecommunication systems. In practice, since the October 7 attack there have been at least ten cases of lengthy disconnection of the telecommunication systems throughout Gaza. We note also that in the absence of internet or a reliable cellular network, people are unable to receive messages sent by the Israeli army regarding evacuation orders or the designation of safe zones for civilians through cellular communications, thus putting them at further risk of attack.<sup>19</sup>

#### - Accountability

Three proceedings regarding Israel's policy in Gaza are currently underway in international courts. The first regards an advisory opinion on the legality of the occupation in the West Bank and Gaza. The second began in December 2023, when South Africa applied to the ICJ in the Hague, claiming that Israel is guilty of the crime of genocide against the Palestinians. As part of the proceedings, in January 2024 the court issued provisional measures demanding that Israel ensure the entry and distribution of humanitarian supplies into Gaza and act against incitement to genocide. Our data shows that Israel did not abide by these measures: the aid entering Gaza is insufficient and ineffective; safe distribution is not ensured and the infrastructure meant to safeguard against a humanitarian disaster – including the health system – are still sustaining critical attacks. After the ground operation into Rafah began, on May 24, the court issued new provisional measures, ordering the cessation of hostilities in Rafah that may cause the genocide of the Palestinian people and ordering Israel to allow the entry of UN investigatory bodies into Gaza. The court also ruled that Israel did not adhere to the previous directives issued.

The third proceeding is a criminal investigation by the ICC, also in the Hague. In May 2024, the prosecutor Karim Khan asked the judges to issue arrest warrants for Hamas leaders, as well as Prime Minister of Israel Benjamin Netanyahu and Minister of Defense Yoav Galant. The requested warrants against Netanyahu and Galant enumerate the crimes of starvation, extermination and deliberate attacks against civilian population. This is a far-reaching step, but an important and necessary one given the scale and severity of the crimes of which they are suspected. Though we regret the circumstances that led to this dire situation, we welcome the existence of international systems of justice and law and support the steps taken by them to intervene and to stop the occurrence of war crimes and crimes against humanity, here and wherever heavy suspicions arise of such crimes being committed. We see in this a commitment to the defence of human rights and the commitment of the family of nations not to stand idly by.

The investigation against senior Israelis in the ICC and the possible issuing of warrants against them is made possible because of the Israeli policy and investigations system. Of all the existing law-enforcement mechanisms in Israel, during the war and to date only the military investigation system has been put into use. A State Commission of Inquiry has not yet been established; this body would have the authority under Israeli law to examine the political decision makers. In addition, the government's Legal Advisor has not acted against decisions taken regarding the conduct of the war.

The military mechanism guarantees impunity and lack of accountability, as we will elaborate below, and so does not meet the principle of complementarity;<sup>20</sup> the lack of action by other law-enforcement mechanisms provides the international courts with the authority to investigate.

The examination of complaints and reports of actions committed by soldiers and army forces in Gaza, which are filed to the army during the fighting, is accomplished in a different manner than the examination of complaints regarding suspicions of criminal offenses and war crimes under routine conditions. During ongoing combat, the complaints are first examined by the General Staff Mechanism for Fact Finding Assessments (FFA), then transferred to the Military Advocate General (MAG) for a decision on whether to open a criminal investigation. According to army publications, hundreds of cases have been passed on to the FFA since the start of the war, but no detailed information of any kind has been given regarding their treatment.

Over decades, the military law-enforcement mechanism has created a semblance of law enforcement, while in practice providing almost total impunity to the actions of the army and the soldiers. Most complaints are closed with no criminal investigation, and only a fraction of the investigations opened lead to indictments. The examinations and investigations deal only with the lower ranks, and as a rule, senior officers and civilian policy makers are not investigated. In addition, the system sabotages the quality of the investigations; the proceedings of the preliminary examination, the investigation and the final decision all take months and even years, and the investigations themselves are negligent. There is also no examination of the legality of the policies chosen and the orders given.<sup>21</sup> In view of past experience, serious reservations arise that this time as well most of the examinations and investigations will end without indictments against those responsible, and especially without policy-makers and leaders being investigated and brought to justice for the criminal policies they have delineated. As long as Israel is not willing to investigate international law violations thoroughly and comprehensively, an independent and external investigation of the suspicion of Israeli violations is necessary in order to stop the continued harm to innocents and prevent other human rights violations.

## - Arrests and imprisonment

### Arrests of Palestinians from Gaza with permits

On the eve of October 7, thousands of Palestinian from Gaza were in Israel with entry permits for work or for medical treatment. These permits were revoked at the start of the attack, rendering medical patients and workers ‘illegal’ without any recourse. Thousands were arrested and held in Anatot and in Ofer military camps, their rights – including the right to legal counsel – denied. Reports of their detention conditions raised grave concerns, but because of the lack of access to lawyers, ICRC representatives, or any safeguards, we could not confirm or deny these allegations. In the wake of a High Court of Justice (HCJ) petition led by human rights organisations,<sup>22</sup> Israel’s political-security cabinet decided in November 2023 to allow the return to Gaza of thousands of detained workers.<sup>23</sup>

We cannot overlook the arbitrary detention of thousands of people given permits by Israel itself; both because the conduct during these two months was absolutely unacceptable, and because we see here the ineptitude of the legal system which should have been their safeguard.

### Unlawful Combatants Law

Since October 7, thousands of Palestinians from Gaza have been detained by the Israeli security forces, most within Gaza and some within Israel. As of May 2024, Israel is holding about 2,000 detainees via permanent arrest warrants (meaning that they have been held for over 45 days), as well as hundreds of other detainees held with the intention of pressing charges.<sup>24</sup> In addition, over 1,500 people were detained and have been released back into Gaza.

All of the detainees from Gaza are designated ‘unlawful combatants’ and deprived of the rights of POWs. According to the law governing unlawful combatants, which has been dramatically changed since October 7, a military commander need issue a warrant for the arrest of a person defined as an unlawful combatant only within 45 days of his detention (instead of within 96 hours in the former versions of this law); the maximal amount permitted before judicial review of such a warrant is 75 days (instead of 14 days), and the length of incommunicado detention preventing communication between an unlawful combatant and his legal counsel can amount to 90 days (instead of 10 days). In contravention of Israel’s duty and its practice in the past, families of the detainees are not notified of their whereabouts, and the ICRC has no access to their places of detention.<sup>25</sup>

As a result of this problematic legal arrangement, even people who are not involved in combat can be held without trial, cut off from the world for lengthy periods and without the procedural safeguards necessary for the prevention of torture and forced disappearance. This is not only a theoretical possibility: we know of people who had nothing to do with

combat – such as an 82-year-old Gaza woman suffering from Alzheimer’s disease<sup>26</sup> – who were arrested and held as unlawful combatants. The amendment to the law harms a wide variety of constitutional basic rights and contravenes international law blatantly, in a manner that may amount to war crimes according to the Rome Statute, and may even amount to crimes against humanity. On April 25, Israel’s political-security cabinet gave theoretical approval to the establishment of a mechanism consisting of an Israeli judge and two foreign observers, which will visit the unlawful combatants held in Israel. According to the cabinet decision, the details of the committee and its conduct will be finalized in consultation with the British government.<sup>27</sup> The mechanism has not yet been established and the details of its activity are unclear.

