

# **WEST BANK AND GAZA STRIP 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Palestinian Authority Basic Law provides for an elected president and legislative council. There have been no elections in the West Bank and Gaza for those positions since 2006, and President Mahmoud Abbas has remained in office despite the expiration of his four-year term in 2009. The Palestinian Legislative Council has not functioned since 2007, and in 2018 the Palestinian Authority dissolved the Constitutional Court. In 2019 and again in September 2020, President Abbas called for the Palestinian Authority to organize elections for the Palestinian Legislative Council within six months. President Abbas indefinitely postponed national elections on April 30, stating the reason was that Israel had not agreed to allow Palestinians in East Jerusalem to participate in voting. The Palestinian Authority head of government is Prime Minister Mohammad Shtayyeh. President Abbas is also chairman of the Palestine Liberation Organization and general commander of the Fatah movement.

Six Palestinian Authority security forces agencies operated in parts of the West Bank. Several are under Palestinian Authority Ministry of Interior operational control and follow the prime minister's guidance. The Palestinian Civil Police has primary responsibility for civil and community policing. The National Security Force conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the civil police. The Military Intelligence Agency handles intelligence and criminal matters involving Palestinian Authority security forces personnel, including accusations of abuse and corruption. The General Intelligence Service is responsible for external intelligence gathering and operations and internal criminal investigations and arrests. The Preventive Security Organization is responsible for internal intelligence gathering and investigations related to internal security cases, which was interpreted to include political dissent. The Palestinian Authority used the Preventative Security Organization at times to crack down on dissent it considered threatening to political stability. The Presidential Guard protects facilities and provides dignitary

protection. Palestinian Authority civilian authorities maintained effective control of security forces. There were credible reports that members of the Palestinian Authority security forces committed abuses.

In the Gaza Strip, the designated terrorist organization Hamas exercised authority. The security apparatus of Hamas in the Gaza Strip largely mirrored that in the West Bank. Internal security included civil police, guards, and protection security; an internal intelligence-gathering and investigative entity (similar to the Preventive Security Organization in the West Bank); and civil defense. National security included the national security forces, military justice, military police, medical services, and the prison authority. Hamas maintained a large military wing in Gaza, the Izz ad-din al-Qassam Brigades. In some instances Hamas utilized its military wing to crack down on internal dissent. Public sector employees sometimes believed there was pressure to show loyalty to Hamas and its military wing. There were credible reports that Hamas security forces committed numerous abuses.

The government of Israel occupies the West Bank and has maintained a West Bank security presence through the Israel Defense Forces, the Israeli Security Agency (Shin Bet), the Israel National Police, and the Border Guard. Israel maintained effective civilian control of its security forces throughout the West Bank. Palestinian residents and Israeli and Palestinian nongovernmental organizations accused Israeli security forces of abuses during the year. The Israeli military and civilian justice systems on occasion investigated and found members of Israeli security forces to have committed abuses.

The Palestinian Authority exercised varying degrees of authority in restricted areas of the West Bank due to the Israel Defense Forces' continuing presence, and none over Palestinian residents of East Jerusalem due to Israel's extension of Israeli law and authority to East Jerusalem in 1967 and an Israeli prohibition on any Palestinian Authority activity anywhere in Jerusalem. Oslo Accords-era agreements divide the West Bank into Areas A, B, and C. West Bank Palestinian population centers mostly fall into Areas A and B, with Palestinian agricultural lands and rural communities in Area C. The Palestinian Authority has formal responsibility for security in Area A, but Israeli security forces frequently conducted security operations there. The Palestinian Authority maintains

administrative control, and Israel maintains security control of Area B in the West Bank. Israel retains full security control of Area C and has designated most Area C land as either closed military zones or settlement zoning areas. The Palestinian Authority maintained security coordination with Israel during the year.

Significant human rights issues included:

1) With respect to the Palestinian Authority: credible reports of unlawful or arbitrary killings by Palestinian Authority officials; torture or cruel, inhuman, or degrading treatment or punishment by Palestinian Authority officials; arbitrary arrest or detention; political prisoners and detainees; significant problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including violence, threats of violence, unjustified arrests and prosecutions against journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including harassment of nongovernmental organizations; serious and unreasonable restrictions on political participation, since the Palestinian Authority has not held a national election since 2006; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes, violence, and threats of violence motivated by anti-Semitism; crimes involving violence and threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and reports of the worst forms of child labor.

2) With respect to Hamas: credible reports of unlawful or arbitrary killings by Hamas personnel; torture or cruel, inhuman, or degrading treatment or punishment by Hamas personnel; unjust detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including violence, threats of violence, unjustified arrests and prosecutions against journalists, censorship, and the existence of criminal libel and slander laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; serious and unreasonable restrictions on political participation because there has been no national election since 2006; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes, violence, and threats of violence motivated by anti-

Semitism; unlawful recruitment and use of child soldiers; crimes involving violence and threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and the worst forms of child labor.

3) With respect to Israeli security forces in the West Bank: credible reports of unlawful or arbitrary killings due to unnecessary or disproportionate use of force by Israeli officials; torture or cruel, inhuman, or degrading treatment or punishment by Israeli officials; arbitrary arrest or detention; arbitrary or unlawful interference with privacy; restrictions on free expression and media, including violence, threats of violence, unjustified arrests and prosecutions against journalists, and censorship; restrictions on internet freedom; restrictions on Palestinians residing in Jerusalem, including arbitrary or unlawful interference with privacy, family, and home; substantial interference with the rights of peaceful assembly and freedom of association, including harassment of nongovernmental organizations; and restrictions on freedom of movement and residence.

4) With respect to Palestinian civilians threatening Israeli citizens: credible reports of unlawful or arbitrary killings and credible reports of injuries to Israeli citizens.

