



Women's Voices

In Light of Israel's Illegal
Settlement Expansion and
Violations of International Law



Analytical Report of Documented Human Rights Violations against Palestinian Women in the West Bank, including Occupied East Jerusalem and The Gaza Strip due to Practices of Israeli Military Occupation and Settlers' Violence and Terrorism

This report is a joint work of the Women's Centre for Legal Aid and Counselling (WCLAC) and The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH)

Cover photo by Ma'moun Wazwaz During the demolition of Palestinian homes in Masafer Yatta - Hebron

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Abstract

Enriched with evidence-based data and testimonies from Palestinian women interviewed in 2022, this report distinctly unveils Israel's institutionalized regime of systematic oppression and dominance over Palestinians. Evidently, this manifests an apartheid regime enforced and extends across the OPT and permeates within the green line.

The report aims to well-document and amplify women's voices in light of the Israeli apartheid occupation and its discriminatory policies and practices. Furthermore, it aspires to leverage these voices to hold Israel accountable. The report utilizes a human rights-based approach that examines the gender-specific impact of Israeli violations on women and girls, particularly on how it, directly and indirectly, violates the fundamental human rights of women and girls.

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Foreground

Historical Background and Legal Overview of Occupation of the West Bank, including East Jerusalem, and the Gaza Strip

The State of Israel was established in 1948 over 78% of the land of historical Palestine and was admitted to the United Nations via Security Council Resolution 69 on March 4, 1949. Israel's admission to the UN was based on the borders demarcated in the Armistice Agreement. In the 1967 war between Israel on one side and Egypt and Syria on another, Israel seized control of the West Bank and annexed East Jerusalem from Jordan, as well as the Gaza Strip from Egypt.

Almost immediately after the occupation of the remainder of the land of historical Palestine, the Knesset adopted, on June 22, 1967, amendments to the "Laws and Administration" Ordinance providing that the "law, jurisdiction and administration of Israel should apply to any area of Eretz Yisrael designated by the government by order," including Jerusalem, constituting the initial step in "legalizing" the annexation of the eastern part of the city. The de facto annexation of East Jerusalem was completed on June 28, 1967 when the Knesset amended the 1950 Basic Law on Jerusalem to reflect the newly defined municipal boundaries and extend Israeli law officially to the eastern part of the city. Immediately after, the Israeli government issued orders that united both parts of the city under the jurisdiction of the existing Jerusalem Municipality. This annexation was thereafter judicially authorized by the Supreme Court, which held that both parts of Jerusalem had become an integral part of Israel. Israel's unilateral annexation of East Jerusalem was not recognized by the international community. Within the aforementioned framework, the control of the West Bank, including East Jerusalem, and the Gaza Strip amounts to a military occupation.

The Oslo II Agreement in 1995 divided the West Bank into three administrative zones for an interim transitional period that was intended to last five years; Area "A", Area "B", and Area "C". In Area "A", which constitutes 17.2% of the total area of the West Bank, according to the Agreement, the Palestinian Authority enjoys full civil and military control. In Area "B", which constitutes 23.8% of the total area of the West Bank, the Palestinian Authority is responsible for civilian affairs and Israel has military control. In Area "C", which constitutes 59% of the total area of the West Bank, Israel enjoys full civil and military control, which includes zoning and planning. It is important to note that Area "C" holds 63% of the West Bank's agricultural lands.

In August and September 2005, Israel unilaterally disengaged from the Gaza Strip. Since then, it has argued that Gaza is no longer occupied as it has completely withdrawn its military presence from the territory. However, Israel continues to exercise “effective control” over Gaza, which renders it Occupied Territory in line with the definition of occupation as contained in Article 42 of Hague Regulations of 1907. Additionally, a three pronged test, as set in the 1948 Hostages Case, and 1983 Tsemel Case, will be used to determine whether Gaza is still under occupation: 1. the actual presence of hostile forces in the territory; 2. their potential to exercise effective powers of government in the area; and 3. the inability of the legitimate government of the area to exercise its sovereign authority over the territory. While the hostile forces, including both Israeli army forces and settlers, have respectively withdrawn and were evacuated from the Gaza Strip, the Israeli army continues to control the air space, maritime zones, and most border entry points into Gaza. Thus, the Israeli army has the ability to exercise effective control over Gaza. Furthermore, the redeployment of the Israeli army on the periphery of the Gaza Strip, coupled with its military capabilities, enables it to invade Gaza at will. Moreover, Israel continues to control the Palestinian population registry, and can thereby deny Palestinians in Gaza registration. Lastly, Israel has also imposed a land, sea and air blockade on the Gaza Strip since 2007, with dire effects on the civilian population. This, coupled with the assertion by the Conference of High Contracting Parties to the GCIV Declaration on the applicability of the Fourth Geneva Convention, presents a solid argument that the Gaza Strip remains occupied by Israel.

Israel’s claims that the Gaza Strip is not occupied is also repeated in the West Bank, including East Jerusalem, based on the argument that Palestine was not formally recognized as a state prior to Israel’s military occupation. However, the international community has persistently and continuously rejected these Israeli claims and asserted that the West Bank, including East Jerusalem, and the Gaza Strip remain Occupied Territory, and have rejected Israel’s attempts to impose of facts on the ground. This is evidenced in numerous UN resolutions, most recently Security Council Resolution 2334, adopted on December 23, 2016, and before that Security Council Resolution 478, which rejected Israel’s designation of Jerusalem as united capital of Israel.

Applicability of International Humanitarian Law, International Human Rights Law, and International Criminal Law to the West Bank, including East Jerusalem, and the Gaza Strip

International Humanitarian Law:

Different branches of international law apply to different types of situations. International humanitarian law is concerned with situations of armed conflict; hence, the need for the qualification of military occupation as an international armed conflict. In accordance with common Article 2 of the Geneva Conventions, international armed conflicts arise when one high contracting party resorts to armed force against another state, irrespective of the reasons or intensity of the conflict. Common Article 2(2) extends the scope of the application of the Geneva Conventions to include the military occupation of the territory of a high contracting party. Moreover, Additional Protocol I of the Geneva Conventions extends the definition of international armed conflict to include wars of national liberation, whereby peoples are fighting against colonial domination, alien occupation, or racist regimes in order to exercise their right to self-determination.

The definition of occupation is provided in the Convention Concerning the Laws and Customs of War at Land with Annex of Regulations as follows: "Territory is considered occupied when it is actually placed under the authority of the hostile army..." Article 43 of The Hague Regulations specifies that the occupying power must "take all the measures in its power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country." Since military occupation leads to the dissolution of sovereign powers, which are thereafter assumed by the occupier, this means that the occupier essentially becomes the government responsible for the Occupied Territory; as such, international law imposes strict obligations on the occupier with the view of respecting the rights of the occupied civilian population.

Despite the inclusion of military occupation in common Article 2(2) of the Geneva Conventions, Israel disputes its applicability, including the Fourth Geneva Convention to the West Bank, including East Jerusalem, and the Gaza Strip. This is primarily based on their argument that the previous status of the territory is different from that envisaged by the convention. Israeli Foreign Minister Moshe Dayan reiterated the position of the government before the United Nations General Assembly in 1977, arguing that as neither the West Bank nor the Gaza

Strip were the territory of a “High Contracting Party” when occupied by Israel in 1967, the Fourth Geneva Convention does not apply to the Occupied Palestinian Territory. Israel’s interpretation of Article 2 of Fourth Geneva Convention argues the concept of the “missing sovereign,” whereby the ousting of a sovereign power is a precondition for the applicability of the Convention. As such, Israeli officials and spokespersons have elaborated that since both the West Bank and the Gaza Strip were previously under Jordanian and Egyptian occupation respectively, the automatic applicability of the convention would accord rights to Jordan and Egypt that they are not entitled to.

In contrast, the Israeli Supreme Court issued conflicting judgments on the applicability of the Fourth Geneva Convention. The High Court of Justice referred to the Military Justice Law in the case of *Bassil Abu Aita et. al. v the Regional Commander of Judea and Samaria*. The law states that customary international law is automatically incorporated into Israeli law but not conventional international law, including the Geneva Conventions, which need to be incorporated through statutory enactment or subsidiary legislation. However, in a different case, the Israeli Supreme Court held that the humanitarian provisions of the Fourth Geneva Convention apply, but left it to the executive authority to determine which provisions are considered humanitarian.

The international community, however, has rejected these elaborate academic, executive, and judicial interpretations. The applicability of the Fourth Geneva Convention has been affirmed at least 126 times by (to name a few) the General Assembly, Security Council, Economic and Social Council and the Human Rights Commission. This international consensus was further demonstrated by the ruling of the International Court of Justice “Legal Consequences of the Construction of a Wall in the OPT” as well as the continuous emphasis and reiterations by the International Committee of the Red Cross of its applicability.

International Human Rights Law:

With the confirmation of the applicability of international humanitarian law to the West Bank and the Gaza Strip, there remains the contested issue of the applicability of International Human Rights Law, including both the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

Under the *Lex Specialis* principle and the definition of occupation in The Hague Regulations, the more relevant body of law is international humanitarian law. Conversely, others scholars argue that international human rights law applies simultaneously with international humanitarian law, filling in any gaps and increasing protection of civilians, which is the main purpose of international humanitarian law. Thus, arguably, the application of international human rights law complements that of international humanitarian law.

Article 2(1) of the International Covenant on Civil and Political Rights defines the scope of application of the Covenant as: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction...” The primary interpretation of this article specified that the scope of application extends to persons both within the State’s territory and subject to its jurisdiction. However, the interpretation has now evolved such that the UN Human Rights Committee asserted in its General Comment 31 that states parties are required “to respect and to ensure the Convention rights...and to all persons subject to their jurisdiction.”

Furthermore, the Human Rights Committee emphasised the applicability of the International Covenant on Civil and Political Rights to Israel in its Concluding Observations in 2010, stating “The Committee reiterates its view, previously noted in paragraph 11 of its concluding observations on the State party’s second periodic report (CCPR/CO/78/ISR) and paragraph 10 of its concluding observations on the State party’s initial report (CCPR/C/79/Add.93), that the applicability of the regime of international humanitarian law during an armed conflict, as well as in a situation of occupation, does not preclude the application of the Covenant...”

Moreover, the International Court of Justice emphasised, in its ruling on the Annexation Wall, the applicability of international human rights law to the Palestinian Occupied Territory, including both the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, citing the first concluding observations of the Committee on Economic, Social and Cultural Rights to the State of Israel in 1998 that emphasised the applicability of the covenant to the Occupied Palestinian Territory.

International Criminal Law:

The applicability of international criminal law to a certain territory hinges on the accession of the State concerned to the Rome Statute of the International Criminal Court. The first attempt of the Palestinian polity to enter the realms

of international criminal justice took place on 22 January 2009, through lodging an Article 12(3) Declaration under the Rome Statute, accepting the jurisdiction of the International Criminal Court over its territory. This declaration is believed by many to be for the purposes of holding accountable Israeli officials who took part in the 2008-2009 war on Gaza.

The issue was contentious at the time due to the status of the Palestinian Liberation Organisation at the UN as a non-member observer entity, such that acceptance of the declaration would, in the very least, incur an indirect confirmation and acknowledgement of Palestinian statehood.

In April 2012, following a thorough consideration of the Declaration made by the Palestinian National Authority, the Office of the Prosecutor of the ICC concluded that the status of the Palestinian Liberation Organisation at the UN prevented it from signing and or ratifying the Rome Statute, which in turn prevented the lodging of an Article 12(3) Declaration. As the examination of the Office of the Prosecutor was ongoing, the Palestinian National Authority continued its international efforts for recognition and statehood. The UN General Assembly Resolution 67/19 was adopted on 29 November 2012, where 138 States voted in favour, 9 against, and 41 abstained. The resolution effectively upgraded Palestine to the status of non-member Observer State. This upgraded status enabled the State of Palestine to accede to the Rome Statute. This was realised by lodging an Article 12(3) Declaration on 1 January 2015, accepting the jurisdiction of the Court, and followed by depositing an instrument of accession to the Statute with the UN Secretary General. The Declaration clarified that the State of Palestine grants the court retroactive jurisdiction to 13 June 2014. Consequently, and as a matter of policy, the Office of the Prosecutor opened a preliminary examination into the situation in Palestine.

