

Organization for Defending Victims of Violence (ODVV)

UPR Submission

Israel

15th session (Jan/Feb, 2013)



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

www.odvv.org

About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to the Economic and Social Council of the United Nations (ECOSOC). The ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. The ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labour (based in New Delhi) which cooperated in a variety of issues with international organizations and has working relations with many NGOs in Iran and around the globe.

3. The ODVV is also a member of the International Organization against Small and Light Weapons, and the UN Conference of Non-Governmental Organizations (CONGO), and the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centres in the Middle East and North Africa, International Rehabilitation Council for Torture Victims (IRCT).

4. During the last 2 decades, we have done so many activities, mainly informative with regard to human rights and supportive of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by the ODVV for various sectors of society: civil society institutions and governmental organizations.

5. Other Activities:

- Participation in UN Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by the ODVV.

- Internship for foreign students

- Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)

- Daily electronic human rights newsletter in English and Farsi.

About Neda Political-Scientific Studies and Research Institute

6. Neda Political-Scientific Studies and Research Institute was founded in 1977 by a group of international relations researchers and enthusiasts. The aim of the founding of this institute is to conduct practical study and research on Middle East based theoretic issues particularly occupied Palestine, and the effects of the presence of Israel in regional developments. Since its founding this institute has published 15 quarterlies on Palestinian studies and 7 related books.

7. As a nongovernmental organization active in the field of human rights the Organization for Defending Victims of Violence in cooperation with Neda Political-Scientific Studies and Research Institute through collection of documented data have prepared the following report with the aim of the improvement of the human rights situation of the Palestinian Occupied Territories and Israel's commitment to international conventions and bodies that include the Human Rights Council.

Palestinian Detainees

8. The detention of around 4200 Palestinians in Israeli prisons and the rise in the number of complaints of torture¹ and also the unsuitable conditions of the prisoners have caused serious concern of the ODVV who considers that the provision of the prisoners rights and the prevention of the violation of their rights must be observed. (Addendum 1)

Targeted Assassinations

9. According to a Palestinian Centre for Human Rights (PCHR) report Israel continues to conducted targeted murder of Palestinians. The ODVV deems these actions grave violation of human rights and calls for them to immediately stop and pursue the perpetrators. (Addendum 2)

Continuation of the Occupation of Palestinian Territories

10. Israel continues to occupy Palestinian Territories despite the violation of international law and humanitarian law and human rights, Geneva Conventions and Paragraphs 102 and 103 of the Saint Remo Convention², and the IDF prevents humanitarian aid ships from reaching the Gaza Strip, and by enforcing restrictions to land border crossings, the closure of Al-Mantar crossing with an export capacity of 400 trucks and import of 600 trucks, and has left the Karam Abu Salem the only trade crossing in the Gaza Strip despite it's low capacity.

11. The ODVV calls for the ending of the continuation of these blockades which only put further pressure on the people of Gaza, particularly innocent women and children. (Addendum 3)

Restriction on Palestinians' Movements

12. According to a February 2012 Human Rights Watch released report, Israel control all name registration, residency, transportation and the entry and exit of Palestinians, and arbitrarily rejects Palestinians wishes for family members to be united with each other. This is while Israel as an implementer of human rights and humanitarian law, in the position of occupying force must respect the residency rights of Palestinians and their families and their rights of movement.³ In the meantime by putting up 500 checkpoints and obstacles, the IDF have made Palestinians access to work places, schools and hospitals in the West Bank very difficult, to such an extent that these checkpoints insome places function as border crossings within the West Bank.⁴

Settlements Construction

13. As an occupying force and contrary to international law, Israel is constructing settlements inside Palestinian territories and by the expansion of the constructions, crimes and enticing actions against Palestinian citizens, which according to agreements signed by Israeli and Palestinian parties, they must be prevented, have increased. This violence has systematically targeted the Palestinian population in such way that since 2000, 61 Palestinians that include 14 children have been murdered, many Palestinian farms have