5) With respect to Israeli civilians threatening Palestinian citizens: credible reports of unlawful or arbitrary killings, and credible reports of injuries to Palestinians.

There were criticisms that senior Palestinian Authority officials made comments glorifying violence in some cases and inappropriately influencing investigations and disciplinary actions related to abuses. Israeli authorities operating in the West Bank took some steps to address impunity or reduce abuses, but human rights groups frequently asserted they did not adequately pursue investigations and disciplinary actions related to abuses against Palestinians, including actions to stop or punish violence by Israeli settlers in the West Bank. There were no legal or independent institutions capable of holding Hamas in Gaza accountable, and impunity was widespread. Several militant groups with access to heavy weaponry, including Palestinian Islamic Jihad, also operated with impunity in and from Gaza. Israeli authorities rarely acted against Israelis who threw stones in the West Bank, and there were no known reports during the year of the Israel Defense Forces shooting Israeli attackers.

This section of the report covers the West Bank and Gaza Strip, and East Jerusalem territories that Israel occupied during the June 1967 war. In 2017 the United States recognized Jerusalem as the capital of Israel and Israel's sovereignty over the Golan Heights in 2019. Language in this report is not meant to convey a position on any final status issues to be negotiated between the parties to the conflict, including the specific boundaries of Israeli sovereignty in Jerusalem or the borders between Israel and any future Palestinian state.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that Israeli and Palestinian governmental forces or their agents committed arbitrary or unlawful killings. Palestinian security forces were accused of using excessive force against the Palestinian Authority's (PA's) political opponents. On June 24, Palestinian Authority Security Forces (PASF) entered the Israeli-controlled H2 area of Hebron, raided the house where Palestinian dissident Nizar Banat was hiding, and severely beat him. According to video and eyewitness testimony, Banat was still alive when PASF carried him out of the house but was declared dead shortly thereafter upon his arrival at the Hebron public hospital. An autopsy found he had been beaten on the head, chest, neck, legs, and hands, with less than an hour elapsing between his arrest and his death. The PA detained 14 PASF officers belonging to the Preventive Security Organization (PSO) that they claim carried out the botched arrest, and an internal PA investigation continued at year's end. On August 28, Banat's family requested a foreign government to open an investigation under the principle of universal jurisdiction, claiming they had no confidence in the PA's capacity to deliver justice.

According to the Ministry of Public Security, 39 terror attacks or terror attack attempts were carried out during the year in the West Bank and 15 in Jerusalem; two persons were killed in these attacks. The PA continued to make payments to persons convicted of terrorism in Israeli courts serving prison sentences, former prisoners, and the families of those who died committing terrorist attacks. Israel

considered these payments to incentivize, encourage, and reward terrorism, with higher monthly payments for lengthier prison sentences tied to more severe crimes. The PA considered these payments provided economic support to families who had lost their primary breadwinner.

Israeli security forces killed 73 Palestinians in the West Bank as of December 13, including 11 on May 14, the highest number of Palestinian fatalities recorded in a single day in the West Bank, including East Jerusalem, since the UN Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories (UNOCHA) began recording fatalities in 2005. With respect to Palestinian civilians threatening Israeli citizens, there were four credible reports of unlawful or arbitrary killings and 150 credible reports of injuries to Israeli citizens as of December 20. With respect to Israeli civilians threatening Palestinian citizens, there were four credible reports of unlawful or arbitrary killings and 174 credible reports of injuries to Palestinians as of December 20.

An outbreak of violence in the ongoing Israeli-Palestinian conflict began on May 10, although disturbances took place earlier, and continued until a ceasefire came into effect on May 21. During the May escalation, 261 Palestinians were killed, including 67 children. Israeli strikes killed at least 241 persons and the rest were due to rockets falling short and other circumstances. An estimated 130 of the fatalities were civilians and 77 were members of armed groups, while the status of the remaining 54 had not been determined, according to UNOCHA. According to the human rights nongovernmental organization (NGO) B'Tselem, 20 Palestinians in Gaza, including seven minors, were killed by Palestinian rocket fire during the May conflict. B'Tselem was unable to ascertain who killed eight other Palestinians, six of them minors. According to UNOCHA, in Israel, 13 persons, including two children, were killed, and 710 others were injured. A member of the Israeli security forces was killed by an antitank missile fired by a Gaza-based Palestinian organization during the May conflict.

Throughout the year, Israeli security forces killed Palestinian protesters who B'Tselem and other rights groups asserted did not pose a mortal threat to ISF personnel. For example on May 14, approximately 200 residents of Ya'bad and the surrounding area participated in demonstrations, with some waving Palestinian flags while others burned tires and used boulders to block the road leading to the

settlement of Mevo Dotan. Some of them also threw stones at several dozen Israeli soldiers who were standing on the road and in nearby olive groves. The Israeli soldiers used stun grenades and fired tear gas canisters and rubber-coated metal bullets in response. The soldiers also fired two live rounds at the protesters. One protester was injured in the leg and another, Yusef a-Nawasrah from the village of Fahmah, was hit in the waist and died soon afterwards, according to B'Tselem.

Also on May 14, several dozen young men from the area of Tulkarem came to an agricultural gate in the separation barrier, north of the village of Shuweika. Some of them waved Palestinian flags and threw stones at Israeli soldiers standing on the other side of the nearby barrier. The Israeli soldiers used stun grenades and fired tear gas canisters and rubber-coated metal bullets in response. One of the soldiers fired a live round, hitting Nizar Abu Zeinah, a resident of Tulkarem Refugee Camp, in the chest. Abu Zeinah was pronounced dead a short while later at a Tulkarem hospital, according to B'Tselem.

