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**Sixty-eighth session**

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**Report of the Special Committee to Investigate Israeli Practices  
Affecting the Human Rights of the Palestinian People and Other  
Arabs of the Occupied Territories**

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**Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-fifth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution [67/118](#).

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\* [A/68/150](#).



## Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

### *Summary*

The present report contains information regarding the efforts of the Special Committee to implement its mandate over the past year. This includes on its consultations carried out with Member States and its mission to Jordan and Egypt. The report gives particular attention to Israeli practices relating to the situation of Palestinian prisoners and detainees in Israeli prisons and detention facilities and the detention of Palestinian children. The report also focuses on home demolitions, the enclosure of Palestinian communities by the separation Wall and settler violence. It also gives attention to information received concerning the role of multinational corporations and non-governmental organizations in the continued expansion and maintenance of Israeli settlements in the Occupied Palestinian Territory.

With regard to the Gaza Strip, the report addresses concerns related to adherence by Israel to international human rights and international humanitarian law in the context of the hostilities between Israel, the de facto authorities in the Gaza Strip and Palestinian armed groups in Gaza that occurred from 14 to 21 November 2012. It also focuses on the impact of the blockade on the Gaza Strip, which is in its seventh year. Information received from victims and witnesses in relation to the human rights situation and the exploitation of natural resources by Israel in the occupied Syrian Golan is also included.

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## I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by General Assembly resolution 2443 (XXIII). It is currently composed of three Member States: Sri Lanka (Chair), Malaysia and Senegal. This year the Special Committee was chaired by the Permanent Representative of Sri Lanka to the United Nations in New York, Palitha T. B. Kohona. The Special Committee was also comprised of the Permanent Representative of Malaysia to the United Nations in New York, Hussein Haniff, and the Permanent Representative of Senegal to the United Nations Office at Geneva, Fodé Seck.

## II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered those remaining under Israeli occupation since 1967, namely, the occupied Syrian Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip.

3. The present report is submitted pursuant to General Assembly resolution [67/118](#). By this resolution, the General Assembly requested the Special Committee, "... pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter". The General Assembly also requested "... the Special Committee to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".

## III. Activities of the Special Committee

### A. Consultations with Member States

4. The Special Committee held its annual consultations with Member States on 18 and 19 March 2013 in Geneva. The priority focus this year was to consult with the regional Member States most concerned with the implementation of General Assembly resolution [67/118](#), by which the Assembly extended the mandate of the Special Committee. The Member States were also consulted regarding options for a field mission, in the light of Israel's continuing practice of non-cooperation with the mandate of the Special Committee, as well as the most pressing matters to be

addressed in the report of the Committee to the General Assembly. Meetings were requested with Egypt, Jordan, Lebanon, the Syrian Arab Republic and Turkey. In addition to meetings with Member States, the Special Committee met with the United Nations High Commissioner for Human Rights, Navanethem Pillay, and was briefed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk. The Committee members also met with two members of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem: Christine Chanet (Chair) and Unity Dow. As in past years, a meeting with the Permanent Mission of Israel was requested but was not granted. A meeting was held with the Permanent Observer Mission of the State of Palestine.

5. During the aforementioned discussions in March, representatives of regional Member States expressed a general sense of pessimism in relation to prospects for peace negotiations between Israel and the Palestinians in view of the active pursuit of settlement expansion by successive Israeli governments. Certain Member States noted that the new non-member observer State status of Palestine, granted by the General Assembly on 29 November 2012, was not reflected by facts on the ground. A number of Member States raised concerns regarding the involvement of multinational corporations in the exploitation of natural resources in the occupied territories, including the occupied Syrian Golan, and welcomed the recommendation of the international fact-finding mission on Israeli settlements that the Working Group on the issue of human rights and transnational corporations and other business enterprises be seized of the matter.

6. The members of the Special Committee have taken full account of the views of Member States, including when formulating the recommendations contained in the present report.

## **B. Field mission to investigate Israeli practices**

7. The Government of Israel continued to maintain its practice of non-cooperation with the Special Committee. The members therefore did not hold consultations with the relevant Israeli authorities. This year, the Committee did not access the occupied territories within its mandate. In the light of the heightened security situation in the region, the Special Committee did not visit the Gaza Strip through the Rafah crossing, as it had in previous years. The Special Committee convened meetings in Amman from 23 to 24 June 2013. Meetings were also convened in Cairo on 25 and 26 June 2013. The Committee was unable to hold meetings in the Syrian Arab Republic, owing to the situation that currently prevails in that country. Nevertheless, the Special Committee engaged with interlocutors residing in the occupied Syrian Golan by way of teleconference.

8. The Committee heard the testimonies of victims and witnesses from the West Bank and the Gaza Strip on a wide range of issues concerning Israeli practices affecting the human rights situation in the occupied territories. Invitations were extended to Palestinian, Israeli and Syrian victims, witnesses, officials and non-governmental organizations, and support was made available to facilitate their appearance before the Committee. Documentation and other materials submitted to

the Committee were thoroughly reviewed in advance of the preparation of this report. These documents and materials have been archived by the Secretariat.

