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STATE OF THE OCCUPATION

YEAR 56: A JOINT SITUATION REPORT



A JOINT SITUATION REPORT

THE PLATFORM – ISRAELI NGOS FOR HUMAN RIGHTS

Participating organizations:

Association for Civil Rights in Israel; Bimkom - Planners for Planning Rights; Breaking the Silence; HaMoked: Center for the Defence of the Individual; Combatants for Peace; Emek Shaveh; Gisha - Legal Center for Freedom of Movement; Human Rights Defenders Fund; Ir Amim; Parents Against Child Detention; Peace Now; Physicians for Human Rights Israel; Rabbis for Human Rights; The Public Committee Against Torture in Israel; Torah of Justice; Yesh Din; Zazim - Community Action

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GLOSSARY

BP: Border Police

COGAT: Coordinator of Government Activities in the Territories

DIPI: Department of Internal Police Investigations

HCJ: High Court of Justice

HRD: Human Rights Defenders

IAA: Israel Antiquities Authority

ICA: Israeli Civil Administration

ICC: International Criminal Court

INPA: Israel Nature and Park Authority

IPS: Israel Prison Service

ISA: Israel Security Agency (aka Shin Bet or Shabak)

JDA: Jerusalem Development Authority

JNF: Jewish National Fund

oPt: occupied Palestinian territory (Gaza, the West Bank and East Jerusalem)

SOLT: Settlement of Land Title

WZO: World Zionist Organization

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EXECUTIVE SUMMARY

> 56 years have passed since Israel occupied the oPt. On this regrettable anniversary, 17 human rights organizations have come together to present a unified situation report on four themes: Israeli security forces' violence, annexation, displacement, and the attack on NGOs. These four themes feed into each other, comprising the critical interlocking elements of the current Israeli policy of occupation.

Unjustified, disproportionate, and illegal **violence by Israeli security forces** towards Palestinians has always been an integral element of the occupation. Analysis shows a threefold trend: 1. Certain violent policies continue, with no change seen or foreseen (such as torture in interrogations and night arrests of children). We are especially concerned with the almost total lack of accountability for attacks on Palestinians across the oPt. 2. Since the start of 2022, a notable and clear rise is apparent in the number of Palestinians shot and killed in the West Bank. Again, the impunity for these killings and for killings in Gaza is practically absolute. 3. Israel's (current) 37th government is planning and advancing several disturbing bills that would decrease Israeli accountability even further and stymie human rights organizations.

Over the decades, the process whereby over a million dunams of Palestinian land have been gradually re-categorized as Israeli 'State land', and the legal distinction between settlers and other Israeli citizens blurred, has been termed 'creeping annexation'. One factor has been the creation of a two-tier legal reality in the oPt, whereby only Palestinian lives and property are governed by military laws and orders. So extreme is the situation that Israel's actions in the West Bank today are considered by most to meet the criteria of apartheid as defined in international law. The current trajectory is an advance of full **annexation** via numerous individual laws and administrative modifications, including structural regime changes, construction on the ground, and further curtailment of Palestinians' rights. Together, these changes will expedite the annexation of the West Bank, deepen Gaza's isolation, and further cement the annexation of East Jerusalem.

Historically, Israel has worked to fragment the oPt through barriers, settlements, military zones and infrastructure projects; to date, it has allocated over 99% of the West Bank's occupied 'State land' for Israeli use, systematically dispossessing Palestinians of land and natural resources. Current state-sanctioned **displacement** efforts focus on two main areas: East Jerusalem and Area C. In both regions, the main means employed are tendentious legal mechanisms, overtly discriminatory planning and enforcement policies, and the appropriation of Palestinian land for military use. The displacement of Palestinians is also advanced by the violence deployed by Israeli settlers, with the collusion of Israeli military forces; we note that this violence has become more egregious in the last year.

Civil society's ability to monitor, document and resist these and other policies has come under attack, with the previous and current governments impeding and actively **attacking human rights NGOs**. The most worrying instance has been the criminalization of six Palestinian NGOs by the previous Minister of Defense, Benny Gantz. The current administration has continued along the same path, and is promoting several deeply disturbing anti-democratic measures, each of which would by itself thwart civil society.

INTRO - DUCTION

> The following joint situation report is the product of an ongoing and intolerable situation, and of an escalation that has reached boiling point in the last months. On the one hand, 56 years have already passed since Israel occupied the oPt. The lack of accountability, the displacement of Palestinians, and complete disregard for international law are not new phenomena; but their longevity cannot and should not make them acceptable. In addition, since the last Israeli elections in November 2022, a concerted political attack has been launched against

critical or independent bodies within the Israeli system. With the installation of the 37th government, a tsunami of legislative ventures has threatened to overwhelm the already-precarious existing checks and balances, and provide the executive branch with almost unlimited powers.

The effect of the proposed changes on the Palestinian population and on human rights (HR) NGOs that oppose the Israeli occupation cannot be overestimated. Taken together, they will completely change the nature of the regime, particularly by restricting the High Court of Justice (HCJ) and reducing, if not eliminating, its independence. Though the HCJ has always been very reluctant to oppose the government on any issues relating to the occupation, and indeed has been branded a pillar of the occupation, nevertheless its rulings have at times served to modify the harm inflicted on the Palestinian population. More importantly, the notion that the HCJ may act as a safeguard has been an important factor in restraining government actions and in providing HR NGOs and individuals with a recourse. Likewise, plans to turn ministries' legal advisors to toothless political appointees will free ministers to advance their political agendas unchecked. These changes will have a catastrophic effect on the entire gamut of issues addressed by the undersigned organizations, from prisoners' access to healthcare, to permits for travel from Gaza, and especially, addressing annexation.

