



Women's Centre for Legal Aid and Counselling (WCLAC)

Summary report for 2015

Submission

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Submitted to:

1. Special Rapporteur on the situation of human rights in the [Palestinian territories](#) occupied since 1967

The Women's Centre for Legal Aid and Counselling ([WCLAC](#)) is a Palestinian non-governmental organization established in 1991 and based in Ramallah and East Jerusalem. WCLAC aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of prolonged military occupation.

1. Introduction

- 1.1 The purpose of this report is to provide an overview of, and context for, some of the main conflict related issues affecting Palestinian women that were documented by WCLAC in 2015. During the course of the year WCLAC collected **168 testimonies** from women in the West Bank, East Jerusalem and the Gaza Strip with a focus on:
- Night-raids conducted by the Israeli military on Palestinian homes;
 - Soldier and settler violence;
 - Human rights defenders;
 - EU supplied service dogs;
 - Unlawful transfer of female prisoners;
 - Property destruction; and
 - General issues affecting women in Gaza.
- 1.2 The year began with the UN Office of the High Commissioner on Human Rights announcing the last minute cancellation of a planned visit by a senior UN official to Palestine. Ms. Rashida Manjoo, the then Special Rapporteur on Violence Against Women, was scheduled to visit the region in January 2015 at the invitation of the Palestinian Authority. According to the UN, the official visit was cancelled until further notice for lack of cooperation from the Government of Israel.¹ The purpose of the visit was to gather information and to strengthen the Palestinian Authority's capacity to protect and promote women's rights in Palestine in accordance with its international legal obligations.
- 1.3 In March 2015, the report of the UN Secretary-General on the human rights situation in Palestine was submitted to the Human Rights Council. The report identified Israeli settlements as one of the main driving forces of the conflict and concluded that: "The settlements in the West Bank, including East Jerusalem, violate international law and run counter to the two-State solution. They are at the centre of many other human rights violations in the occupied West Bank, including East Jerusalem, and a source of constant friction, demonstrations, incidents involving the excessive use of force by Israeli security forces, settler violence and widespread discriminatory policies affecting Palestinians' enjoyment of their human rights. On the Palestinian side, attacks on Israelis only heighten tension and provide material for a justification of hard-line measures that reinforce the cycle of violence."²
- 1.4 Also in March 2015, the UN Commission on the Status of Women passed a resolution stressing the quest for equality and reaffirming that: "the Israeli occupation remains the major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development of their society".³

1.5 In April 2015, the Rome Statute of the International Criminal Court (Rome Statute) entered into force in Palestine following Palestine's accession to the treaty with retro-active effect from 13 June 2014. Potential crimes over which the International Criminal Court (ICC) may exercise jurisdiction include, *inter alia*:

- Alleged war crimes committed in Gaza by all parties during “Operation Protective Edge”;
- Acts of torture or inhuman treatment;
- Unlawful deportation or transfer or unlawful confinement; and
- The transfer by the Occupying Power of parts of its own civilian population into the territory it occupies.

On 16 January 2015, the Office of the Prosecutor announced the opening of a preliminary examination into the situation in Palestine in order to establish whether the Rome Statute criteria for opening an investigation are met. Specifically, the Prosecutor will consider issues of jurisdiction, admissibility and the interests of justice in making this determination.

1.6 In October 2015, increased levels of violence erupted in the West Bank and East Jerusalem and continue at the time of writing. For well over a year prior to the recent upsurge in violence the UN, EU and civil society have been warning that tensions were on the rise particularly in Jerusalem. The general consensus is that the tension can be attributable to a number of factors including:

- Restrictions on access to the Al Aqsa mosque;
- Police/military brutality and night raids;
- Relentless settlement construction in East Jerusalem and the West Bank;
- Lack of adequate housing and building permits for Palestinians; and
- Freedom of movement restrictions imposed by the Israeli permit system.

In addition to these factors the failure of any credible political process to resolve the conflict in accordance with well established principles of international law has inevitably led to an erosion in faith in the prospect of a peaceful resolution.

1.7 In November 2015, the EU announced that it would from now on require goods from the settlements to be accurately labeled. The Interpretive Notice on indication of origin of goods from the territories occupied by Israel since June 1967, stated that: “The European Union, in line with international law, does not recognise Israel's sovereignty over the territories occupied by Israel since June 1967, namely the Golan Heights, the Gaza Strip and the West Bank, including East Jerusalem, and does not consider them to be part of Israel's territory, irrespective of their legal status under domestic Israeli law. The Union has made it clear that it will not recognise any changes to pre-1967 borders, other than those agreed by the parties to the Middle East Peace Process (MEPP).⁴

- 1.8 According to data released by the UN at year's end, during the course of 2015, 158 Palestinians were killed as a result of the conflict with a further 13,589 injured. This compares with 23 Israeli fatalities and 176 injured – resulting in a fatality ratio of 7:1 and an injury ratio 77:1.⁵
- 1.9 The year ended much as it began with the announcement that the UN Special Rapporteur on the situation of human rights in the Palestinian territories, Mr. Makarim Wibisono, was resigning due to a lack of cooperation by the Israeli Government to allow him to enter the West Bank. The resignation will take effect in March 2016.⁶
- 1.10 The following pages consider some of the issues documented by WCLAC in 2015 in further detail.