9. The Special Committee was grateful to again have the opportunity, in 2013, to meet with Nabil Elaraby, Secretary-General of the League of Arab States. The Special Committee also met with senior officials of United Nations agencies. The Committee issued a press release on 27 June, which was disseminated in the region with the assistance of the United Nations Information Centre in Cairo.<sup>1</sup>

## **IV. Situation of human rights in the Occupied Palestinian Territory**

### **A. Palestinians prisoners and detainees in Israeli prisons and detention centres**

10. As in past years, the Committee heard extensive testimony concerning the situation of Palestinian detainees in Israeli prisons. An estimated 5,000 Palestinian detainees, including 160 administrative detainees were reported to be held in 22 detention centres and prison facilities across Israel; 164 prisoners have been detained since before the Oslo Accords in 1993 and up to 80 Palestinians have been detained for over 20 years. Regrettably, witness testimonies on the situation of Palestinian prisoners and detainees in Israeli prisons did not denote any improvement from past years. The Committee was particularly alarmed by reports that 20 Palestinian prisoners remain on hunger strike to protest abuses, including prolonged administrative detention, poor prison conditions, denial of family visits, solitary confinement, lack of access to education and negligent medical treatment.

11. A number of witnesses highlighted the case of Arafat Jaradat, a 30-year-old Palestinian who was arrested on suspicion of throwing stones on 18 February 2013 and died five days later in Megiddo prison, allegedly as a result of torture. Whereas the Israeli authorities maintain that he died of a heart attack, the Committee was informed that the chief pathologist of the Palestinian Authority, Dr. Saber Aloul, who observed the autopsy carried out inside Israel, had noted clear signs of torture on the body of the previously healthy 30-year-old man. One witness, who had accompanied the body of Arafat Jaradat back to Al-Ahli hospital in Hebron, informed Committee members that she had personally seen circular bruises on the back of Jaradat's body and around the shoulder, as well as bruises and other signs of torture near the spinal cord. The Committee is concerned that Israeli authorities to date have not conducted a formal investigation into the case and that no one has been held accountable.

12. The Committee was briefed on the case of Maysara Abu Hamdiyeh, a 63-year-old Palestinian who died earlier this year from cancer after having been misdiagnosed and mistreated. Mr. Abu Hamdiyeh reportedly had to wait five months before being sent to the hospital, by which time his cancer of the vocal cord had metastasized throughout his body. According to witnesses, 25 Palestinian detainees with cancer remain in Israeli prisons, with some of them incapacitated and confined to wheelchairs.

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<sup>1</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E).

13. Witnesses informed the Committee that, while all prisons include a medical clinic, specialized medical care was not available in most cases. Committee members were told that gynaecological services were not available to Palestinian women held in Israeli prisons and detention centres despite repeated requests made by female detainees to the Israeli Prison Service.

14. Instead of putting their patients' health concerns first, witnesses claimed that Israeli prison doctors betrayed their Oath, and added that the allegiances of Israeli prison doctors went first and foremost to the Israeli Prison Service, not to their Palestinian patients. The Special Committee was disturbed to hear that the majority of Palestinian prisoners were simply prescribed painkillers without comprehensive medical treatment. It was also noted that Palestinian prisoners in Israel waited on average up to 10 times as long as Israeli prisoners before they were authorized to be transferred to city hospitals.

15. The issue of existing language barriers between doctors and patients was again brought to the attention of the Committee this year. Most Israeli prison doctors were not English or Arabic speakers, resulting in communication difficulties directly impacting the health of detainees. One witness familiar with the Israeli prison medical system raised concerns regarding the chronic shortage of medical equipment and products and the substandard quality of medical professionals working within Israeli prisons. Witnesses also observed that Israeli prison doctors never participated in medical conferences that maintained their peers in city hospitals up to date on medical developments. The Committee was informed that a culture of hatred towards Palestinian prisoners and detainees was prevalent among Israeli prison doctors.

#### **The situation of Palestinian children detained by Israel**

16. The Special Committee was particularly alarmed by testimonies concerning the ongoing systematic and abusive detention and interrogation by Israeli authorities of Palestinian children as young as 12 years old. Witnesses reported that an estimated 200 children were in Israeli detention at any given time. Furthermore, as at June 2013, 193 children, including 41 below the age of 16, were being held in prisons and detention centres inside Israel in blatant violation of article 76 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention).

17. The treatment of Palestinian children from the time of arrest by Israeli security forces to their detention and interrogation in Israeli prisons and detention facilities disturbingly echoed testimonies heard by the Committee on previous visits to the region. The members were told that children are often taken away in the middle of the night, blindfolded and hands tied, after being shocked awake by Israeli soldiers entering their homes using sound grenades, smashing glass windows and screaming orders at the entire family. The Committee was told that in 49 out of 108 affidavits documented in 2012, Palestinian children reported being placed on the metal floor of a military vehicle for the duration of the journey from their home to an interrogation centre.

18. Witnesses informed the Committee that Palestinian children are questioned in the absence of their parents, as no legal requirement exists under Israeli military law entitling a child to have a parent present during interrogation. As in previous years, the Special Committee heard disturbing testimony regarding the ill treatment of

children in Israeli detention, including but not limited to: psychological torture, sleep and food deprivation, solitary confinement, strip searches and denial of access to toilets. Children were reportedly forced to sit in a low metal chair secured to the floor of the room, with their hands and feet cuffed to the chair, often for several hours. Witnesses told Committee members that in an estimated 15.7 per cent of cases, children reported being beaten with rifle butts and then made to sign affidavits in Hebrew, a language that they do not understand.

19. According to information received by the Special Committee, the establishment of the military juvenile court in September 2009 under Military Order 1651 and the change in the age of majority for Palestinians from 16 to 18 under Military Order 1676 has had only a marginal impact upon interrogation and arrest procedures. Committee members were told that Military Order 1676 did not apply to sentencing provisions, and that while the juvenile military court has jurisdiction over children aged 16 and 17, they remain subject to adult sentencing provisions under Israeli military law.

20. On a positive note, the Committee was informed that Military Order 1711 came into effect in April 2013, reducing the maximum time a Palestinian child can be detained by Israeli authorities prior to appearing before a military court judge from four days to 24 hours for 12- and 13-year-olds and 48 hours for 14- to 16-year-olds. However, the Special Committee notes that this shortened incarceration period is still twice as long as that for Israeli youths.