These radical new steps, coming as they do against the background of increased violence, accelerated annexation, apartheid, displacement, and a decade-long attack on NGOs, have led the undersigned organizations to adopt this new instrument of a joint situation report. Since all aspects of the occupation and control of the Palestinian population are interlinked, the work of the various organizations on the ground has always been interwoven. This report reflects both this cooperation and the repercussions of the elements of the occupation on each other: the intertwining of the permit regime and the dispossession and displacement of Palestinians, access to healthcare and violence of the security forces, lack of accountability for abuses of human rights and attacks on human rights defenders. In this joint situation report we have chosen to focus on four

prominent themes that we view as most urgent. Our intention is that readers will perceive the holistic nature of the different components of the occupation and resist the tendency to compartmentalize the oPt and its challenges into discrete bureaucratic agendas. Our hope is that readers will be impelled to take action – because we are certain: concerted international action can change the reality on the ground.

Editorial Note: The brief nature of this report has necessitated generalizations without details. We refer interested readers to the suggested further reading at the end of the .report

SECURITY FORCES ' VIOLENCE

> Overview and background

Violence by Israeli Security Forces is an integral part of the reality of life for Palestinians under occupation: in the streets, inside homes, against property, during random encounters at checkpoints, during detention and arrest. Violence against life, limb, property and heritage/religious sites is pervasive and occurs with impunity. We here highlight several focal points of this violence. As the occupying party, Israel has an obligation to safeguard Palestinians. Ongoing settler violence testifies to negligence and disregard of responsibility. For more on this issue, see 'Displacement'.

Military violence

In terms of Palestinian fatalities in the West Bank, the year 2022 was the bloodiest since 2005: at least 181 Palestinians were killed in the West Bank and Gaza as a direct result of the actions of the security forces, the vast majority shot in actions initiated by the military. 23% of West Bank fatalities were children, and in over 45% of the cases in the West Bank, the military does not claim that those killed were armed.

So far, 2023 is on course to repeat these extremely high numbers of fatalities, with over 130 Palestinians killed in the West Bank and Gaza in the first five months of the year. We note that many of these deaths are not investigated at all (see Accountability below). We also note that May 2023 has again seen the use of extrajudicial killings in Gaza; these so-called "targeted strikes" appear to have been ordered in the full knowledge that civilians, including children, would be among the fatalities

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A disturbingly common and abusive practice is military invasions of Palestinian homes, almost always between midnight and 5 AM. These systemic invasions are accompanied by additional physical violence in about a quarter of the cases; they are always aggressive, traumatic for children, and lead to serious health consequences. Their frequency, the lack of judicial oversight, and the lack of any attempt to protect the rights of the Palestinian

residents, all combine to make this practice a flagrant breach of international and Israeli law.

The Israeli military continues its widespread practice of arresting Palestinian children in the middle of the night, despite the fact that this constitutes a flagrant violation of children's rights under several international conventions. Night arrests are the default measure for bringing Palestinian children in for interrogation, and despite calls and petitions presented by NGOs to the HCJ, no attempt has been made to issue summons and reduce the damage to the children. These night arrests frequently include violence and humiliation, and the children are usually interrogated without the presence of their parents or attorneys.

Police violence in East Jerusalem

Police actions in East Jerusalem are characterized by ethnic profiling, collective punishment, and aggressive and frequent use of weapons in densely populated neighborhoods – including rubber-coated bullets, stun grenades and tear gas. The policing in East Jerusalem is also carried out by the Border Police (BP), a semi-military force that perceives its role as controlling, rather than serving the needs of, the Palestinian population.

As with the military in the West Bank, the BP and the Police do not provide reasonable protection for Palestinians from the depredations of Israelis. Numerous instances have been documented of nationalist racist Jewish groups attacking Palestinians without police intervention.

Detention and imprisonment

The number of Palestinians held in administrative detention has been increasing for the past year, and in April surpassed 1,000 for the first time since 2003. Administrative detention – i.e. incarceration without trial, without disclosed allegations or open evidence, and with only a semblance of judicial review – is an inherently abusive practice, employed extensively and routinely in violation of Israel's international legal obligations.

Physical and psychological torture is used regularly and with complete impunity in Israel Security Agency (ISA) interrogations, despite Israel's claims to the contrary – and despite the clear ban on torture in international law, which has been accepted and upheld by Israeli legal authorities including the HCJ. Torture methods include stress positions, sleep deprivation, sexual violence and intimidation, and other cruel and inhuman methods. The

use of such methods is official and sanctioned by the state.

While Palestinians imprisoned by the Israeli authorities have always been confronted with a wholesale violation of their human rights, Israel's new government has implemented new punitive measures aimed specifically at Palestinians in prisons. These measures include the imposition of harsher living conditions and increased and violent prison raids. The latest result has been the criminally negligent refusal to evacuate hunger striker Khader Adnan from prison to hospital, leading to his death in prison on May 2, 2023.

Other state violence

Over the years, Israel has misused its position and power to deny Palestinians access to healthcare; Israel's approach has been that Palestinian access to healthcare is a privilege, rather than a fundamental right that the occupying power is obligated to protect absolutely. This attitude is apparent in the many instances in which security forces violate the immunity of health personnel, attacking first aid personnel, ambulances, and hospitals in East Jerusalem and the West Bank. It is also apparent in the lack of respect for health infrastructure in Gaza: in May 2021 alone, there were 23 documented incidents of severe attacks on health infrastructure in Gaza by Israeli forces.