¹ <http://www.alzaytouna.net/permalink/17212.html#.T-gMypFyYdU>

² <http://www.icrc.org/ihl.nsf/full/560?opendocument>

³ <http://www.hrw.org/reports/2012/02/05/forget-about-him-he-s-not-here-0>

⁴ http://www.alzaytouna.net/arabic/data/attachments/2012/PCHR_Annual_Report_5-12.pdf

been destroyed. Several mosques have been burned. According to a PCHR 2011 report, Jewish settlers conducted 303 aggressions against Palestinians.⁵

Attacking the Media

14. Despite the immunity of journalists according to international law, the IDF shoot at, threaten, insult, confiscate equipment, arrest and expel journalists from various global and regional media outlets, or prevent them from entering specific areas such as Jerusalem, and also clashes between settlers and Palestinian protesters.⁶

Use of Excessive Violence

15. According to Amnesty International report the IDF uses live rounds against Palestinian protesters in the West Bank and also protesters in the Lebanese and Syrian border regions and also inside Gaza and its coastline. Fifty-five civilians that include 11 children have been killed. Also the unorganized attacks of Israeli fighter jets and mortar attacks on the Gaza Strip and killing of Palestinians must be noted.⁷

Impunity

16. The Israeli Justice Department does not take any serious action against the war crimes of IDF soldiers. In 2011 the Turkel Investigation Committee regarding the killings of the freedom flotilla and the Marmara, announced that the IDF did not violate international humanitarian law, and the committee did not manage to investigate the killing of 9 people. Also an independent investigation concluded that war crimes were not committed in the 22 day Gaza war. According to Yesh Din organization statistics approximately 90 percent of the official investigations into the settlers resorting to violence from 2005 to-date have been closed due to neglecting the investigations, and only 3.5 percent of all the Palestinian complaints against Israeli soldiers have resulted in convictions.⁸

Violation of Palestinian Women's Rights

17. One of the vulnerable sectors of the Palestinian community who greatly suffer from the Israeli occupation are Palestinian women.

18. With the firm belief that women and children are the most vulnerable during conflicts, the ODVV calls for special attention towards women's rights and the application of effective legal guarantee mechanisms for their protection. (Addendum 4)

Violation of Palestinian Children's Rights

19. Palestinian children are another group that greatly suffer from Israeli occupation and violence. This factor in the double standards the governing civil and military systems in the West Bank, their detention, murder and injuries, systematic attacks on schools, the blockade of the Gaza Strip, and lack of access to hygiene facilities, creation of mental insecurity for them through repeated attacks and flights of fighter jets and etc.⁹

⁵ http://www.alzaytouna.net/arabic/data/attachments/2012/PCHR_Annual_Report_5-12.pdf

⁶ http://www.alzaytouna.net/arabic/data/attachments/2012/PCHR_Annual_Report_5-12.pdf

⁷ <http://www.alzaytouna.net/permalink/17212.html#.T-gMypFyYdU>

⁸ Ibid

⁹ <http://www.mezan.org/upload/13131.pdf> and <http://www.uruknet.info/?p=53229>

Furthermore, according to a recent ESC report, many Palestinian children are deprived from education due to movement restrictions, violence committed by settlers, attacks against education institutions and the substandard of education infrastructures. There are 10,000 unregistered children in Jerusalem, 5,500 of which are in school age, but they cannot go to school.¹⁰

Freedom of Expression and Attacks against Human Rights Organizations

20. According to Amnesty International report through adoption of laws, the Israeli Knesset has put restrictions on freedom of expression and association. (Addendum 5)

21. The ODVV expresses its deep concern towards the aforementioned which result in the violation of human rights and calls for these laws to be revoked.

Undemocratic and Discriminatory Laws

22. Since the start of the 18th Knesset's work and the right wings coming to power, the Israeli parliament has seen the adoption of a wave of discriminatory and undemocratic laws the majority of these laws either directly or indirectly target immigrants, minorities (Arabs in particular) and Palestinians residing in the Occupied Territories, and their rights are violated through Israeli democracy.