The preliminary examination establishes whether the criteria set in Article 53(1) of the Rome Statute are met to open an investigation, which are 'jurisdiction', 'admissibility' and 'interests of justice'. Palestine's journey in the International Criminal Court went through several stages. Most recently, in March 2021, the Office of the Prosecutor opened an investigation in the situation in Palestine. This decision followed the ruling of the Pre-Trial Chamber that the Court does have territorial jurisdiction based on Article 12(2)(a) in the West Bank, including East Jerusalem, and the Gaza Strip.

Women, Peace and Security Agenda:

The Women, Peace and Security Agenda (WPSA) refers to ten resolutions adopted by the UN Security Council, starting with Resolution 1325, adopted in October 2000. Nine subsequent resolutions were adopted as follows: 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), and 2493 (2019). The adoption of resolution 1325, which was further elaborated in the subsequent resolutions, came in recognition of the disproportionate impact of war and armed conflict on women and girls, and following concerted efforts on the global level in response to the atrocities committed during the Yugoslav and other wars, in terms of sexual violence against women. The women, peace, and security agenda applies on all states automatically given that the resolutions were adopted by the security council, effectively making them legally binding.

Methodology and Content of the Report

This report is based on 331 questionnaires filled by MIFTAH's human rights defenders documenting violations against Palestinian women. Specifically, 229 questionnaires cover settlers' violence in the West Bank governorates of Hebron, Bethlehem, and East Jerusalem, and 102 questionnaires that covered the right to health of women suffering from cancer in the Gaza Strip. The report is also based on 50 testimonies documented by WCLAC's Field Researchers with Palestinian women who were interviewed during the year of 2022. WCLAC adopted an efficient method of documentation, involving one-on-one interviews with women whose rights have been violated, which vividly illustrating the particulars of violations, encompassing both their physical and emotional repercussions, which jeopardize their security and stability. In addition, these consequences extend to their homes' safety and impair their capacity to care for their children and families.

WCLAC's methodology is centered on evidence-based data gathered from Palestinian women to redress the gender sensitivity and ensure the resonance of women's voices in the face of a colonial occupation. This report focuses on detailing the gender-specific impact of Israeli violations on women and girls, particularly on how it directly and indirectly violates their fundamental human rights throughout the year 2022.

Through the process of documenting Palestinian women's human rights situation, WCLAC and MIFTAH identified different themes that tackle a wide range of international humanitarian law and human rights violations

that highlight Israel's systematic violations and discriminatory policies and practices as an occupying power.

The research team analysed these questionnaires and testimonies and organised primary data derived from them to highlight key aspects of settler colonialism in the West Bank and the blockade imposed on the Gaza Strip. The report also presents a comprehensive IHL and IHRL-based analysis of the impact of mass expulsion and house demolition in occupied East Jerusalem on women's lives in East Jerusalem, based on their documented testimonies. This report seeks to present these findings and provide an analysis of the international law provisions that these measures violate. The report covers relevant provisions under international humanitarian law, international human rights law, and international criminal law, all of which applicability was demonstrated above, in addition to the Women, Peace, and Security agenda, as relevant.

Following this introduction, which (i) provided the historical background and legal overview of the status of the occupied Palestinian territory, and (ii) qualified the applicability of international humanitarian law, international human rights law, international criminal law, and the women, peace and security agenda in the occupied Palestinian Territory, the report consists of three additional substantive sections. In the first section, the report covers the settlers' violence in the West Bank, including East Jerusalem, and provides an overview of settlement expansion, presents the research findings, and provides an analysis of the legal provisions that settlements violate within the framework of international humanitarian law, international criminal law, international human rights law, and the women, peace, and security agenda. The second section covers health rights in the Gaza Strip, provides an overview of the blockade on Gaza, presents the research findings, and provides an analysis of the legal provisions that the blockade violates, within the framework of international human rights law, international humanitarian law, and international criminal law. The third section presents the impact of forcible transfers, with a focus on Masafer Yatta. The fourth section elaborates on home demolitions, and presents the "Kaminitz Law - Amendment 116 to the Planning and Building Law" and its significant impact on increasing the rate of home demolitions. The fifth section presents recommendations tailored to national stakeholders, namely the Palestinian Authority and Palestinian civil society, in addition to international stakeholders, namely states, UN agencies, and the International Criminal Court.

Settlers' Violence in the West Bank, including East Jerusalem

Overview of the Settlement Enterprise in the West Bank, including East Jerusalem

Settlement activity refers to the transfer of a civilian population by the occupying power into territory it occupies. Israel commenced settlement expansion in the territories they occupied in 1967 immediately after the war with the construction of its first settlement, Kfar Etzion, located between Jerusalem and Hebron.

Settlement expansion is intrinsically linked to Israel's settler colonial enterprise, which seeks to maximise the acquisition of land, with as few Palestinians as possible on it. To this end, Israel employs three mutually reinforcing strategies: land confiscation and denial of use, settlement expansion, and expulsion of Palestinians.

One of the earliest settlement plans put forward was the Allon Plan, named after Labour Minister Yigal Allon, which envisioned the conquest of the West Bank, including East Jerusalem, the Gaza Strip, Sinai Peninsula, and the Golan Heights.

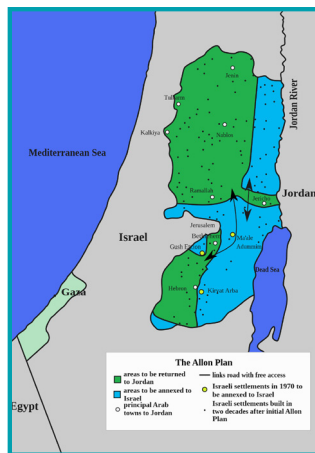


Figure 1: Allon Plan

The Plan allocated lands for settlement, as demonstrated in figure 1. The plan intended to develop and reinforce control through settlement construction and expansion over the West Bank, Gaza Strip, Sinai Peninsula, and Golan Heights, once it was decided to retain their control. The plan clearly provides for settlement construction and expansion in the Jordan Valley to create a buffer zone with the border with Jordan, in addition to around Jerusalem, in order to isolate the intended Palestinian capital from the remainder of the

West Bank, and all the way south towards the South Hebron Hills. While this plan was amended over the years, its main pillars remained, and was later reinforced by the E-1 development plan and the Jerusalem masterplan vis-à-vis settlement endeavours in East Jerusalem.

To fulfil the first strategy of its settler colonial policy (land confiscation and denial of use), , Israel has misappropriated more than two million dunums (equivalent to 2,000 km²) of land throughout the West Bank since its military occupation began in 1967. Furthermore, the Israeli occupation directly exploits 76% of the land classified within Area “C” of the West Bank, with the regional councils of settlements controlling 63% of this land. Moreover, the areas surrounding Israeli settlements have been designated as “closed military zones” by the Israeli authorities, and amount to approximately 542 km², representing about 10% of the total area of the West Bank.

In addition, land confiscated for the purposes of building military bases and trainings amount to 18% of the total area of the West Bank, in addition to the classification of 353,000 dunums of Palestinian land as “nature reserves” (a precursor to expropriation). The Annexation Wall also isolates more than 10% of the area of the West Bank, leaving vital agricultural land and water resources on the “Israeli” side of the Wall; 219 Palestinian communities are thus affected by the Wall. To serve settlements, a total of 200 kilometers of bypass roads have been constructed in the West Bank, with the road infrastructure supporting the settlement enterprise comprising approximately 2.3% of the total area of the West Bank.



A group of settlers, protected by the Israeli occupation forces, attack Palestinians. Picture by Isam Rimawi

With respect to settlement expansion, by the end of 2020, there were a total of 146 settlements and 147 settlement outposts in the West Bank, including East Jerusalem. In these settlements, by the end of 2020, there was a total of 712,815 settlers in the West Bank, including East Jerusalem, compared to 238,060 settlers in 1991 on the outset of the ‘peace process’. Settlement expansion and settler numbers have been increasing exponentially, rising from 2,876 settlers in 1977 to 238,060 in 1991 and standing at 712,815 in 2020. Of the total settlers currently in the West Bank, 332,294 are in East Jerusalem alone, constituting 46.6% of the total settler population. Table 1 shows the distribution of settlers and settlements by governorate by the end of 2020.

| Governorate | # of Settlers & Percentage | # of Settlements |
|---------------------------|----------------------------|------------------|
| Jenin | 3,553 (0.5%) | 5 |
| Tubas | 2,541 (0.3.6%) | 7 |
| Tulkarem | 4,414 (0.6%) | 3 |
| Nablus | 21,176 (3%) | 13 |
| Qalqilia | 40,391 (6%) | 8 |
| Salfeet | 47,905 (7%) | 13 |
| Ramallah and Bireh | 139,386 (19%) | 26 |
| Jericho and Jordan Valley | 7,508 (1%) | 17 |
| Jerusalem | 332,294 (46.6%) | 26 |
| Bethlehem | 92,183 (12.9%) | 13 |
| Hebron | 21,464 (3%) | 20 |

Table 1: Distribution of Settlers and Settlements by Governorate

In East Jerusalem specifically, Israeli settlements are situated in the heart of Palestinian neighbourhoods. In this sense, settlements in Jerusalem are built in strategic locations to surround Palestinian neighbourhoods and disrupt Palestinians’ geographic contiguity and urban development. This directly links to land expropriation, such that by 2017, an estimated 38% of land in East Jerusalem has been expropriated from Palestinians, most of it privately owned. Further, settlement expansion is directly linked to expulsion of Palestinians. In this sense, Israeli settler organisations have exploited a set

of laws that enables them to expropriate tens of Palestinian properties and replace them with Jewish settlers and organisations. According to OCHA estimates, in 2019, there were 199 Palestinian families, comprising 877 people, facing eviction and at risk of displacement in East Jerusalem. Most of these cases are located in the Old City, Sheikh Jarrah, and Silwan.

Between March and August 2020, a total of 389 Palestinian-owned structures were demolished or confiscated in West Bank, averaging around 65 instances per month. This marked the highest rate of demolition in four years.

At the onset of the COVID-19 pandemic, the Israeli authorities initially suggested that they would ease their longstanding practice of demolishing inhabited Palestinian homes. Nevertheless, during the period from March to August 2020, demolitions continued, resulting in 442 Palestinians losing their homes. This unfortunate situation further exposed many individuals to associated risks of the pandemic. Notably, in August 2022 alone, 205 individuals were displaced, surpassing the number of displacements recorded in any other month since January 2017.

The building of settlements in the heart of Palestinian neighbourhoods also applies to the Old City of Hebron, which has been specifically targeted for settler takeover. Whether in the Old City of Hebron or elsewhere in the West Bank, Israel utilises settlers' violence as a strategy to forcefully transfer Palestinians from their homes and their land. For example, in 2011, OCHA recorded the displacement of 140 Palestinians due to settlers' violence. Further, the advancement of settlers' outposts and takeover of Palestinian land has been observed in several cases, such as the outpost of Havat Ma'on in south Hebron hills, settler "farms" near Khirbet Zanutah in the southwest Hebron Hills, Halamish settlement in the northwest of Ramallah, the outpost of Havat Gilad south of Nablus, and Uri's "farm" in Um Zuqa in the northern Jordan Valley. Assaults, harassment and intimidation by settlers has a particularly dire impact in Hebron's H2 area, as well as other areas where Palestinians live in close proximity to settlements.

Settlers' violence inside Palestinian towns and villages includes verbal and physical threats, attacks with cold weapons, and gunfire. Other forms of violence include beating, throwing stones, issuing threats, torching fields, destroying trees and crops, stealing crops, using live fire, damaging homes and cars, and homicide. For instance, in 2021 Israeli settlers perpetrated 1,621 assaults against Palestinians and their property, all while under the protection of the Israeli army. These assaults included the destruction,

uprooting, and torching of 19,000 trees, 33 car-ramming incidents, 76 shooting incidents, 30 bulldozing and burning of Palestinian lands incidents, and 450 burning, destroying, or damaging of cars incidents. Furthermore, in 2021 settlers erected 10 new settlers' outposts, including in Jabal Subeih near Beita village in Nablus Governorate, where settlers seized 20 dunums of the total area of the mountain, which reaches 840 dunums. Another quantitative survey covering the H2 area in Hebron, as well as Jiftlik and Bardala villages in the Jordan Valley, demonstrates that 46% of Palestinian respondents were subjected to verbal violence in the form of insults and curses by soldiers and settlers, 24% reported being detained or arrested by occupation forces, 22% reported being subjected to physical violence by settlers or soldiers, and 20% reported the witnessing of the killing of a relative, with 12% more than once.