### Detention facilities and their conditions

The Israeli military uses the base of Sde Teiman in the south and Ofer and Anatot camps in the West Bank as detention facilities, and since the start of the war thousands of Palestinians from Gaza have been held there with no external supervision. Human rights organisations have revealed in the media the conditions of detainees in Sde Teiman: the picture appearing from the testimonies is one of extreme detention conditions amounting to torture. Detainees are held in open-air corals, shackled and with their eyes covered for 24 hours a day, forced to kneel on their knees for most hours of the day and sleep on the ground at night. Detainees do not receive sufficient food and water; they are deprived of basic medical treatment, basic sanitary conditions, and suffer from overcrowding, violent and humiliating treatment, and the use of torture as a routine practice in interrogations.

According to our information, at least 40 detainees have died while being held by the military, as of the end of April.<sup>28</sup> The army has confirmed that a number of Gaza residents did indeed die in detention, and that the circumstances of their deaths are being investigated, but is refusing to release further information. It is worth emphasizing that since there is no public record of the detention of people in Sde Teiman up to 45 days after their detention, there is a serious fear that people who were arrested in Gaza and died while being held will disappear with no record. This may be considered forced disappearance, a war crime according to international law. In May 2024 the state reported its intention to reduce the occupancy in Sde Teiman and turn it into an initial screening base for detainees. We have yet to see this change in practice.

### The medical facility in Sde Teiman

Side by side with the detention facility, Sde Teiman base hosts a field hospital for initial treatment of detainees. Sick or wounded detainees with a complex medical situation should be transferred to regular hospitals with the appropriate equipment and staff; but in practice, the field facility in Sde Teiman also provides complex treatment in cases that should have been hospitalized.

According to the Ministry of Health guidelines for the operation of the facility, Sde Teiman is staffed by a senior physician and a staff of health professionals; they have been drafted for reserve duty ('Order 8' emergency call-up) and do not serve under the Medical Corps. In contravention of Israel's Patient's Rights Bill, they are instructed to act anonymously, without identifying themselves to the patients: they do not sign their name, put a personal stamp, or license number on any medical document. One may assume that the anonymity is designed in part to protect them from public criticism in Israel; but it gives rise to the heavy suspicion that the anonymity also serves to prevent the possibility of a complaint or an investigation regarding ethical breaches and breaches of medical professionalism.

**The occurrences in Sde Teiman in general, and in relation to the medical treatment given to the detainees there in particular, point to an unprecedented low point**

One must also add that the facility's guidelines do not include the duty of recording in medical notes any suspicion of violence or torture, or the duty to report such suspicions to relevant authorities; this absence is in direct contravention of international ethical guidelines. From the testimonies of physicians serving in Sde Teiman we obtain a horrific picture of medical neglect and severe violations of medical ethics, including limb amputations as a matter of routine due to wounds caused by shackling; lack of medications; inappropriate medical treatment; and significant violence towards detainees. According to testimonies, detainees arrive seeking medical treatment with signs of severe violence on their bodies.

From all of the above it is clear that the occurrences in Sde Teiman in general, and in relation to the medical treatment given to the detainees there in particular, point to an unprecedented low point for the profession of medicine in terms of ethics and professional standards.<sup>29</sup> The detention facility in Sde Teiman, the conditions in which detainees are held, the conduct of the detention authorities, and medical treatment therein, all constitute separately and in unison a blatant breach of every law and legal duty towards these prisoners.<sup>30</sup>

### Medical treatment of Gaza detainees

In the early days of the war, the Ministry of Health declared that detainees from Gaza will not be transferred to hospitals in Israel, but directed instead to Israel Prison Service facilities or to army facilities, with no regard given to the abilities of these facilities to provide relevant medical treatment. The declaration was echoed by the hospitals themselves, who refused in part to treat Gaza detainees referred to them by security forces.<sup>31</sup> We note that the Israel Medical Association and some of the health teams in the

hospitals objected to this, but in practice it appears that there is widespread refrainment from turning to civilian hospitals for treatment of Gaza residents. According to testimonies of medical staff, when Gaza residents are referred and admitted for treatment, this is accomplished in the shortest time possible, leading to lowered medical standards.

### Highlights and recommendations

As we draw this grim chapter to a close, there is no escaping the conclusion that Israel is in flagrant breach of its duties towards the civilian population in Gaza according to international law, both as a party to the fighting and as an occupying force.

- » An immediate and full ceasefire is needed in order to prevent further loss of life, halt a further deterioration in the humanitarian disaster in Gaza, and ensure the return of all hostages.
- » As long as combat is ongoing, Israeli citizens and the international community must demand from the state that it fulfils its duties towards the population of Gaza. This means preventing hunger and allowing appropriate access to basic services such as water. A deliberate delay in the provision of necessary humanitarian aid, or deliberate starvation of residents by preventing aid critical to their survival, are crimes of war. Israel must not only ensure the entry of sufficient aid but also its distribution within Gaza.
- » Israel and the international community must put at the top of their priorities the rehabilitation of the health system in Gaza. This requires an immediate and significant entry of medical equipment and medications in sufficient quantities, the cessation of all attacks on medical facilities, and aid which will allow these facilities to function and answer the immediate and the continuing needs of the residents of Gaza. The Israeli attack on the health system in Gaza should be investigated as a war crime.
- » We call on the citizens of Israel and the international community to demand an immediate and fundamental change in the attitude towards detainees. Israel should establish external safeguard mechanisms, including access to lawyers and ICRC visits, and ensure the reinstatement of all procedural safeguards necessary for the protection of detainee rights. Residents of Gaza with just cause for their detention should remain in an appropriate detention facility that meets minimum standards according to international and Israeli law.

- » The medical field facility in Sde Teiman should be shut down immediately, and the detainees in need of medical treatment should be referred to civilian hospitals in Israel in order to receive treatment in line with medical ethics and professional standards.
- » Israel must cease the deliberate and systematic destruction of cultural institutions and artefacts in Gaza; refrain from taking cultural artefacts out of Gaza; investigate every suspicion of looting of cultural artefacts; and return such looted objects. The international community must demand that the restoration and rehabilitation of cultural artefacts be accomplished in a transparent manner and with international guidance.
- » Israel and the international community must ensure that the investigation of suspicions of war crimes and criminal offenses is accomplished rapidly, professionally and effectively; and that it also includes investigating and bringing to justice the military and civilian policy makers, and not just low-ranking soldiers. This requires cooperation with an independent and external investigation, including an examination of the legality of the combat policy, procedures and orders, including the use of artificial intelligence, and not just the anomalies. The military law-enforcement system should also publish information on its examinations, investigations, and their results.