2. Night raids

- 2.1 Night raids conducted by the Israeli military on Palestinian homes in the West Bank and East Jerusalem remains a major concern according to women interviewed by WCLAC in 2015. During the course of the year, WCLAC interviewed **113 women** who had direct experience of a night raid in 2015 and the common thread running through each testimony was a sense of fear and terror engendered by this practice.
- 2.2 According to evidence collected by WCLAC the majority of raids occur between 2:00 a.m. and 4:00 a.m. when the residents of the targeted households are asleep. The raids are conducted by large numbers of soldiers in full battle gear who often wear camouflage or masks over their faces. The targeted household will usually wake to the sound of shouting or loud banging at the front door. Since October 2015, a more common practice has been for front doors to be kicked in or blown off their hinges without any prior warning whatsoever.
- 2.3 A common theme throughout the testimonies is the sense of fear and terror experienced by those in the targeted households as large numbers of soldiers enter the house and sometimes the bedrooms. This sense of terror increases when children are involved, with reports of young children wetting themselves. In some cases the soldiers are also accompanied by service dogs which increases the tension and fear inside the confined space of the family home.
- 2.4 There is some evidence that night raids increase in frequency and intensity every time the military rotates a new unit into the area. The intention appears to be to stamp the new unit's authority on the region early on during its deployment and to send a clear message to the surrounding Palestinian communities that all forms of resistance are futile.

- 2.5 In many of the night raid cases documented by WCLAC no arrests were made, suggesting that the purpose of the raid was simply to intimidate the community. In cases where arrests were made, little or no information was provided to the family who were left to contact NGO's to obtain information as to the whereabouts of their loved ones.
- 2.6 Following the upsurge in violence in October, WCLAC noted a sharp increase in the frequency and intensity of night raids in the West Bank. The evidence disclosed an increase in gratuitous property damage, such as throwing clothes and kitchen items on the floor, as well as the making of death threats against women and family members attempted to ask the soldiers for information regarding why their home had been targeted. In the month of October alone, WCLAC recorded death threats being made by soldiers in **42 per cent** of night raid cases documented by the organisation.
- 2.7 During the course of the year WCLAC lodged two submissions ([June](#) and [November](#) submissions) under the UN Special Procedures mechanism relating to the devastating impact of night raids on Palestinian women and their families. From this body of research a number of key findings emerged:
- (i) The Israeli military is currently conducting approximately **1,400** night raids each year in the West Bank (not including East Jerusalem), or four raids each and every night;
 - (ii) Since June 1967, it is estimated that the Israeli military has conducted **65,000** night raids in the West Bank (not including East Jerusalem). This figure does not include the more common day-time incursions into Palestinians centres of population conducted by the Israeli military; and
 - (iii) On average each night raid occurs within **2 kilometres** of an Israeli settlement built in violation of international law and UN Security Council resolutions.
- 2.8 Based on the evidence it is reasonable to conclude that the extensive use of night raids by the Israeli military into Palestinian communities appears to be part of the well-documented strategy of “making the military’s presence felt” in order to suppress the Palestinian population so that Israeli settlers can go about their daily routine relatively undisturbed in occupied territory.⁷
- 2.9 The following paragraphs include a brief summary of some of the evidence relating to night raids collected by WCLAC in 2015. (See also paragraph 6.5 below).
- (i) On 4 January, [Hanieh Q.](#) reports that Israeli soldiers blew open her front door in the village of Jayyus at 2:00 a.m. She reports that the soldiers were loud and pushed them around a lot. Whenever they tried to speak they were told to shut up. She reports that

three soldiers surrounded her 22-year-old son, Abed, and started to beat and kick him. When her husband and other son tried to intervene they too were beaten. When Hanieh tried to intervene a soldier threatened to shoot her and she was pushed to the ground. The soldiers detained Abed but he was later released without charge.

- (ii) On 9 January, [Sana S.](#) reports how her home was raided by Israeli forces in East Jerusalem at 4:30 a.m. She reports that this was not the first time her home had been raided and how night raids have traumatized her children. She reports that her 17-year-old daughter could not stop crying for two days following one night raid whilst her three-year-old daughter now wets herself uncontrollably.
- (iii) On 11 February, [Naimeh M.](#) reports how Israeli soldiers broke into her home in the town of Beit Ummar at 3:00 a.m. She reports that this was the fourth time their home was raided during the past month. When her husband attempted to find out what the soldiers wanted he was beaten and pepper sprayed. When Naimeh tried to intervene she too was beaten. The soldiers also prevented her daughter from calling an ambulance for her father. The soldiers detained her 21-year-old son who was released one week later.
- (iv) On 10 March, [Amina K.](#) reports that Israeli soldiers entered her home in Bethlehem at 2:00 a.m. The soldiers immediately entered the bedroom of her adult son and tied and blindfolded him without explanation. The soldiers left the house at around 4:00 a.m. and Amina could see that they were beating and kicking her son outside. Amina reports that her grandchildren are now traumatized and her 2-year-old grandson wets himself and wakes up crying at night. Amina was not informed why her son was arrested.
- (v) On 25 August, [Rasmiyeh T.](#) reports that she woke up at 3:00 a.m. after Israeli soldiers blew open her front door in the Al Arrub refugee camp. Without any notice around 20 soldiers started to search the family home for about 30 minutes and threw the family's clothes on the ground. The soldiers then arrested Rasmiyeh's adult son without any explanation and discharged a tear gas canister in the house as they left. Rasmiyeh reports that she could hear the sound of her son screaming outside as he was beaten by the soldiers.