Israel's control of the passages between Gaza and the West Bank and its closure of Gaza has also allowed it to exert control over medical treatment. Every year, thousands of sick Palestinians are referred for urgent life-saving medical treatment in the West Bank and East Jerusalem; hundreds are refused a permit, and thereby doomed. Sick Palestinians may be subjected to blackmail by the ISA, with access to necessary treatments made dependent on their ability and willingness to serve as informants.

Accountability

The issue of accountability – or the lack thereof – cannot be separated from the issue of violence. The lack of accountability is egregious both when it comes to common abusive practices, such as the use of lethal force against Palestinians without due cause, and when it comes to extraordinary and unusual instances. Israel's position has often been that individual instances of 'unfortunate events' do not amount to state policy; but the lack of any accountability belies this statement.

Currently, the vast majority of complaints filed against Israeli soldiers suspected of harming Palestinians (79%) are not even investigated; a case in point is the killing of journalist Shireen Abu Akleh by Israeli military forces, whose death did not warrant a criminal investigation by the Military Attorney General. Increasingly, even cases outside of combat situations are often not investigated, despite the requirement to do so. The data indicates that the military law enforcement system is used to whitewash crimes committed against Palestinians by Israeli soldiers and in fact provides them with impunity. We

highlight below the lack of accountability for military and ISA personnel; similar issues also plague Israel's Police force, including BP. Complaints filed to the Department of Internal Police Investigations (DIPI) have resulted almost exclusively in dismissal and further shielding of violent BP officers, and incidents of harassment of Palestinian plaintiffs by BP have compounded the accountability gap for such actions.

Military law enforcement authorities systematically avoid investigating and prosecuting soldiers who harm Palestinians. Despite the large number of complaints each year, investigations are opened only in a minority of the cases (21.4%), and the number of indictments filed is a minuscule fraction of the complaints (0.87%). Finally, even in the rare cases in which soldiers are convicted of offenses against Palestinians, the military courts hand down extremely lenient sentences. All of this speaks to a policy led by the political echelon and the military law enforcement system of providing immunity; this enables soldiers to freely commit crimes under the auspices of the military law enforcement system. This system in turn is primarily concerned with preventing investigations and avoiding prosecution, rather than deterring, enforcing and punishing soldiers who harm Palestinians.

The impunity enjoyed by ISA interrogators is even more total. The vast majority of complaints filed regarding abuses perpetrated by ISA agents are dismissed by the Ministry of Justice after only a preliminary examination; in fact, not a single one of 1,400 complaints filed over the past 20 years has ever led to criminal indictments against an ISA agent. This situation is tantamount to complete impunity for interrogators to commit abuses and torture, in contradiction to Israel's international commitments and Israeli law.

Issues to observe in the coming months

» The Palestinian death toll in the West Bank has risen sharply in the past 18 months, with over 40% of the killed uninvolved (according to army sources) in firing at Israeli forces. The international community should not only carefully monitor the fatalities and their circumstances but also the fact that most incidents of killing and injury to Palestinians are not investigated; those investigations that are undertaken do not meet basic standards of professionalism and efficacy, resulting in impunity.

» The situation in detention and incarceration sites continues to be rife with flagrant abuses of human rights; this includes ISA interrogations, prison conditions, and violence after arrest.

» Israel's 37th government coalition agreements stipulate a shared goal of providing legal immunity from prosecution for members of Israel Security Forces. This was framed as a way to support soldiers and free them from the fear of legal repercussions for their

actions. In practice, the message this sends to Israel Security personnel is clear: it is unnecessary to practice restraint, harm to Palestinian property and lives is acceptable, there will not be repercussions for disproportionate or unwarranted force deployed, and government ministers will ensure this. While this is the current situation *de facto*, such a law would make it so *de jure*.

» The Death Penalty for Terrorists bill is making its way through the Knesset. Although Israeli law allows for the imposition of the death penalty, it has not been implemented since 1962. The proposed bill is racially designed, since the imposition of the death penalty is only applied when the offense is committed against a citizen of Israel and in the context of harming the State of Israel and its right of the Jewish people "in their land". These conditions, aimed as they are solely against Palestinian criminals, create two separate and discriminatory tracks of legal penalties based on race. The bill is of course also a clear violation of the right to life and the right to be free from torture.

» A proposed bill seeks to prevent the provision of medical care improving quality of life to prisoners, thereby potentially restricting the provision of prison medical care to the most basic services. This may enable the IPS to withhold a range of basic medical treatments.

ANNEXATION

> Overview and background

Annexation of an occupied territory is strictly prohibited under International Humanitarian Law (IHL). The act of annexation violates the principle of temporality, denoting permanent spatial and administrative control by the occupying state. Following the 1967 War, Israel illegally annexed East Jerusalem, extending Israel's legal regime to it, while the rest of the oPt was brought under military control. The West Bank and Gaza were governed by military orders, enforced by force and through military

bureaucratic mechanisms: military courts, the Israeli Civil Administration (ICA), and starting from the mid-90's – COGAT. Following the Oslo Accords, the West Bank was divided into three control areas, of which only Area C, 60% of the West Bank, officially remained under full Israeli administrative and security control. In 2005 Israel unilaterally disengaged from Gaza. Nevertheless, Israel in effect continues to govern myriad aspects of Palestinian lives throughout the oPt, directly and indirectly.

Though never officially declared, Israel began *de facto* to annex the West Bank immediately after its occupation, step by step. This policy has been since termed “creeping annexation”. It continues to be advanced through two complementing mechanisms: by establishing permanent physical control of the geographical space, and by shaping the legal-bureaucratic realm. Over a million dunams have been misappropriated by Israel and declared ‘State land’; it has built and encouraged numerous Israeli settlements and infrastructure projects, barring Palestinians and claiming the land as its own. By extending Israeli laws and regulations to its settler population, Israel has in effect administratively annexed large swaths of the West Bank.