On May 15, near al-Birah in the West Bank, Israel Defense Force (IDF) soldiers fired tear gas canisters, rubber bullets, and live rounds at protesters from 70 to 100 yards away, severely injuring Fadi Washahah. He died two weeks later of brain injuries, according to B'Tselem.

On May 18 in the village of Tura al-Gharbiyah, soldiers on the roof of Samer Kabaha's house threw stun grenades and fired tear gas canisters and rubber-coated metal bullets at dozens of men who had spread out around the house and in nearby alleys and were throwing stones at the soldiers. After participating, Muntasser Zidan was walking towards a grocery store with a friend away from the area of the clashes when a soldier opened fire with live rounds from the rooftop of the house and hit Zidan in the head. Zidan died of his wounds two days later, according to B'Tselem.

On July 21, Israeli police detained Abdo Yusuf al-Khatib al-Tamimi for a traffic violation. Police took him to the Moskabiya Detention Center in Jerusalem where he died on July 23. According to press reports, his family, and human rights groups, he was beaten and tortured in custody before he died. Photos published by Palestinian and international press after his death show a stitched gash on his forehead, a wound on his knee, and extensive bruising on other parts of his body.

The Israeli Prison Services (IPS) announced that he had been “found dead” in his cell three days after his arrest. Al-Tamimi’s body reportedly was taken to the Abu Kabir Forensic Institute in East Jerusalem for an autopsy performed by Israeli authorities in the presence of a Palestinian doctor. Authorities have not yet made the autopsy results public.

Palestinians in Gaza protested multiple times at the fence between the Gaza Strip and Israel in August to make political and humanitarian demands, including reconstruction and reopening of border crossings. Hundreds participated in protests on August 21 and August 25, including armed militants and unarmed protesters. The Israeli military killed three persons during the protests, according to media reports: one al-Quds Brigade (AQB) militant, a 12-year-old boy, and another man. An Israeli border police officer also was killed.

In April the NGO Yesh Din released a report on the Military Advocate General’s (MAG’s) Fact Finding Assessment (FFA) Mechanism that was implemented to investigate incidents, including injuries and fatalities, during the “March of Return” protests that started in 2018 and continued through late 2019. Yesh Din found that of 231 incidents forwarded to the FFA, 59 percent, covering 140 fatalities, remained under FFA review. The FFA examines the details of a case and provides all relevant information to the MAG, who determines whether a criminal investigation is warranted. Yesh Din stated it was skeptical of the Israeli military’s ability to conduct thorough and effective investigations of the incidents so long after they occurred. Most of these fatalities were still undergoing the FFA Mechanism’s “quick” assessment three years later, according to Yesh Din.

A November 30 B’Tselem report entitled, *Unwilling and Unable: Israel’s Whitewashed Investigations of the Great March of Return Protests* concluded that the Israeli government had not seriously investigated killings of Palestinians or held IDF members accountable, despite announcing in 2018 that it would open investigations of its use of lethal force, which B’Tselem in part attributed to a desire to deflect international criticism and investigation at the International Criminal Court.

Some human rights groups alleged the ISF used excessive force while detaining and arresting some Palestinians accused of committing crimes. On December 4,



Israeli border police shot and killed Muhammad Salima, a Palestinian from the West Bank town of Salfit, as he lay on the ground outside the Damascus Gate in Jerusalem. Salima had stabbed and injured an ultra-Orthodox Israeli man before running toward the officers, who shot him. Israel's State Prosecutor's Office briefly opened and then closed an investigation into the officers' conduct, finding they had done nothing wrong. On May 25, in Um a-Sharayet in the West Bank, an Israeli Special Police Unit vehicle blocked Ahmad Abdu's car after he got into it. According to video footage published by B'Tselem, officers were seen getting out of the vehicle and immediately firing several shots at the car at the apparently injured Abdu as he opened the righthand door, at which point the officers surrounded the car and dragged Abdu out, then left the scene without providing him first aid. An Israeli Border Police statement stated Abdu had been killed as part of an "arrest operation" but offered no explanation for the lethal shooting. B'Tselem stated that opening live fire at a person sitting in his car, without first trying to arrest him, is not an "attempted arrest" but rather is a targeted killing.

In Gaza, Hamas sentenced 21 individuals to death during the year, although it did not carry out any executions, according to the Democracy and Media Center (SHAMS). Among those sentenced to death, eight allegedly collaborated with Israel and one was sentenced for drug offenses. According to SHAMS, there is no law, decree, or legislation in the West Bank or Gaza Strip that punishes drug offenses with a death sentence. The Palestinian Center for Human Rights (PCHR) previously noted a significant increase in the death penalty in Gaza since 2007, with Hamas sentencing 130 persons to death and executing 25 during that period, despite significant concerns that Hamas courts did not meet minimum fair trial standards. By law the PA president must ratify each death penalty sentence. Hamas in previous years proceeded with executions without the PA president's approval.

## **b. Disappearance**

In the West Bank, there were no reports of disappearances by or on behalf of government authorities during the year. There was no new information on the disappearances in 2014 and 2015 of two Israeli citizens, Avraham Abera Mengistu and Hisham al-Sayed, who crossed into Gaza and whom Hamas reportedly apprehended and held incommunicado. Additionally, there was no new

information on the status of two IDF soldiers that Hamas captured during the 2014 war, Hadar Goldin and Oron Shaul.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The PA basic law prohibits torture or use of force against detainees; however, international and local human rights groups reported that torture and abuse remained a problem. The PA has yet to establish a protocol for preventing torture. The quasi-governmental Independent Commission for Human Rights (ICHR) reported receiving 176 complaints of torture or mistreatment against the PA and 115 complaints against Hamas during the year. Some human rights groups reported that during the year Palestinian police took a more direct role in the mistreatment of Palestinian protesters than in previous years.