Recommendation

- Request that the Special Rapporteur includes a section on Israeli military night-raids on Palestinian homes in his annual report to the Human Rights Council.

3. Settler violence

- 3.1 Violent attacks carried out by Israeli settlers in the West Bank and East Jerusalem against Palestinians and their property continue to be one of the major concerns of women interviewed by WCLAC in 2015. During the course of the year, WCLAC interviewed **12 women** who had direct experience of a settler attack in 2015.
- 3.2 Before considering the evidence relating to settler violence, it is worth reviewing the applicable legal principles relating to settlement activity in occupied territory:
- (i) The West Bank and East Jerusalem are under Israeli military occupation;
 - (ii) Occupying powers are not permitted to allow their citizens to live in occupied territory;
 - (iii) All Israeli settlements, settlement blocks and outposts in the West Bank and East Jerusalem are illegal under international law; and
 - (iv) All legal obligations undertaken by the Government of Israel apply equally, and without discrimination, to all persons under its control, including Palestinians living in the West Bank and East Jerusalem.
- 3.3 In 2013 an independent UN report found that the establishment of the settlements has fragmented the West Bank placing at risk the possibility of a Palestinian State, and by implication, a viable two state solution – a stated policy goal of the US, EU and UN.⁸ Whilst the fenced areas of the settlements cover three per cent of the West Bank, in total 43 per cent of the territory is allocated to settlement local and regional councils.
- 3.4 The UN report also highlighted violence between settlers and Palestinians in the West Bank and expressed the view that the intention behind settler attacks is to pressure Palestinians to leave the land. Numerous testimonies cited in the report referred to the presence of the Israeli police and military forces during these attacks suggesting an element of coordination, collusion and complicity by the State.
- 3.5 During the course of the year WCLAC lodged a submission ([September](#) submission) under the UN Special Procedures mechanism relating to settler violence in the West Bank and East Jerusalem. From this body of research a number of key findings emerged:
- (i) There are approximately **585,000** Israeli settlers residing in East Jerusalem and the West Bank. By 2016 the number of settlers will exceed 600,000.

- (ii) **60,000** of the settlers in the West Bank are US citizens;
 - (iii) Housing starts in the settlements are projected to jump **68 per cent** in 2015; and
 - (iv) A complaint submitted to the Israel Police by a Palestinian victim of settler violence will lead to an effective investigation, the location of a suspect, prosecution, and ultimate conviction in just **1.9 per cent** of cases.
- 3.6 According to figures compiled by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2015, the UN agency recorded a total of **224** Israeli settler attacks on Palestinians and their property across the West Bank, including East Jerusalem, of which **89** resulted in Palestinian injuries and **135** in damage to property. This compares with 324 incidents in 2014 representing a decrease of **31 per cent**.
- 3.7 On 31 July 2015, settlers conducted an arson attack on a home in the West Bank village of Duma which left one Palestinian infant dead and the rest of the family severely injured. The infant's parents later died of their injuries in hospital. Following the attack the UN Security Council issued a statement condemning "in the strongest terms the vicious terrorist attack and underlining the need to bring the perpetrators of this deplorable act to justice". On 3 January 2016, two settlers, including one minor, were charged with various offences arising out of the incident.⁹
- 3.8 The nature of the Duma attack in July bears a chilling similarity to two cases documented by WCLAC in March 2015 (see 3.10 below) and illustrates that settlement construction in occupied territory makes violence of this nature virtually inevitable raising questions about the personal responsibility of Israeli officials who encourage and facilitate continued settlement activity in the West Bank and East Jerusalem.
- 3.9 As already noted the Palestinian communities affected most by night raids are located on average within two kilometres of an Israeli settlement. Many of these Palestinian communities are located even closer to roads used by settlers or the Israeli military highlighting the inevitable friction that is caused by the mass influx of illegal settlers. Based on the evidence it is reasonable to conclude that the mass intimidation of the Palestinian civilian population by the military is an essential element in maintaining the viability of Israel's settlement project in occupied territory.
- 3.10 The following paragraphs include a brief summary of some of the evidence relating to settler violence collected by WCLAC in 2015.
- (i) On 5 March 2015, a Palestinian woman ([Abeer A.](#)) from the village of Al Mughayyir in the West Bank woke at 3:00 a.m. when she heard the family car's window being

smashed. When Abeer looked out of the window she saw two settlers standing by the vehicle. The settlers then firebombed the family home. Abeer and her husband hurried to evacuate their young children from the house. Once outside the family noticed that “Death to the Arabs” had been painted on their house. The family was left terrified and feeling insecure.