The current government's steps, motivated by its stated Jewish supremacy ideology, will also deepen the apartheid regime governing nearly all aspects of oPt Palestinians' lives.

The focus of the Israeli annexation endeavor was always, and remains, the land; the occupied Palestinian population was, and remains, a by-product to be managed. To advance its long view of annexation, Israel has created a two-tier legal reality in the West Bank. Only Palestinian lives and property are governed by military laws and orders: all restrictive, some draconian, none temporary. The military court system tries only Palestinians, convicting 95% of defendants. So extreme is the situation that after 56 years of occupation, Israel's actions in the West Bank today meet the criteria of apartheid, as

defined in international law.

Sweeping, *de jure* annexation is stipulated in the current government's coalition agreements. Yet we note that the government is more likely to advance its zeal for annexation via numerous individual laws and administrative changes than any single overarching declaration. Together, these changes will expedite the annexation of the West Bank, and will further cement the annexation of East Jerusalem. The attack on the HCJ should also be viewed in light of these annexation efforts, since the HCJ struck down the controversial 'Expropriation Law' in 2017 and has since acted as a primary obstacle to the annexation project. The current government's steps, motivated by its stated Jewish supremacy ideology, will also deepen the apartheid regime governing nearly all aspects of oPt Palestinians' lives.

Structural changes

To date, Israel has ruled the oPt through its military system, seizing resources, building settlements and extending Israeli legislation to settlers through military orders. In doing so, it has avoided an exhaustive *de jure* annexation and the accompanying vigorous scrutiny by the international community.

The current government transferred all authority over civil matters in the West Bank to Bezalel Smotrich, under a newly created role of a minister within the Ministry of Defense; simultaneously, it transferred some of the ICA and COGAT's powers directly into his hands – including a new Settlement Administration unit – lending him vast authority over the West Bank. In effect, the changes turned a civilian, an Israeli minister, into the *de facto* governor of the West Bank. They granted him power over issues such as planning, movement and permit allocation. Meanwhile, the role of legal advisors is due to be politicized and transferred to the Ministry of Defense. These structural changes will enable the government to advance its annexation and Jewish supremacy policies throughout the West Bank, and will further Gaza's isolation. The coalition agreements also confer a major expansion of Israeli laws to Israeli citizens living in the West Bank. This expansion, seemingly bureaucratic and mundane, will further institutionalize Israel's civil legal system beyond the Green Line; it will effectively erode the distinction between settlers and other Israeli citizens, bringing them together under the same legal regime – which is of course different from the military legal regime governing their Palestinian neighbors. Taken together, these steps spell annexation.

Structural changes also include an expansion of the Israel Antiquities Authority (IAA) oversight into Area C. In 2022 IAA inspectors began working in the West Bank independently from the ICA, and in close collaboration with settler organizations; a change

in legislation enabling direct control of the IAA over the West Bank has been recently tabled. If realized, this will be another move towards full annexation.

Planning and building: Settlement expansion

Structural changes go hand-in-hand with the current government's agenda to encourage movement of (Jewish) Israeli citizens to East Jerusalem and the West Bank; its pronounced aim is to double the settler population. The coalition agreements and unfolding government policies reveal a multitude of settler-specific incentives: tax breaks, inclusion in priority governmental schemes, and preferential stimuli for agricultural activities in Area C. A wide-ranging push to further normalize settler day-to-day life is underway through a policy tellingly titled 'equal citizenship' – to be implemented by the aggrandized, generously funded Ministry for National Missions. We note that the expansion of this ministry in effect excludes settlers from the authority of the ICA, further eroding Palestinians' rights.

The state's budget is disproportionately skewed towards settler causes. An unparalleled 25% of the Ministry of Transportation budget will be allocated to projects in the West Bank; large scale investments in heritage and tourist sites made; and a massive settlement expansion scheme prioritized, including in Hebron. Under the Ministry for National Missions a wide-scale retroactive legalization of currently illegal construction is planned – from entire neighborhoods to farms to remote settler outposts – on many sites built on private Palestinian land. Expedited efforts to bring Palestinian properties under the state's control through registration of land titles are well under way in annexed East Jerusalem, and a similar process is planned in the West Bank (for more information on this, see 'Displacement').

Planning and building: The Eastern Ring Road

Since 1967, Israeli governments have invested heavily in transportation infrastructure in the oPt to further Israel's interests and fragment Palestinian contiguity. Currently advancing to its implementation stages is the main section of the Eastern Ring Road – a transportation project headed by the ICA in Areas C and B – whose purpose is to divert all West Bank Palestinian traffic away from the E1 area east of Jerusalem. The road will create two separate transportation systems based on nationality by excluding all oPt Palestinians except East Jerusalemites from currently shared roads. For obvious reasons, it has been dubbed 'The Apartheid Road'. Israel claims that this project will allow Palestinians free movement between the northern and southern parts of the West Bank. We note that its incentives are different. The road will establish a check-point-free territorial continuum between East Jerusalem and the city-settlement of Ma'ale Adumim, leading to its *de facto* annexation. The road is also crucial for advancing the controversial building plans already in place for area E1.

The Ring Road will lead to further fragmentation of the West Bank, increasing East Jerusalem's isolation within it and seizing the remaining Palestinian land reserves around it, as the recent confiscation of Palestinian land in A-Tur shows.

