

ICHR launches its 27th Annual Report

14 June 2022



The Independent Commission for Human Rights (ICHR) launched its *Twenty Seventh Annual Report (1 January – 31 December 2021) on the Situation of Human Rights in Palestine*. The event brought together public officials, representatives of government bodies, civil society organisations, security agencies, Police, trade unions, media institutions, journalists, members of the legal community, and interested groups.

A press conference included talks by Issam Arouri, ICHR Commissioner General; Dr. Ammar Dwaik, ICHR Director General; Mr. Mousa Abu Duheim, Director of the ICHR Investigation and Complaints Department; and Ms. Khadijah Zahran, Director of the ICHR Monitoring of National Policies and Legislation Department. Dwaik made a presentation on the executive summary and highlights of the report.

Arouri presented a general framework for the situation of human rights during the reporting period. The Israeli occupying authorities have continued to pursue policies of forced population transfer and displacement in East Jerusalem and Area C. Israel

has escalated policies of home demolitions, evictions, displacement, and obstruction, seizure and destruction of humanitarian initiatives and reconstruction efforts. Israel set a new record in terms of the number of donor-funded humanitarian projects, which it demolished and confiscated. The Israeli occupying forces (IOF) demolished 220 out of 906 buildings and structures funded by the donor community. In a single year during the past two decades, Israel displaced the largest number of Palestinians from their homes in Jerusalem. More blatantly than ever before, Israel targeted Palestinian civil society institutions and labelled a number of human rights groups and development actors as terrorist organisations. In the aftermath of a large scale military aggression, Israel has continued to impose a siege on the Gaza Strip and starve the Gaza population. Not only was it disproportionate and indiscriminate, the Israeli military offensive targeted residential buildings, commercial premises, towers, media offices, and infrastructure, claiming the lives of a considerable number of civilians, including entire families and a high proportion of children.

Arouri commended the Palestinian people's perseverance in the face of Israeli oppressive policies. There is growing international recognition that the definition of apartheid now applies to the Israeli occupation and State of Israel at large. This definition does not only apply to the crime of racial discrimination, but also to the crime of apartheid, which is characterised as a crime against humanity. Also, the United Nations Human Rights Council established a permanent commission of inquiry into the crimes perpetrated by the Israeli occupying authorities against Palestinians. In addition, the International Criminal Court ruled for opening an investigation into war crimes allegedly committed by Israel.

At the Palestinian domestic level, Arouri addressed the partial local elections, which were held both successfully and peacefully in the West Bank. However, The Hamas movement prevented the local elections in the Gaza Strip. Arouri stressed the need for holding presidential and legislative elections to avoid a constitutional vacuum that represents a time bomb, which might wreak havoc in Palestinian society. Arouri also reviewed internal clashes, accompanied by waves of violence of multiple sources. These started with the decision on cancellation of general elections and ended with

the murder of activist Nizar Banat. This was ensued by a crackdown on protests, in which all previously reported systematic violations recurred. Though adopted by the government, recommendations of all commissions of inquiry were breached. A new pattern of abuses also surfaced, affecting women as well as female journalists and activists. Cases were documented of violations of privacy and extortion, which constitute a crime even if committed by ordinary citizens. So what would be the case when such a crime is perpetrated by representatives of government agencies?

In addition to violence at Palestinian universities, tribal clashes erupted. In these, quantities of weapons loomed large, posing a significant threat to community safety. While law enforcement declined markedly, law was enforced on a selective basis. Legislative mayhem persisted. While eight laws were passed by the Gaza-based Palestinian Legislative Council (PLC), 44 laws by decrees were enacted in the West Bank. This was the largest number of laws by decrees promulgated in a single year since the internal Palestinian political divide took place.

Dwaik reviewed highlights of the reports. The report seeks to provide a description that is as comprehensive and objective as possible of positive and negative developments in the human rights situation in the West Bank, including East Jerusalem, and Gaza Strip in 2021. The presentation is informed by a normative framework that is premised on international human rights conventions, which the State of Palestine has acceded to, as well as on the Palestinian Basic Law. By publishing the report, the ICHR aims to shed light on the situation of human rights and public freedoms in the territory of the State of Palestine, serving the inherent right of citizens and various community actors to access relevant information. The report showcases the outcome of another year of the reality of, and respect for, human rights by duty bearers. The ICHR also seeks to draw conclusions and come up with recommendations to be implemented, contributing to the respect for citizens' rights, promoting human rights, redressing injustices done to citizens and social groups, and creating an enabling environment for upholding these rights.