This chapter, like the entire report, deals with the duties of Israel and the Israeli violation of international law. We have therefore not dealt here except in passing with the war crimes committed by Hamas on and since October 7. And yet, we cannot end this difficult chapter without calling on the international community to do everything in its power to bring about the immediate release of all 120 civilians and soldiers held by Hamas, and to bring to justice the Hamas leaders who ordered the criminal attack on civilians.

## THE WEST BANK

### > Overview and background

Since its occupation in the 1967 War, the West Bank has been under Israel's control and governed by the Military Commander. Though never officially declared policy, Israel began to annex the West Bank immediately after its occupation via two complementing mechanisms: establishing permanent physical control of the geographical space, and shaping the legal-bureaucratic realm. Israel has misappropriated over a million dunams by declaring them

'State land'; it has built numerous settlements and infrastructure projects, claiming the land as its own. By extending Israeli laws and regulations to its settler population, Israel has in effect administratively annexed large swaths of the West Bank. In its actions, Israel continues to blatantly violate international law.

Following the Oslo Accords, the West Bank was divided into three control areas. In what was viewed as a temporary phase, only Area C, 60% of the West Bank, officially remained under complete Israeli control. In effect, Israel continues to control all of the West Bank and to govern myriad aspects of the lives of its Palestinian residents, directly and indirectly. Although protected under international law, Israel has always regarded the Palestinian population as a by-product to be managed by force. So extreme is the situation that Israel's actions in the West Bank today meet the criteria of apartheid, as defined in international law. The legality of Israel's protracted control of the West Bank (and East Jerusalem) is currently being examined by the ICJ.

The policy of Israel's 37th government, motivated by a stated ideology of Jewish supremacy, deepens the apartheid regime governing nearly all aspects of Palestinian lives in the West Bank. The current government's actions, from its inauguration and prior to October 7, irreversibly entrench Israel's control in the occupied territory and are meant to accelerate and complete the West Bank's annexation. Since the war broke out, these processes seem to be charging ahead.

### - Annexation: structural changes

The 37th government is driving an expedited process that transfers vast authority from the Military Commander to civil servants who are directly controlled by the government. This is a structural change with far reaching consequences; it is a shift from a legal paradigm of military occupation, defined and restrained by the rules of occupation, to a regime of annexation and apartheid – both forbidden under international law.

The most significant structural change is the appointment of Bezalel Smotrich as a minister within the Ministry of Defense – a role newly created at his demand. Vast authority concerning management of civil matters in the West Bank was transferred from the Minister of Defense to Minister Smotrich, including oversight of the Israeli Civil Administration (ICA) and the Coordinator of Government Activities in the Territories (COGAT).<sup>32</sup> Concurrently, a new Settlement Administration unit was established – under Minister Smotrich as well.<sup>33</sup> Different barriers and red tape were lifted to enable and expedite construction of settlements; for example, in June 2023 the need for governmental approval for all Israeli construction in the West Bank was annulled, while the overall responsibility over the Higher Planning Committee in the West Bank was transferred to Minister Smotrich. The politicisation of the role of Legal Advisor to the West Bank and its transfer from the military to the Ministry of Defense, and an appointment of a civil deputy to the head of the ICA, are in advanced stages.<sup>34</sup>

These are momentous structural, legal and bureaucratic changes; they go hand-in-hand with a major expansion of Israeli laws to settlers.<sup>35</sup> Their aim is to erode the Green Line, to normalise Israel's control of the West Bank, and to irrevocably bring together settlers living in the occupied territory and Israeli citizens living in Israel's recognized borders under the same legal regime. It is important to emphasise that, at the same time, Palestinians' lives continue to be separately governed under a military legal regime, by force.

#### - Annexation: settlement expansion

The current government's pronounced aim is to double the settler population. In line with this agenda, a record number of housing units was promoted across the Green Line in 2023; an additional, substantial expansion of settlement area and population is being promoted against the backdrop of the war. After only four months, 2024 is already a record year in terms of declaration of land as 'State land' in the West Bank – some 11,000 dunams so far. These include lands of Abu Dis and Al-Eizariya; around the Herodium archaeological site; and over 8,000 dunams in the north of the Jordan Valley – the largest declaration of 'State land' since the Oslo Accords. In parallel to promoting new large-scale building plans, which include new settlements in Hebron and in the Judean Desert and the construction of a new industrial zone, efforts to retroactively authorise and finance currently-illegal construction even under Israeli law have also intensified – outposts, shepherding outposts and housing units built on private Palestinian land. In April 2024 Minister Smotrich directed civil servants to connect 68 illegal outposts to infrastructure and other civil services, approving some as new independent settlements; this move will impede their dismantlement in the future.<sup>36</sup>

Hand-in-hand, the pace of encroachment on Palestinian lands has also been quickened by on-the-ground construction: since the beginning of the war settlers have erected 24 outposts throughout the West Bank and paved many dozens of new roads, some on private Palestinian land.<sup>37</sup> In the South Hebron Hills, for example, settlers accompanied by soldiers have paved roads for their own use at the heart of the village of Susiya and between Massafer Yatta's villages. In different areas of the West Bank, settlers have begun fencing off open lands and blocking Palestinian access to them. These actions are carried out with the state's full knowledge and backing, often with the military's protection, and without any meaningful enforcement efforts by the ICA.

The state's budget distinctively prioritises settler causes and excludes them from budget cuts through special grants, funnelling of hundreds of millions of shekels from the coalition funds, and allocation of 20% of the Ministry of Transportation budget to projects in the West Bank. Investment of millions of shekels in agricultural activity in illegal outposts continues. Pieced together, this is an unprecedented allocation of funds towards the settlement-expansion project, well reflecting the government's priorities.<sup>38</sup>

#### - Annexation: settler violence and expulsion of communities

Ideological settler violence has intensified in recent years and has become a daily reality for West Bank Palestinians. This violence includes threats and harassments, destruction of crops and property, and physical attacks leading to bodily harm and death. It is particularly widespread in the

West Bank's rural areas – the South Hebron Hills, the Jordan Valley, east of Ramallah and the Nablus periphery – and is inextricably linked to outposts and shepherding outposts that are erected in order to dispossess Palestinians from their land.<sup>39</sup> 2023 was a record

year in the number of settler violence incidents, their gravity and their scope: 1,200 violent incidents were documented,<sup>40</sup> including pogroms in which hundreds of Israeli took part.