The prevalence and persistence of settler assaults and attacks give rise to psychological distress and cases of post-traumatic stress disorder, with women and families continuously worried about their children and leaving the house themselves. In this sense, a UN fact-finding mission determined that victims of settlers' violence suffer from various psychological disorders, including depression, anxiety, symptomatic stress, mood disorder, behavioural problems, and post-traumatic stress. The psychological trauma associated with settlers' violence and assaults is part and parcel of the coercive environment imposed by the occupation to decrease the resilience of Palestinians and drive them out of their land and homes towards "safer" locations to enable settler takeover. The psychological trauma experienced by Palestinians is particularly exacerbated by "price tags" attacks, which refers to attacks which the settlers call "revenge" for real or perceived attacks by Palestinians against Israelis, but most often targeting random Palestinian individuals or communities.

In cases where Palestinians seek redress for Israeli settlers' attacks and assaults, the Israeli authorities or law enforcement agencies systematically fail or refuse to properly investigate the attacks and to interrogate and indict settlers responsible or complicit in the attacks.. For instance, in 63 settler assault incidents documented by civil society organisation Yesh Din, 60 complaints were filed with the Israeli police. The police concluded the investigation in 38, with not a single indictment being filed: 30 investigations were closed under the pretext of "offender unknown", four investigations on grounds of "insufficient evidence", one investigation due to a "lack of public interest", and three investigations were closed for unknown reasons.

The lack of indictment of Israeli settlers is part of a wider Israeli approach to instil impunity and lack of accountability. According to Yesh Din's research, 82% of the investigations into ideologically motivated crimes against Palestinians in the West Bank carried out between 2005 and 2019 were closed due to police failures, and only 8% resulted in indictments.

The same impunity applies to property damaged by settlers' attacks. Property damage includes a wide range of forms, such as damage to cars (ranging from tire slashing to torching the entire vehicle); stone throwing at homes and cars; and torching homes and other structures. Additionally, documentations of Israeli settler assaults revealed a frequent targeting of mosques. Out of 44 documented settler attacks that included damage to property, Palestinians filed 42 complaints; investigations were concluded and closed in 28, while the remaining 14 are still ongoing. Yet not a single indictment was filed in any of the 28 investigations, with 23 of them closed on the grounds of "offender unknown", three on the grounds of "insufficient evidence", one on the grounds of "lack of public interest", and one for unknown reasons.



A picture of a mosque in Al-beerih-Ramallah, which was burned by settlers during their attack on the town. *Picture by Isam Rimawi*

As an occupying power, Israel has an obligation under international humanitarian law to protect the population under its occupation. This includes the duty to investigate human rights and humanitarian law violations, which as seen above is not undertaken. A proper investigation would be genuine and conducted in good faith, and allegations of human rights violations should be dealt with proactively by the authorities, rather

than waiting for the submission of a complaint. Additionally, investigations should be conducted in a thorough and impartial manner, with public scrutiny in the involvement of the victim(s). Last, as appropriate, the investigation should lead to criminal action against those involved in the human rights and humanitarian law violations.

Israel, as the occupying power, continuously fails to abide by its legal obligations under International Humanitarian Law to uphold the distinction between civilians and combatants, as stipulated in Rule 1 of the International Customary Law, and hence commits grave breaches of International Humanitarian Law. Article 79 (1) of the Additional Protocol to the Geneva Convention states: “Journalists engaged in dangerous professional missions in areas of armed conflict” shall be treated as civilians, protected from “military operations”, and other endangering activities.

Over the past three years, a disconcerting pattern of harassment, beatings, and arbitrary arrests of journalists has emerged, illustrating a systematic policy adopted by Israeli. This policy is aimed at preventing the documentation and reporting of peaceful protests against the ongoing violations and war crimes perpetrated by the occupying power upon the Palestinian civilian population on a daily basis.

In terms of the duty to protect the people under occupation, the Israeli army not only refrains from blocking settlers’ violence but also participates in assaulting Palestinians. For instance, 451 settlers’ attacks on Palestinians and their property were reported between January 2020 and September 2021, with 27 cases involving firing live ammunition, 180 cases of physical assaults, 145 cases of damage to private property, 77 cases of attacks on homes, 35 cases of attacks on passing vehicles, 123 cases of damage to trees and crops, and 59 cases of damage to farming equipment. In 183 of these cases, the presence of Israeli soldiers was recorded: in 66 of the cases the forces did not do anything; in 104 they participated in the attack by firing rubber-coated metal bullets, tear gas, and stun grenades at Palestinians; and in 22 cases the army arrested Palestinians attacked by settlers.

There are two different legal systems that are applied to the residents of the West Bank. Military law is applied to the Palestinian indigenous population, while Israeli civil law is applied to illegal Israeli settlers. The application of a dual legal system is considered the first step in the consolidation of a system of Apartheid against the Palestinian population that is characterized by the domination of Israeli settlers. Within this framework, the seizure of land through state practices of confiscation as “state land”, “firing zones” and

“nature reserves”, or indirectly through Israeli settlers’ violence, is integral to asserting Jewish domination. The land is used as a resource to ensure the development and construction of new and exclusive Jewish residential communities (on both sides of the Green Line), which at the same time leads to further land loss for Palestinians as well as the fragmentation of Palestinian land, another integral part of the imposition of an Apartheid regime.

Primary Research Findings

Documentations by MIFTAH

This section covers responses in 229 questionnaires filled by women from Bethlehem, Hebron, and East Jerusalem in the West Bank and covering different aspects of settlers’ violence and assaults.

In terms of proximity to settlements, 190 respondent women reported that they have to pass a settlement outpost or a settler house on their way to work or school. Furthermore, 182 respondent women reported that they are subjected to settler assaults when they leave their house. Due to settlers’ attacks, 100 respondent women confirmed that they need accompaniment for protection purposes. The need for accompaniment restricts these women’s mobility, which in turn limits their economic, social, and cultural activities. When asked on the frequency of settlers’ attacks, out of 229 women respondents, 43 reported that they are assaulted on a daily basis, another 43 reported said that they are assaulted more than once a week, 29 reported that they are assaulted on a weekly basis, and 113 reported that they are assaulted every once in a while. Lastly, of 220 respondents who determined the sex of the assaulter, 182 respondents reported being assaulted men alone (70 cases) or in a combination with women (9 cases), children (4 cases), or both (99 cases).

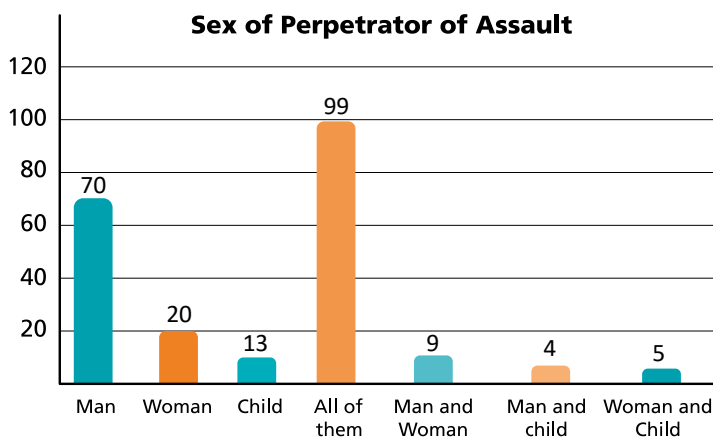


Figure 2: Sex of Perpetrator of Assault

Settlers use several methods when assaulting Palestinian women. For example, 86 women respondents reported that they were beaten by settlers; this includes bodily physical assault as well as using pepper spray. Additionally, 121 women respondents reported that settlers threw stones or sharp tools on them or on their property, including direct assault on houses and cars while commuting. Another 152 respondents reported that they were intimidated by settlers. Many cases reported that settlers threatened women and young girls that they will burn them like they did with the Dawabsheh family in Duma, in 2015 near Nablus. 52 women respondents reported that settlers shot gunfire, Molotov cocktails, and fireworks on women themselves or on their property, including direct attacks on houses and cars while commuting. 62 women respondents reported that they were subjected to verbal assaults, which included profanity against women themselves, as well as against Prophet Mohammad and Islam. 6 women respondents reported that settlers' attacks included destruction of agricultural land, uprooting trees, and destruction of vital infrastructure in agricultural lands. One particularly prevalent method is spraying crops with toxic chemicals, as well as raids using large and intimidating vehicles. It is important to note that attacks on agricultural lands and uprooting of trees that are tens or hundreds of years old is more prevalent in the northern West Bank governorates than in Hebron, Bethlehem, and Jerusalem governorates. Furthermore, these assaults have a multitude of consequences; besides intimidation of civilians, attacks on agricultural lands incur environmental harm, economic harm, physical harm, as well as psychological harm, given Palestinian attachment to their land.

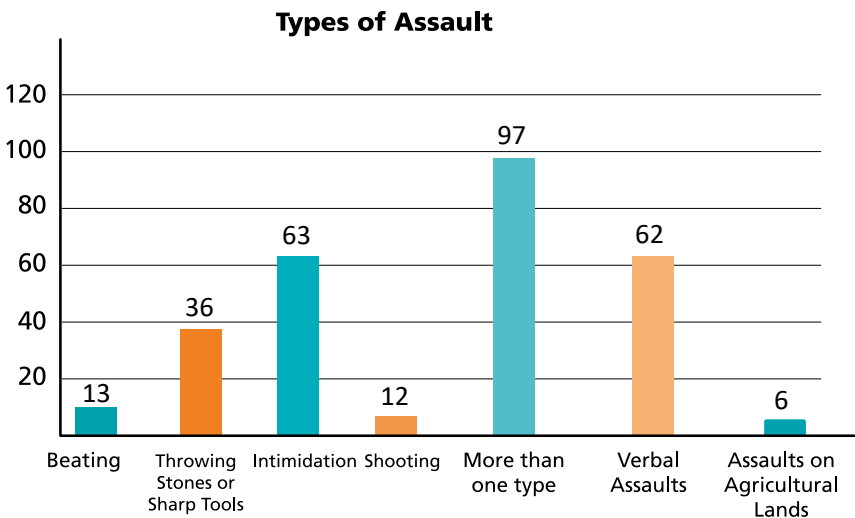


Figure 3: Type of Assault

Additionally, 5 women respondents reported that they were forced to take off their veils at least once while crossing checkpoints, and were inspected by men soldiers. 55 women respondents reported specific attacks on property, namely houses and cars. These include raids, breaking doors and smashing windows, vandalism and destruction of gardens around houses, installation of cameras that infringe on privacy within the family, and throwing garbage at the house and in the gardens. The vast majority of the assaults took place during Jewish holidays, which witness a large presence of Israeli soldiers, and whose responsibilities include maintaining public order rather than provide protection for settlers while they attack Palestinian civilians. In many cases, particularly in Jerusalem, soldiers (including border police forces) provided protection and support to settlers by attacking Palestinians, shielding settlers, and ignoring complaints under the pretext that they do not speak Arabic.

When asked about the consequences of the assaults, 71 women respondents reported physical consequences, including bone fractures, bruises, burns, and gas suffocation, while 222 women respondents reported that the assaults caused them psychological harm. Persistent psychological harm has been internalised by a large number of women, particularly those from Hebron, who now experience continuous fear for their security and that of their children; this includes an overall feeling of lack of security, which restricts their freedom of movement, particularly when they live in proximity to settlements. 55 women respondents reported that the assaults had material and financial consequences; this includes damages to property and agricultural land, as well as attacks on cars, and associated costs.

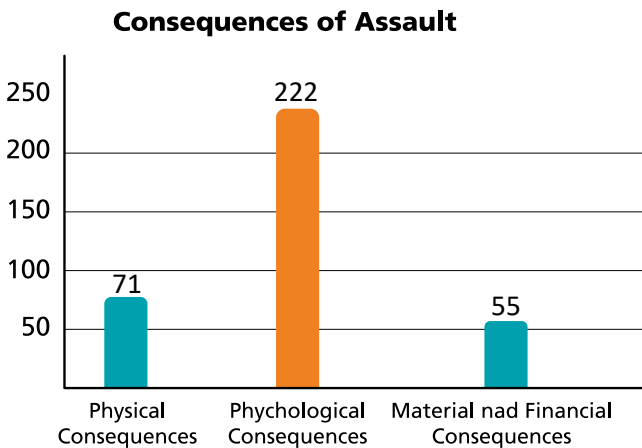


Figure 4: Consequences of Assault

It is important to note that of 217 women respondents, 186 women respondents decided not to submit complaints against settlers' violence, most likely due to their belief that the complaint will not be effective. 28 respondents submitted complaints, but were met with negligence and lack of a serious response from the Israeli authorities, with only one case receiving financial compensation for damages incurred.