The 'Seam-Zone' permit regime

This year marks 20 years since the erection of the Separation Wall, built mostly inside the West Bank in violation of international law. The erection of the Wall created the 'Seam Zone' – the West Bank areas locked by the Wall's contour. By separating Palestinian communities and lands in the 'Seam Zone' from the rest of the West Bank with a physical border, Israel has *de facto* annexed 10% of the West Bank area. An oppressive permit regime was established in 2003, denying the vast majority of Palestinians access to these areas of the West Bank. Only a small group are eligible to apply for the permit necessary to enter the 'Seam Zone' – primarily those who live there or own lands in it; over the years, the eligibility requirements have become increasingly restrictive. This regime has had extreme consequences on Palestinians' daily lives. It is also gradually leading to a massive loss of private agricultural lands, whose owners cannot regularly cultivate them, facilitating further annexation. The planned construction of the Separation Wall in Area E1, long opposed by the international community, will *de facto* annex vast areas of Area C with similar consequences. We emphasize the apartheid character of this permit regime, which applies to Palestinians only; unlike Palestinians, Israelis and internationals are free to enter the 'Seam Zone' with no need for a permit.

Gaza

Israel's long-standing 'Separation Policy' of isolating Gaza from the West Bank – physically, financially, socially and administratively – is based on tightly controlling its borders. Movement of persons and goods between the two Palestinian areas is nearly impossible, and the policy has effectively divided the oPt into two fully separated territories. The 'Separation Policy' has been justified by Israel as a security need. We argue that it should be viewed through the lens of the West Bank's creeping annexation, as it is one of the main factors enabling it. By annulling free movement from Gaza, Israel has created a mechanism through which to limit the size of the West Bank's Palestinian population – whom it controls but does not wish to annex (for more on the manifestations of this issue, see 'Displacement'). The 'Separation Policy' has been used also to weaken Palestinian state institutions in the oPt and fragment Palestinian society, thus expanding Israel's own control of the land and its resources.

Issues to observe in the upcoming months

- » Changes advanced by Israel's 37th government, even if not implemented in full, will lead to an irreversible transformation of the West Bank and will cement Israel's control of the oPt's Palestinian population and its property. The government's policies are concurrently advanced via administrative tools, structural changes, legal reforms and huge budget allocations to settler causes. These should not be viewed piecemeal, but as a harmonized policy to accelerate the West Bank's annexation.
- » An exponential increase of the settler population is planned, paired with an unprecedented settlement-expansion drive. Building plans in over 37 settlements have already been approved and ten illegal outposts legalized – with legalization of a further 70 in the pipeline.
- » Israel's current government policies and its Jewish-supremacy ideology will further erode Palestinians' rights and legal protections under military law, augmenting the West Bank's dual legal system's apartheid character. Palestinians' diminished capacity to be served by the ICA has already been further hampered, and additional restrictions are expected.
- » Large-scale construction plans are in place for the E1 area, including the Eastern Ring Road and a new settlement of 3,400 housing units. If realized, these projects will *de facto* annex strategic parts of Area C, east of Jerusalem, depleting much of East Jerusalem's land reserves and further fragmenting the West Bank. Annexation of this area has been vehemently and successfully opposed by the international community in the past.
- » With all eyes on the West Bank and East Jerusalem, Gaza and its population continue to be largely overlooked and its isolation from the West Bank and the outside world has been accepted as an insoluble reality. Palestinians in Gaza continue to live on the perpetual edge of a humanitarian crisis. Israel's current government's annexation policies and cementing of an apartheid regime will further increase Gaza's isolation and its population's unbearable predicament.

DISPLACEMENT

> Background and overview

Displacement and expulsion of the Palestinian population have been inherent to Israel's policies in the oPt since 1967. They rarely happen all at once; rather, this is a multi-faceted process that is advanced by one military order, one discriminatory policy, one permit revocation, one illegal settlement, one home demolition at a time.

Nevertheless, the goal of displacement remains the same – maximum land with minimal Palestinian population. Israel advances this vision using its near absolute control over

the geographic, legal and bureaucratic realms of the oPt. Historically, Israel has worked to fragment the oPt through barriers, settlements, military zones and infrastructure projects; to date, it has allocated over 99% of the West Bank's occupied 'State land' for Israeli use, systematically dispossessing Palestinians of land and natural resources. We note that current state-sanctioned displacement and expulsion efforts focus on two main oPt areas: East Jerusalem and Area C. Below we highlight several focal points of these threats.

The goal of displacement remains the same – maximum land with minimal Palestinian population.

East Jerusalem

Since 1967 Israel has expropriated nearly 40% of East Jerusalem's land. Expropriations have been coupled with an overtly discriminatory planning system: despite comprising almost 40% of its population, only 8.5% of the city's land is designated for Palestinian residential use, and obtaining a building permit in these areas is nearly impossible. Meanwhile, house demolitions in East Jerusalem neighborhoods have seen a sharp rise. On the ground, discriminatory housing and planning policies are achieving their territorial and demographic goals: entrenching Israel's control, fragmenting the Palestinian urban continuity, and pushing Palestinians into neighborhoods beyond the Separation Wall. Government bodies (such as the General Custodian, Custodian of Absentee Property, JDA, IAA and INPA) play a central role in implementing East Jerusalem's spatial policies. One troubling example is the increasing eviction of Palestinian families from their homes based on land-restitution rights that are afforded to Jews only. Equally alarming is a process underway since 2018, known as Settlement of Land Title (SOLT) – registration of East Jerusalem land titles. This registration process has so far served only as a tool to further Israel's interests, shifting ownership of Palestinian residential property to the State, the JNF and proxy settler organizations in strategic areas such as Sheikh Jarrah and the Mount of Olives.