Settler violence has gotten completely out of hand since the war broke out. From October 7 to the end of May 2024 nearly 900 attacks were documented; 43,000 trees were damaged, more than 500 Palestinians injured and at least 31 killed in incidents linked to settler violence

Settler violence has gotten completely out of hand since the war broke out. From October 7 to the end of May 2024 nearly 900 attacks were documented;<sup>41</sup> 43,000 trees were damaged, more than 500 Palestinians injured and at least 31 killed in incidents linked to settler violence.<sup>42</sup> Large-scale settler pogroms have become more common as well – in April 2024 more than 10 Palestinian villages and towns were attacked. This severe and organised

violence is also pointedly used as a means to prevent Palestinians from accessing their agricultural lands; it peaked during the olive harvest season, which coincided with the first months of the war, and was markedly more extreme even in comparison with previous years.<sup>43</sup>

Since the beginning of the war 18 shepherding communities have been expelled and displaced from their lands in area C as a direct result of organised settler violence – 157 families and close to 400 minors.<sup>44</sup> In a number of instances settlers destroyed homes and property and prevented completely the residents' movement using blockades and daily intrusions.<sup>45</sup> The expulsion of these communities, whether directly or whether through threats and violence, is a war crime under international humanitarian law.

It should be emphasized that settler violence is not merely acts of individuals. This is a systematic mechanism that with the state's backing and support strives to expel and displace Palestinians and appropriate agricultural lands through terror. Settler violence often occurs in the presence of soldiers who idly stand by, protect the assailants, and at times even join the attackers.<sup>46</sup>

The recruitment of settlers for reserve duty in regional defence battalions (Hagamar) since October 7, in parallel to the handing out of thousands of firearms to settlers by the military, has also intensified the violence. Emboldened by the uniform and armed with military weapons, settlers are threatening, injuring and shooting Palestinians and their property; Palestinians report that they can no longer tell soldiers apart from settlers. Entrusting law-enforcement powers in the hands of enlisted settlers indicates that the military has completely abdicated its responsibility to protect the Palestinian population as required under international law, and worse – that it has adopted Jewish ideological violence as a policy in the Occupied Territories.

Settler violence is carried out with near total impunity. Police investigations concerning settler violence are systematically negligent and overwhelmingly (nearly 94% of the cases) fail to lead to indictments.<sup>47</sup> To the best of our knowledge, only two Israelis of the hundreds involved in the grave settler pogrom in Huwara and Zatarra in February 2023, in which a Palestinian was killed, have been tried and convicted,<sup>48</sup> and no indictments were brought following the death of at least 10 Palestinians from settler firearms since October 7. This reality is a direct result of the orders of the Minister of National Security, Itamar Ben Gvir, who denies that the phenomenon of Jewish ideological violence exists and has instituted a policy of police non-enforcement vis-à-vis the settler population.<sup>49</sup>

#### - Heritage sites

Under the pretence of safeguarding antiquity sites, arms of the Israeli state and settler bodies are extending their control in the West Bank while taking over Palestinian land – in 2023 around 150 million shekels were allocated for this purpose. These efforts are additionally used as justification for expanding Israel's control in Area B, as in Mount Ebal, and are part of the annexation programme advanced by the government.<sup>50</sup> Touristic and archaeological projects – chiefly Sebastia and Jericho's Hasmonean palaces – were granted significant development funds even at the time of war. Under the fog of the war, Israel is also turning a blind eye to harming of Palestinian world heritage sites: an illegal outpost was erected on the ground of the site of Battir, and damages to ancient structures were documented in the world heritage site in Hebron.

#### - Restriction of movement and blockages

With the outbreak of the war, the military placed extreme movement restrictions on West Bank Palestinians. Entire Palestinian communities and villages were put under a complete closure – no entry or exit allowed – and a policy of blockading thoroughfares, which is still in force, near-totally restricts movement on main roads or crossings by many checkpoints. Particularly harsh were the restrictions in Hebron, where residents of the H2 area were allowed to leave their homes for only six weekly hours. The impact of these draconian movement restrictions on Palestinians' lives is extreme. It should be noted that completely blockading and forcibly isolating residents in their place of residence is a grave breach of the absolute prohibition of collective punishment under international law. Enforcing these restrictions on Palestinians alone, and not on the Israeli settlers living in the exact same areas, accentuates their fundamental apartheidist characteristics.

These severe movement restrictions were put in place in parallel with the olive harvest and ploughing seasons, with ongoing and calamitous effects for many Palestinians who rely on farming for their livelihood. Palestinian agriculture is limited year-round due to denial of access to lands near settlements and outposts and because of persistent settler violence, and is completely dependent on the ICA's permit and coordination regime; an institution of a policy of sweeping denial of access since the beginning of the war has meant that about half of the West Bank's Palestinian farmers could not access their plots. Since October 7 the military almost completely denies Palestinians access to their lands in the 'Seam Zone' – 10% of the West Bank land that is trapped between the Green Line and the Separation Barrier and that has been effectively annexed by Israel. The ability of the 'Seam Zone's' permanent residents to exist has been further limited as well. These extreme restrictions, which were approved by the HCJ in December 2023, are devastating the livelihood of tens of thousands of farmers dependent on lands in the 'Seam Zone'.<sup>51</sup>

### - The ICA: planning and demolitions

Transfer of powers over planning and demolitions to the Minister within the Ministry of Defense, Smotrich, is exacerbating and accelerating Israel's planning policy, which forcibly pushes Palestinians out of Area C. All planning powers in Area C are found in the hands of the ICA. It is nearly impossible for Palestinians to build legally in Area C – less than 1% of Area C is today marked for Palestinian development, and 98% of building permit requests in it are denied, including on private lands. The planning powers of the ICA are wide ranging and include control over infrastructure; as a result, 70% of Palestinians residing in Area C today lack regular access to water.<sup>52</sup>

In recent years, the ICA has expedited its confiscation and structure-demolition efforts in Area C. Under the Settlement Administration unit, headed by Smotrich, enforcement efforts against Palestinian construction were further intensified in 2023, whereas a non-enforcement policy was put-in-place concerning illegal Israeli construction.<sup>53</sup> According to ICA data, 680 Palestinian structures were demolished in 2023 in Area C; in the seven months since October 7, 408 Palestinian structures were demolished, and it is estimated that hundreds of additional structures were destroyed or dismantled as a direct result of settler violence. 65 schools are currently under demolition threat.<sup>54</sup> Under the current government, actions for constraining Palestinian construction in Area B have also been escalating.