- (ii) On 5 March 2015, a Palestinian woman ([Thamina M.](#)) from the village of Al Mughayyir in the West Bank woke at 3:00 a.m. when the family car alarm went off. When Thamina looked out of the window she saw that their car was on fire. When her husband turned on the outside lights they saw two settlers run to a waiting car which then drove off. The family was terrified that the settlers might return and firebomb their house. Later the family discovered that Hebrew language graffiti had been painted on the outside of their house.
- (iii) On 16 May 2015, a Palestinian woman ([Jalileh N.](#)) and her family, including her grandchildren, were travelling in a taxi van in the West Bank to visit her daughter. As they passed through the Etzion road junction near Bethlehem at 1:00 p.m. a settler threw a stone at their vehicle smashing a window. Jalileh’s husband suffered a number of cuts and was bleeding while the rest of the family were terrified and screaming. They were later transferred to hospital in Ramallah for treatment.
- (iv) On 20 June 2015, a Palestinian woman ([Nahida A.](#)) who lives in Ramallah near the entrance to Pesagot settlement witnessed a small grass fire break out near the entrance to the settlement and two children running away towards Ramallah. A group of settlers gathered near the entrance shortly afterwards. Around 45 minutes later a 14-year-old Palestinian boy was shot as he passed the settlement on his way to play football. The boy was shot once in his knee and once in his upper thigh.
- (v) On 20 June 2015, a 61-year-old Palestinian woman ([Rahimeh S.](#)) was driving home in the West Bank with her son at 10:00 p.m. when they encountered a group of 20 settlers on the side of the road. Israeli soldiers were also present. A large stone was thrown at their vehicle by a settler smashing the window and striking Rahimeh on the head rendering her unconscious. Rahimeh later woke up in hospital in Ramallah suffering from concussion and a fractured skull.

Recommendations

- Request that the Special Rapporteur includes in his annual report to the Human Rights Council a reminder that:

- All Member States must comply with their obligations under international law and to assume their responsibilities in their relationship to a State breaching peremptory norms of international law; and
- Private companies must assess the human rights impact of their activities and take all necessary steps – including by terminating their business interests in the settlements – to ensure they are not adversely impacting the human rights of Palestinians in conformity with international law as well as the Guiding Principles on Business and Human Rights.

4. WCLAC field-researcher shot while peacefully protesting

- 4.1 In April 2015, Ms. Manal Tamimi, a field-researcher for WCLAC, was shot in the leg by an Israeli soldier during the weekly protest in the West Bank village of An Nabi Saleh. The weekly demonstrations in the village have been taking place every Friday for the past five years and oppose Israeli settlement construction and continued military occupation. Ms. Tamimi is prominent human rights defender through her involvement in the weekly protests in the village. These demonstrations started in 2009 after residents in the settlement of Hallamish seized a spring owned by a villager.
- 4.2 In July 2015, WCLAC and Lawyers for Palestinian Human Rights (LPHR) submitted a joint [complaint](#) to the UN Special Rapporteurs on Violence against Women and Human Rights Defenders concerning the frequent targeting of Ms. Tamimi by Israeli military authorities.¹⁰
- 4.3 WCLAC and LPHR are concerned that the shooting and frequent targeting of Ms. Tamimi by the Israeli military authorities amounts to an illegitimate and grave interference with her right to peacefully demonstrate. The organizations have urged the Special Rapporteurs to undertake an urgent investigation of Ms. Tamimi's case and contact the government of Israel to ensure that her treatment by Israeli authorities is consistent with fundamental rights guarantees contained within international human rights law.
- 4.4 WCLAC and LPHR have further requested that the Special Rapporteurs consider urging the Israeli military authorities to repeal Military Order 101 on the basis that this unjust law is repeatedly used to unjustifiably infringe upon the fundamental right to protest guaranteed by international human rights law.

Recommendation

- Request that the Special Rapporteur includes in his annual report to the Human Rights Council a section on the fundamental right of the Palestinian people to peaceful assembly.