Analysis of the Gendered Impact of Settlers' Violence

WCLAC meticulously documented 19 testimonies from Palestinian women across the West Bank, including East Jerusalem. These testimonies provide insight into recurring settlers' violence, detailing the nature of assaults and the subsequent repercussions on women's health, livelihoods, and overall mental well-being.

The forms of assaults carried out by settlers varied from one place to another. For example, six testimonies were documented by WCLAC's Field Researchers in the community of Thinnaba in Tulkarem Governorate. This agricultural village primarily comprises farmers, as evidenced by the well-kept greenhouses and expansive crop fields surrounding the village.

The six testimonies vividly explained how on different occasions settlers from the Avnei Hefetz settlement (which was established on lands appropriated from Thinnaba) attacked Thinnaba in large numbers (with groups of around 50 settlers), resulting in wanton destruction of the community's farms and belongings. This devastation included the incineration of greenhouses, crops trees, farming machinery, water pipes and vehicles.

The six women stated that while settlers were burning the farms, not only were Israeli Occupying Forces (IOF) present, but they also participated in the attacks on the farmers who sought to safeguard their land and put out the fires. The IOF involvement included assaulting the farmers, leading to grave health repercussions. Two of the women testified that their spouses were brutally beaten to the point of losing consciousness, while another woman testified that her husband was arrested by the IOF following the assault and was detained for over six hours.

The women further testified that the settlers and IOF only left the premises when the farms were completely charred. All women testified that the attack left them traumatized and fearing the next one. In addition, they lost their income for the season.

In Burqa in Nablus Governorate, five testimonies were collected, documenting the constant attacks by settlers on the village. Settlers from the Homesh settlement (which was built on lands appropriated from Burqa and other Palestinian villages) frequently attack the village. The settlers threw rocks and tear gas at civilians and caused damages to their property (including homes, water tanks, water pipes, and cars). They also broke in and entered private property surrounding the houses.

The five women testified that they suffered from severe suffocation due to the intensity of tear gas fired at the village. Two of them testified that their children and family members required medical attention due to the suffocation. In addition to the financial losses of the family incurred by these attacks and the constant risk on their lives, women spoke in their testimonies about severe psychological effects on them and their children, including constant fear, insomnia, exhaustion and confusion.

Similarly, in Sinjil, a small village located 21km northeast of the city of Ramallah, attacks by settlers occur constantly. In a testimony to WCLAC, one respondent, Ahlam, described how she and her family were attacked by settlers along when they were heading home on May 15 2022. The attack was carried out by a large group of 40 settlers protected by IOF, who beat Ahlam's husband, who was subsequently arrested and detained for two days by the IOF. The attack left her traumatized and afraid of leaving the town, and has caused her severe and constant anxiety.

In Al-Mughayyir, a village located northeast of Ramallah, settlers from the surrounding settlements have attacked the village repeatedly, particularly since 2019. In her testimony to WCLAC, Amal explained how on July 29 2022, the attack was more brutal than the previous ones; during the attack, settlers murdered her only son, shooting him in the chest. Her son was the provider for the household, since Amal's husband is suffering from cancer and bedridden, leaving the family penniless and devastated. She added that the attacks are still ongoing to this day.

Settlers' Violence in the H2 Area

In Hebron's H2 area, Palestinian women and girls are constantly subjected to gender-based violence by either the settlers or IOF. When the Hebron Protocol was signed in 1997, it segregated Hebron into two areas, namely H1 and H2. The control over H1 was shifted to the Palestinian Authority while H2 remained under the Israeli military control. According to UN OCHA, the H2 area is inhabited by approximately 35,000 Palestinians as well as a couple of hundred settlers living in four downtown settlements inside the Old City. In 2017, according to OCHA, a new municipal entity was established to administer the settlements within the city, resulting a year later in the approval of 31 new settlement housing units built in the H2 area.

Consequently, the Old City of Hebron has been physically isolated from the rest of the city through the deployment of physical obstacles, among other means. Currently, there are 121 such obstacles, including 21 permanently-staffed checkpoints. A report published by UN OCHA showed that 81% of the Palestinian population in H2 area must cross checkpoints to access their homes on foot, while 89% cannot access their homes by vehicles.

Settlers' violence against Palestinians in H2 area includes intimidation and threats, physical assaults, throwing stones, access prevention, shooting and damaging property. The violence is often carried out by Israeli settlers who are part of extremist groups and seek to expand their control over the area. The Israeli government has been criticized for failing to prevent settlers' violence in H2 area and for providing support to the settlements. The Palestinian Authority has also been criticized for not doing enough to protect Palestinians from settlers' violence.

As for settlers' violence specifically targeting women and girls in H2 area, the attacks include physical assaults, verbal harassment and intimidation. Palestinian women and girls in H2 area have reported incidents of harassment and assault by Israeli settlers, including being spat on, cursed at, and subjected to physical violence, such as being punched or kicked. Settlers also throw rocks and garbage at Palestinian homes and schools, putting the safety of women and girls at risk.

In addition to physical violence, Israeli settlers have also been known to engage in discriminatory practices against Palestinian women and girls, such as restricting their access to public spaces and services, and vandalizing or destroying Palestinian-owned property.

Five interviews were conducted with Palestinian women in H2 area by WCLAC. Jamila, 62 years old, is a single mother and has three children. She earns a living by sewing and fixing clothes to support herself. When her children moved out, Jamila ended up living on her own in her home located at Al-Shuhada Street, a few meters away from the settlement of Beit Hadassah. Jamila testified that on March 25 2022, she was heading home after paying her father a visit. When she was crossing the checkpoint leading to her house, she was attacked by over 20 teenage boys from the nearby settlement who pushed her to the ground, kicked and punched her repeatedly. They kept beating her until the neighbours came to rescue her. Jamila was hospitalized for three days due to her injuries, sustaining a fracture in her hand and required stitches on her head. Ever since the attack, Jamila says that she does not leave her home on her own and that she is in a constant state of fear.

Zainab is a 7 years old girl who was outside her home playing with her friends in Tel Rumeida in H2 area, as testified by her mother. Zainab's home is across the street from the settlement which Palestinians call the "settlement of Tel Rumeida". It was 2:00 p.m. when a group of settlers started throwing rocks at the girls, most of which managed to escape unharmed. Unfortunately, Zainab tripped while running and fell down on the ground and was attacked by the settlers. Later, she was hospitalized. Her mother says that Zainab still fears playing outside, while the whole household lives in constant fear for their safety and well-being.

Samira lives near the settlement of "Kiryat Khamseh". Samira has twelve children, while her husband works as a blacksmith. The rest of the family works in farming their land adjacent to their home. Samira's home is constantly being attacked by settlers who live in a settlement built on the appropriated land of the locals. Samira's husband and sons were beaten and arrested several times, and fines were imposed for the offense of "standing too close to the settlement's fence".

On June 16 2022, Samira's husband, Abdul Karim, was attacked by a group of settlers while tending to his land with his son. Abdul Karim was beaten bloody with sticks and stones by a large group of settlers, and was denied adequate medical attention for over 40 minutes. Abdul Karim sustained from head wounds and required 14 stitches, and still has not fully recovered.

Salwa, who was 11 years old at the time her testimony was collected, lives with her family near the settlement of Bait Hadassah. Salwa's mother

reported multiple attacks and harassment by the nearby settlers. She said that the settlers always harassed them in order to force them to leave their homes in order to expand their settlement. On June 10 2022, the IOF invaded her house and arrested 11 years old Salwa. The IOF claimed that Salwa was holding a knife and pointed it at a settler in the nearby settlement. According to her mother, this would be impossible, as “there is a high fence surrounding the settlement”. The IOF still arrested Salwa and took her away as she was screaming and crying. They questioned her for at least 30 minutes without allowing any of her adult family members to be present.

Shireen and her family, who also live in Tel Rumeida, testified that as a result of the constant settlers’ violence, harassment and intimidation, most of her neighbours left Tel Rumeida.

Settlers’ Violence and Terrorism in Jerusalem

Palestinian Jerusalemites suffer immensely due to the Israeli policies and practices, IOF and settler violence. WCLAC documented four cases in Jerusalem in connection with settlers’ violent attacks on women, human rights defenders and journalists. Nafisa, 63 years old, was subjected to such violence on August 7 2022. Nafisa stated that she was prevented from entering Al-Aqsa Mosque by IOF who hit her with a baton. Settlers near the mosque started insulting her, pushing her to the ground and beating her. Injured and scared, Nafisa was too frightened to seek medical attention, even though she was badly injured.

Additionally, during the settlers’ flag march in May 2022 (a march organized by extremist Israeli settler groups to celebrate the military occupation of Jerusalem in 1967), settlers chant racist phrases and call for violence, such as “death to Arabs” and “may your villages burn”. Aida, 60 years old, was brutally attacked, beaten, and sprayed with pepper spray directly to her eyes during this march on May 29 2022. Aida was helpless and could not protect herself. She testified that the attack left her traumatized, and still feels insulted and shamed by the way she was beaten.

On the same day, Maisa and Layali, two Palestinian female journalists, testified that while they were trying to cover the march, they and other journalists were insulted and beaten by settlers. Both testified that IOF was providing protection for the settlers and stood by, while journalists and civilians were attacked. Maisa’s phone was stolen and destroyed, while both of them confirmed in their testimony that settlers’ attacks and harassment

on journalists are not exclusive to the annual settlers' march but instead a frequent occurrence.

Legal Analysis: Violations of International Humanitarian Law, International Criminal Law, International Human Rights Law, and Women, Peace, and Security Agenda as a Result of Israeli Policies

Settlement expansion and settler assaults on civilians and civilian property are violations under international humanitarian law, as well as human rights law in a second degree, since Israel is obligated, as an occupying power, to protect the civilian population under occupation. These violations also amount to war crimes as codified in the Rome Statute of the International Criminal Court, and a violation of the protection and accountability pillars under the Women, Peace and Security Agenda.

International Humanitarian Law:

Israel, as an occupying power, has an obligation under Article 43 of The Hague Regulations of 1907 to maintain public order in the territory it occupies. Israel's failure to protect Palestinian civilians and enforce public order by putting an end to Israeli settlers' assaults and attacks against Palestinians constitutes a blatant violation of its obligations as an occupying power.

Furthermore, as part of the prohibition on colonisation, the transfer of civilians of the occupying power into Occupied Territory, more commonly known as settlement construction and expansion, is prohibited under international humanitarian law. This is mainly based on Article 49(6) of the Fourth Geneva Convention, which states:

“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

Besides the prohibition of settlement construction and expansion, and based on the principle of distinction, attacks against civilians of Occupied Territory are prohibited. This is contained in Rule 1 of Customary International Humanitarian Law, which states:

“The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.”

These attacks extend beyond physical assaults to include verbal assaults and intimidation. Furthermore, the Fourth Geneva Convention elaborates in Articles 27(1) and 27(3) the entitlements of people under occupation and special protection for women, respectively, stating:

“Protected persons are entitled, in all circumstances, to respect of their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs”

“Women shall be especially protected against any attacks on their honour, in particular rape, enforced prostitution, or any form of indecent assault”.

Also based on the principle of distinction, attacks against civilian objects are prohibited. This is codified into The Hague Regulations, Customary International Humanitarian Law, and Fourth Geneva Convention, as follows:

Article 46, Hague Regulations of 1907: “Family honour and rights, the lives of persons, and private property, as well as religious convictions and practices, must be respected”

Rule 7, Customary International Humanitarian Law: “The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects”.

Article 53, Fourth Geneva Convention: “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except when such destruction is rendered absolutely necessary by military operations”.

International Criminal Law:

The gravity of settlement expansion as a violation of international humanitarian law is reflected in its inclusion in the Rome Statute of the International Criminal Court, which considers settlement construction and expansion a war crime. This is based on Article 8(2)(b)(viii), which prohibits:

“The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the Occupied Territory within or outside this territory”.

Attacks on civilians and civilian objects, as well as destruction of civilian property are prohibited and are classified as war crimes under the Rome Statute of the International Criminal Court, as follows:

Article 8(2)(b)(i): “Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities”.