### - State violence: soldiers

506 Palestinians were killed in the West Bank as a result of the actions of the Israeli security forces in 2023, marking it the bloodiest year since 2005. From October 7 to the end of May 2024, 502 Palestinians were killed in the West Bank – nearly a quarter of them minors (22.3%).<sup>55</sup> Israel has been carrying out frequent raids on Palestinian towns and villages since October 7, and the high number of Palestinians killed is their direct result – 70% of those killed died in actions initiated by Israeli security forces. At least two cases of Palestinians being used as 'human shields' by soldiers have been documented in this period, an act absolutely prohibited under international and Israeli law.<sup>56</sup>

Wide-scale military raids in the West Bank have resulted in severe damage to homes, businesses and infrastructure. Since the beginning of the war testimonies have accumulated concerning degradation and humiliation of Palestinian civilians and deliberate destruction of property, including ample documentation circulated by soldiers themselves. The large number of incidents, their severity and public circulation highlight the sense of impunity and the backing given to the criminal activity of the security forces by the military law enforcement system, with the support of the political echelon.

Indeed, military law enforcement authorities systematically avoid investigating and prosecuting soldiers who harm Palestinians. Open-fire regulations are permissive, and de facto provide sweeping legal defence to the shooters; it is extremely rare that killings of Palestinians in non-combat situations are investigated, despite the military's regulations that require them to do so.

Of the large number of complaints filed to the military each year following the harming of Palestinians, investigations are opened only in a minority of cases (21.4%), and the number of indictments filed is a minuscule fraction of the complaints (0.87%). In the rare cases in which soldiers are convicted of offenses against Palestinians, the military courts hand down extremely lenient sentences.<sup>57</sup>

### - State violence: arrests

Israeli security forces have been conducting mass arrests in the West Bank since the beginning of the war. Testimonies paint a picture of arrests systematically accompanied by severe violence. As of the end of May 2024, over 7,800 West Bank and East Jerusalemite Palestinian detainees and prisoners were held in facilities run by the Israel Prison Service (IPS) – a record number and a 200% increase compared to September 2023. Alongside the thousands of men arrested, nearly a hundred women and over 240 minors were also arrested from October 7 to the end of 2023.<sup>58</sup>

The use of administrative detention against Palestinians has also increased dramatically with the outbreak of the war. In April 2023 the number of administrative detainees surpassed 1,000 for the first time in 20 years. A year later, at the end of May 2024, the number of administrative detainees stands at 3,410 – about 40% of Palestinians arrested in the West Bank – and to the best of our knowledge the highest number since the Israeli occupation began.<sup>59</sup> It should be noted that administrative detention is an inherently abusive practice also in time of war, lacking any meaningful judicial review, and standing in stark contradiction to international law.

A particularly concerning development is the overarching use of 'combat detention' (section 33 of the Order on Security Provisions). Whereas this section was intended to apply in exceptional situations, since October 7 it has become the default in the arrest of West Bank Palestinians by the military court system. It entails an eight-day automatic arrest regardless of the charged offence, denial of legal counsel and no right of appeal. In the wake of the war, 'combat detention' has moreover become a tool to remove individuals from their communities and lands in Area C. Following a HCJ petition that is still ongoing, the state announced in April that only adults interrogated by the Israeli Security Agency (ISA) will continue to be arrested under this clause.<sup>60</sup>

### - State violence: Palestinians held by the IPS

Measures to further curtail Palestinian detainees' rights were implemented with the establishment of the current government. From the outset of the war, it seems that under direct orders from the Minister of National Security an extreme punitive policy is instituted in the IPS detention facilities – rising to the level of torture and inhuman, cruel and degrading treatment. From October 7, security prisoners are held almost entirely locked in their cells. Faced with a sharp increase in the number of detainees, the Knesset approved an emergency directive allowing extreme overcrowding of detainees and the use of cell floors as beds. Security prisoners' wings were cut from running water and electricity for long hours, and all clothing and personal belongings were confiscated. A near-total curtailment of health services for Palestinian prisoners – from bandaging to life-saving treatments, in IPS clinics and in hospitals – is threatening their health, and at times, their lives. Testimonies additionally reveal a deliberate policy of starving Palestinian detainees. In February 2024 the Public Defender's Office found that living conditions in IPS detention facilities are inhuman.<sup>61</sup> These grave violations of basic rights are illegal, stand in contrast to the IPS' own regulations, and were implemented without authority.

Concurrently, alarming testimonies reveal perpetration of systematic and extensive violence against Palestinian detainees in all detention facilities: severe physical violence, abuse and sexual harassment, intimidation and threats. At least ten detainees have died in IPS custody between October 7 and April 2024, and in at least two of the cases a real likelihood exists that they were beaten to death. This abuse is perpetrated behind closed doors and with no oversight: since the war broke out the IPS has enacted a policy severing Palestinian prisoners from the outside world, including limiting lawyer visits and completely banning the ICRC from its facilities. In so doing, the IPS is systematically breaching its obligations under international and Israeli law.<sup>62</sup>

The Israeli legal system has so far avoided providing oversight of IPS activities behind its closed gates. It should be noted that over 90% of the complaints filed to the National Unit for Prisons Guards' Investigations (Yahas) are dismissed without further action taken, and IPS officers are afforded near-total impunity, even in less volatile times.<sup>63</sup>

Since October 7, ISA interogees have been completely prohibited from meeting with lawyers and no up-to-date information is available regarding security interrogations. Based on past testimonies and partial information about detention conditions, there is a well-founded concern that torture is extensively used in interrogations. In May 2024 the UN Special Rapporteur on Torture called on Israel to investigate serious allegations of torture and abuse in prisons and in military detention facilities.<sup>64</sup> The chances of this happening are slim: out of 1,450 complaints of torture that have been filed to the Ministry of Justice over the past 20 years, not a single one has led to an indictment of an ISA interrogator for use of torture in an interrogation.<sup>65</sup>

### Highlights and recommendations

- » Structural changes, administrative reforms and astronomical budget allocations are an integral part of Israel's 37th government plan to double the settler population and annex the West Bank. They should not be viewed as mundane bureaucratic alterations: this is a regime change, and a change in the way in which Israel controls the West Bank and its population. Together, these changes lead to an irreversible transformation of the West Bank, and impede any future political agreement.
- » 26 outposts were built in 2023, and against the backdrop of the war settlers are doing as they will throughout the West Bank. Outposts and shepherding outposts, roads and fences are popping up on Palestinian lands like mushrooms after the rain, with no enforcement and often with the military's protection. In parallel, Israel is advancing a wide-ranging legalisation of outposts that are currently illegal even under Israeli law: the legalisation of 68 outposts, their development and expansion has been quietly announced under the noise of the war. The meaning of these steps is a far-reaching and permanent expropriation of Palestinian land.
- » Since October 7 an average of four daily attacks are perpetrated by settlers against Palestinians and their property in the West Bank, with complete immunity and frequently in the presence of soldiers. This violence is leading to a systematic expulsion and dispossession in Area C: 21 Palestinian communities have been expelled from their land since the beginning of 2023 - 18 of them since October 7. Israel must protect these communities and secure their immediate and safe return to their lands. The Israeli public and the international community should demand that the Israeli authorities protect Palestinians, as required under Israeli and international law, and that perpetrators of violence be punished.
- » Unprecedented and draconian movement restrictions continue to be in effect throughout the West Bank for Palestinians alone, resulting in the wholesale violation of Palestinians' basic rights. Israel should immediately allow freedom of movement to all of the West Bank population, and must re-open all of the Separation Barrier's gates so that permit-holders can access the West Bank areas beyond it.