Between January and September 2020, 40 West Bank Palestinians and 50 Gaza Palestinians complained of torture and mistreatment by Palestinian security forces, according to Human Rights Watch (HRW). According to a 2019 update to a 2018 HRW report, torture regularly occurred in detention centers in both Gaza and the West Bank by Hamas and PA security services, respectively. HRW reported systematic and routine abuse in PA prisons, particularly in the PA's Intelligence, Preventive Security, and Joint Security Committee detention facilities in Jericho. HRW reported practices that included forcing detainees to hold painful stress positions for long periods, beating, punching, and flogging. Victims also reported being cut, forced to stand on broken glass, and being sexually assaulted while in custody. A Palestinian accused of collaborating with Israel due to his political beliefs alleged to foreign diplomatic officials that he was tortured in a prison in Jericho.

Palestinian detainees held by the PASF registered complaints of abuse and torture with the ICHR. The PA Corrections and Rehabilitation Centers Department, under the authority of the Ministry of Interior, continued to maintain a mechanism for reviewing complaints of prisoner abuse in civil prisons. There was a box in the common area of the prison where prisoners could submit complaints, which a warden then reviewed. The UN Office on Drugs and Crime provided support to this system, including ensuring there were posters in every prison with the

prisoners' rights explained in English and Arabic.

In 2019 HRW stated, “there have been no serious efforts to hold wrongdoers to account or any apparent change in policy or practice” by the PA or Hamas. During the year courts in Gaza had not convicted any prison employees for mistreatment of prisoners, and courts in the West Bank had convicted only one employee of mistreatment of prisoners and sentenced him to 10 days in prison, according to HRW. On July 3, the PA arrested 14 Palestinian low-level security personnel in connection with the June 24 killing of dissident Nizar Banat (see section 1.a.). On September 5, the PA’s Security Forces Justice Commission completed its investigation into Banat’s killing and announced it would indict 14 PASF officers of beating Banat to death under the penal martial code of 1979. The first hearing took place on September 27, and weekly hearings continued. The Banat family’s lawyer walked out of a November 2 hearing in protest of verbal attacks against the family and himself by the defense counsel but resumed attending hearings in early December. Since Banat’s death, Preventative Security Organization (PSO) officers raided Banat family homes on multiple occasions and detained family members – including key witnesses present at the time of Banat’s death – purportedly as part of investigating retribution incidents related to the killing. Local security chiefs said this was necessary to prevent a spiraling cycle of violence, but Banat family members and activists alleged the PSO actions constituted witness intimidation and harassment. The trial continued at the end of the year, and the 14 defendants remained detained.

An Israeli news article reported on “serious violent behavior” by Israeli police towards Palestinian residents of East Jerusalem on December 27. Among complaints reportedly filed with the Police Internal Investigations Department, the article quoted a 16-year-old boy’s allegations that Israeli police stripped and beat him in a public bathroom; stated that Israeli police handcuffed and dragged a Palestinian woman across the floor; cited a female journalist’s complaint of sexist comments during an interrogation; and reported another child was dragged out of bed in the middle of the night, falsely identified as someone else, and his family members beaten. Jerusalem police described the report as “distorted and one-sided” but did not specifically dispute any of the details reported. Palestinians criticized Israeli police for devoting fewer resources on a per capita basis to regular

crime and community policing in Palestinian neighborhoods in Jerusalem. Israeli police did not maintain a permanent presence in areas of Jerusalem outside the barrier and only entered to conduct raids, according to NGOs.

The attorney general announced January 24 that “no sufficient evidence was found to justify an indictment” of security officials in the case of Samer al-Arbid, a Palestinian suspect in the 2019 killing of Rina Shnerb near the settlement of Dolev in the West Bank. The NGO Public Committee against Torture in Israel (PCATI) alleged the ISA used “exceptional measures” in interrogating al-Arbid, who was admitted to a hospital unconscious and with serious injuries following an interrogation.

PCATI reported that “exceptional measures” used by Israeli security personnel against Palestinian security detainees in the West Bank included beatings, forcing an individual to hold a stress position for long periods, threats of rape and physical harm, painful pressure from shackles or restraints applied to the forearms, sleep deprivation, and threats against families of detainees. Female prisoners and detainees reported harassment and abuse in detention by the ISF. According to PCATI, there were only two investigations into 1,300 complaints made since 2001; both cases were closed with no indictment. The average time it took the Inspector of Interrogee Complaints (IIC) to conclude the preliminary examination of a complaint filed by PCATI increased from 44 months in 2020 to 56 months during the year.

The NGO HaMoked alleged that Israeli detention practices in the West Bank included prolonged solitary confinement, lack of food, exposure to the elements, and threats to demolish family homes. Military Court Watch (MCW) and HaMoked claimed Israeli security services used these techniques to coerce confessions from minors arrested on suspicion of stone throwing or other acts of violence. According to the government of Israel, detainees receive the rights to which they are entitled in accordance with Israeli law and international treaties to which Israel is a party, and all allegations of abuse and mistreatment are taken seriously and investigated.

The MCW stated that more than 73 percent of Palestinian minors detained in the West Bank reported being subjected to various forms of physical abuse during

arrest, transfer, or interrogation by Israeli authorities. The MCW reported that most minors were arrested in night raids and reported ISF used physical abuse, strip searches, threats of violence, hand ties, and blindfolds. In 2019, in response to a petition to the Supreme Court regarding the blindfolding of detainees, the state prosecution clarified that “military orders and regulations forbid the blindfolding of detainees, and action to clarify the rules to the troops acting in the region has been taken and will continue to be taken on a continuous basis.” The government of Israel stated this policy applies to all detainees and blindfolds are only to be used as a rare exception. As of October the MCW reported that more than 94 percent of minors arrested during the year reported being blindfolded or hooded upon arrest. Israeli military prosecutors most commonly charged Palestinian minors with stone throwing, according to the MCW.