Article 8(2)(b)(ii): “Intentionally directing attacks against civilian objects, that is, objects which are not military objectives”

Article 8(2)(a)(iv): “Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”

International Human Rights Law:

Under international human rights law, Israel is first contravening its obligations as an occupying power in its denial of the applicability of human rights instruments, despite ample documentation of their applicability alongside international humanitarian law, including by the Human Rights Committee, the Committee on Economic, Social, and Cultural Rights, and the International Court of Justice. Applying the International Covenant on Civil and Political Rights to Israelis while denying its applicability to Palestinians contravenes the principle Article of the Covenant, which states:

Non-discrimination, Article 2, International Covenant on Civil and Political Rights: “1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The persistence and regularity in settlers’ attacks and assaults can be considered a form of mass violence against the Palestinian people. Israel’s lack of action to provide protection to Palestinians, end settler assaults, and hold settlers accountable for human rights and humanitarian law violations contravenes its obligations under several articles in the International Covenant on Civil and Political Rights, namely:

Right to life; Article 6:

“1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

General Comment 6, which expands and elaborates the interpretation of this article, clarifies: “The Committee considers that States have the supreme duty to prevent wars, acts of genocide and other acts of mass violence causing arbitrary loss of life.”

Freedom from Torture; Article 7:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 1 of the Convention Against Torture includes both intimidation and coercion in the definition. Furthermore, General Comment 20 of Human Rights Committee clarifies that the aim of Article 7 is to “protect both the dignity and the physical and mental integrity of the individual,” and stresses “the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7,” and expands the scope of perpetrators to include “people acting in their official capacity, outside their official capacity or in a private capacity.”

Freedom of Movement; Article 12:

“1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”.

The fear of settler harassment and attacks is infringing on the right of Palestinians to movement. Within the wider framework, the dedication of bypass and settler-only roads, coupled with the designation of “closed military zones” and areas as “natural reserves” is considered a gross violation of freedom of movement, as Palestinians are denied the right to utilise their own roads.

Settlers’ attacks and assaults also constitute major violations of rights contained in the International Covenant on Economic, Social and Cultural Rights, namely the right to an adequate standard of living as contained in Article 11, which provides for “an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”.

Furthermore, the infringement on freedom of movement affects other rights that require freedom of movement as a prerequisite, namely the right to work (Article 6), the right to enjoyment of the highest standard of physical and mental health (Article 12), and the right to education (Article 13). Furthermore, under the right to education, settlers' attacks and assaults defy and curtail the purpose of education of the "the full development of the human personality and the sense of its dignity".

Women, Peace and Security Agenda

Settler assaults and attacks on Palestinian women contravene state obligations under United Nations Security Council Resolution 1325 and wider resolutions contained in the Women, Peace and Security Agenda. Specifically, it contravenes state obligation to respect international law applicable and women's and girls' rights, as contained in paragraph 9 of UN Security Council Resolution 1325:

"9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;"

It also contravenes state obligations to protect women and girls from violence in times of armed conflict, as contained in paragraph 10 of the same Resolution, as follows:

"10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict"

Israel's persistence in committing war crimes and crimes against humanity (in the form of settlement expansion, targeting of civilians, displacement of civilians, and targeting of civilian objects and destruction of property) also contravenes the obligations of other states to prosecute individuals responsible for international crimes (such as genocide, crimes against

humanity and war crimes) with the view of ending impunity, as contained in paragraph 11 of UN Security Council Resolution 1325:

“11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible from amnesty provisions”

Violation of the Right to of Women Suffering from Cancer in the Gaza Strip

Overview of the Blockade on the Gaza Strip

When Israel occupied the remainder of the land of historical Palestine in 1967, it declared the Gaza Strip a “closed military zone” through the issuance of a military order that remained in effect until after the signing of the Oslo Accords. Significant closure restrictions on the Gaza Strip began in the 1990s by reducing fishing zones in Palestinian territorial waters in the Mediterranean, preventing Palestinian workers from Gaza from working in Israel, and imposing restrictions on the movement of Palestinians through the Beit-Hanoun checkpoint.

With the outbreak of second Palestinian Intifada in September 2000, Israel declared the imposition of a “closure” on the Gaza Strip. This included the closure of the majority of border crossings and altering the operation of others. One of the main consequences of this closure is the significant decline in commute and movement of Palestinians between the West Bank and the Gaza Strip, despite their designation as “one territorial unit” in the Oslo Accords. Further, in the midst of the second Intifada in 2001, the Israeli army destroyed the Gaza Strip’s Yasser Arafat International Airport, further restricting Palestinian movement to outside of Palestine.

Israeli unilaterally evacuated its settlements in the Gaza Strip following a government decision adopted June 6 2004 and formalized by the Israeli Parliament on October 25, 2004. The plan was enacted into law on February 16, 2005, and the evacuation began on August 17, 2005, when 8,692 settlers were evacuated from 21 settlements in the Gaza Strip. Despite the unilateral nature of the disengagement plan, it clearly states that Israel reserves the right to prevent the Palestinian Authority from re-opening the

airport and from building a seaport, in articles 3.1 and 6, respectively. The disengagement was essentially a redeployment of Israeli troops from inside Gaza to the Gaza periphery without lifting border restrictions. In this sense, Israel continued to control borders, which includes entry and exit of people, goods, and services to/from Gaza, with severe implications. For example, a total of 100 tons of agricultural produce was lost in January 2006 alone, and Israeli restrictions cost the Palestinian economy in Gaza 500,000\$/day in losses.

The last milestone in consolidating the imposition of a blockade on Gaza came in 2007, when Israel declared Gaza a “hostile entity” on September 19 2007 citing threats posed by Hamas and of the firing of rockets from Gaza. The implications of this designation had a reverberating impact on Palestinians in Gaza in terms of stability, as well as on the economic, civil, and social levels.

Since disengaging from the Gaza Strip, Israel has attacked Gaza in four major wars, in 2008-2009, 2012, 2014, and 2021. Between June 2007 and June 2022, Israeli wars on the Gaza Strip have led to 5,418 fatalities (23% of them children, and 9% women), while thousands of others have been injured, in addition to the destruction of 3,118 commercial facilities, 557 factories, 2,237 vehicles, 2,755 public facilities, 12,631 residential unit, and 41,780 residential units that suffered from partial damage.

Movement and mobility in and out of the Gaza Strip are severely restricted by the blockade. In the year 2000, 500,000 Palestinians were recorded leaving and entering the Gaza Strip on a monthly basis. During the first 7 years of the blockade, this number decreased to 4,000 Palestinians on a monthly average and increased again to 10,400 Palestinians on a monthly average in the subsequent 8 years.

Similarly, imports into Gaza severely declined with the imposition of the blockade; while in 2005 a total of 111,480 trucks of imported goods entered Gaza, this number dropped to 26,838 trucks in 2008. This number rose to 96,651 trucks in 2020, which can be explained by considering the population growth and increased demand for services. The same applies for exported goods, which declined from 9,319 trucks of goods in 2005, to 33 trucks in 2008. While this number rose again to 3,118 trucks of goods in 2020, this remains only one-third of the volume before the imposition of the blockade. Besides restrictions on movement of people and goods, other restrictions with dire economic implications include restriction of access of fishermen

to 50% of the fishing waters allocated for this purpose under the Oslo accords. Additionally, unemployment in Gaza is among the highest globally and stood at 46.6% in the first quarter of 2022, compared to the average of 34.8% in 2006. Unemployment rates increase to 62.5% in the case of youth (age 15-29). In terms of poverty, 53% of the Palestinian population in Gaza lived under the poverty line in 2017, and 33.4% lived in deep poverty. This dire economic situation directly links to the humanitarian threats facing the Palestinian population in Gaza, such that 1.3 million out of 2.1 million Palestinians in Gaza (62%) require food assistance.

With respect to infrastructure and utilities, the Gaza Power Plant can only produce up to 80 megawatts. When supplemented by 120 megawatts from Israel, the Gaza power plant is able to meet about 50% of the electricity demand in Gaza. On average, rolling power cuts in 2021 stood at 11 hours/day. With respect to water, the continuous electricity cuts prevent the transfer of water when it is available, with severe consequences in the summer, not only for human consumption, but also for agricultural crops. Within the wider framework of availability of water, 78% of piped water in Gaza is unfit for human consumption. This may be partly attributed to the damaging of 292 water wells in the Gaza Strip between June 2007 and June 2022.

In terms of education, 31% of households in Gaza have difficulties meeting essential education needs, such as tuition fees and books, due to lack of financial resources. The impact of the blockade extends to other social services, with the health sector severely affected. For example, the entry of essential medicines, supplies, and equipment is often prevented by Israel under several flimsy security pretexts, including “dual use” pretences. Electricity outages also impact service delivery in healthcare facilities. Furthermore, the number of functioning primary healthcare clinics in Gaza has decreased from 56 to 49. Besides the insufficiency of 56 clinics in the first place, this has resulted in crowded conditions, decreased doctor-patient time, and reduced quality of services.

Healthcare facilities were also deliberately targeted in Israeli offensives on Gaza, with 2014 being particularly detrimental. In the 2014 offensive, at least 11 out of 32 hospitals in the Gaza Strip were damaged, and one was completely destroyed, resulting in the shutdown of 6 hospitals. Additionally, 45 primary healthcare centres were damaged, leading to the closure of 17 of them. Further, 23 medical workers were killed in the 2014 offensive, and 78 were injured, in addition to damage incurred to 45 ambulances. Similarly, in the 2021 offensive, 48 healthcare and medical facilities were destroyed.

These include hospitals, medical centres, pharmacies, testing laboratories, and private clinics.

The Israeli-imposed blockade on Gaza is clearly incapacitating its health sector and restricting its capacity to provide adequate medical services. This is exacerbated in cases of chronic diseases and requiring patients to leave the Gaza Strip to receive medical treatment in the West Bank, including East Jerusalem, or in Israel. However, Israel imposes a strict and discriminatory permit system, which has a detrimental impact on medical patients given their conditions, particularly since these permits are often significantly delayed or ultimately refused by Israel. In this sense, between 2010 and February 2022, the Israeli authorities rejected or delayed 30% of patients' permit requests. Additionally, Israeli authorities arrested 43 Palestinian patients with medical referrals and 28 of their accompaniments after granting them exit permits. Israeli delays and refusals to grant exit permits have led to the death of at least 72 patients, including 10 children and 25 women.

Primary Research Findings

Documentation by MIFTAH

This section covers responses in 102 questionnaires filled by women from the Gaza Strip suffering from cancer. The questionnaires focused on quality of the treatment, availability of equipment, accessibility, and the referral process.

Due to the aforementioned poor condition of hospitals and healthcare facilities in Gaza, 71 women out of the 94 who received at least part of their cancer treatment in Gaza expressed that the treatment was inadequate due to (i) lack of equipment, (ii) lack of medication, (iii) temporary improvement before the disease respreads, (iv) medical errors, and (v) inadequate treatment by doctors. Furthermore, 68 women respondents stated that they are dissatisfied with the treatment due to (i) lack of and availability of highly outdated medical equipment, (ii) lack of availability of specialised doctors, (iii) inaccuracy of test results, including CT scans and X-rays, (iv) lack of availability of necessary medication, and (v) lack of early diagnosis, while another 27 stated that they were dissatisfied with the quality of the treatment due to procrastination by the doctors and misdiagnosis.

The fact that 73% of responding women were diagnosed when the cancer was in its intermediate or advanced stages betrays the lack of availability of necessary equipment for early detection and diagnosis. Due to the lack of availability of cancer treatment in Gaza =the caused by Israel's blockade,

the vast majority of respondents require a medical referral out of the Gaza Strip to the West Bank, including East Jerusalem, Israel, or Egypt to receive treatment. Referrals and receiving treatment in the West Bank, including East Jerusalem, and in Israel require an Israeli permit. In this regard, out of 82 submitted permits, 36 were refused and seven are still awaiting a response from the Israeli side, amounting to a 44% denial rate. Additionally, out of the 39 respondents who did receive permits, five of them stated that the Israeli authorities did not allow them to cross Beit-Hanoun checkpoint and exit the Gaza Strip, despite holding an Israeli-issued permit.