» The IPS' state of emergency policy, which has been in place since October 7, and its accompanying violence, are severely violating the basic rights of thousands of Palestinian detainees, and are risking their safety and their lives. Some of the acts rise to the level of torture. The IPS should immediately put a stop to the systematic abuse that is taking place in its facilities as a policy, and allow detainees to access legal counsel, medical care and basic living conditions in accordance with Israeli law and its own regulations. Complaints of torture and abuse should be properly investigated, and perpetrators should be indicted.

## EAST JERUSALEM

### > Overview and background

Though annexation of an occupied territory is strictly prohibited under International Humanitarian Law, after the 1967 War Israel annexed East Jerusalem and extended to it its legal regime. Following annexation, Palestinian residents of Jerusalem turned into permanent residents – a legal status that denotes rights equal to citizens of Israel but without the right to vote in national elections. In effect, Israel's policy and actions in the 57 years since East

Jerusalem's illegal annexation have created a two-tier reality. On the one hand, cementing physical control by blurring the spatial boundaries between East and West Jerusalem and forcibly separating it from the West Bank – with a view to making its isolation permanent; on the other hand, administering all aspects of the Jerusalem Palestinian population's life under discriminatory laws and intentionally burdensome bureaucratic mechanisms, without equal or appropriate budgeting, and with no equal rights in sight. Although the legal status of Palestinians in East Jerusalem and the West Bank is different, Israel's aspiration in these two occupied areas is similar: forcing out the Palestinian population, Israelising the geographical space and controlling the land.

As is also happening in the West Bank, since Hamas' attack on October 7 and under the cover of the war, Israel has intensified efforts to dispossess East Jerusalemite communities and to make the city's Palestinian residents' day-to-day lives even more unbearable. In doing so, Israel risks breaking the status quo in Jerusalem.

### - Planning and building

Since 1967, Israel has expropriated nearly 40% of East Jerusalem's land. Expropriations have been coupled with an overtly discriminatory planning system: despite comprising almost 40% of its population, only 8.5% of the city's land is designated for Palestinian residential use. Urban planning in East Jerusalem intentionally prevents housing development, and only one outline plan has been approved since the 1990s. The gap has now widened: in 2023, only 13% of all planned housing units in Jerusalem were designated for its Palestinian residents. Obtaining a building permit is nearly impossible for Palestinian individuals and land owners; building-permit regulations became even more restrictive for Palestinians in 2022. The discriminatory housing and planning policy is achieving its territorial and demographic goals: entrenching Israel's control, fragmenting Palestinian urban contiguity, and pushing Palestinians into neighbourhoods beyond the Separation Barrier – where today over 120,000 of the city's residents are crowded together with little to no municipal services.<sup>66</sup>

The Settlement of Land Title (SOLT) procedure that Israel has been advancing since 2018 has become one of the gravest threats to Palestinian East Jerusalemites. During its five years of implementation, SOLT has become the main mechanism through which Palestinian property is turned over to the state, its bureaucratic arms and to settler organisations, as well as an effective tool for Israelising Jerusalem's urban areas beyond the Green Line. In 2023, a sharp rise in advancing registration of land under SOLT was recorded compared to recent years, causing great concern that dispossession of Palestinian families and communities, as in Wadi Hilwe in Silwan, has accelerated. SOLT, in effect a land-theft procedure, is used in conjunction with the Absentee Property Law and with the direct involvement of the Custodian of Absentee Property and the General Custodian, who works to advance land-restitution rights that are afforded to Jews only. The result is a sophisticated bureaucratic procedure for dispossession and land theft, with the direct involvement of governmental bodies.<sup>67</sup>

#### - Settlement expansion

In parallel to the West Bank, moves for encroaching on and Israelising the urban physical space have also accelerated in Jerusalem. 31 building plans across the Green Line were advanced in 2023 for Israelis, including 12,000 housing units in new settlements. In the months since the beginning of the war and until April 2024, four plans for new settlements have been advanced, of which two – Givat Shaked and the Lower Aqueduct – were approved. A plan for the establishment of Kidmat Zion, a new settlement at the heart of Abu Dis, was approved for deposit in a planning opportunistic grab on October 9; meanwhile, the construction in Giv'at Hamatos settlement is advancing and expanding.<sup>68</sup> Advancement of settlements and their fast-tracking in planning committees stands in stark contrast to the demolitions and draconian restrictions imposed on Palestinian urban development. These steps for rapid settlement expansion are taken with the direct involvement of the General Custodian, a department within Israel's Ministry of Justice, which for the first time, and in breach of its authority, has begun initiating settlements in lands under its administration. The involvement of this body in dispossessing Palestinians from their homes (as in Sheikh Jarrah) and its role in advancing settler-groups' interests are well known, but this is a new, troubling and illegal step.<sup>69</sup>

#### - The Old City Basin

Israeli authorities make extensive use of archaeological and heritage sites to control both land and historical narrative in Jerusalem. At the heart of this policy is the Old City Basin, which with tight cooperation between the state and settler organisations, is being remodelled purely as a historical Jewish site. Land in the Old City Basin is being funnelled from Palestinians into settlers' hands through a state-funded web of archaeological projects, national parks and Jewish heritage sites.<sup>70</sup>

Four major projects are currently being advanced in the Old City Basin. First and foremost is the megalomaniac Cable Car project: a National Infrastructure Plan whose purpose is to link West Jerusalem to the 'Kedem' compound, advanced by the settler organisation Elad, at the heart of Silwan, using public funds. In the wake of the war, in December 2023 notices of expropriations were issued for 12 plots of Palestinian land for this project, including a cemetery plot belonging to the Catholic Church.<sup>71</sup> Other plans currently being advanced alongside the Cable Car project include plans for pushing Palestinians out of the Hinnom Valley; excavation in the 'Pool of Siloam' on Palestinian land; and the 'Shalem Plan', through which more public funds are being channelled to the Elad settler organisation. In parallel, two plans for expanding Israeli national parks in East Jerusalem threaten to strip away precious land reserves from the Palestinian neighbourhoods of Abu Tur, Issawiya and A-Tur, and from the Christian section of the Mount of Olives.