2021 witnessed an alarming escalation in Israeli grave violations of human rights. These reached a peak in the Israeli aggression on the Gaza Strip in May 2021. The military offensive was triggered by a series of provocative measures carried out by the Israeli occupying authorities in the city of Jerusalem and on the grounds of the Al-Aqsa Mosque compound. Israel also threatened to displace dozens of Palestinian families from their homes in the Sheikh Jarrah neighbourhood and replace them with Jewish settlers. The Israeli aggression resulted in the killing of 288 Palestinian civilians, including 69 children, 40 women, and 17 older persons. More than 8,900 Palestinian citizens sustained various injuries. Of these, 90 were in critical health condition. The Israeli military attack mainly targeted civilian objects and infrastructure. Heavy bombardment caused extensive damage to these structures. While 1,447 housing units were totally destroyed, another 13,000 units suffered some degree of damage. The ICHR followed up on the catastrophic impacts of the Israeli military aggression on various walks of life. In the meantime, the ICHR released a series of documentary reports, monitoring adverse effects of the aggression and exacerbated impingements on various rights. The Israeli occupying authorities escalated attacks on civil society organisations, particularly human rights groups. Having labelled them as “terrorist” organisations, Israel closed down six civil society actors. On several occasions, the IOF raids offices of the Palestinian Health Work Committees (PHWC) and arrested a number of staff members, including Ms. Shatha Odeh, PHWC Director General. Ms. Odeh has been released lately.

A financial crisis has crippled the government as a result of Israel’s piracy of Palestinian clearance revenues, declining foreign aid, and consequences of the COVID-19 pandemic, affecting the government’s capability of providing basic services and fulfilling its obligations. Growing demands and mounting trade union protests were another implication of the financial crisis. In particular, the Medical Association sometimes went beyond the limits of lawful strike in the health sector, putting patients at risk and driving an ICHR intervention. ICHR efforts culminated in the signing of an agreement in May 2021, putting an end to the dispute between the government and Medical Association in the West Bank.

Dwaik confirmed that the ICHR continued to monitor citizens' cases. Some issues stirred a great controversy in the public opinion, including the vaccine swap deal with Israel, murder of activist Nizar Banat, subsequent protests, arms chaos, and return to some semblance of insecurity, primarily in Hebron and Jenin. The ICHR also monitored the murder of activist Nizar Banat, subsequent protests, and relevant reflections on the public opinion, public rights and freedoms, and freedom of the press. The ICHR also continued to handle individual and collective complaints it receives from citizens and journalists, involving claims of physical assaults and seizure of mobile telephones. As evidence of its high standing, distinction, and strong visibility at local, Arab and international levels, the ICHR has been re-accredited with A status by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI). Hence, the ICHR has maintained the A status for the fourth consecutive time since 2005. The ICHR has fulfilled a significant number of criteria, including independence, legal authorisation, wide-ranging tasks of protection and promotion of human rights, transparency in the selection of members, ability to access detention facilities, tackling of human rights violations, among others.

Sessions of the report

The ICHR 27th Annual Report comprises three chapters. Chapter 1 investigates the impact of Israeli violations on Palestinian institutions' ability to fulfil human rights obligations. To this avail, a presentation highlights key violations and major impacts on Palestinian rights in, *inter alia*, the health sector, economy, security, rule of law, religious freedoms, Jerusalem, water supply, and media. Once again, it is demonstrated that the ongoing Israeli occupation and continued racist policies and measures against Palestinians prevent the State Palestine's from implementing, protecting, ensuring, and upholding human rights obligations. The ICHR recommends that the international community, United Nations agencies, and other instruments of International Law place pressure on Israel to end its protracted occupation of the Palestinian territory, including Jerusalem, since 1967.

Chapter 2 elaborates on the framework for human rights, presenting variables in the situation of basic rights and freedoms in the West Bank and Gaza Strip. The chapter consists of two sections. Section 1 examines the situation of civil and political rights, namely, the right to life, right to physical integrity and not to be subject to torture, right to personal liberty, right to freedom of opinion and expression, right to peaceful assembly, right to freedom of association, right to hold public office on the basis of equal opportunity, and right to political participation. Section 2 explores the variables in the situation of economic, social and cultural rights, including the right to health, right to education, and right to work.