Cancer treatment through the referral request is not an easy endeavour and usually requires multiple visits to different institutions, as it involves substantial documentation. This includes the diagnosis note, a doctor's report of the last visit, tests and a CT scan, a copy of the identification card, a copy of the identification card of the accompaniment, a filled application form, and financial coverage. The need to undertake multiple visits increases the burden on women, particularly for women in rural areas and women with disabilities, who account for 10.8% of the respondents.

All the respondents related that the journey to the hospital was extremely difficult. 34 respondents described the inspection process at Beit-Hanoun checkpoint out of Gaza as lengthy, tedious, and not taking into consideration the condition of the cancer patient. 19 of the respondents clarified that in their inspection, the cancer patient was separated from her accompaniment, had to wait long hours, and had to carry her own bags.

Out of 42 respondents who required a permit to be referred to the West Bank, including East Jerusalem, or Israel, 15 responded that the Israeli authorities refused to issue a permit for an accompanying person. Of the 27 women who were granted a permit to have accompaniments, 13 of the accompaniments were not allowed to cross Beit-Hanoun checkpoint, leaving the patient with no choice but to proceed out of Gaza alone. 12 respondents clarified that the absence of an accompaniment was particularly difficult after undergoing chemotherapy. Another six respondents clarified that they faced particular difficulties in travelling and in addressing administrative issues in the hospital in the absence of the accompaniment.

Cancer treatment requires continuous follow-up and multiple chemotherapy sessions. Many of these sessions are not covered by one permit, and thus require applying for permits several times. In this regard, 68 out of 102 respondents clarified that their health is deteriorating, and one of the respondents passed away due to her inability to exit the Gaza Strip to seek additional treatment.

In cases where an Israeli permit was refused, a medical referral to Egypt was sought. 12 respondents described a highly difficult journey to Egypt to access treatment, notably in terms of waiting time on the border with Egypt, but also due to the poor condition of the border, ill treatment by Egyptian officers, and the absence of safe transportation to reach Cairo. 9 respondents reported that only the cost of the treatment in Egypt was covered by the Palestinian Authority, and had to cover the cost of transportation, accommodation, and expenses of the accompaniment themselves.

Legal Analysis: Violations of International Human Rights Law and International Humanitarian Law as a Result of Israeli Policies

Israel's blockade on Gaza and associated procedures and measures are a violation of its obligations as an occupying power under international human rights law and international humanitarian law, as well as a violation of Palestinians' right to health.

International Human Rights Law:

The right to health is guaranteed by several international human rights instruments. The International Covenant on Economic, Social and Cultural Rights guarantees the right to health, in Article 12, stipulates:

"1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

Furthermore, the Convention on the Elimination of all Forms of Discrimination against Women guarantees the right to health for women on a basis of equality and without discrimination in Article 12, as follows:

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning."

Lastly, the Convention on the Rights of Persons with Disabilities also guarantees the right to health for persons with disabilities. The right to health of persons with disabilities is relevant in this report as 11 of the respondents stated that they have at least one form of disability, including 10 who suffer from visual and motor disabilities. The importance of the protection afforded to the right to health in the Convention on the Elimination of all forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities, directly links to the additional protection provided to women and persons (women) with disabilities, as vulnerable and marginalised social groups, whose vulnerabilities are further exacerbated in times of armed conflict. The Convention on the Rights of Persons with Disabilities guarantees their right to health in Article 25, as follows:

“States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive...”



Palestinian women from Masafer Yatta in Hebron watch Israeli bulldozers demolish their homes. *Picture by Ma'moun Wazwaz*

Through the imposition of the blockade on Gaza, Israel is directly contravening its obligations under article 12(2)(d) of the International Covenant on Economic Social and Cultural Rights to create conditions that assure medical services and medical attention in the event of sickness, particularly the lack of availability of equipment, medication, and specialised physicians.

Furthermore, with respect to the Convention on the Elimination of all forms of Discrimination Against Women, while the research does need yield findings on whether there is a higher degree of enjoyment of the right to health among men compared to women, and Israeli policies and practices in Gaza targets all Palestinians, the provision guarantees the right to health to women, as a vulnerable and marginalised group. In this sense, the blockade on Gaza not only prevents the availability of necessary equipment, medications, and specialised physicians, but also restricts women from accessing and receiving medical treatment for cancer in the West Bank, including East Jerusalem, and Israel.

With respect to the Convention on the Rights of Persons with Disabilities, while the research does need yield findings on whether there is discrimination in enjoyment of the right to health among able people compared to persons with disabilities, and Israeli policy in Gaza targets all Palestinians, the provision guarantees the right to health to persons with disabilities, including women with disabilities, as a vulnerable and marginalised group. Further, Israeli measures have a disproportionate impact against Palestinians with disabilities. In this sense, the blockade of the Gaza Strip not only prevents the availability of necessary equipment, medications, and specialised physicians, it also hinders the accessibility of and increases the burden on women with disabilities when crossing the border from Gaza to receive medical treatment for cancer in the West Bank, including East Jerusalem, and Israel.

The deprivation of the right to health and delays/refusals in the granting of permits to enable patients to exit Gaza, which caused the death of one woman (in addition to several other women, as aforementioned). These procedures and measures are infringing on the inherent right of people to life, as contained in Article 6 of the International Covenant on Civil and Political Rights, which states:

“1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.

Conceptualisation of the Right to Health

The Committee on Economic, Social and Cultural Rights, the body mandated with monitoring state obligations under the International Covenant on Economic Social and Cultural Rights, conceptualises the right to health in General Comment 14 as constituting four essential elements: availability,

accessibility, acceptability, and quality, three of which are relevant to the documented violations.

First, availability refers to the availability of functioning public health and health-care facilities, goods and services, as well as programmes in sufficient quantity. The blockade imposed on Gaza prevents the availability of the necessary equipment for early detection and treatment, including tests, the necessary medications for treatment, and the presence of a specialised medical staff to treat cancer patients in the Gaza Strip.

Second, accessibility refers to the accessibility of patients to health facilities, goods and services, and includes non-discrimination, physical accessibility, economic accessibility, and information accessibility. The blockade imposed on Gaza and associated permit regime prevent the access of women to proper medical facilities in the West Bank, including East Jerusalem, and Israel to receive treatment for cancer. Additionally, the costs associated with receiving treatment in Egypt (usually because exit permit from Gaza are denied by Israel), which include transportation, accommodation, and costs of accompaniment are in direct contravention with the economic accessibility requirement.

Third, quality, refers to the presence of healthcare facilities, goods, and services of good quality, which includes inter alia, skilled medical personnel and hospital equipment. The blockade imposed on Gaza prevents the availability of good quality facilities and provision of good quality services, namely the below-par quality of medical facilities in the Gaza Strip, which often lead to misdiagnosis. Further, patients in Gaza and Egypt are mistreated by physicians, as stated in the documentation.

International Humanitarian Law:

The Israeli-imposed blockade on Gaza also violates Israel's obligations vis-à-vis the right to health under international humanitarian law. Specifically, Article 56 of the Fourth Geneva Convention states:

“To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the Occupied Territory”

The blockade imposed on the Gaza Strip has led to the degradation of medical and hospital establishments and services in the Gaza Strip, hindering the availability of proper medical treatment for cancer in the Strip, namely in terms of availability of equipment for early detection of cancer, availability of equipment for the treatment of cancer, availability of necessary medication, and availability of a specialized medical staff to treat cancer.

Further, the blockade on Gaza violates Article 33 of the Fourth Geneva Convention, which states:

“...Collective penalties and likewise all measures of intimidation or of terrorism are prohibited...”

In this sense, the Israeli-imposed blockade on Gaza constitutes a form of collective punishment, and infringes not only on the right to health of the Palestinian population in the Gaza Strip, but also on several other rights, including freedom of movement, right to education, adequate standard of living, right to work, and so on. This is a well-established fact with a strong track record of evidence that covers the impact of the blockade from poverty and unemployment to freedom of movement and human dignity.

Forcible Transfer of Palestinians in the West Bank and East Jerusalem

According to the UN, the act of forcible transfer occurs when “individuals are forced by expulsion or coercion from the place they were lawfully present, and there was no basis under international law for their displacement.”

Accordingly, Article 6 of Rome Statute of the International Criminal Court defines forcible transfer of population as “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law”.

Forced transfer within the Palestinian context, refers to Israeli policies and practices that aim at either forcibly transferring Palestinians out of their home or creating a coercive environment forcing them to leave their homes. A forcible transfer occurs when there is a lack of genuine choice and consent to leave.

One of the most notable examples of forcible transfer is the expulsion of Palestinians that took place in 1948. Approximately 700,000 Palestinians were expelled from their homes, with many seeking refuge in neighbouring countries. This event, which is known as “Nakba” or “catastrophe,” has had long-lasting effects on the Palestinian people.



During the demolition of Palestinian homes by the occupation forces in Masaf-er Yatta - Hebron. *Picture by Ma'moun Wazwa*

The issue of forcible transfer in the OPT is a highly complex issue due to the expansion of its geographical scope and the diverse approaches used by the occupying power to forcibly transfer the Palestinian population to change the demographic composition of the territory under its control.

Many measures have been taken by the IOF to directly or indirectly realize the forcible transfer of the Palestinians in the OPT, including settlements expansion, confiscation of lands and property either by settlers or by IOF, home demolitions, especially in East Jerusalem and West Bank, settlers' violence, restrictions on movement, denial of family unifications, IOF excessive use of force and violence, appropriation of Palestinian natural resources, deliberate pollution of air, soil, and water. This is in addition to the closure of the Gaza Strip and the consecutive attacks on its population. Due to their reoccurrence and scale, home demolitions as well as the mass expulsion of the population in Masafer Yatta will be highlighted for the purposes of this report. Cases and testimonies were gathered from women in East Jerusalem, the West Bank and Masafer Yatta to highlight the IOF practises and their impact on women and their families.

Home and structures Demolitions

Following 1967, upon the occupation of West Bank, the Israeli authorities, which took over the planning endowed by the Jordanian law, issued military orders to amend the law aiming at taking over the planning powers.

Area C is the land under full Israeli administration according to Oslo II Accord, and comprises 61% of West Bank. Less than one percent of the land is permitted for building by Palestinians; in East Jerusalem, only about 15% of the land is permitted for building by Palestinians. It is almost impossible for Palestinians to obtain building permits in Area C. In addition, almost all of the building permit applications submitted by Palestinians to the Israeli Authorities are rejected, even if the land is owned by the Palestinian applicant. The permit is rejected on the grounds that the relevant area has not been zoned for construction.

On the other hand, even though construction and expansion of settlements are prohibited under the International Humanitarian Law, Israeli settlements cover 8.5% of Area C. Moreover, in 2019 and 2020, the Israeli Authorities approved plans for 16,098 units in settlements and issued permits for at least 2,233 housing units. All of these policies have left no room for Palestinian community development resulting in forcible transfer of Palestinians from their communities.



A Palestinian woman objected to the demolition of her house by the Israeli occupation forces in Baqa'a, east of Hebron. *Picture by Ma'moun Wazwaz*

Needless to say, the Israeli discriminatory planning and building policies vary from one geographical designation to another.

As a result of such building restrictions on the Palestinian population, most of the Palestinians are forced to build their homes, without permits, which gives a pretext to the Israeli authorities to demolish these structures. According to OCHA, in 2022, over 954 structures were demolished in the West Bank, leaving 1032 people displaced. These structures include residential, livelihood-related, service-related structures, or part of the infrastructure. The demolition of Palestinian residential structures in the West Bank, including Area C and East Jerusalem, has left hundreds of Palestinians homeless, and reeling from the financial and psychological impacts of displacement. The latter particularly relates, inter alia, to the additional burdens house demolition force upon Palestinian women, and the disproportionate impact of such demolitions on the responsibilities imposed on women within the household.

The Israeli occupation authorities issue demolition and/or eviction orders based on multiple grounds, including:

Firstly, as a collective punishment to persons accused of committing security-related offenses as well as their families. This punitive policy is usually done without going through any judicial process or fair hearing of individuals who have been accused of committing the crime itself or of collaborating with the accused. Secondly, claims of ownership by Israeli settlers and settlers' organizations over single structures or whole neighbourhoods of East Jerusalem, as is the case in Sheikh Jarrah, Batn El-Hawa and Al-Bustan neighbourhoods, which are enabled by the 1970 Legal and Administrative Matters Law. Last but not least, demolitions relating to the lack of building permits (even though less than 1% of Area C is permitted for Palestinians to build on, and only 15% in East Jerusalem); As aforementioned, building permits are almost impossible to obtain, yet Israel continues to punish Palestinians residing in these areas by demolishing their homes.