Land in the Old City Basin is being funnelled from Palestinians into settlers' hands through a state-funded web of archaeological projects, national parks and Jewish heritage sites

#### > House demolitions

Demolition of homes and other structures and selective enforcement of building violations are part of the planning and housing policy in East Jerusalem. They form the correlative element of Israel's discriminatory planning policy, which forces Palestinians to build their homes without building permits. A sharp increase in home demolitions has been recorded in East Jerusalem in recent years: 140 housing units and 84 other structures were demolished in 2023 alone. From October 7 to the beginning of the Ramadan in March 2024 (in which demolitions are traditionally halted each year), Israel expedited demolition of Palestinian structures built without a permit. During these months 133 structures were demolished; 98 of these were housing units in which 140 persons lived and were left homeless during a time of war. It is an unprecedented demolition rate.<sup>72</sup>

#### > Restriction of movement and blockages

A third of East Jerusalemite Palestinians today live beyond the Separation Barrier and permanent checkpoints. Immediately following October 7 Israel blocked all of East Jerusalem's peripheral checkpoints, cutting off all of the city's Palestinian residents living beyond the Separation Barrier from their urban centre. Of particularly severe consequence was the hermetic closure of Qalandiya checkpoint, a thoroughfare for Palestinians, which in effect forced a closure on thousands of Jerusalemite Kafr Aqab residents. Qalandiya checkpoint continues to operate irregularly to this day, causing severe traffic disruptions.<sup>73</sup>

Erection of roadblocks and the blocking of transit between East Jerusalem neighbourhoods following October 7 have also led to a widespread violation of the freedom of movement of East Jerusalemite Palestinians and their forced confinement. The arbitrary nature of these restrictions was most evident in the closure of Shuafat checkpoint to some 300 family reunification permit holders – a decision inexplicably reversed a day after it was challenged in a court petition.<sup>74</sup>

From the outbreak of the war, the Israeli police imposed severe restrictions on Palestinians' access to the Old City. Particularly extreme were the restrictions on the entry of Muslim worshippers to the Temple Mount/Haram a-Sharif, which were often imposed with extensive violence. These restrictions remained in place for many months, and were unprecedented in both length and magnitude. The collective violation of Muslim freedom of worship was implemented against the backdrop of the current government's stated steps to erode the status-quo at the site, and was imposed while Jewish entry to the site continued undisturbed.<sup>75</sup>

#### > **Police violence and arrests**

The policing in East Jerusalem is carried out jointly by the Israel Police and the Border Police, a semi-military force. Policing in East Jerusalem is habitually characterised by the use of weapons in densely populated neighbourhoods and by ethnic profiling. After October 7, policing in East Jerusalem turned even more aggressive and was characterised by elements of collective punishment. Live ammunition and other violent means were used in confrontations between the police and Palestinians, and between settlers and Palestinians. Police violence, humiliation, and harassment of Palestinian passersby, including children, have become more frequent and obtrusive during the months since the war began, preventing Palestinians from carrying-out daily routines.

Nearly a thousand East Jerusalemite detainees were documented in reports from the first three-months of the war – men, women and minors – of whom dozens were put under administrative detention and hundreds under house arrest.

### Highlights and recommendations

- » Measures to dispossess Palestinian residents of East Jerusalem accelerated in the last months of 2023. The communities of Batan al-Hawa and al-Bustan in Silwan, Sheikh Jarrah and al-Walajeh are still at risk of mass dispossession - in April 2024 the HCJ approved the eviction of a 16-member family from its home in Batan al-Hawa. The international community was and remains the most effective barrier to oppose this dispossession.
- » The Settlement of Land Title (SOLT) procedure continues to be vigorously advanced by Israel: 389 land blocs in East Jerusalem are currently undergoing different stages of registration. Registration of land titles has become the main mechanism through which land is taken from Palestinians and moved to Israeli-Jewish hands; with it, an extensive bureaucratic land theft continues in East Jerusalem. The SOLT procedure is being advanced in a way inconsistent with Israeli law and is illegal under international law - it needs to be stopped.
- » New settlements are being planned and pushed through in unprecedented scale against the backdrop of the war - from isolated ideological settlements to neighbourhoods with thousands of housing units, some adjacent to and some in the heart of Palestinian neighbourhoods. The location of the big settlements being advanced - first and foremost Givat Hamatos in East Jerusalem's southern periphery, which is already under construction - is intended to fragment the urban Palestinian contiguity between Jerusalem and the southern parts of the West Bank, aiming to further thwart any possibility of a future political agreement. Israeli construction in this area, as in the E1 area, had been repeatedly limited by the international community in the past.
- » Israel's action and its unabated support for settler organisations threaten to forever change Jerusalem's multi-faith character. These actions include unprecedented steps to limit Muslim freedom of worship on the Temple Mount/Haram a-Sharif and erode the status quo of the site, and push of Christian communities out of East Jerusalem by taking control of their properties and abandoning their members to violence. The Israeli public and the international community should continue to oppose vehemently this violation of the freedom of worship and belief.

- » Demolition of Palestinian homes and structures in East Jerusalem is happening on an unprecedented scale; a government decision to move the National Unit for Enforcing Planning and Construction Laws to the Ministry of National Security raises concerns that further expedited rounds of demolitions are in sight. Enforcement authorities should immediately halt this mass home demolition and allow housing-planning and building permits for Palestinian East Jerusalemites.
- » The day-to-day reality of East Jerusalem's Palestinian residents has worsened since the war broke out, and has become even further rife with police violence. These actions are characterised by collective punishment, which is prohibited by law. This daily reality exacerbates the displacement of East Jerusalemites from the city and accelerates the fragmentation and shrinking of the Palestinian urban space.

## ISRAEL

### > Overview and background

Recent years in Israel have been characterised by a massive and widespread assault on liberal values, including a direct attack on the very activities of human right organisations and human rights activists. The establishment of Israel's 37th government at the end of 2022 was accompanied by a legislative tsunami that threatened to topple Israel's already-weak system of checks and balances and grant almost unlimited power to the executive authority.

The judicial overhaul is bound irreversibly to a political agenda advancing annexation and the deepening of apartheid in the Occupied Territories. The advancement of this vision hangs upon limiting the power of civil society and a contracting – if not neutralizing – of the independence of the court. We see that the narrowing of civil space is closely bound to the ability of the signatory organisations to continue addressing issues such as abuse of detainees, the humanitarian disaster in Gaza, and the annexation of the West Bank.

Our data and analysis of the situation on the ground testify indubitably that the occurrences in the West Bank and Gaza are inextricably tied to the occurrences within Israel. Restrictions on activists and human rights defenders, on freedom of expression and of protest – all these deepen the occupation and permit the violation of human rights in the Occupied Territories.