21. In this context, the Special Committee wishes to draw attention to the recent report of the United Nations Children's Fund (UNICEF) on children in Israeli military detention, which concluded that "the ill treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing".<sup>2</sup> In this regard, the Committee urges that Israel, as a State Party to the Convention on the Rights of the Child, fully implement the UNICEF recommendations to ensure that appropriate practical safeguards are taken immediately to improve the protection of children in military detention.

## **B. The West Bank, including East Jerusalem**

22. The Special Committee heard extensive testimonies regarding continued settlement construction in the West Bank, including East Jerusalem, the widespread phenomenon of Israeli settler violence and Israel's discriminatory planning and zoning regime that effectively prohibits Palestinians from building or even renovating their homes. The Committee heard disturbingly consistent accounts of how the Wall, checkpoints, roadblocks, permit restrictions, bypass roads and the construction of highways connecting major settlements cumulatively contribute to freezing the natural growth of Palestinian communities and accelerating Israeli settlement expansion in the West Bank. The Special Committee was also briefed on the exploitation of natural resources in the West Bank and the role of businesses, including multinational corporations and non-governmental organizations, in sustaining and promoting the State-sponsored settlement enterprise.

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<sup>2</sup> See [www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf).

**The Wall, seam zones and the enclosure of Palestinian communities**

23. According to information received by the Committee, 62 per cent of the 700 kilometres of the Wall have been constructed and 8 per cent is currently under construction. Of the total length of the Wall, 95 per cent has been constructed on Palestinian territory; 150 Palestinian communities own agricultural land in the so-called seam zone between the Wall and the Green Line demarcating the 1949 armistice boundary. Witnesses informed Committee members that the continued construction of the Wall along its present planned route would create a further 64 square kilometres of seam zone in the West Bank and isolate seven more Palestinian villages, with more than 22,000 residents between the Wall and the Green Line.

24. In this context, the Special Committee wishes to recall that in 2004, the International Court of Justice issued an advisory opinion finding that the construction by Israel of a wall in the Occupied Palestinian Territory and its associated regime are contrary to international law and noted the obligation of Israel to cease forthwith the works of construction of the Wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, and to dismantle forthwith the structure therein situated. The Court made clear the obligation of Israel to make reparation for all damage caused by the construction of the Wall.

25. One of the most egregious cases of Israeli enclosure of Palestinian communities highlighted by witnesses and victims was the situation of Biddu enclave in the Jerusalem governorate, where a cluster of eight Palestinian villages are surrounded to the north, east and west by the Wall. The Israeli settlements of Beit Horon, Giv'at Ze'ev, Giv'on Hahadasha and Har Shmuel border the eastern side of the enclave, while the settlement of Har Adar lies to the western side of the Wall. As a result of the construction of the Wall and the creation of the seam zone, landowners in the Palestinian village of Biddu, Beit Ijza and Beit Surik have lost direct access to an estimated 38 per cent of the total area of the communities and approximately 20 per cent of their original agricultural lands in the West Bank. Moreover, only a handful of Palestinian villagers from the Biddu enclave have been granted permits to access East Jerusalem.

26. The Special Committee was briefed on the economic costs of seam zones such as Biddu enclave that required Palestinian farmers to obtain permits from the Israeli authorities to gain access to their own agricultural lands. Interlocutors noted that gaining access through agricultural gates controlled by Israel involved an unreliable, inefficient and bureaucratic process. In 2012, agricultural gates were opened for only a total of 66 days. In the first six months of 2013, agricultural gates were opened on 41 days. Committee members were also told that opening times for the agricultural gates did not follow a fixed timetable and opened for an average of 10 to 15 minutes five days a week. Furthermore, Palestinian farmers were not allowed to bring in additional workers to assist in their tasks. Testimony given to the Special Committee noted that unreliable access to agricultural land meant that Palestinian farmers could not grow grapes, figs, peaches and other labour-intensive crops. The Committee notes that such restrictions contrast with the ease with which Palestinian workers are able to cross the checkpoints to work in the Israeli settlements.

27. The situation in the Palestinian village of Al Walaja was also brought to the attention of the Committee. Located 9 kilometres south-west of the Old City of Jerusalem and 4 kilometres north-west of Bethlehem, with a population of 2,400



residents, the village is sandwiched between the Israeli settlements of Gilo and Har Gilo, both built from land confiscated from Al Walaja during the 1970s. Witnesses observed that once the construction of the Wall by Israel along its current planned route is completed, the single road that leads from Al Walaja to Beit Jala and Bethlehem will be closed off and the village will find itself in a sealed enclave. The Special Committee was told that the Jerusalem Municipality has refused to issue building permits for two neighbourhoods of Al Walaja that fall within its unilaterally imposed municipal boundary. Instead, it has proceeded to demolish Palestinian homes and issue demolition orders. One resident of Al Walaja providing testimony to the Committee reported that 47 houses had already been demolished and that 70 houses had pending demolition orders.

28. In March 2012, Israeli authorities declared that a 5,700-dunum Israeli national park would be built stretching from the Israeli side of the Green Line across an estimated 1,200 dunums of agricultural land located between the Wall and the Green Line, belonging to Al Walaja. As at June 2013, certain sections of the park within Israel were already under construction. Witnesses informed the Committee that farmers from the village would be separated from their agricultural lands, which will fall on the Israeli side of the Wall and result in restricted access through Israeli-controlled agricultural gates with uncertain opening times.