Many families whose homes have been demolished are left without adequate shelters, living in tents, while others seek refuge at relatives' homes. Living with relatives has its own negative impact on women because it might lead to further diminishing of wives' influence in the domestic sphere and erosion of their decision-making power. There is also an increased risk of domestic violence and abuse against women who move into the homes of their husbands' relatives.

Home demolitions are usually carried out early in the morning or late at night. This is especially traumatizing for women and children who would be present during the time of demolition. When Palestinians attempt to protest or prevent the demolitions, the IOF often arrest family members, including children and women.

Documentation by WCLAC in West Bank

Seven testimonies of women whose properties were demolished were collected by WCLAC in the West Bank. Taghreed, 44 years old, Afifa, 68 years old, and Mona, 46 years old, live in the village of Kafr Aldeek, near the town of Salfeet. The three women testified that on May 29 2022, IOF military vehicles and bulldozers drove to their town and demolished sheds they had built on their lands for their farming machinery. The three women said that they were given a notice for demolition two weeks prior to the demolition. Taghreed and her family hired a lawyer to contest the procedure and prevent the demolition, but the shed was destroyed before the lawyer could start the procedure.

“We were devastated, they destroyed our beehives, which is our only source of income, Seeing most of our bees dead totally broke us,” said Taghreed. Samira and Sadiya are housewives from the village of Beit Dajan located near Nablus. They testified that on May 9 2022, at around 4:00 a.m., the IOF drove to their town with bulldozers and military vehicles in order to demolish their homes constructed over the land they own. To prevent the residents of Beit Dajan from intervening, the IOF erected military barrier, and shot tear gas, stun grenades and live ammunition to disperse the gathering crowd.

Both women testified that they were notified four months prior to the demolition. They immediately hired lawyers to prevent the demolitions, but their efforts went in vain, and the two families are currently suffering from debts and economic hardships.

Alonoud, a 21-year-old woman, testified to WCLAC that her family was not notified for the demolition. On July 9 2022, at around 5:00 a.m., 15 to 20 military vehicles raided the area where they reside, located near the village Kufr Malik, and demolished their tents and barns. Alonoud earns a living by raising cattle, making cheese and dairy products with her husband. She mentioned that they were shocked as they had not been notified beforehand; she recalls: “within half an hour they demolished everything and confiscated water tanks, solar panels, and the tractor, leaving me and my children in the summer heat, under the sun with no shelter”.

Similarly, Nuha and her family earn a living also through raising cattle and making dairy products. She said that her Bedouin community, Al Malih in Tubas Governorate, suffers immensely from the IOF's night raids. However, in April, IOF raided their tents at 2:00 a.m. and also demolished all the infrastructure of the community, leaving them out in the cold. Nuha said that they were not even allowed to dig a water well. Nowadays, they live in constant fear of the next night raid and demolitions. Nuha said that: "all of the night raids and demolitions mean nothing to me, compared to what happened in June 2014, when my son Shakher, who was then an 18 years old shepherd, took his lunch and went with the sheep to the nearby areas. Shakher did not come back home at sunset as usual, and immediately I realized deep down in my heart that something bad had happened. My husband and his relatives took flashlights and went to look for him. They found him dead with a gun wound to the heart. The autopsy revealed that he died that morning from a gunshot fired from the nearby Israeli military camp".

Mass Expulsion and Demolitions in Masafer Yatta

Masafer Yatta is a collection of 19 villages, spread across the hills to the south of Hebron Governorate. In 1980, the former Israeli minister of agriculture, Ariel Sharon, declared parts of Masafer Yatta (which included eight villages in the southern hills of Hebron at that time) to be a "military firing zone", in order to stop "the spread of Arab villagers on the mountainside towards the desert." As a result of this designation, the Israeli military forces demolished the homes of the communities of Khirbet Sarura and Kharoubeh. Currently, there are no sign for these two villages as they were completely erased by IOF.

Recently in 2022, a document classified as "Top Secret" was declassified, and revealed the content of a meeting held in 1979 by the settlement division of the World Zionist Organization; in this meeting, it was revealed that the underlying purpose of the creation of military zones was done to "appropriate lands for settlers and build more settlements". Eviction orders and home demolitions in "military firing zones" are enforced under the pretext of carrying out military trainings. Forced evictions undermine the Palestinian right to adequate housing (Article 11 of the ICESCR), the right to the highest attainable standard of living (Article 12 of the ICESCR) and the right to privacy, family, etc.



A Palestinian family collects the rubble of their house, which was destroyed by Israeli bulldozers, in Masafer Yatta - Hebron. *Picture by Ma'moun Wazwaz*

On May 4 2022, the Israeli High Court ruled in favour of the mass expulsion of approximately 1,000 Palestinians from their villages in Masafer Yatta. The decision, penned by Judge David Mintz, who resides in the illegal settlement of Dolev, was based on the 1980 designation of 30,000 dunums as “firing zone 918”. The ruling deems the Palestinian population of Masafer Yatta to be “non-permanent residents” and rejects any Jordanian papers or UN records which prove their existence prior to 1980 and living in stone houses rather than tents.

According to OCHA, the residents of Masafer Yatta are among the most vulnerable in the OPT, and depend heavily on humanitarian aid due to a restrictive and discriminatory planning regime. The Israeli Authorities have issued demolition or ‘stop-work’ orders to the majority of homes, animal shelters, cisterns and community infrastructures. These structures, according to the military orders, were deemed “illegal” due to a lack of building permits. These communities facing the constant threat of home demolitions live in perpetual fear. They also endure violence by settlers from the nearby outpost, who often block roads, attack herders, and set fire to haystacks and grazing areas. These actions undermine the residents’ physical security and negatively impact their mental and psycho-social health, while decreasing their living standards and increasing their reliance on humanitarian aid. Pastoral activities, the community’s primary income source, have been

hindered by military and settlement activities, who deny the herders access to grazing lands. Additionally, the skyrocketing price of fodder, exacerbated by the war in Ukraine, deepens their dependence.

Humanitarian organizations and donors have been assisting the communities of Masafer Yatta by providing basic needs, such as water and electricity, while working to prevent forced displacement. However, the Israeli Authorities obstruct these efforts through demolition orders, confiscation of vehicles and equipment, as well as placing physical restrictions and obstacles for both humanitarian and aid workers. International donors have supported the communities by providing four schools and four clinics, serviced by mobile health teams; however, they have all received demolition orders. The evictions of these communities would lead to numerous humanitarian needs that must be addressed to safeguard people's protection and access to essential services.

Documentation by WCLAC in Masafer Yatta

WCLAC documented nine testimonies of women who live in the villages of Masafer Yatta, all of which highlighted the unceasing Israeli violations against the population of Masafer Yatta, where the Israeli authorities have banned the construction of roads.

On June 10 2022, WCLAC interviewed Amina, a mother of ten children that lives in Khirbet Al Fkheit. Amina could not complete her education due to the lack of school near her village, and the lack of transportation to schools in nearby areas. Amina stayed at home as a child, learning farming from her father and house chores from her mother. In her interview, she testified that: "In 1989, our life became more miserable and difficult due to the confiscation of hundreds of dunums classified as agricultural lands as well as several water wells by the Israeli forces. The confiscation's aim was to establish a settlement on our lands". She continued: "we suffer daily as a result of "military trainings". These trainings includes lots of live ammunition shot late at night, terrorizing our community, in addition to night raids. The IOF is depriving the population here from basic human rights, it does not allow the construction of medical or educational facilities, not to mention the restrictions imposed on our movement".

"The presence of the IOF on a daily basis and around the clock hinders our daily life as Bedouins," said Majda, who also resides in Khirbet Al Fkheit. "In addition, the IOF has built barracks for settlers to raise cows and poultry. They throw waste on the land of Palestinians who own the land, resulting in the pollution of wells."

Majda, Bayan, and Rania, all of which are from Khirbet Al Fkheit, echoed Amina's testimony. They testified that after the construction of a nearby settlement, water wells that were not polluted by the sewage of the settlement were confiscated by the IOF, and explained how the community as a whole suffers immensely from the Israeli military trainings and night raids.

Bayan's home was demolished on May 8 2022, leaving her and her family homeless. Bayan said that she cannot leave her community and use public transportation due to the IOF and settlers' violence, and as a result she remains unemployed.

Marwa, 52 years old, is a mother of five living in Khirbet Al Qulqas; she testified that after she and her husband built a home on land they own, the IOF bulldozers demolished it.

Halima, 47 years old, is a mother of six children from Khirbet Al Majaz; she testified that she could not continue with her primary education due to the fact that there are no nearby schools. She explained how in 2012 the IOF issued a military order declaring her father's land a "closed military zone". Shortly after, IOF tanks destroyed everything on their land, rendering it unviable for farming, which, as a result, destroyed the whole family's livelihood. Halima's father, siblings, and husband, she explained "had to start traveling for work in the occupied land of 1948 [Israel]; sometimes they do not come back for days, leaving us women on our own, which makes it even more difficult to stay here".

Intisar is 31 years old and lives in Khirbet Jinba with her husband, where both of them live off raising cattle and making dairy products. In May 2022, Intisar and her husband woke up to the sound of bulldozers and military vehicles. They were given two hours to evacuate and empty their sheep pen, after which their home, barns and water tanks were destroyed. Now homeless, Intisar is forced to live in a tent with her husband.

Kifah, 44 years old, is a mother to six children and lives in Yatta. She said that ever since a nearby settlement was established on the village's land, the community has been attacked and harassed constantly. Kifah recalled how in 2021 dozens of residents from her community had to be hospitalized due to poisoning. Upon investigation, they discovered that the settlers had been throwing dead animals in the village's water wells, causing the poisoning. Nowadays, they no longer use the water wells for drinking or for the cattle. Kifah also stated that settlers have burned their crops, sprayed herbicides on their farms, and restrict the community's access to their farming land.

All the women surveyed expressed their constant stress and fear for their lives and families. They expressed their frustration with the lack of access to healthcare, education, and jobs, in addition to lacking water, electricity and telecommunication services.

According to the testimonies of these women, home demolitions are usually accompanied by excessive violence on the part of the soldiers who carry out the demolitions. Additionally, settlers from nearby settlements constantly attack the people of Masafer Yatta. As a result, many families refuse to send their children to school, due to the risk of violence during the long commute that children have to undertake, since roads are not allowed to be built.

Home Demolitions in East Jerusalem

In occupied East Jerusalem, the “Kaminitz Law - Amendment 116 to the Planning and Building Law” has significantly increased the rate of home demolitions. Although the law was passed in 2017, it went into full effect in 2019. It enabled a partial shift in power over planning decisions to a national body, limiting judicial intervention in demolition cases and increasing the associated fines.

In 2022, 668 structures were demolished in the West Bank, including East Jerusalem, resulting in the displacement of 757 persons.

In August 2022 alone, OCHA observed the confiscation and self-demolition (people demolish their own structures) of 50 Palestinian-owned structures in East Jerusalem and Area C of the West Bank, due to the lack of Israeli-issued building permits; twelve of these were donor-funded humanitarian projects. As a result, 55 people, including 28 children, were displaced, and the livelihoods of approximately 220 individuals were affected.

Forty-two of the structures were in Area C, including 13 demolished in two Bedouin communities (Abu Shusheh and Az Za'ayem) in Area C of the Jerusalem governorate. One of these is located in an area planned for a major expansion of the Ma'ale Adumim settlement (the 'E1' Plan), placing Palestinian communities in this area at risk of forcible transfer, through a 'relocation' plan advanced by the Israeli authorities. Eight other structures were demolished in East Jerusalem, including three structures demolished by their owners to avoid paying fines.

The percentage of demolitions carried out in 2022 is concerning and represents one of the most serious and damaging IHL violations by the Israeli authorities. For Palestinian women, home demolitions are particularly detrimental. Due to traditional patriarchal structures, homes are perceived as the women's sphere, where they are expected to care for the family's practical and emotional needs; this becomes particularly problematic when families are rendered homeless.

Mothers have to care for their children and deal with the trauma incurred by having the family home demolished. It is common for displaced families to move in with the husband's relatives, which can reduce women's decision-making power and influence. Palestinian women supported by WCLAC have described how the little authority that they enjoyed prior to the home demolitions is stripped away when they move in with in-laws. Psychological distress is also a common consequence of home demolition for women and girls, as they witness the violent intrusions carried out early in the morning or late at night and/or the arrests of family members that can occur during the demolition.