We emphasize that SOLT is currently one of the gravest threats to Palestinian East Jerusalemites. Concurrently, land in Jerusalem's Old City Basin is being siphoned away from Palestinians and into settlers' hands through a state-funded web of archaeological projects, national parks and Jewish heritage sites. East Jerusalemites dispossessed of their land and property also risk losing their residency status, thus facing *de facto* expulsion from the city.

Archaeological sites

Israeli authorities' use of archaeological and heritage sites to control both land and historical narrative is not limited to East Jerusalem. In the West Bank, an organized campaign has led to large budget allocations for 'safeguarding' antiquity sites via academic and touristic projects – such as Sebastia and Jericho's Hasmonean palaces – and for suppressing Palestinian development and agricultural activity in their proximity. Increasingly, these efforts are used as justification for expanding Israel's control in Area B.

Military zones

A 'closed military zone' order allows the Israeli military to ban all persons from accessing an area, except for those who permanently reside in it. Orders declaring a 'closed military zone' reflect concrete security concerns. Nevertheless, their systematic and discriminatory use provides for a policy to expel Palestinians from their homes and from private and communal agricultural lands. We note that repeated closures leave Palestinian land vulnerable to irreversible appropriation by settlers, against whom such orders are seldom enforced; it additionally makes farming and shepherding economically unsustainable, thus driving Palestinians off their lands. Areas made permanently inaccessible in this manner are usually those deemed as strategic to Israel. Overall, a third of the West Bank and 50% of Area C have been closed off to Palestinians in this way.

Masafer Yatta

One particular form of closed military zones are firing zones. Establishment of large-scale firing zones, most prominently in the Jordan Valley and South Hebron Hills, forcibly displaces entire agricultural communities – some of the most vulnerable in the West Bank – by making their life intolerable. A particular case are the 12 communities of Masafer Yatta, whose geographical environment Israel turned into Firing Zone 918 at the end of the 1980s, forcibly deporting 700 persons a decade later by eviction orders (later halted under an interim injunction). In May 2022 Israel's HCJ irrevocably rejected the residents' petitions against these eviction orders, in effect authorizing the deportation of 8 communities – over a thousand individuals. A full population transfer has yet to take place; instead, the Israeli military is using draconian restrictions to push Masafer Yatta's communities off the land. The deportation of these communities, whether by force or by restrictions, is a war crime under IHL.

Deportation policies

A more obscure aspect of Israel's control of the Palestinian population is its continued *de facto* control of the Palestinian population registry. Under Israel's control, Palestinians cannot move from Gaza to the West Bank, and those who have done so can be forcibly removed without notice. Vice-versa, those who wish to move to Gaza can do so but must waive their right to return to the West Bank; 'mixed couples' can reside only in Gaza. This population-control policy, which disproportionately affects Palestinian women, is a war crime under IHL.

Israel similarly scrutinizes East Jerusalemites' residency statuses, which can be arbitrarily revoked if they are deemed to have moved elsewhere permanently. More than 14,000 Palestinians have been stripped of their residency status under this policy since the annexation of East Jerusalem, in what has been dubbed a 'quiet deportation' policy. East Jerusalemites are also particularly vulnerable to measures targeting the status of Palestinian individuals convicted of security offenses and their family members. Two laws enabling revocations of status for "breach of allegiance to the State of Israel" have been passed since 2018 (Amendment to Entry into Israel Law 5778-2018; Amendment to Citizenship Law 5783-2023); a bill to revoke residency from family members of persons convicted of security offenses has been recently tabled. Meanwhile, punitive revocations of family unification status have been escalating.

Israel routinely deports Palestinians into Israel for the purpose of detention and interrogation, often for prolonged periods of time; today, most imprisoned Palestinians are held in facilities within Israel proper. This practice violates international law.

Suppression of Palestinian development in Area C

Contrary to international law, in 1971 Israel appropriated all planning and zoning powers in the West Bank and halted all registration of Palestinian land titles. In Area C, all planning powers remain in the hands of the ICA – in which neither Palestinians nor their interests are represented. It is nearly impossible for Palestinians to build legally in Area C – be it houses, agricultural structures or schools. Less than 1% of Area C is today marked for Palestinian development, and obtaining a building permit is virtually impossible, including on private lands. In practice, planning policies stifle Palestinians' capacity to subsist on an individual and communal level, forcibly pushing them out of Area C. The community of Khan al-Ahmar, which faces an imminent threat of forcible transfer, exemplifies the outcome of this planning regime.

In recent years, the ICA has expedited its demolition efforts in Area C: a military order from 2018 allows the destruction of all new buildings, broadly defined, within 96 hours, and has annulled the legal paths to appeal demolition orders or to secure retrospective

permits for long-standing structures. Military orders have also expedited confiscations and punitive demolitions. Enforcement efforts against Palestinians stand in stark contrast to settlement expansion and the blind-eye turned towards the many settler outposts – illegal under Israeli law – that dot the land. It is estimated that over 18,000 Palestinian structures are currently under demolition threat in Area C, including hundreds of homes and 58 schools.

Settler violence and shepherding outposts

Settler violence has intensified in recent years, and incidents of violence against Palestinians are a daily reality across the West Bank and East Jerusalem. This is particularly evident in the most rural areas, where settler outposts and shepherding activities have flourished, such as the South Hebron Hills, the Jordan and Shiloh Valleys, and the Nablus periphery. An unsettling example has been the attack on the town of Huwara in February 2023 after two Israelis were shot dead: in one of the worst incidents of settler violence, a mob rampaged through the town and villages in the area, burning properties and instigating the death of one Palestinian. We note that settler violence is not merely the acts of individuals; rather, it is a systematic, state-backed mechanism through which to terrorize Palestinians and expel individuals and communities from their lands and homes. Today, settler violence is an effective tool in Israel's policy to depopulate Area C of Palestinians and appropriate Palestinian land. It is carried out with impunity. Soldiers have time and again been documented standing idly by, and even engaging in violence against Palestinians (and HRD); police investigations concerning settler violence are systematically negligent and routinely – in 93% of the cases – fail to lead to indictments.