5. Supply of service dogs

- 5.1 In October 2015, Dutch media reported (NRC ([Dutch](#)), ([English](#))) that the Government of the Netherlands has been approving export licenses for the supply of service dogs to the Israeli military for use in the occupied West Bank and East Jerusalem for several years. This has raised concerns in the Netherlands as there is evidence indicating that these dogs are used to attack Palestinian civilians, including women and minors, and frequently accompany military units when they conduct [intimidating raids](#) on Palestinian homes in the middle of the night.
- 5.2 The granting of export licenses for the service dogs is controversial due to an EU directive on the refusal of export licenses for the shipment of strategic goods such as pistols and camouflage paint to Israel. It has been suggested that the export of service dogs does not fall within the directive but this has been called into question because the Dutch police and defence ministry classify these dogs as 'means to violence', similar to pepper spray and fire arms.
- 5.3 Following the release of the NRC article, the [issue was raised](#) with the Dutch Foreign Minister, Bert Koenders, in the Dutch Parliament on 26 October 2015, during which calls were made to immediately cease the issuing of export licenses for service dogs destined for use by the Israeli military in East Jerusalem and the West Bank. At the time of writing the Government of the Netherlands is reviewing the practice of granting export licenses for service dogs supplied to the Israeli military.
- 5.4 Examples of cases documented by WCLAC in 2015 in which service dogs have been used by the Israeli military in the West Bank include:
- (i) On 14 May 2015 ([Nijud B.](#)), Israeli soldiers entered a Palestinian home in the village of Wadi Al Far'a at 3:00 a.m. accompanied by a service dog. Nijud reports that her children, including a 1-year-old, woke up in a panic when they heard the service dog barking inside their house. Nijud reports that her youngest child was "scared to death of the dog". The soldiers then proceeded to search the family home causing considerable damage.
 - (ii) On 3 August 2015 ([Aisha A.](#)), around 50 Israeli soldiers surrounded a Palestinian home in the village of Al Mughayyir at 1:30 a.m. accompanied by service dogs. A 25-year-old male was detained and beaten in front of his family. Aisha, the detained man's mother, reports that she is still suffering from shock and finds that she cries uncontrollably whenever she thinks about the experience.
 - (iii) On 2 November 2015 ([Hanan F.](#)), about 30 Israeli soldiers accompanied by two service dogs entered a Palestinian home in the Shuf'at refugee camp in East

Jerusalem at 4:00 a.m. The soldiers then tied and beat Hanan's 16-year-old son as well as her husband when he tried to intervene. The soldiers then searched the house and became more respectful when Hanan showed them the family's US passports.

- (iv) On 4 November 2015 ([Kafa T.](#)), a large number of Israeli soldiers accompanied by a service dog entered a Palestinian home in the village of An Nabi Salih at 2:00 a.m. The soldiers searched the house and threw the family's clothes on the ground as well as the kitchen utensils. The soldiers returned at 3:00 a.m. the following day and detained Kafa's husband.
- (v) On 8 November 2015 ([Nawal R.](#)), around 10 Israeli undercover soldiers entered a Palestinian home in the Ad Duheisha refugee camp at 4:40 a.m. accompanied by a service dog. The soldiers beat Nawal's two sons and her daughter when she tried to intervene. Nawal was also beaten when she tried to intervene to protect her children.

Recommendation

- Request that the Special Rapporteur writes to the Government of the Netherlands requesting it urgently reconsiders the issuing of export licenses for the supply of service dogs to the Israeli military and to provide an update of any relevant policy changes in relation to their supply.

6. Upsurge in violence

6.1 In October 2015 there was increase in the level of violence in East Jerusalem and the West Bank. For well over a year prior to the recent upsurge in violence the UN, EU and civil society have been warning that tensions were on the rise in Jerusalem. The general consensus was that the tension can be attributable to a number of factors including:

- (i) Restrictions on access to the Al Aqsa mosque;
- (ii) Police/military brutality and night raids;
- (iii) Relentless settlement construction in East Jerusalem and the West Bank;
- (iv) Lack of adequate housing and building permits for Palestinians; and
- (v) Freedom of movement restrictions imposed by the Israeli permit system.

In addition to these factors the failure of any credible political process to resolve the conflict in accordance with well established principles of international law inevitably leads to an erosion in faith in the possibility of a peaceful resolution. This conclusion appears to be supported by the results of a poll conducted in December 2015 by the Palestinian Center for Policy and Survey Research, which found, *inter alia* that:¹¹

- (i) **65 per cent** of Palestinians polled believe that the two-state solution is no longer practical due to settlement expansion;
 - (ii) **82 per cent** of Palestinians polled believe that Israel's long term goal is to annex the lands occupied in 1967 and expel their population or deny them their rights;
 - (iii) **68 per cent** of Palestinians polled believe the Oslo agreement should be abandoned; and
 - (iv) **65 per cent** of Palestinians polled would like to see president Abbas resign.
- 6.2 In response to the upsurge in violence there is evidence that Israeli forces in East Jerusalem and the West Bank are increasingly resorting to extra-judicial killing, mass intimidation and collective punishment in order to maintain their grip on Palestinian territory in violation of basic international norms.
- 6.3 According to a statement published by Amnesty International ([“Israeli Forces in Occupied Palestinian Territories Must End Pattern of Unlawful Killings”](#)): “[T]here is mounting evidence that, as tensions have risen dramatically, in some cases Israeli forces have ripped up the rule book and resorted to extreme and unlawful measures. They seem increasingly prone to using lethal force against anyone they perceive as posing a threat, without ensuring the threat is real.” Amnesty’s statement continues: “Intentional lethal force should only be used when absolutely necessary to protect life. Instead we are increasingly seeing Israeli forces recklessly flouting international standards by shooting to kill in situations where it is completely unjustified. Israeli forces must end this pattern of unlawful killings and bring all those responsible to justice.”
- 6.4 These conclusions appear to be supported by [data released by the UN](#) which indicates that between October and December 2015, for every Israeli death, 7 Palestinians have been killed (129 Palestinians versus 19 Israelis). The ratio is even starker when it comes to injuries with 69 Palestinians injured for every Israeli (13,257 Palestinians versus 191 Israelis) raising concern the use of disproportionate force has been adopted as a matter of policy.¹² These concerns appear to be confirmed by available [security camera footage](#) which show police in East Jerusalem resorting to lethal force in circumstances where the suspect no longer posed any obvious threat.¹³
- 6.5 During the same period (October to December 2015) WCLAC has documented a dramatic increase in violent night raids conducted by the Israeli military on Palestinian homes and a corresponding increase in the level of threatening behaviour, including threats to shoot family members, including women, if they questioned the actions of the military.