According to the CESCR Committee General Comment No.4, "The right to housing should not be interpreted in a narrow or restrictive sense [...] of merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity."

Documentations of Demolitions in East Jerusalem

In May 2022 alone, 29 structures were demolished under orders by the Jerusalem Municipality, the Civil Administration, and the Ministry of Interior. Twenty of these structures were houses, out of which 12 were inhabited. This resulted in the displacement of 59 individuals, including 30 children. The other nine were non-residential structures, including five businesses that supported at least 45 employees. These demolitions directly affect the economic rights of hundreds of Palestinians.



Israeli bulldozers demolish a house owned by Palestinians in the Jerusalem area. Picture by WCALC staff

Israel continues to threaten hundreds of structures in East Jerusalem with demolitions orders. The majority of these demolition orders are concentrated in Jabal Mukaber in East Jerusalem, where 132 structures are currently threatened with demolitions by the end of 2022.

Between April and June 2022, WCLAC's field researchers documented another 12 testimonies on mass expulsion and demolitions in East Jerusalem. Five out of twelve were documented in Silwan, where an entire family of more than 20 persons was forcibly evicted. One out of twelve testimonies was conducted in Al Esawiyeh and six were conducted in Jabal Al Mukabber.

Sh. M is 38 years old, a mother of five children, and lives in Jabal Al Mukabber, where she and her husband bought a new house; they spent their lives saving to buy and renovate the house. On March 15 2021, her family received a "notice for demolishing their home due to the construction of the American Street". She and her family are living under tremendous stress, faced with the demolition of their home. She said that "if the land is confiscated and the house is demolished, we will be in debt until we die, and we will not be able to buy another one! I feel that I am losing my life and my family, and I live in pain every day."

Likewise, Shadia, a mother of five, and lives under the threat of having their shops demolished due to the construction of the American Street. Shadia and her husband built the shops on land that they own, hoping to improve their income. Once the shops were fully constructed, they were served a notice to demolish them. Shadia and her family appointed a lawyer, but he was unable to overturn the decision. Nowadays, they are forced to wait for the demolition.

Four other testimonies were documented in Jabal Al Mukabber of families that tried to build a home, but instead ended up being served with a demolition order. Three of these were forced to demolish their homes themselves to avoid the high demolition fees and fines imposed by the municipality.

In Silwan, four testimonies were collected from women who had their homes demolished and were left homeless with their children. Demolitions usually take place at nighttime and residents are not given enough time to evacuate or collect their valuables. Jamal, 56 years old, became homeless with the other 30 members of her family after the demolition of their home in Silwan. They were only given an hour to evacuate.

The same violations also occur in Al Eisawiyya. Two testimonies were collected from women whose homes were demolished, leaving them homeless and devastated.

Recommendations

- The international community should exert significant pressure on Israel to halt settlement expansion and lift the blockade on the Gaza Strip. To this end, the international community should review and amend bilateral and multilateral economic and arms sales agreements with Israel until it complies with international law.
- Palestinian civil society organisations should lobby to reframe the discourse around Palestine beyond daily incidents with international duty bearers, namely diplomatic missions and parliamentarians. For example, settlers' attacks should be seen within the wider framework of settler colonialism and the elimination of the native population, while the death of patients in Gaza should be situated within the wider framework of Apartheid, persecution and collective punishment.
- The Palestinian Authority should demand the presence of international protection forces, similar to the Temporary International Presence in Hebron forces (which have unilaterally been expelled by Israel).
- The international community should move beyond the standard rhetoric and discourse of “condemnation” and “deploration” of Israeli human rights abuses and violations of international law, and ensure proper investigation by relevant international institutions in order to seek accountability for international law violations.
- Civil society organizations should consolidate partnerships with European and International civil society organizations, with the goal of invoking universal jurisdiction and submitting both criminal and civil lawsuits against Israelis who perpetrate war crimes and crimes against humanity. Such organizations include the European Center for Human and Constitutional Rights in Berlin, the Center for Constitutional Rights in New York, and wider organizations within the Bertha Justice Network, which employ strategic litigation to advance justice and accountability for international crimes and human rights abuses.
- The Palestinian Authority should apply pressure on the global south and friendly nations who are members of the ICC at the Assembly of the States Parties in order to revive the Palestine investigation at The Hague.
- Civil society organizations should continue to submit complaints and communications to the International Criminal Court to avoid further

neglect of the Palestine investigation. It should also seek to join the Coalition for the ICC, where civil society organisations have observer status in the Assembly of States Parties, and which would enable them to lobby States Parties to revive the Palestine investigation.

- Civil society organisations should also organise side events in the Assembly of States Parties and within UN forums to maintain the importance of the Palestinian cause at the table of the international community.
- The “United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel” should be strengthened both politically and financially by the international community, and urged to expand the conceptual framework it employs beyond military occupation to include settler colonialism and Apartheid.
- Call on Israel, the occupying power, to scrap its discriminatory planning and building policies in Area C and East Jerusalem, including the imposition of military training zones, the Kaminitz Law and the 1970 Legal and Administrative Matters Law. In addition, Israel must end home demolitions, including as a punitive measure, which constitutes a form of collective punishment.
- Exert pressure on the Israeli High Court to annul its decision to expel over 1,000 Palestinians from Masafer Yatta, and compensate those who have experienced property damage due to military trainings and settlers’ violence.
- Call on Israel, as the occupying power, to halt its practices that disrupt the security, peace and dignity of Palestinians as part of the unlawful demolition of homes/tents and other private immovable property. Moreover, Israel is required to provide services that are intrinsic to the overall enjoyment of the right to adequate housing.
- Ensure that the needs of women and girls are met, especially as Israeli policies and practices disproportionately affect Palestinian women.
- Call on Israel to cease the construction of all illegal settlements in the OPT, including occupied East Jerusalem, and dismantle the existed settlements, in accordance with its obligations, as the occupying power, subject to the IHL and as mandated by International Criminal Law.

- End Israel's prolonged occupation of the Palestinian territory, in line with Israel's obligation to uphold the right of the Palestinian people to self-determination, including permanent sovereignty over their land, natural wealth and resources.
- Enforce measures to hold Israel accountable for its perpetration of environmental violations in the OPT, and address policies that are based on racial discriminatory practices against the indigenous Palestinian people.

Conclusion

This human rights documentation report is based on 331 questionnaires documenting (i) Israeli settlers' violence against women in three West Bank governorates: Hebron, Bethlehem, and East Jerusalem, (ii) health conditions of women in the Gaza Strip suffering from cancer, and (iii) forcible transfer of Palestinians in the West Bank, including East Jerusalem. The report seeks to highlight human rights and international law violations associated with both frameworks and provide recommendations to national and international duty bearers to improve the situation of human rights in the OPT.

The report is based on 50 testimonies documented by WCLAC's field workers with Palestinian women who have been interviewed throughout 2022. WCLAC adopted an efficient method of documentation, including one-on-one interviews with women whose rights have been violated. It also focused on the details of violations, along with the physical and emotional impact that Palestinian women incur. These violations and their consequences threaten women's security and stability, deprive them of a safe home, and impair their ability to take care of their children and family.

Israel's institutionalized regime of systematic oppression and dominance over Palestinians, which is a clear manifestation of an Apartheid regime enforced and implemented across the OPT and inside the Green Line, is clearly revealed in this report through 50 testimonies from Palestinian women collected by WCLAC in 2022. These testimonies describe the adverse physical and psychological effects of Israeli violations on Palestinian women. These effects compromise their security and stability, prevents them from having their homes protected and limit their ability to care of their families and children.

The West Bank, including East Jerusalem, and the Gaza Strip are considered Occupied Territory, despite elaborate Israeli academic, executive, and judicial pretexts that claim otherwise. This has been reiterated and emphasized by all relevant UN institutions, including the General Assembly, Security Council,

Economic and Social Council, Human Rights Commission/Council, International Committee of the Red Cross, and International Court of Justice. In this sense, international humanitarian law does apply to the West Bank, including East Jerusalem, and the Gaza Strip, with international human rights law also applying to fill in any protection gaps not covered by international humanitarian law.

The documentation and research findings demonstrated increased settlement expansion by Israel, in contravention of its obligations as an occupying power under international law. The number of settlers increased from 2,876 settlers in 1977 to 238,060 in 1991 and stood at 712,815 in 2020. The increasing number of settlers is directly associated with increased settlers' violence, which takes many different forms, such as verbal violence, physical violence, and economic violence. Examples of these include beating, throwing stones and sharp tools, cursing, intimidation, attacking agricultural land and Palestinians in their land, uprooting trees and spreading poisons on crops, throwing Molotov cocktails, shooting rubber-coated metal bullets and live ammunition. Further, the research found that Palestinians subjected to settlers' violence rarely submit complaints to relevant Israeli authorities due to the prevalent impunity of Israeli settlers, whereby only 8% of submitted complaints led to an indictment between 2005-2019, which betrays the lack of effectiveness of legal accountability mechanisms.

The 15-year long blockade imposed on the Gaza Strip has had detrimental impacts on the health sector in the blockaded enclave. Specifically, the blockade has compromised the ability of the healthcare sector to deliver proper medical services due to the absence of crucial medication, equipment, and supplies, all under flimsy security pretexts. Further, the continuous targeting of healthcare providers in assaults over the past 15 years, coupled with the prevention of reconstruction, has rendered medical healthcare service unavailable in Gaza. Due to this lack of availability, Palestinians in Gaza have to exit the Strip to access proper medical care in the West Bank, including East Jerusalem, Israel or Egypt. These referrals are a significantly complicated and tedious process, and are exacerbated by Israeli restrictions on Palestinians' movement and access. Ultimately, the Israeli-imposed blockade on Gaza compromises the availability, accessibility, and quality of healthcare services for Palestinians in the Gaza Strip.

The main findings of research during the report preparation have focused on the living conditions of Palestinians, particularly women and girls, in villages where conditions have deteriorated significantly. In the villages of Khirbet Um-Al-Khair, Khirbet Al-Fkhiet, Mijaz, Khirbet Jinba, Wadi Al-Samen, Khirbet Qalqas, Beit Al-Dahyeh and El-Twanya, more than 20 demolitions were documented

between May and August 2022. Some families surveyed in this report lost their homes for the third time in less than a year as a result of demolitions.

Home demolitions constitute one of the most grievous and serious violations of International Humanitarian Law (IHL) carried out by the Israeli authorities. For Palestinian women, they are particularly detrimental; due to traditional patriarchal structures, home is often perceived as the women's sphere, and women are expected to continue caring for the family's practical and emotional needs, even after home demolitions. Mothers have to care for their children and heal the trauma incurred by the home demolition. Women, supported by WCLAC, have described how the little authority they previously enjoyed had been stripped away when they moved in with in-laws.

Moreover, the report's main findings highlight that Israel, as the occupying power, continuously fails to abide by its obligation to distinguish between civilians and combatants, as stipulated in Rule 1 of the International Customary Law. Hence, it commits grave breaches of the International Humanitarian Law. Article 79 (1) of the Additional Protocol to the Geneva Convention states that: "Journalists engaged in dangerous professional missions in areas of armed conflict" shall be treated as civilians and protected from "military operations" and other endangering activities.

In the last three years, harassment, beatings and the arbitrary arrest of journalists have become a systematic part of Israeli policy. Its aim is to prevent the documentation and reporting of peaceful protests against the daily violations and war crimes committed by the occupying power against the Palestinian civilian population.

In addition, Israel has failed to protect the Palestinian population, especially human rights defenders, with practices that are clear manifestations of an Apartheid regime. The deteriorating situation in Palestine is made possible by Israel's oppressive system of Apartheid and its continued impunity is allowed to continue unrestrained due to the silence and inaction of the international community.

Palestinians and Palestinian civil society attempting to exercise their freedom of expression to speak out against injustices are targeted with unnecessary, disproportionate force and intimidation. It is imperative that third state parties to the Fourth Geneva Convention abide by their legal obligations under International Humanitarian Law to end the prolonged Israeli military occupation, and to protect the Palestinians from Israel's ongoing use of unnecessary, excessive and indiscriminate attacks on Palestinian lives, freedom of expression and their right to self-determination.

Women's Voices

This Analytical report is a joint work of the
Women's Centre for Legal Aid and
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&

The Palestinian Initiative for the
Promotion of Global Dialogue and
Democracy (MIFTAH)

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