### **Prison and Detention Center Conditions**

Conditions in PA prisons and detention centers in the West Bank reportedly were poor, largely due to overcrowding and structural problems. Conditions of Hamas prisons in Gaza also were poor, with overcrowding cited as a major problem. NGOs reported all prisons in the West Bank and Gaza lacked adequate facilities and specialized medical care for detainees and prisoners with disabilities.

**Physical Conditions:** PA prisons were crowded and lacked ventilation, heating, cooling, and lighting systems conforming to international standards. Authorities at times held male juveniles with adult male prisoners and held political dissidents with violent criminals, although in some cases involving foreign citizens, male juveniles were held in a separate juvenile detention facility in Ramallah. Security services used separate detention facilities. Conditions for women were like those for men. The PA used several refurbished structures and buildings as prisons, some of which lacked necessary security accommodations.

There were periodic deaths in PA and Hamas prisons and limited remedial action to prevent them. In one example, Ayman al-Qadi died in September 2020 after an apparent suicide in a PA police station in Bethlehem while in pretrial detention for issuing bad checks. According to media reports, his family had requested he be released due to mental disabilities, but a state-ordered psychiatric examination had determined al-Qadi was not a risk to himself or others.

**Administration:** According to HRW, procedures designed to hold employees and administrators accountable in both PA and Hamas detention facilities rarely, if ever, led to consequences for serious abuses. Some prisons restricted access to visitors (see Independent Monitoring below). Human rights groups such as the PCHR reported families of imprisoned Palestinians, particularly Gazans, had limited ability to visit prisoners detained inside Israel due to the difficulty of obtaining permits to enter Israel, COVID-19 restrictions since March 2020, or having their request denied on “security grounds.”

**Independent Monitoring:** In the West Bank, the PA permitted the International Committee of the Red Cross (ICRC) access to detainees to assess treatment and conditions. The ICRC continued its regular visits to detention facilities, including interrogation centers, in accordance with its standard modalities, as in previous years. Human rights groups, humanitarian organizations, and lawyers indicated, as in previous years, there were some difficulties in gaining access to specific detainees held by the PA, depending on which PA security organization managed the facility.

In Gaza, Hamas granted the ICRC access to detainees to assess treatment and conditions. The ICRC continued its regular visits to detention facilities, including interrogation centers, in accordance with its standard practices, as in previous years. Human rights organizations conducted monitoring visits with some prisoners in Gaza, but Hamas denied permission for representatives of these organizations to visit high-profile detainees and prisoners.

The Israeli government permitted visits by independent human rights observers to detention facilities it operated in the West Bank. NGOs sent representatives to meet with Palestinian prisoners, including those on hunger strikes, and inspect conditions in Israeli prisons, detention centers, and some Israeli security forces’ facilities. Palestinian families and human rights groups reported delays and difficulties in gaining access to specific detainees from Israeli authorities. They also reported transfers of detainees without notice and claimed Israeli authorities at times used transfer practices punitively against prisoners engaging in hunger strikes. During the COVID-19 pandemic, human rights groups reported that lawyers were at times barred from seeing their clients and families were prevented from seeing their incarcerated relatives in Israeli military prisons due to

coronavirus prevention measures.

For further information on the treatment of Palestinians in Israeli prisons as well as prison conditions in Israel, see *Country Reports on Human Rights Practices* for Israel.

#### **d. Arbitrary Arrest or Detention**

The Palestinian Basic Law, operable in the West Bank and Gaza, prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There were reports the PA in the West Bank and Hamas in Gaza did not observe these requirements and instead applied Jordanian law or used tribal courts, which do not provide the same protections.

Israel prosecutes Palestinian residents of the West Bank under military law and Israeli settlers in the West Bank under criminal and civil law. Israeli military law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in military court, with broad exceptions for security-related offenses. There were reports the IDF did not observe these requirements and employed administrative detention excessively. Israeli authorities also did not always apply the same laws to all residents of Jerusalem, regardless of their Israeli citizenship status. NGOs and Palestinian residents of East Jerusalem alleged Israeli security forces disproportionately devoted enforcement actions to Palestinian neighborhoods, particularly Issawiya and Sheikh Jarrah, with higher numbers of temporary checkpoints and raids than in West Jerusalem. For example, the IDF detained Sheikh Jarrah resident and activist Murad Ateah on August 10 and subsequently extended his detention multiple times before charging him with organizing activities that disturbed the peace in the neighborhood. His first hearing was scheduled for September 30, and his detention was subsequently extended 12 times.

Israel prosecuted Palestinian residents of the West Bank under military law and Israeli settlers in the West Bank under Israeli criminal and civil law. Israeli military law has broad exceptions for security-related offenses that limit the ability of any person to challenge the lawfulness of their arbitrary arrest and detention in

military court.

In the West Bank, Israeli security forces routinely detained Palestinians for several hours and subjected them to interrogations, according to human rights groups.

### **Arrest Procedures and Treatment of Detainees**

PA law generally requires a warrant for arrest and provides for prompt judicial determination of the legality of detention. There are exceptions that allow for arrests by the PA without a warrant. PA law allows police to hold detainees for 24 hours if there is sufficient evidence to charge a suspect and for up to 45 days with court approval. PA law requires that a trial start within six months of the arrest or authorities must release the detainee. PA authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation. Bail and conditional release were available at the discretion of judicial authorities. PA authorities granted detainees access to a lawyer. PA courts consistently afforded the right to counsel to indigents charged with felony offenses. Indigent defendants charged with misdemeanors often did not receive counsel, although NGO efforts to represent indigent juveniles and adults in misdemeanor cases were at times successful. Amnesty International and other NGOs reported that the PASF isolated some detainees from outside monitors, legal counsel, and family throughout the duration of interrogation, effectively holding them incommunicado. There were reports that prison administrators denied some detainees visits from family members. The Palestinian Authority does not have the power to convict Israelis who commit crimes in Palestinian-controlled areas. Israeli citizens who commit crimes within the West Bank are subject to Israeli law and tried in courts within Israel.