29. Aside from the destructive impact of the Wall, witnesses noted that even when Israel has, in the past, temporarily frozen the construction of the Wall and halted settlement expansion, it has sped up the construction of its network of roads that link settlements and Israeli business interests in the Occupied Palestinian Territory. In this regard, the Committee was briefed on the case of a proposed six-lane highway that could threaten to divide and tear apart the East Jerusalem community of Beit Safafa for the purpose of expanding the network of settlement roads linking the settlement of Gush Etzion in the southern West Bank through West and East Jerusalem to the settlement bloc of Ma'ale Adumim. While an appeal by Beit Safafa residents is currently under consideration by the Israeli Supreme Court of Justice, extensive testimonies heard by the Committee suggest that similar stories of enclosure, separation and dispossession continue to be played out in Palestinian communities across the West Bank.

### **Home demolitions and the displacement of Palestinians**

30. The Special Committee regrets that home demolitions and the displacement of Palestinians in the West Bank, including East Jerusalem, continue to be carried out by Israeli authorities. Between May 2012 and April 2013, 464 Palestinian structures were demolished in Area C of the West Bank, resulting in the forcible displacement of 402 people, including 218 children. In the first five months of 2013, 42 Palestinian structures were demolished and 149 displaced in East Jerusalem alone. One witness reminded the Committee that not all demolitions were officially reported, as some families demolished their own homes in order to avoid the huge demolition fees imposed by the Israeli authorities.

31. In the case of East Jerusalem, the Committee was informed that, despite its growing population, no new urban plan had yet been approved. In this connection, the impact of the absence of urban planning on education for Palestinians living in East Jerusalem was brought to the attention of the Special Committee. Interlocutors noted that in order to meet the demand for an additional 1,100 classrooms in

municipality schools in East Jerusalem, some educational facilities had proceeded with the establishment of new facilities at the risk of being served with demolition or sealing orders.

### **Settler violence**

32. The Special Committee expresses its deep concern that settler violence against Palestinian communities has not subsided, but rather continues with impunity. Witness accounts highlighted to the Committee that Israeli authorities consistently fail to enforce the rule of law in relation to settler violence. As reported by the Committee in previous years, such violence includes verbal and physical harassment, attacks on personal properties, the contamination of water supplies, stones thrown at Palestinian-owned cars and homes, the torching of mosques and the theft and destruction of olive crops.

33. Committee members were informed that 311 settler attacks had been reported since June 2012. In 31 of those cases, the attacks had reportedly taken place in the presence of the Israel Defense Forces. These incidents included cases of unprovoked violent attack by masked settlers of an elderly Palestinian shepherd and an attack by a group of up to 80 settlers throwing stones at two buses carrying Palestinian schoolchildren aged 13 to 15 years old.

34. In addition to physical assaults against Palestinians, witnesses reported that an estimated 6,500 olive trees had been destroyed by settler attacks over the past year alone, with a disproportionate number in Nablus governorate. The Committee heard cases of raw sewage and refuse water left on Palestinian land in efforts by the settlers to displace Palestinian communities. Witnesses also informed the Committee that “price tag attacks” by settlers in retribution for actions taken by the Government of Israel to dismantle illegal outposts were still a regular occurrence.

35. Besides the lack of resources dedicated by Israeli authorities to investigate settler violence, the need for Palestinian victims to file complaints at Israeli police stations inside the settlements, where the alleged perpetrators lived, was noted as deeply problematic and an obstacle hindering access to justice. Witnesses also claimed that Israeli authorities were often fully aware of the names of the perpetrators, but took no action. The Special Committee expresses deep concern that the overwhelming majority of criminal investigations into settler violence are closed without indictment, and furthermore that many incidents go unreported.

### **Settlement expansion: the role of the Government, businesses and non-governmental organizations**

36. The Special Committee recognizes that the construction of the Wall, land confiscation, the establishment of bypass roads, omnipresent checkpoints and agricultural gates placing restrictions on access, as well as the demolition of Palestinian homes, are the outcomes of a calculated policy of settlement expansion pursued by successive Israeli governments. As the independent international fact-finding mission to investigate the implications of the Israeli settlements stated, it is “a mesh of construction and infrastructure leading to a creeping annexation that prevents the establishment of a contiguous and viable Palestinian State and undermines the right of the Palestinian people to self-determination” (A/HRC/22/63, para. 101). The active pursuit of settlement expansion by the Government violates the Fourth Geneva Convention and numerous

Security Council resolutions, and contravenes the 2004 advisory opinion of the International Court of Justice. Yet, it is also a policy that could not be sustained without the involvement of businesses that profit from the settlement enterprise.

37. In relation to business involvement in the settlements, interlocutors briefed Committee members on the activities of G4S, a British multinational corporation, which supplies and maintains luggage scanning equipment and full body scanners at several checkpoints in the West Bank, as well as security equipment for shops, supermarkets and Israeli police premises in the West Bank. Committee members were also briefed on the activities of Veolia Environnement, a French multinational company involved in the light rail project in Jerusalem designed to link the city with Israel's settlements in the West Bank.

38. In this connection, the Special Committee shares the concerns raised in recent reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the fact-finding mission on Israeli settlements regarding the involvement of business profiting from illegal Israeli settlements.<sup>3</sup> The Special Committee wishes to focus international attention on the responsibilities of businesses not to be complicit in policies and practices of Israel that violate Palestinian rights. Committee members note that it is inconceivable for any business not to be aware of the illegal nature of Israel's settlement activities in the West Bank, including East Jerusalem, and further notes that businesses need to exercise due diligence in the light of the potential legal and reputational consequences for businesses associated with Israel's settlement enterprise.<sup>4</sup>

39. Complementing the symbiotic relationship between government policy and practices on the one hand, and businesses that profit from the settlements on the other hand, Committee members were also briefed on the role of pro-settler non-governmental organizations around the world that appear to be making an increasingly significant contribution to the settlement enterprise. Interlocutors informed the Committee that one means by which such non-governmental organizations acted was through the use of petitions in the Israeli Supreme Court to accelerate the demolition of Palestinian communities in close proximity to Israeli settlements.