23. Through the institutionalization of racial and religious differences and the apartheid system, most of these laws put under question the rights of individuals, and cause the violation of international law and humanitarian law and international standards that include: the ICCPR and ICERD.¹¹ (Addendum 6)

24. The ODVV believes that the establishment of a mechanism which has international human rights institutions monitoring can see the amendment of discriminatory laws, seems to be very necessary.

Ignoring International Institutions

25. Considering that the actions and reactions of countries in international institutions, is not only a measure within the domestic framework of a country, and can extensively affect the international level, Israel's ignoring of international institutions especially the Human Rights Council can in a way cause the weakening of the foundations of this new body.

26. The ODVV believes that Israel must be committed to all international conventions and institutions such as the Human Rights Council, and calls upon the international community to apply international pressures on Israel to be committed to international instruments and bodies and stop the grave violations of Palestinians human rights.

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¹⁰ <http://www.arabhra.org/hra/Pages/Index.aspx?Language=2>

¹¹ <http://www.arabhra.org/hra/SecondaryArticles/SecondaryArticlePage.aspx?SecondaryArticle=1995>

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Addendum 1

28. The administrative detention done by Israelis is one of the graves human rights violations of Palestinian detainees. Approximately 300 of the total number of detainees are suffering in difficult security conditions, and are under administrative detention and without being tried and access to lawyer or justice process, await the renewal of their detention time. Among Palestinian detainees, the conditions of Palestinian women detainees must be pointed out which has been criticized by CEDAW.¹² According to the contents of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/ISR/CO/4)¹³ and according to ICJ consultation in 2004, Israel must observe the contents of this Convention in Occupied Palestinian Territories under its control, and to put into practice the recommendations of this international body on the necessity to review the internal laws and policies for the provision of Palestinian detainees the right of access to a lawyer and justice process, dropping the term “necessity” as disregarding torture, recording of interrogations, investigation of torture allegations.

Addendum 2

29. In 2011, the IDF have killed 127 Palestinians which include 104 civilians, which added to the starting of the killing of Palestinians from the beginning of Intifada in 2000, the number reaches 6,721, 5,173 of which were civilians. And the number of wounded since 2000, is in excess of 19,578, hundreds of which have become permanently disabled. The killing of civilians, particularly in the border areas, the assassination of Palestinian activists (extrajudicial executions), the killing of women and children, the bombing of homes and civil facilities, the bombing of the tunnels between Egypt and Gaza, firing on fishermen off the coast of Gaza, opening fire on protesters against the Security Barrier, firing during infiltration attacks of IDF in Palestinian villages and towns, and also the violence of the Jewish settlers.¹⁴

Addendum 3

30. In this regard, the Supreme Israeli Institutions Organizational Council, such as the Jerusalem Municipality, and the Housing and Interior Ministries in 2011 reported the construction of 16,167 housing units in Jerusalem and its suburbs. Also through occupation of more land, 20,987 acres of the West Bank was occupied alone in the same year, and demolition operations of Palestinians home and property began particularly in Sector C, and 403 homes were demolished. Thus from the beginning of the Intifida till the end of 2011, in Jerusalem alone 1,059 residential and nonresidential buildings were destroyed.¹⁵

Addendum 4

31. This has not been left unnoticed by international institutions and the United Nations Commission on the Status of Women (CSW) in March 2011 condemned Israel's

¹² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/418/50/PDF/G1141850.pdf?OpenElement>

¹³ <http://unispal.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/dbec3c94863a888938525763300544555?OpenDocument>

¹⁴ http://www.alzaytouna.net/arabic/data/attachments/2012/PCHR_Annual_Report_5-12.pdf

¹⁵ Ibid

treatment of Palestinian women, and saw it the main obstacle in the way of the advancement of women and their participation in the development of their society. Israel's occupation has resulted in the violation of women's rights recognized in international law and conventions in social, hygiene, education and economic spheres.¹⁶