The PA's Military Intelligence organization (PASF/MI) investigated and arrested PA security force personnel from all PASF branches and civilians suspected of "security offenses," such as terrorism.

In the Gaza Strip, Hamas detained many persons during the year without giving them recourse to legal counsel, judicial review, or bail. Hamas regularly referred cases to the Hamas-run military judiciary in violation of the Palestinian Basic Law. There were also instances in which Hamas retroactively issued arrest warrants for



Gaza residents already in custody.

Israel applies Israeli military law to Palestinians in the West Bank, although NGOs criticized this practice as permitted under international humanitarian law only on a temporary basis. Israel has used military courts to prosecute Palestinians from the West Bank since 1967, and 95 percent of cases tried in military courts ended in conviction, according to the MCW. Approximately 800,000 Palestinian men, women, and children have been detained since 1967, according to the MCW. More than 80 percent of Palestinian prisoners arrested by the ISF in the West Bank were detained inside of Israel by Israeli authorities.

According to the MCW, 65 percent of Palestinian child detainees continued to be forcibly transferred or unlawfully detained in prisons located outside the West Bank, which the MCW stated was in violation of international law. Under Israeli law, children as young as 12 can be prosecuted in Israeli military courts.

According to IPS figures obtained by the MCW, as of September the average number of Palestinian minors in Israeli detention during the year was down 11 percent from 2020. The monthly average of 147 was the lowest since the MCW began keeping records in 2008.

Israeli authorities generally provided Palestinians held in military custody with access to counsel, but detainees often obtained lawyers only after initial interrogations, according to NGOs. According to the MCW, many Palestinian detainees saw their lawyer for the first time when they appeared before an Israeli military court. The MCW also reported that many children were arrested in night-time military raids on their homes; tied and blindfolded; transferred to an interrogation center on the floor of military vehicles; experienced some physical and verbal abuse as well as threats; and continued to be questioned without prior access to a lawyer or being informed of their right to silence as required under Israeli military law. In 2020 the NGO HaMoked petitioned the Israeli Supreme Court to compel the ISF to end the practice of night-time raids and rely on summons issued to the parents as a first recourse. In response to the petition, the government of Israel initially argued there was no international law prohibiting the practice but subsequently clarified that a new, classified procedure went into force on August 1, eliminating the practice except in certain circumstances. The Supreme Court left the petition pending but ordered the state to submit an updated

notice by February 1, 2022. HaMoked reported that since August 1 when the military order apparently went into effect, it has received calls from more than 50 parents asking for help with locating children in Israeli detention. Only two parents reported to HaMoked that they had received a summons prior to the detention. According to testimonies collected by the MCW, only 23 percent of detained Palestinian minors saw a lawyer prior to interrogation, a slight increase from 2020. In many cases, the MCW reported, minors spoke with a lawyer very briefly by telephone; in some cases, the telephone speaker was on with the interrogator in the room, preventing confidential attorney-client communications.

Israeli authorities stated their policy was to post notification of minors' arrests within 48 hours, but senior officers could delay notification for up to 12 days. An Israeli military commander may request that a judge extend this period. The MCW reported that Israeli authorities did not always inform Palestinian detainees of the reasons for arrest at the time of arrest.

Israeli authorities stated their policy was to provide written notification concerning the arrest to parents when they arrested a child at home; however, NGOs claimed this occurred only in 47 percent of cases. Israeli military law does not require the presence of a parent or guardian during interrogations, according to Parents against Child Detention, while Israeli juvenile law does. According to HaMoked and media outlets, the IPS prohibited Palestinian minors from calling their parents for months upon their initial detention. In 2019 the IPS began a program to increase telephone access, but the lack of regular access persisted, according to HaMoked, the MCW, and Parents against Child Detention.

Israeli military law defines security offenses to include any offense committed under circumstances that might raise a suspicion of harm to Israel's security and that ISF believes may be linked to terrorist activity. Under military law the IPS may hold adults suspected of a security offense for four days prior to bringing them before a judge, with exceptions that allow the IPS to detain a suspect for up to eight days prior to bringing the suspect before the senior judge of a district court. Suspects between the ages of 12 and 14 may be held up to one day, with a possible one-day extension. Those between ages 14 and 16 may be held up to two days, with a possible two-day extension. Those between ages 16 and 18 may be held up to three days, with a possible three-day extension. The law mandates

audiovisual recording of interrogations of minors in the West Bank for non-security-related offenses only.

Under military law, an Israeli Military Judge may hold adults suspected of a security offense for 20 days prior to an indictment, with the possibility of additional 15-day extensions up to 75 days. An Israeli military appeals court may then extend the detention up to 90 days at a time. Prior to an indictment on a security offense, authorities may hold minors for 15 days, with the possibility of 10-day extensions up to 40 days. An Israeli military appeals court may then extend the detention up to 45 days at a time. Israeli authorities granted or denied bail to Palestinians detained for security offenses based on the circumstances of each case, such as the severity of the alleged offense, status as a minor, risk of escape, or other factors, but in most cases, bail was denied.

The law permits Israeli authorities to hold a detainee for 14 days before review by a district court judge, deny access to counsel for up to 21 days with the attorney general's approval, and allow indefinite detention subject to twice-yearly district court reviews and appeals to Israel's Supreme Court.