40. According to information received by the Committee, non-profit groups, such as organizations with 501(c)(3) status in the United States of America and similar organizations in Canada, support the expansion of settlements through the collection of donations and the transfer of funds to Israeli settler organizations. In turn, settler organizations, together with settlement local councils initiate legal action in the Israeli Supreme Court. Legal actions taken by settler non-governmental organizations, such as Regavim, which is funded by the Jewish Federations of Canada, and local councils for the settlements of Beit Yatir and Ma'on Tzviel, include petitioning for the destruction of "illegal" Palestinian-owned property, and the forcible transfer of Palestinian communities adjacent to settlements.

41. In June 2012, 52 demolition orders against the entire village of Susya were issued when the Israeli Supreme Court upheld a joint petition submitted by the Regavim and Susya settlement council. The Special Committee was also informed

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<sup>3</sup> See A/67/379 and A/HRC/22/63.

<sup>4</sup> See the United Nations Guiding Principles on Business and Human Rights; available at [www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

that the Supreme Court accommodated the status of Regavim as *amicus curiae* in a 2011 ruling on the legality of Israeli-owned quarries in the West Bank. If these reports are accurate, such organizations are helping to contribute to the perpetuation of the occupation, and are likely aiding and abetting what is clearly a war crime.

### **C. The Gaza Strip**

42. In view of the continued non-cooperation of Israel with the Committee and the heightened security situation in the region, the Special Committee did not travel to Gaza this year. Instead, the Committee heard testimonies from witnesses and victims from Gaza who travelled to Cairo in order to provide information regarding the human rights situation in the Gaza Strip and the implications of Israel's blockade and related policies and practices upon the civilian population of Gaza. The Special Committee was also briefed by representatives of the United Nations and non-governmental organizations working in the Gaza Strip.

43. The Special Committee received extensive testimonies on the impact of the hostilities carried out from 14 to 21 November 2012 against the people of Gaza. Witnesses and victims spoke of Israel's targeting of civilians and civilian property and highlighted in particular the targeting of journalists and media offices. Committee members heard that living conditions had further deteriorated since their previous visit to Gaza as a result of the November 2012 attacks.

44. The Special Committee reaffirms that the Gaza Strip is an integral part of the Occupied Palestinian Territory. In this regard, Israel, as the occupying Power, is responsible for the population under occupation and has obligations under international humanitarian law and international human rights law. Information received by the Committee and issues outlined further on in this report strongly suggest that Israel has failed to meet its obligations under international law.

#### **Impact of the hostilities in the Gaza Strip**

45. According to information received by the Special Committee, 168 Palestinians, including 101 civilians, 33 children and 13 women, were reportedly killed by Israeli military action during the offensive carried out from 14 to 21 November 2012, code-named "Operation Pillar of Defense"; and 1,526 Palestinians were injured and required medical treatment during the hostilities. Witnesses reported that Israeli drones and F-16 fighter jets had conducted at least 1,500 sorties, and noted in particular that the destruction of government offices, residential homes and public buildings, including health clinics, intensified during the final days of the hostilities before the ceasefire came into effect on 21 November. An estimated 382 houses and 13 health clinics were reportedly destroyed, including 9 belonging to the de facto Ministry of Health and 4 facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). While witnesses clarified that none of the Israeli air strikes had directly targeted the health facilities, it was noted that Israeli authorities should have been fully aware of locations of health clinics and refrained from striking targets in their vicinity. Committee members were also informed that up to 20,000 people in Gaza went without running water for two days when Israeli air strikes destroyed water pipes delivering clean water to three refugee camps.

46. Serious concerns regarding the conduct of Israel during the November 2012 hostilities with respect to the principles of distinction, proportionality and precautions

were raised by both international organizations and Gaza residents. In this context, several witnesses informed the Committee of the case of the Al-Dalou family, whose family home was destroyed and 11 members of the family killed instantly in an Israeli air strike. Witnesses told the Committee that the father, who was the only surviving member of the family, spent four days searching the debris for the remains of his family members.

47. The Special Committee was particularly concerned about reports that journalists and media offices were singled out as targets during Operation Pillar of Defense. According to information received by the Special Committee, two journalists, Aqsa television cameraman Mahmoud Ali al-Koumi and Aqsa television photographer Hussam Mohammed Salameh, were killed instantly in Gaza City on 20 November 2012, when an Israeli air strike struck their car, which was clearly marked as a press vehicle. On the same day, another Israeli air strike in the town of Deir Al Balah killed Mohammed Abu Aisheh, manager of the educational programme at Al-Quds satellite channel. In addition, witnesses noted that a number of buildings housing local and international media agencies were targeted, including four missiles that struck the eleventh floor of the Shawa al-Hosari building, and two missiles that struck the fifteenth floor of the Al-Shrouk building, resulting in injuries to seven journalists, two of whom were seriously wounded.

48. Witnesses informed the Special Committee that Israeli authorities should have been fully aware that these buildings hosted media offices, given that foreign journalists who frequented the premises were required to disclose full information on the destination and purpose of their visits upon entry into Gaza from Israel.

49. Six months after the end of the Gaza hostilities, the Special Committee shares the concerns of all the victims and witnesses regarding the lack of accountability for alleged violations perpetrated by Israel. The Committee was informed that not a single criminal investigation had been opened regarding 96 complaints submitted to the Israeli authorities related to the conduct of Israel during the hostilities.