Chapter 3 reviews cooperation of government bodies in the West Bank and Gaza Strip in the handling of complaints received by the ICHR in 2021.

In relation to the situation of civil and political rights, the report reveals that incidents of death in unnatural circumstances reported in 2021 dropped in comparison to 2020. Gaza courts continued to enter death sentences, totalling 12 during the reporting period.

Regarding the right to physical integrity and not to be subject to torture, the ICHR noted an increasing number of claims of torture and ill-treatment. The ICHR received a total of 445 complaints, claiming violations of the right to physical integrity, including 252 in the West Bank and 193 in the Gaza Strip.

Affecting the right to personal liberty, the number of arbitrary detentions by law enforcement agencies was on the rise in the West Bank and Gaza Strip. Citizens were detained on grounds of exercising their lawful rights and freedoms. The ICHR received 376 complaints on illegal and arbitrary arrest and detention by law enforcement agencies in the West Bank and Gaza. Of these, 109 individuals were subjected to arbitrary detention against the background of exercising their right to freedom of expression. Another 41 citizens claimed that they had been detained by governor orders.

The ICHR received 70 complaints, including 56 in the West Bank and 14 in Gaza, on violations of the right to freedom of opinion and expression in 2021. These involved 89 claims of breaches of this right. Also, The ICHR also received 40 complaints on abuses of the right to peaceful assembly, including 35 in the West Bank and five in the Gaza Strip.

Of note, Palestinian law enforcement agencies and government bodies did not comply with the laws regulating the right to peaceful assembly or relevant recommendations of former commissions of inquiry. In addition to deploying non-uniformed security officers among protestors, security agencies used unnecessary and excessive force when they dispersed peaceful assemblies. Many protestors, particularly girls, were assaulted and had their mobile telephones stolen.

In 2021, the Law on Charitable Associations and Civil Society Organisations was amended, placing restrictions on and curtailing independence of charitable associations and civil society groups. Along this vein, the Council of Ministers continued to interfere with the financing sources of associations and non-profit companies. In relation to the right to freedom of movement, the ICHR noted that ban on travel orders continued to be issued on grounds of the right to freedom of expression and political affiliation. In the West Bank, the Ministry of Interior continued to apply the illegal security clearance condition to passport applications submitted by Gaza residents. With the respect to the right to political participation, the ICHR monitored successful local elections in the West Bank. By contrast, Hamas continued to reject these elections in the Gaza Strip. Still, the Palestinian people were disappointed by failing to hold general elections. President Mahmoud Abbas postponed the election to time indefinite, allegedly because the Israeli occupying authorities prevented it in Jerusalem. The right to hold public office on the basis of equal opportunity is one manifestation of the public right to political participation. In this context, the ICHR received dozens of complaints from citizens, claiming that their applications for employment in civil service were subjected to unlawful security vetting.

Examining the situation of economic and social rights, the right to health gained much attention in view of the ongoing COVID-19 pandemic. Since 2020, the pandemic has claimed the lives of 6,000 Palestinian citizens. The ICHR received 106 complaints on the right to health, of which only eight addressed quarantine. Complaints lodged to the ICHR mostly concerned patient transfers to institutions other than government health facilities and the unavailability of some medicines.

The ICHR recommended that the government increase budget appropriations for the Ministry of Education (MoE). The latter will scale up development expenditure line items to help improve the quality and outputs of the educational process and implement the programmes it pledged in the MoE Strategic Plan.

The ICHR also recommended that human rights be upheld and protected. These may not be put at risk or constrained on unjustifiable grounds. In addition to investigating all human rights abuses, perpetrators of violations will be held to account, regardless of their positions. The ICHR demanded that adequate budgets be allocated to fulfil these rights, which should be excluded from any government austerity measures.

Government bodies' cooperation with the ICHR in the complaint process was satisfactory. However, the ICHR noted that stereotypical replies were maintained in the handling of complaints.

12 June 2022











الهيئة المستقلة
لحقوق الإنسان
ديوان المطالم



وضع حقوق الإنسان في فلسطين

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