The law allows the Israeli Ministry of Defense to detain persons administratively without charge for up to six months, renewable indefinitely. There has been criticism of misuse of administrative detention, including by the United Nations.

**Arbitrary Arrest:** According to the ICHR and HRW, the PA in the West Bank and Hamas in Gaza made arbitrary arrests based on political affiliation. After the PA postponed the PLC elections in April, the PASF arrested dozens of persons from areas known to support PA President Abbas's exiled Fatah rival, Muhammad Dahlan, according to press reports. During protests in early July following Nizar Banat's death, the PA also arrested dozens of peaceful protesters, along with lawyers who subsequently represented them. In many cases detainees were held without formal charges or proper procedures in poor conditions. Hamas claimed that the PA detained individuals during the year solely due to their Hamas affiliation. The PA stated it charged many of these individuals with criminal offenses under PA civil or military codes. Regarding the PA, the ICHR reported receiving 281 complaints of arbitrary arrest and detention without trial or charges in the West Bank. Regarding Hamas, the ICHR reported receiving 144 complaints

of unjust arrest and detention in Gaza.

As of mid-June, press reports indicated that the PASF had arrested 49 supporters of Mohammad Dahlan, the former Fatah security chief whom many saw as President Abbas's main rival for the presidency. Another 150 Dahlan supporters were briefly detained or summoned for interrogation for having been associated with the Dahlan-affiliated al-Mustaqbal list for the parliamentary election which Abbas canceled in April. Among those arrested were Mohammad Nazzal and Wesam Ghuneim, both candidates on al-Mustaqbal's electoral list. A spokesperson for the Democratic Reformist Current party headed by Dahlan said the PASF arrested dozens of its members for political reasons.

There were numerous reports that the PA and Hamas improperly detained Palestinian journalists and arrested Palestinians who posted online criticism of the PA (in the West Bank) or Hamas (in Gaza) (see section 2.a., Freedom of Expression).

Hamas practiced widespread unjust detention in Gaza, particularly of civil society activists, Fatah members, journalists, and those accused of criticizing Hamas. Hamas also targeted persons suspected of ties to Israel for unjust detention.

In December 2020 local media reported that Hamas Internal Security forces arrested Majdi al-Maghribi, a Salafist sheikh, for tearing down a poster of former Islamic Revolutionary Guard Corps commander Qassem Suleimani. Media reported the arrest took place hours after videos were posted on social media showing al-Maghribi tearing down the poster, which was displayed in the center of Gaza City.

On February 25, the Hamas de facto Ministry of Interior said in a statement the military judiciary and security forces released 45 Fatah affiliates in advance of elections scheduled for May. PA prime minister Mohammed Shtayyeh had stated during a February 21 cabinet meeting that Hamas held 85 political prisoners detained on grounds of freedom of expression and political affiliation.

According to human rights NGOs, including B'Tselem and HaMoked, throughout the year there were reports that Israeli security forces in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those

participating in demonstrations against demolitions or killings of Palestinians. Israeli forces also detained journalists covering protests against settlement activity. According to press reports and an IDF statement, on August 27, the IDF arrested seven journalists covering settler clashes with local Palestinian residents in Masafer Yatta, south of Hebron. The journalists were documenting the arrest of a Palestinian protesting a nearby unauthorized settlement when the IDF arrested them as well. The IDF confiscated the journalists' cameras and charged them with being in a military zone.

**Pretrial Detention:** It was unclear how many Palestinians were held in pretrial detention in West Bank and Gaza prisons, but there were widespread reports of PA and Hamas detentions without charge or trial. PA authorities held some prisoners detained by order of Palestinian governors in lengthy pretrial detention, according to complaints received by the ICHR. Some PA security forces reportedly detained Palestinians outside appropriate legal procedures, including without warrants and without bringing them before judicial authorities within the required time.

**Detainee's Ability to Challenge Lawfulness of Detention before a Court:**

Palestinian detainees faced barriers to their ability to challenge in court the legal basis or nature of their detention and to obtain prompt release and compensation if found to have been unlawfully detained. Detainees held in PA custody faced delays in the enforcement of court rulings regarding their detention, especially regarding the PA's obligation to release suspects who have met bail.

Palestinians held by Israeli military authorities in administrative detention have no right to trial and may only challenge their detention before a military court judge. In cases in which the evidence substantiating the charges against a detainee is classified, the detainee has no means of examining the evidence (nor, in some cases, to examine the charges) to challenge the detention.

Civil society organizations and some members of the Israeli Knesset continued to criticize the Israeli government for using administrative detention excessively, adding that the practice was undemocratic since there was no due process. Israeli authorities reported they were holding 501 individuals in administrative detention at the end of the year. Two were Arab Israeli citizens, nine were residents of East Jerusalem, and 490 were Palestinians from the West Bank; none were Israeli Jews.

During a Knesset hearing concerning the arrest of Palestinian children on November 24, Meretz member Gabi Laski said, “Between 150-250 Palestinian children are being held in detention or imprisonment at any time.” For example, Israeli authorities detained 17-year-old Amal Nakhleh in January and extended his administrative detention three times since his arrest. According to press reporting, Nakhleh had a tumor removed from his lung in 2020 and suffered from a nerve disorder that requires regular hospital visits, and his health deteriorated throughout his detention.

In its 2017 submission regarding compliance with the UN Convention against Torture, Israel asserted it issued administrative detention orders “as a preventive measure where there is a reasonable basis to believe that the detention is absolutely necessary for clear security purposes. Administrative detention is not employed where the security risk may be addressed by other legal alternatives, especially criminal prosecution.” The government further emphasized the role of military judges in reviewing administrative detention orders.