A particular issue of concern are the settler shepherding outposts that are purposefully erected in the remotest parts of Area C. These outposts are limited in size; yet they effectively grab massive areas through grazing, often by terrorizing the Palestinian communities and driving them away with the protection of the military. Since 2017, under 40 illegal shepherding outposts have taken control of one hundred-thousand dunams of Palestinian land. We note that while these outposts are illegal under Israeli law, they are supported by the state and its partner organizations – the JNF and the WZO – as an effective policy tool through which to establish control over Area C.

Issues to observe in the upcoming months

- » The communities of Masafer Yatta and Khan al-Ahmar are facing imminent forced transfer, and the communities of Batan al-Hawa, al-Bustan, Sheikh Jarrah and al-Walajah in East Jerusalem are at risk of mass displacement. These displacements are being largely approved by Israeli courts. The international community remains the most effective barrier to oppose these large-scale expulsions.
- » Israel's 37th government coalition agreements include a commitment to renew the land title registration process in the West Bank, which was halted after Israel's occupation of the oPt. This process will permanently turn all West Bank private lands whose owners cannot prove ownership into 'State land', and will result in the mass dispossession of Palestinians, as is happening in East Jerusalem.
- » The transfer of power over civil matters from the ICA and COGAT into the hands of Bezael Smotrich will increase punitive measures against Palestinians residing in Area C, while simultaneously accelerating legalization of currently illegal settlements throughout the West Bank. Coupled with governmental plans for substantial settlement expansions, a far-reaching and irreversible expropriation of Palestinian land is anticipated.
- » Settler violence is on the rise throughout the West Bank, harming Palestinians and their property and leading to systematic dispossession and displacement – the community of Ein Samiya being the most recent example. The international community should demand that the Israeli authorities protect Palestinians, as required under international and domestic law, and that it holds perpetrators to account.

ATTACK ON NGOs

> Overview and background

The past few years have been characterized by a concerted attack on liberal values, including the very existence and mission of HR organizations in Palestine and Israel. In the past, this hostility was confined to statements and positions taken by ultranationalist groups; these, alongside direct attacks and smear campaigns against NGOs and staff members, are still rampant. But recent years have also seen the introduction of restrictive legislative measures against HR NGOs by the government, alongside a public delegitimation campaign.

The most dangerous manifestation of this attempt to obstruct human rights organizations has been the 2021 attack on Palestinian NGOs, labeling six veteran leading organizations as “supporters of terrorism”. Israeli civil society organizations have faced different challenges, and the past year has seen an increase in the rhetoric and the public delegitimation campaign against them. Existing and proposed legislative measures will impede the work of Israeli NGOs by restricting their ability to take legal action and hindering their funding; and under Israel’s 37th government, these restrictive measures have become ever more strident. Legislation proposed by this government include restrictions on NGO funding, and a criminalization of submissions to the ICC. The proposed legislation both makes it harder to protect HRD, and signals to civil servants and security personnel the government’s opposition to any monitoring of its actions.

These different elements are not discrete regulatory measures, and can only be understood as part of a concerted attack on human rights and HRD.

These different elements are not discrete regulatory measures, and can only be understood as part of a concerted attack on human rights and HRD. It is worth noting in this context that HRD in the West Bank and East Jerusalem face constant attacks and harassment from security forces; indeed, the Israeli military makes pervasive and arbitrary use of closed military zones to prevent HRD from accessing and safeguarding land in Area C. While the Israeli government presents these issues as isolated and unrelated technical matters, we urge the international community not to be misled; this is a concerted effort, part and parcel of the attempted reform of Israel’s regime and the removal of checks and balances.

Criminalization of six Palestinian organizations

In October 2021, then-Minister of Defense, Benny Gatz, declared six veteran and well-

known Palestinian HR NGOs 'terrorist organizations', in effect rendering them and their staff criminals. In August 2022, Israeli forces raided offices in the West Bank and confiscated computers and files. We note that the CIA has received confidential information from Israeli authorities in this regard, and after examination declared that it cannot substantiate the Israeli claim. Several EU countries have also examined the evidence and reached the same conclusion.

The effect of this declaration on the ability of the six organizations to carry on their professional work should not be underestimated. In the first place, donors have been wary of continuing ties to declared 'terrorist organizations'. In addition, staff must weigh the possible legal ramifications of working for a declared 'terrorist organization'. And last but not least, European interns and volunteers have faced significant difficulties in obtaining visas enabling them to work for these organizations since the declaration. These are all current and immediate repercussions; others may emerge immanently.

To state the obvious, these attacks are draconian measures based on unfounded accusations, whose sole purpose is to silence Palestinian critics. We are pleased to note that Western governments have not so far taken the Israeli position at face value, and urge the international community to continue to act to reverse this travesty.

Taxation

Israel's 37th government coalition agreements stipulate that "the coalition will enact a law to impose a tax on donations transferred from foreign governments to Israeli organizations" (Section 136 to the agreement with the Jewish Power party). Most Israeli human rights and civil society organizations rely heavily on such foreign donations. If such a punitive tax were imposed, many would not be able to continue operating; and many donors would discontinue their funding if their grant was taxed.