50. The Special Committee was also told that insurmountable barriers closed off access to remedy for most Palestinian victims. Procedural obstacles, such as the validity of power of attorney only inside Israel, the requirement for claims to be submitted in the presence of an Israeli diplomat and the prohibitively high judicial guarantees payable by individual claimants, were cited as obstacles to justice and accountability. Witnesses noted that even when claims were successfully submitted, they would in all likelihood be dismissed by the State due to acts being undertaken during military operations.

### **Blockade of Gaza**

51. The sea, air and land blockade of Gaza imposed by Israel entered its seventh year in June 2013. The Special Committee heard extensive testimony on how the lives of fishermen, farmers and ordinary residents of Gaza have been profoundly disrupted by Israel's blockade. International organizations informed the Committee that 80 per cent of the Gazan population is dependent on international aid. Witnesses reported that prospects for economic growth were stifled by severe export restrictions imposed by Israel and that the unemployment rate in Gaza stood at 32.2 per cent with youth unemployment at 60.2 per cent.

52. While the impact of the blockade has been felt by the entire population of Gaza, witnesses and victims highlighted the plight of Gazan farmers and fishermen. For the latter, despite the 20-nautical-mile fishing limit agreed at the time of the Oslo Accords in 1993, Israeli authorities have curtailed the fishing zone to three nautical miles, putting the most important fish stocks, found approximately 12 nautical miles from the coast, out of the reach of Palestinian fishermen. According to information received by the Committee, the annual catch of Gazan fishermen dropped from 4,000 tons before a tightened blockade was imposed in 2007 to a mere 1,500 tons in recent years. The Special Committee was also informed that, despite the temporary easing of the permitted fishing zone from three to six nautical miles in March 2013, the three-nautical-mile restriction was reimposed before the start of the prime fishing season as a punitive measure in retaliation for rockets fired by Palestinian armed groups.

53. The Special Committee was alarmed to hear that the Israeli Naval Forces continued to enforce a fishing zone along the Gaza coast by firing upon fishing boats, arbitrarily detaining fishermen and confiscating their equipment. Witnesses noted that Palestinian fishermen coming under fire from Israeli naval patrols were forced to abandon their boats, regardless of the temperature of the water, before being pulled aboard the Israeli patrol boats, stripped naked, blindfolded and forced to lay face down on the floor of the boat. According to information received by the Committee, the detained fishermen were taken to Israel for interrogation hours later before their release on the same day through the Erez crossing. While the fishermen's boats would normally be released, witnesses told the Committee that it was the practice of Israeli authorities to confiscate the motor engines. Witnesses also reported that the consequences of the blockade at sea extend far beyond the cost of dwindling daily catches for the fishermen to reduced access to health care and limited educational opportunities for their families. Before the imposition of a tightened blockade six years ago, the Gazan fishing community numbered 10,000. The Committee was informed that only 3,500 fishermen remained active today, and that 80 per cent of them lived in poverty.

54. Similarly disturbing testimony with respect to Gaza farmers noted that many of them were unable to cultivate their traditional crops of strawberries, carnations, herbs and sweet peppers in any meaningful quantities owing to the near total restriction on exports and enforcement of a buffer zone inside Gaza. The Special Committee regrets that testimony concerning the enforcement of the buffer zone between the land border of Gaza and Israel mirrored what it had been told during previous visits. Committee members were told that lack of clarity regarding the Israeli no-go areas created grave dangers for Palestinian farmers. Witnesses also informed the Special Committee that Israeli soldiers fired live ammunition at persons between 300 and 1,000 metres from the fence, resulting in 5 persons having been killed and 92 injured near the buffer zone since the end of November 2012.

55. Committee members were also informed of how the impact of the blockade seeped into every aspect of life in Gaza. Witnesses spoke of Palestinians living in Gaza who have not been able to see family members in the West Bank for years. Again this year, the Committee heard alarming testimony regarding the treatment of Palestinians seeking a permit to leave Gaza, including efforts by Israeli officials to pressure them into becoming informants. Witnesses reported that Palestinian women were forced to undergo humiliating strip searches at the Erez crossing despite all the security procedures already in place and the use of infrared security scanners. The

Committee deplores such treatment and strongly urges the Government of Israel to treat all Palestinians with dignity and respect.

56. One victim described how she had been applying without success for a permit to visit her own daughter and grandchildren living in the West Bank for the past nine years. Palestinian women married to husbands in the West Bank or Palestinian women living in East Jerusalem with husbands in Gaza were unable to visit each other. Promising Gazan students were denied opportunities to study in the West Bank. Witnesses reported that this was the same untold story of thousands of Palestinian families in Gaza.

57. Testimonies provided to the Committee described the impact of the blockade on the health conditions of the population living in Gaza. Health professionals were prevented from leaving Gaza to attend conferences and training opportunities to keep up with the latest developments in their field. Gazan residents continued to face serious electricity shortages, which put patients in Gaza hospitals at risk, including vulnerable newborn babies and the elderly. Furthermore, the Committee was told that 90 per cent of water in Gaza remains unsafe for drinking because it is not treated, and that the current aquifer, which is the only source of water for the Gaza Strip, could become unusable as early as 2016.

58. According to the 2012 Socio-Economic and Food Security Survey, jointly conducted by UNRWA, the World Food Programme, the Food and Agriculture Organization of the United Nations and the Palestinian Central Bureau for Statistics, food insecurity levels in 2012 rose sharply to 57 per cent of households in Gaza, up from 44 per cent in 2011. All interlocutors shared the view that meaningful and sustainable recovery of the Palestinian productive economy would not be possible as long as Gaza remained under blockade. The Special Committee is of the view that with each passing year, the blockade of Gaza entrenches the bifurcation of Palestinian society and its dependence on international aid.