#### - **The shrinking democratic space: attacks on freedom of expression and freedom of protest**

Even before the war, freedom of expression and protest was increasingly narrowed, especially as regards voices in Israel critical of the regime. This narrowing was accomplished by way of restrictions on organisations and activists, the use of violent measures to disband demonstrations, and unnecessary and violent arrests. Since October 7, the silencing trends have become more powerful and their focus has expanded. This can be seen in the raid conducted by the Israel Police on the offices of Hadash (the Democratic Front for Peace and Equality) and the Israeli Communist Party in April; over the course of the raid the policemen confiscated flags of Palestine. It can also be seen in the government decision in May to stop Al-Jazeera from broadcasting in Israel and to close their local offices in a temporary ruling.<sup>76</sup> In addition, calls for solidarity with the civilian population in Gaza and calls for ending the war are swiftly and thoroughly suppressed. Israel today has little to no tolerance for complex statements and expressions stepping beyond the mainstream, especially when the criticism comes from Palestinian society.

In the wake of the war, the police are no longer required to obtain consent from the State Attorney's office before opening an investigation into speech crimes (such as identification with a terror organisation). Following this decision, dozens of citizens and residents were arrested, the vast majority of them Palestinian citizens, sometimes after expressions on social media. A particular egregious case is the arrest of Adv. Ahmed Khalife, who was violently arrested while demonstrating in October and charged with "identification with a terrorist organisation" and "incitement to terror." Adv. Khalife was detained for four months, abused, denied many of his rights, and was only released in February 2024 following the intervention of the HCJ.

For three months after the start of the war, Israel Police refused sweepingly to permit demonstrations against the war or against Israeli policy in Gaza. Only after a petition to the HCJ did the police permit a demonstration calling for the end of the war, for a hostage release, and for a diplomatic process.<sup>77</sup> The refusal to allow demonstrations is in line with the police's systematic conduct, including clamping down on even the smallest of protest vigils led by those who are seen as leftists and protesting against the continuation of the war or against the government's policies and its failures.

#### - **Distribution of weapons**

Since October 7 the Minister of National security has been promoting a massive distribution of gun licenses. In tandem, in the wake of the war the police set up over 100 urban emergency squads with gun-carrying members; these squads are established by rapid processes and without sufficient regulation and supervision. We are seeing a new weaponized civilian force (unlike the rural emergency squads, which pre-date the war); it has not been properly regulated by law, the members are not sufficiently trained, and their existence raises a deep concern that they will abuse their powers.

This rapid weaponization is especially problematic in Jerusalem, where ten such neighbourhood emergency squads have already been established. We note that at least three such squads are operating in ideological settlements housed in the heart of Palestinian neighbourhoods: Nof Zion (in Jabal Mukkaber), City of David (in Silwan) and Kedmat Zion (in Ras al-Amoud); this, in spite of the fact that these settlements are already protected by publicly-funded private guards.<sup>78</sup> The tense atmosphere in Jerusalem together with the rantings of politicians and right-wing organisations raises a concern that the new armed groupings in the city will lead to more conflagrations and greater violence.

#### - **Revocation of the reasonableness clause**

In July 2023 the Knesset confirmed the amendment to Basic Law: The Judiciary, known as the revocation of the reasonableness clause – another step in the completion of the judicial overhaul. The revocation of the reasonableness clause weakens dramatically the power of the HCJ; even though the HCJ has always been wary of intervening in government decisions concerning the occupation, the few HCJ ruling on the subject did assist sometimes in reducing the harm caused to the Palestinian population, especially in individual cases. Furthermore, the very knowledge that the HCJ may serve as a safeguard was a central element in restraining government actions and provided Palestinian petitioners and human rights organisations with a recourse.

The attempt to rein in and negate the power of the HCJ leads to significant harm to different communities, including people living in poverty, Arab society, LGBTQ people, Bedouins in the Negev, women, people of Ethiopian descent, Mizrahi people, Palestinians in the occupied territories and East Jerusalem, asylum seekers and migrant workers. 38 human rights organisations petitioned the HCJ jointly against the amendment.<sup>79</sup> On January 1 2024, the HCJ provided a majority opinion, ruling that it has the authority to conduct a judicial review of Basic Laws and to intervene in exceptional cases where the Knesset overstepped its constituent authority. The judges also ruled that the amendment revoking the reasonableness clause is declared null and void, given the unprecedented and severe harm to the core characteristics of the State of Israel as a democratic state.

#### - **The role of the judicial system**

Generally speaking, the judicial system fell silent on October 7, and in several cases even declared formally that it believes it should not interfere in times of war. Thus, the HCJ has dismissed several petitions regarding the conduct of prisons since October 7; it has fudged and delayed petitions on various issues, some of them urgent; and dismissed a petition protesting the evacuation of Al-Quds hospital in Gaza City, stating that the HCJ does not intend to discuss petitions whose aim is to "tie the hands of the army" during wartime.

Within the generally gloomy picture of self-censorship by the judicial system when faced with violations of human rights and civil rights, we are pleased to note the HCJ decision regarding demonstrations. After the police refused three times to permit a demonstration calling for an end of the war and the return of the hostages, HCJ judges ruled that the demonstration should be permitted, and emphasized that the right to protest is not a privilege but a basic right.<sup>80</sup>

## Highlights and recommendations

- » We see that public criticism can be effective, especially as regards laws which affect the citizens of Israel. Thus, for instance, the law criminalizing the consumption of Hamas and ISIS materials was changed meaningfully in the wake of the public reaction. The Israeli public and the international community should continue tracking changes in legislation and in its application, and raise the alarm as needed, placing a special focus on freedom of speech and the protests of Palestinian Israelis.
- » The restrictions on the freedom of protest and freedom of speech using legal tools, policing, and violent practices, have hurt the ability of groups to organize, to express legitimate criticism, and to act for change. The result is a chilling effect which narrows democratic space in Israel. The steps taken against citizens and organisations should be monitored carefully, as should the enforcement of current restrictions, in order to maintain the ability to voice criticism.
- » The civilian weaponization and the massive growth of weapons in the public space should be monitored, both as regards private individuals and emergency squads.
- » Last year we noted several concerning legislative endeavours (such as a draconian taxing measure that would severely affect the abilities of human rights organisations). These measures have not advanced in the last year, whether because of the war or because of international pressure. We note though that the declaration of six Palestinian human rights organisations as ‘terror organisations’ is still in force and that this issue has not changed.
- » Based on past experience and ongoing attempts to restrict free speech, there is a fear that the government of Israel will renew and redouble its attack on human rights organisations. This report describes a grim situation, comprised of widespread and significant human rights violations, most of which pass unnoticed in the Israeli public. The ability of human rights organisations to continue monitoring, alerting and addressing these violations depends on the support of the Israeli public and the international community. Without such support, civil society in Israel cannot stand firm in the breach.

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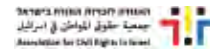
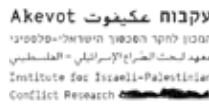
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# <the Platform

Israeli NGOs for Human Rights