- (i) On 12 October, [Salimeh H.](#) reports that around 30 Israeli soldiers broke into her home in the town of Dhinnaba at 3:00 a.m. after kicking down her front door. When her husband asked a soldier if he could fetch some water for her he was told they would be shot if they moved. The soldiers then searched Salimeh's home damaging furniture and doors, as well as throwing the family's clothes on the floor. The soldiers then detained Salimeh's 24-year-old son without explanation. Her son was later given a 6-month administrative detention order under which he is held without charge or trial.
- (ii) On 13 October, [Attieh Z.](#) reports that around 40 Israeli soldiers broke into her home in the city of Tulkarm after kicking in the front door at 3:00 a.m. She reports that the soldiers were physically and verbally abusive towards her paralysed son after he explained that he could not stand up. The soldiers then searched her home damaging the doors and cupboards, whilst throwing the family's clothes and kitchen utensils on the floor. The soldiers then detained her 20-year-old son without explanation. Her son was later given a 4-month administrative detention order under which he is held without charge or trial.
- (iii) On 20 October, [Sahar R.](#) reports how Israeli soldiers blew open her front door in Beit Furik at 4:30 a.m. without warning. Whilst searching the house the soldiers made Sahar's 10-year-old son, Ibrahim, stand against a wall with his hands and one leg raised. Ibrahim remained in this position for approximately two hours and was too terrified to put his arms down even after the soldiers had left the house. The soldiers detained Sahar's 18-year-old son, Ahmad, without explanation, and when she asked to see her son before he was taken away she was told to shut up or she would be shot.
- (iv) On 21 October, [Eman T.](#) reports that approximately 15 Israeli soldiers entered her home in Sinjil accompanied by a service dog at 4:00 a.m. When the family asked what the soldiers wanted they were told to remain silent. After searching the house for about 30 minutes the soldiers then detained Eman's 25-year-old son, Islam, without explanation. The family later contacted an NGO to try and get some information about their son but without success.
- (v) On 2 December, [Arwa Z.](#) reports how Israeli soldiers blew open her front door at 2:30 a.m. When Arwa's husband complained to the commander he was told to shut up. Arwa and her children were held in one room under armed guard while her husband was questioned in another room. Their house was searched and then Arwa's 17-year-old son was detained without explanation. The family received a call from the military two days later and were told that their son was being detained in Ofer prison but they were not told the accusation.

5. Property destruction

- 5.1 According to UN data Israeli authorities demolished or dismantled a total of **539** Palestinian owned structures in the West Bank in 2015, mostly in Area C, on the grounds of lack of building permits. This represented a **10 per cent** decrease compared with 2014. According to the UN Approximately **60 per cent** of the structures targeted in both years were located in small herding communities in Area C, and some **20 per cent** were provided as humanitarian assistance and funded by international donors.
- 5.2 Examples of recent cases documented by WCLAC involving property destruction in the West Bank and East Jerusalem include:
- (i) On 13 January 2015, [Fadwa M.](#) reports how her son managed to save enough money to build a small house next to hers. Just before the house was finished the Municipality of Jerusalem issued a demolition order because the house did not have a building permit. The family hired a lawyer and they thought the case was closed with the family paying a fine of NIS 100,000. The family did try to obtain a building permit but they are difficult for Palestinians to obtain from the Israeli authorities. In January 2015, the family received another demolition order and told to demolish the house or they would be charged NIS 90,000. Accordingly, Fadwa's son demolished his house on 13 January.
 - (ii) On 28 February 2015, [Khawla M.](#) reports how she and her husband built a small extension on their apartment in East Jerusalem in 2007. Before completion of the extension the Municipality of Jerusalem sent a notice the construction was illegal due to the absence of a permit. Khawla reports that she did not apply for a building permit because they are rarely granted to Palestinians. In 2009 the Municipality took Khawla to court she was fined NIS 48,000. In 2015 the court ordered that Khawla demolish the extension or the Municipality would do so and charge her NIS 85,000. In February, Khawla demolished the extension.
 - (iii) On 1 March 2015, [Nariman S.](#) reports that she and her husband managed to save enough money to buy an apartment in a building under construction in East Jerusalem. After paying a deposit of NIS 35,000, Nariman discovered that the building was being constructed without a permit. On 1 March 2015, the partially constructed apartment building was demolished and they are still trying to obtain the return of the deposit but without success.
 - (iv) On 11 March 2015, [Najah A.](#) reports that she and her husband were working on agricultural land in the Jordan Valley when they received a phone call from a neighbour to say that their house was being demolished by the Israeli authorities.