## **V. Situation of human rights in the occupied Syrian Golan**

59. The lack of cooperation from the Government of Israel and the volatile situation in the Syrian Arab Republic at the time of the Committee's visit to the region meant that the Special Committee was not able to visit the occupied Syrian Golan. Instead, as in previous years, the Committee members held teleconferences with activists and witnesses in the occupied Syrian Golan. The Committee was briefed on Israel's prolonged occupation of the Syrian Golan and on violations by Israel of its international human rights law and humanitarian law obligations. Testimonies focused on the exploitation of natural resources in the occupied Syrian Golan, the denial of family reunifications for Arab Golanis and the continued presence of landmines.

60. Activists deplored the fact that Israeli settlers enjoy ready access to an unlimited and disproportionate share of scarce water resources in the occupied Syrian Golan. According to information received by the Committee, the Israeli national water company Mekorot channels water from Lake Tiberias directly to Israeli settler farms at preferential rates, whereas Arab farmers' use of water from the same company is tightly restricted. Committee members were told that Arab farmers belonging to cooperative associations were required to pump water manually from the lake and to pay for the installation and maintenance of water pumping infrastructure that

inevitably raised the price of water payable to Mekorot. The Special Committee was also briefed on the exploitation of water from Lake Birket Ram in the northern occupied Syrian Golan by a private Israeli company, Mey Golan, which mainly supplies Israeli settlements. According to one Golani, acute water shortages this year and inadequate water supplied to Arab farmers resulted in an estimated 50 per cent drop in apple production compared to last year.

61. As the occupying Power, Israel is obliged to respect the right to private property in the occupied territory and is prohibited from destroying the property, except where it is rendered absolutely necessary by military operations.<sup>5</sup> In this case, the exploitation of water is not a “military operation”, nor is it absolutely necessary, and it is therefore unlawful. Israel is also violating its human rights obligations, including the local inhabitants’ right to freedom of movement and the right to an adequate standard of living.<sup>6</sup>

62. In this connection, the Special Committee was informed that the exploitation of natural resources in the Israeli occupied Syrian Golan extends beyond water to investments made by Israeli companies such as Mey Golan and Multimatrix, as well as a United States-based company, AES Corporation, into wind energy turbines near Majdal al-Shams in the northern occupied Syrian Golan. The Committee also notes that in February 2013, a local subsidiary of another United States-based company, Genie Energy, was granted a licence for oil and gas exploration in the occupied Golan. The Special Committee is of the view that such exploitation of natural resources by both Israeli and multinational corporations merits the attention of the international community. Company employees can potentially be held liable for corporate complicity in the commission of a crime.<sup>7</sup> Furthermore, Member States of the United Nations are moving to bring human rights directly to bear on corporations through corporate responsibility initiatives such as the United Nations Global Compact and the United Nations Guiding Principles on Business and Human Rights.<sup>8</sup>

63. As in past years, the Special Committee was informed of the continued presence of landmines around the occupied Golan, including in agricultural land and in areas in close proximity to schools. Contrary to Israeli claims that it lacked the resources to remove all the mines, activists contended that Arab villagers in the Golan were being exposed as human shields to clear the landmines. Activists alleged that negligence by the Israel Defense Forces in maintaining and repairing barbed wires around mined areas continued to claim the lives of children and villagers.

64. The Special Committee was briefed on Israel’s persistence in denying many Syrian families the right to visit their family members residing within the Syrian Arab Republic. The Special Committee was particularly disturbed by reports that Israel was refusing entry to people seeking to return to the occupied Syrian Golan from family visits in the Syrian Arab Republic.

<sup>5</sup> See Hague Regulations (arts. 46, 47, 52 and 55); Fourth Geneva Convention (arts. 53 and 55); and General Assembly resolutions 3005 (XXVII), 3336 (XXIX), 32/161 and 59/251.

<sup>6</sup> See the International Covenant on Civil and Political Rights, art. 12, and the International Covenant on Economic, Social and Cultural Rights, art. 11.

<sup>7</sup> See International Committee of the Red Cross, “Business and International Humanitarian Law” (2006); the United Nations Guiding Principles on Business and Human Rights; and General Assembly resolution 32/161.

<sup>8</sup> See Office of the United Nations High Commissioner for Human Rights, “The Corporate Responsibility to Respect Human Rights: An Interpretive Guide” (New York and Geneva, 2012).



## VI. Conclusions

65. The Special Committee shares the manifold concerns of witnesses, victims, activists, representatives of NGOs and international organizations in relation to the above-mentioned Israeli policies and practices that violate the fundamental human rights and dignity of Palestinians living in the occupied territories. The Committee regrets that there appears to be no sign of improvement in the condition of Palestinian prisoners and detainees in Israeli custody, and expresses serious concern at the frequent reports of ill-treatment and medical neglect. The Special Committee wishes to reiterate that there is an urgent need for Israel to abide by international human rights law and practice, especially in relation to the Convention on the Rights of the Child.

66. The briefings provided by representatives of United Nations agencies and non-governmental organizations and the testimonies of witnesses and victims heard by the Special Committee all indicate that settlement expansion under the full protection of the Israel Defence Forces is proceeding apace across the West Bank, through a combination of home demolitions, the denial of building permits, the enclosure of Palestinian communities and the myriad access restrictions by checkpoints and agricultural gates, which all serve to undermine the contiguity of the West Bank and the right to self-determination of the Palestinian people. The Special Committee is disturbed by the role of Israeli and multinational corporations that profit from the occupation and the exploitation of natural resources of the West Bank and occupied Syrian Golan in clear violation of international law. The ability of pro-settler non-governmental organizations to influence the Israeli Supreme Court also merits greater attention.