The 2016 NGO Law established a mechanism to categorize and stigmatize left-wing organizations in Israel, relying on the fact that Israeli right-wing organizations mostly depend on private funds and inspired by the model deployed in Russia. This law created a category of NGOs receiving over 50% of their funding from foreign entities, and requiring them to declare this on all their publications, websites, reports, advertising, and correspondence with government agencies (including this report). The 2016 law was not intended to increase transparency but was rather an attack on NGOs by suggesting that they constitute "foreign entities", which promote foreign interests and maliciously undermine the state. The same mechanism is expected to be used in the planned taxation legislation. Two such bills have been proposed so far: 1) Amendment to the Income Tax Law (Taxation of Donations from Foreign Political Entities) and 2) Foreign Non-Profit Association Bill. The latter was scheduled to be advanced on May 23, and taken off the agenda thanks to the strong statements of concern from the international community. This shows the importance and potential of concerted engagement by Israel's closest allies in

defending human rights and civic space.

Pending and planned anti-NGO legislation

Several deeply worrying bills have been proposed by members of Israel's current right-wing coalition. These bills must pass through several stages before becoming laws, and may be abandoned along the way – or they may be promoted by the coalition and enter the codex, with immediate effects. At the moment, the fact that these initiatives are seriously discussed also has an immediate chilling effect, signaling to NGOs the limits of their freedom of speech and of their ability to cooperate with legitimate international bodies. We mention here two such measures, and urge the international community to monitor developments closely.

- In March 2023, the Israeli Ministerial Committee on Legislation discussed a bill that would criminalize any engagement by organizations or individuals with the ICC at the Hague or other international institutions defined by the minister of justice as “Hostile institutions” (“The Bill to protect Israeli Citizens from Hostile International Institutions” – 2023 (P/25/1545). If enacted, this bill will immediately affect several prominent Israeli organizations, rendering them and their staff liable to immediate penalties, including a prison sentence of up to seven years.

- A bill criminalizing any documentation of security forces' activities has been proposed; if enacted, such a law would stymie human rights monitoring, which depends on documentation, and silence organizations. It would also place many HRD in danger, since currently the documentation provides them with some measure of protection.

Issues to observe in the upcoming months

» The labeling of the six Palestinian NGOs as ‘terror organizations’ has enabled further far-reaching steps which may be taken against them at any moment. The label is far from innocuous, and should be removed given the lack of evidence. We urge the international community to remain abreast of future repercussions and act to remove this unfounded designation.

» The different legislative steps against NGOs are expected to continue unless checked. We call on the international community to monitor the passage of these bills, particularly the proposed draconian taxation of NGOs; and to reiterate its unwavering stance in support of HR NGOs and its rejection of these measures. Past experience has shown that a concerted international response to such anti-liberal measures can be effective. Indeed, in 2012 the international opposition to similar legislation resulted in its eventual withdrawal.

FURTHER READING

> Introduction

ACRI: [Potential threats to human rights and democracy from the impending Israeli government](#)

> Security Forces' Violence

Hamoked: [On Flimsy Grounds: Israel's Pervasive Night Arrests of Palestinian Children](#)

PCATI: [Torture in Israel: Situation Report 2022](#)

PCATI: [War Crimes in the Interrogation Chamber: PCATI and FIDH submission to the ICC](#)

PHR: [Health Remanded to Custody: the future of the prison health care system in Israel](#)

PHR: [Holding Health to Ransom: GSS Interrogation and Extortion of Palestinian Patients at Erez Crossing](#)

Yesh Din, PHR and Breaking the Silence: [A Life Exposed: Military invasions of Palestinian homes in the West Bank](#)

Yesh Din: Data sheet: [Law enforcement against Israeli soldiers suspected of harming Palestinians and their property - Summary of figures for 2017-2021](#)

Yesh Din: [Investigating Themselves - Results of the military law enforcement system's examination of incidents of Palestinians killed and wounded in the Gaza Strip during "Operation Guardian of the Walls"](#)

> Annexation

Breaking the Silence: [Highway to Annexation - Israeli road and transportation infrastructure development in the West Bank](#)

Emek Shaveh: [Israel's 37th Government's Foreseen Policies for Heritage Sites in East Jerusalem and the West Bank](#)

Gisha: [Area G: From separation to annexation](#)

Peace Now: [Settlement watch \(data, maps, trends\)](#)

Yesh Din: [Annexation legislation database](#)

Yesh Din: [The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion](#)

> **Displacement**

ACRI: [Land Registry Regulation in the Occupied Territories](#)

Bimkom: [Destructive planning policies: West Bank 2018-2022](#)

Breaking the Silence: [Military Rule: Testimonies of soldiers from the Civil Administration, Gaza DCL and COGAT, 2011-2021](#)

Breaking the Silence: [On duty - Settler Violence in the West Bank](#)

Gisha: [One way ticket](#)

Hamoked: [Center for the Defense of the Individual: Creeping Dispossession: Israeli Restrictions on Palestinian Farming Beyond the Barrier](#)

Ir Amim: [Settlement of Land Title in East Jerusalem: A Means of Dispossessing Palestinians from their Lands and Homes](#)

Kerem Navot: [A Locked Garden: Declaration of Closed Areas in the West Bank](#)

Yesh Din: [Data Sheet, Dec. 2022: Law Enforcement on Israeli Civilians in the West Bank \(Settler violence\) 2005-2022](#)

Yesh Din: [Plundered Pastures: Israeli settler shepherding outposts in the West Bank and their infringement on Palestinians' human rights](#)

> **Attack on NGOs**

Observatory for the protection of Human Rights Defenders: [Target Locked: Smear Campaigns to stifle human rights defenders from the Golan, Israel and Palestine](#)

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