32. The ESC also called for Palestinian women to have access to hygiene services since the existence of obstacles and checkpoints inside the West Bank results in infants being born on roadsides, and causes the death of the infants and or their mothers.¹⁷

33. The CEDAW also stresses on the necessity for the implementation of the Convention on the Elimination of Discrimination against Women in territories occupied since 1967, and the conditions of Palestinian women under occupation particularly lack of access to medical and hygiene facilities particularly as a result of movement restrictions.¹⁸

34. The trade and trafficking in women, domestic violence, lack of access to proper education and hygiene facilities, particularly women among minority populations of Occupied Territories has also been criticized by international bodies such as CEDAW and this organization calls for the observation of women's rights in Israeli domestic laws.¹⁹

Addendum 5

35. For example the boycott law which criminalises the invitation of boycotting of Israeli individuals, institutions and products, the Nekbat law which punishes organizations that want to commemorate Nekbat Day i.e. the Occupation of Palestine, which prevents Israeli human rights NGOs, particularly those that give information to the United Nations, from receiving foreign funds, also the Israeli Foreign Minister has deemed Adalah, Yesh Din and Breaking the Silence as terror or terror supporting organizations.²⁰

36. Several Arab members of the Knesset are under attack of Israelis on one hand and on the other hand Haneen Zoabi, Mohammad Barakeh and Said Naffaa are criminally accused by the Knesset and arbitrarily punished by the Knesset for trying to legitimise their political actions.²¹

37. Also protesters that participate in peaceful marches in Israel are arrested and prosecuted and often treated with violence. The Nekba Day protest in 2011 and protest against the imprisonment Palestinian political activists, as well as 3 Israelis who refused to serve the military because of their conscience were arrested in the same year.²²

Addendum 6

38. The contents of these laws include: confiscation of Arab citizens' lands and their eviction from their lands, the turning of their citizen's rights to a conditional concession, weakening of their ability and their Knesset membership for participation in political life,

¹⁶ [://www.aijac.org.au/news/article/un-commission-on-the-status-of-women-singles-out](http://www.aijac.org.au/news/article/un-commission-on-the-status-of-women-singles-out)

¹⁷ <http://www.arabhra.org/hra/Pages/Index.aspx?Language=2>

¹⁸ ¹⁸ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/418/50/PDF/G1141850.pdf?OpenElement>

¹⁹ ¹⁹ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/418/50/PDF/G1141850.pdf?OpenElement>

²⁰ www.alzaytouna.net/permalink/17212.html?print

²¹ http://www.adalah.org/Public/files/English/International_Advocacy/New_Discriminatory_Laws_June_2012_Update.pdf

²² Ibid

the criminalization of freedom of expression or activities that questions the nature of Jewish Israel, and giving supremacy to Jewish citizens in allocation of public resources.²³

39. Some of these laws include:

- a) The Israel Land Administration Law (2009)
- b) Amendment to the Land Ordinance (Acquisition for Public Purposes) (1943)
- c) Amendment to the Negev Development Authority Law (1991): Private Settlements (2010)
- d) The Admissions Law (2011)
- e) Revoke Citizenship for Acts Defined as Espionage and Terrorism (2011)
- f) The Boycott Law (2011)
- g) The Nakba Law (2011)
- h) The Infiltration Law (2012)
- i) NGO Funding Law (2010)
- j) The Imposition of Civil Services of 1948 Palestinians as a substitute to National Service Programme
- k) The Necessity for non-Jews to Swear an Oath of Allegiance to Israel as a Precondition before Receiving Official Papers Programme.
- l) The Banning of the Broadcasting of Azzan (Muslims call to prayer) in Mosques in Occupied Territories.

²³http://www.adalah.org/Public/files/English/International_Advocacy/New_Discriminatory_Laws_June_2012_Update.pdf