Najah and her husband rushed home to find their home had already been partially destroyed. Najah attempted to enter the house to recover important documents but she was prevented from doing so by a soldier. Najah reports that they were not given any explanation as to why their home was being destroyed and had not received any prior notice. The family was provided with a tent to live in by the Red Crescent which the Israeli authorities threatened to demolish on 14 March 2015.

- (v) On 11 March 2015, [Faizeh D.](#) reports that she and her husband were working in the fields in the Jordan Valley at around 7:00 a.m. when they received a phone call informing them that the Israeli authorities were demolishing their home nearby. When they arrived home their house had already been destroyed with all their possessions still inside. When her husband went to ask the soldiers why their home was destroyed they yelled at him that it is in a closed military zone. Faizeh reports that they did not receive any prior notification before the home was destroyed. The soldiers later returned and threatened to destroy the tent the family were forced to live in.

Recommendation

- Request that the Special Rapporteur provide guidance as to whether an occupying power has the legal right to establish a building permit regime in occupied territory and to maintain it indefinitely.

6. Unlawful transfer of female prisoners

- 6.1 According to data released by the Israeli Prison Service (IPS), in any given month in 2015, between **18** and **44** Palestinian women and girls were transferred and/or unlawfully detained in prisons located inside Israel in violation of Article 76 of the Fourth Geneva Convention and Article 8 of the Rome Statute.¹⁴ In 2015 no Palestinian female “security prisoners” held in Israeli prisons were detained inside the Occupied Palestinian Territories as required under international law. This policy not only makes it more difficult for family members to visit their loved ones in prison, it also amounts to a war crime in circumstances where there is no dispute of fact.

Recommendation

- All Palestinian female prisoners detained under Israeli military law should be held in facilities in the Occupied Palestinian Territories and not in Israel, which constitutes a breach of Article 76 of the Fourth Geneva Convention and Article 8 of the Rome Statute of the International Criminal Court.

- In accordance with their legal obligations, State Parties to the Convention must ensure that those who commit, aid, abet or procure the commission by others of a grave breach are prosecuted.

7. Gaza

7.1 In June 2015, the [International Commission of Inquiry](#) established by the UN following the 2014 war in Gaza (“Operation Protective Edge”) published its findings in a 183 page [Report](#) and 34 page [Summary](#). The Commission’s mandate was to examine alleged violations of international law occurring between 13 June and 26 August 2014, throughout Israel and Palestine. The Commission received full support from Palestine whilst Israel declined to cooperate. According to the Commission:

- 2,251 Palestinians and 73 Israelis were killed during the 51-day conflict (a fatality ratio of 31:1). The Commission found that 1,462 of the Palestinian fatalities were civilians (65 per cent), including 299 women (20 per cent) and 551 children (38 per cent). A further 11,231 Palestinians were injured, including 3,540 women (32 per cent) and 3,436 children (31 per cent). The Commission found that six of the Israeli fatalities were civilians (8 per cent) and up to 1,600 Israelis were injured. According to the Commission, 1,500 children in Gaza were left orphaned by the war.
- There was enormous destruction to the civilian infrastructure in Gaza, including: 18,000 housing units destroyed in whole or in part; much of the electricity network and of the water and sanitation infrastructure were incapacitated; and 73 medical facilities and many [ambulances](#) were damaged. At the height of the hostilities, the number of internally displaced persons reached 500,000 or 28 per cent of the population of Gaza.
- The Commission also found that many of the attacks launched by Israel on residential buildings occurred at dusk and dawn. The timing of the attacks increased the likelihood that many people, often entire families, would be at home. Further, attacking residential buildings rendered women particularly vulnerable to death and injury.

7.2 The Commission concluded that the persistent lack of implementation of recommendations – made by previous commissions of inquiry, fact-finding missions, United Nations treaty bodies, special procedures and other United Nations bodies, in particular the Secretary-General and OHCHR – lies at the heart of the systematic recurrence of violations in Israel and Palestine. The Commission made a number of specific recommendations to both parties based on agreed principles of international law. The Commission also found serious flaws in both Israel’s and Palestine’s investigative processes and a lack of appropriate accountability.

7.3 On 15 January 2015, [WCLAC submitted a 55-page report](#) to the Commission of Inquiry highlighting the cases of 36 women from Gaza and including their eyewitness testimonies of

their experiences during the 51-day conflict. Many of the issues referred to by the Commission of Inquiry are included in these testimonies.