67. While the Special Committee joins many of the witnesses in hoping that current efforts to restart meaningful negotiations between Israelis and the Palestinians are successful, the Committee firmly believes that an end to the human rights violations of Palestinians can only be brought about with an end to the occupation of territories held by Israel since 1967. The Special Committee is of the view that, should negotiations falter in the coming months, simmering popular discontent expressed by interlocutors in the region and reflected in the protests of hunger strikers in Israeli prisons could result in another round of serious violence.

68. The Special Committee also notes that the new status of Palestine at the United Nations as a non-member observer State opens the door to international mechanisms that can take up many of the Israeli policies and practices that have long violated Palestinian rights with impunity.

## VII. Recommendations

69. **The Special Committee reiterates its call on the Government of Israel to cooperate with it in the implementation of its mandate, in accordance with its obligations as a Member State and, in particular, in the light of the demand of the General Assembly in its resolution 67/118.**

70. **The Special Committee urges the General Assembly to adopt measures to address Israel's long track record of non-cooperation with the United Nations, particularly regarding the implementation of Security Council resolutions, General Assembly resolutions and mechanisms established by the Assembly and**

its subsidiary bodies. In this regard, the Special Committee draws the attention of the Assembly to Israel's continued non-cooperation with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. The Assembly may consider the imposition of sanctions aimed at persuading Israel to fulfil its obligations as a Member State.

71. The Special Committee urges the General Assembly to transmit the present report to the Secretary-General to convey it to the United Nations High Commissioner for Human Rights, to be made available for the consideration of the Human Rights Council in conjunction with the relevant reports of the Special Rapporteur on the situation of human rights in the territories occupied by Israel since 1967.

72. The Special Committee calls on the Government of Israel to conduct prompt, impartial, independent and thorough investigations into all cases of injuries and deaths of Palestinian detainees and prisoners held in Israeli custody.

73. The Special Committee urges the Government of Israel to conduct thorough and transparent investigations of all allegations of mistreatment of children in detention and urges the Government to hold perpetrators of violations against children accountable for their actions.

74. The Government of Israel should treat Palestinian children in detention with due consideration to their age and in accordance with international standards. The Special Committee reiterates its call for the Government of Israel to ensure that any officials involved in security operations or judicial processes concerning children should be comprehensively trained in applicable international laws and standards.

75. The Special Committee recalls that many United Nations resolutions and reports that have made clear that the policies and practices of Israel aimed at transferring its population to the territories that it has occupied since 1967 are illegal. The Committee reiterates its call for Israel to desist from the further colonization of these territories.

76. The Special Committee urges the Government of Israel to comply with Security Council resolution [497 \(1981\)](#), which annuls the Israeli decision on the annexation of the occupied Syrian Golan, and end its occupation of the West Bank, including East Jerusalem, the Gaza Strip and the occupied Syrian Golan.

77. The Special Committee calls on the Government of Israel to cease issuing demolition orders and to provide building permits to Palestinian communities in East Jerusalem. The Special Committee stresses in particular the need for the Government of Israel to meet the demand for more classrooms in municipal schools in East Jerusalem.

78. The Special Committee calls on the Government of Israel to take immediate, effective measures to end violence against Palestinians by Israeli settlers. This must include investigating any incidents of violence, criminally prosecuting perpetrators and ensuring that those convicted are given serious punishment.

79. The Government of Israel should immediately comply with the advisory opinion of the International Court of Justice on the legal consequences of

the construction of a wall in the Occupied Palestinian Territory,<sup>9</sup> and in particular cease the practice of dividing communities and dispossessing Palestinian farmers of their land through the ongoing construction of the Wall and the network of roads and highways connecting illegal settlement blocs in the West Bank.

80. The Special Committee further recalls the many United Nations resolutions and reports that have made clear that policies and practices of Israel to transfer its population to the territories it has occupied since 1967 are illegal, and urges the international community to transparently investigate the business activities of companies registered in their own respective countries that profit from and exploit Israel's settlements in the West Bank and the occupied Syrian Golan.

81. The Special Committee calls on the Government of Israel to end the blockade of Gaza, which has entered its seventh year and amounts to the prolonged collective punishment of the entire population of Gaza. In relation to maritime territory, Israel must at the minimum bring its policy and practice into line with what it agreed as part of the Oslo Accords, namely a 20-nautical-mile limit for the fishermen of Gaza.

82. The Special Committee calls on the Government of Israel to end discriminatory water distribution practices in the occupied Syrian Golan and to desist from issuing drilling licences to companies for oil and gas exploration, which amounts to the legitimization of exploitation of natural resources in the occupied Syrian Golan and hence a violation of the obligations of Israel as an occupying Power.

83. The Special Committee reiterates its call on the Government of Israel to allow for unrestricted family visitation rights for Syrians in the occupied Syrian Golan with family members living elsewhere in the Syrian Arab Republic.

84. The Special Committee calls on the Government of Israel to strengthen its efforts to remove all mines from the occupied Syrian Golan, and to ensure that all mined areas are clearly marked and fenced.

85. The Special Committee calls on the Government of Israel to inform Israeli and multinational corporations that are exploiting the natural resources of the occupied Syrian Golan of their corporate responsibilities and the international legal ramifications of such business activities, particularly concerning potential liability for corporate complicity in overseas domestic courts.

86. The Special Committee calls on civil society to apply pressure on these corporations to cease their business activities in the occupied Syrian Golan and to adopt clear guidelines for corporate responsibility.

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<sup>9</sup> See A/ES-10/273 and Corr.1.