- 7.4 The ceasefire following the 2014 war in Gaza largely held throughout 2015. Twenty-four Palestinian fatalities were recorded in Gaza in 2015 as a result of the conflict – the second lowest figure since the outbreak of the second Intifada in 2000.¹⁵
- 7.5 There was also some progress recorded in 2015 in the exit of goods from Gaza to Israel and the West Bank; the volume of goods marketed outside Gaza increased more than five-fold compared with 2014. The unemployment rate in Gaza also improved slightly in the third quarter of 2015, dropping five percentage points from the figure recorded in the equivalent quarter of 2014. However, unemployment in Gaza remains one of the highest figures in the world at 42.7 per cent, and commercial exports and transfers still constitute only 10 per cent of the volume recorded in 2007, prior to the imposition of the blockade.¹⁶
- 7.6 Examples of recent cases documented by WCLAC in 2015 include:
- (i) In February 2015, [Manal B.](#) describes how she obtained a US Green Card but has not been granted an exit permit to leave Gaza by the Israeli authorities. She describes her life in Gaza as one full of disappointment and fear. Manal also reports that her two young daughters were traumatized during the 2014 war due to the intense bombing.
 - (ii) In March 2015, [Faten A.](#) describes her life in Gaza including the feeling of insecurity and the frequent power cuts. Faten reports that she has not left Gaza in two years because of the humiliation she felt the last time she passed through the Erez checkpoint. She recalls that after she went through the metal detector the Israeli soldiers took her to a room and made her strip. She is now planning to move to Ramallah in the West Bank.
 - (iii) In March 2015, [Rima](#) describes her experiences during the 2014 war and the effects it has had on her family. She reports that her 10-year-old daughter Nadine was traumatized and her school performance has deteriorated. Meanwhile, her nine-year-old son Diaa has become more hostile and now wets his bed. Rima says that they cannot leave Gaza and are stuck in a violent cycle.
 - (iv) In May 2015, [Nisreen F.](#) reports on the challenges she faces in trying to start a clothing retail business in Gaza including: a lack of building materials making it difficult to build the shop; having to apply for an Israeli business permit through her husband, not in her own right as a woman; and a condition that she purchases a certain percentage of her stock from Israel.

- (v) In May 2015, a [Palestinian Canadian woman](#) describes her first visit back to Gaza to see her family in 15 years. She describes the stress of the security situation and how they had to evacuate a restaurant when they heard military jets overhead and the sound of bombing. She does not know if she will visit Gaza again due the stress and difficulties she experienced.

8. Concluding words

- 8.1 Time and again illegal Israeli settlement construction in the West Bank and East Jerusalem has been identified as the main impediment to a peaceful resolution to the conflict based on a two-state solution and yet settlement construction continues. The response of the international community has generally been too little too late with foreseeable consequences.
- 8.2 During the year, 1,800 new housing units were constructed in the settlements and despite a declared “tender freeze”, tenders for 1,143 new housing units were published in 2015.¹⁷ It is estimated that at some point during the course of 2016, the settler population in East Jerusalem and the West Bank will exceed 600,000, making the chances of a two-state solution more and more improbable and the chances of further violence more likely.
- 8.3 In the absence of any credible political process or accountability the last remaining option within an established international framework may involve proceedings at the International Criminal Court. Should this option also fail then a future including increased instability, escalating violence, desperation and extremist views in Israel and Palestine is looking ever more likely.

¹ UN Humans Rights Office of the High Commissioner, media statement: Israel’s lack of cooperation leads to cancelled visit by UN rights expert to the occupied Palestinian territory, 16 January 2015. Available at: <http://is.gd/F1BpzX>

² Report of the UN Secretary-General on the human rights situation in the Occupied Palestinian Territory, 5 March 2015. Available at: <http://is.gd/97THpS>

³ UN Commission on the Status of Women blames Israel for the grave situation of Palestinian women, 20 March 2015. Available at: <http://is.gd/QvyOie>

⁴ European Commission, Interpretative Notice on indication of origin of goods from the territories occupied by Israel since June 1967, 11 November 2015. Available at: <http://is.gd/wcJHZw>

⁵ OCHA, Protection of Civilians, Weekly Reports. Available at: <http://is.gd/WkAYnt>

⁶ UN Special Rapporteur on Occupied Palestinian Territory resigns due to continued lack of access to OPT, 4 January 2016. Available at: <http://is.gd/dBqEAd>

⁷ See for example testimonies provided by former Israeli soldiers to the group Breaking the Silence. Available at: <http://is.gd/7EZzvf>

⁸ UN Human Rights Council, Report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/. Available at: <http://is.gd/0Uv83c>

⁹ Jerusalem Post, Amiram Ben Uleil and minor indicted in Duma terror attack, 3 January 2016. Available at: <http://is.gd/Wo8wei>

¹⁰ UN submission on frequent targeting of human rights defenders. Available at: <http://is.gd/uyXi7q>

¹¹ Palestinian Center for Policy and Survey Research, Palestinian Public Opinion Poll No 58, December 2015. Available at: <http://is.gd/KXOXjF>

¹² OCHA, Protection of Civilians (Weekly) Reports, 29 September to 28 December 2015. Available at: <http://is.gd/WkAYnt>

¹³ Security camera footage available at: <http://is.gd/qkPJGQ>

¹⁴ Palestinian women and girls held in Israeli military detention are generally held in Hasharon and Damon prisons.

¹⁵ OCHA Humanitarian Bulletin, December 2015. Available at: <http://is.gd/tNuO6K>

¹⁶ OCHA Humanitarian Bulletin, December 2015. Available at: <http://is.gd/tNuO6K>

¹⁷ Peace Now. Available at: <http://is.gd/ZOIx2B>