Palestinian administrative detainees regularly engaged in hunger strikes as a means of drawing attention to their cases and bargaining for release or improved detention conditions. In October 2020 Israeli security forces arrested Kayed al-Fasfous and held him in administrative detention, prompting him to begin a hunger strike on July 15. He was transferred to a hospital in mid-September and ended his hunger strike on November 22 after reaching a release agreement with Israeli authorities. On November 11, Palestinian prisoner Miqdad al-Qawasmi ended a hunger strike after Israeli prison authorities agreed to release him in February 2022. Three other Palestinian detainees, Hisham Ismail, Abu Hawash, Louay al-Ashkar, and Jawad Bolus, continued an extended hunger strike at the end of the year. As of December 31, Abu Hawash had gone without food for 137 days and reportedly was close to death.

#### **e. Denial of Fair Public Trial**

The PA basic law provides for an independent judiciary. According to the ICHR, the PA judicial system was subject to pressure from the security agencies and the executive, undermining judicial performance and independence. PA authorities did not always execute court orders.

In 2019 President Abbas issued a decree dissolving the existing High Judicial Council (HJC). In January President Abbas appointed Issa Abu Sharar as chief justice of the newly reconstituted HJC. According to the new judicial law, the president has the power to appoint the chief justice from a list of names submitted by the HJC and the president can dismiss judges during a three-year probationary period. The council consisted of seven members, with the president appointing the chief justice and the deputy. The Palestinian Bar Association critiqued this arrangement as undue executive influence over the judiciary. The transitional council also included the attorney general and the undersecretary of the Ministry of Justice. The council oversaw the judicial system and nominated judges for positions throughout the PA judiciary for approval by the president. In December 2020 Abbas removed the Supreme Court's power to carry out judicial review over the executive branch by entrusting this mission to a separate system of Administrative Courts, which had not been formed by the end of the year.

Palestinians have the right to file suits against the PA but rarely did so. Seldom-used administrative remedies are available in addition to judicial remedies.

In the Gaza Strip, Hamas did not respect fair trial provisions or provide access to family and legal counsel to many detainees. Prosecutors and judges appointed by Hamas operated de facto courts, which the PA considered illegal.

The Israeli government tried Palestinian residents of the West Bank accused of security offenses in Israeli military courts, which had dramatically higher conviction rates and imposed far longer sentences than civilian courts in Israel. Amnesty International asserted that at least some Israeli military courts did not meet international fair trial standards. The MCW stated 95 percent of cases tried in military courts ended in conviction.

## **Trial Procedures**

PA law provides for the right to a fair and public trial, and the judiciary generally enforced this right in the West Bank. Trials are public, except when the court determines PA security, foreign relations, a party's or witness's right to privacy, protection of a victim of a sexual offense, or an alleged "honor crime" requires privacy. If a court orders a session closed, the decision may be appealed to a

higher PA court. Defendants enjoy a presumption of innocence and the right to prompt and detailed information regarding the charges, with free interpretation as necessary, from the moment charged through all appeals. Amnesty International reported that PA political and judicial authorities sometimes did not adhere to basic due process rights, including failing to promptly charge suspects or failing to dismiss cases when prosecution witnesses did not appear at hearings. PA law provides for legal representation, at public expense if necessary, in felony cases during the trial phase. Defendants have the right to be present and to consult with an attorney in a timely manner during the trial, although during the investigation phase, defendants only have the right to observe, although their lawyer can object to specific questions and raise arguments with the prosecutor's approval. Defendants have the right to adequate time and facilities to prepare a defense. Suspects and defendants in the PA justice system have a right to remain silent when interrogated by the prosecutor, according to the law. Defendants also have a legal right to counsel during interrogation. They have the right to appeal. PA authorities generally observed these rights.

Hamas in Gaza followed the same criminal procedure law as the PA in the West Bank but implemented the procedures inconsistently.

Israeli authorities applied different legal regimes to prosecutions in the West Bank, based on the nationality of the defendant. Israeli authorities tried Israelis living in West Bank settlements under Israeli civilian law in the nearest Israeli district court. Israeli authorities tried Palestinians in the West Bank under military law in Israeli military courts. The same evidentiary rules used in Israeli criminal cases apply in both Israeli military and civilian proceedings. For example, Israeli authorities may not base convictions solely on confessions. In military courts the defendants or defendants' lawyers do not have the right to see all evidence against them. IDF actions are not subject to judicial review of administrative actions by Israeli military courts, whereas in criminal courts they are. Indigent detainees do not automatically receive free legal counsel for military trials, but almost all detainees had counsel, in part because NGOs funded their representation.

Israeli military courts are conducted in Hebrew, but Palestinian defendants have the right to simultaneous interpretation at every hearing. Human rights organizations claimed the availability and quality of Arabic interpretation was



insufficient. The MCW claimed that most detained Palestinian minors were shown or made to sign confession documents written in Hebrew, a language most Palestinian minors could not read, at the conclusion of their interrogation. In some cases, confession documents written in Hebrew differed from the Arabic transcript of the defendant's interrogation. Israeli authorities stated interrogations of Palestinians took place only in Arabic and that authorities submitted no indictments based solely on a confession written in Hebrew. Defendants may appeal through the Military Court of Appeals and petition Israel's Supreme Court. According to NGO reports, Israeli military courts rarely acquitted Palestinians charged with security offenses although they occasionally reduced sentences on appeal.

Some lawyers who defended Palestinians in Israeli courts argued that the structure of military trials, which take place in Israeli military facilities with Israeli military officers as judges, prosecutors, and court officials and with tight security restrictions, limited Palestinian defendants' rights to public trial and access to counsel.

In November 2020, four UN Human Rights Council special rapporteurs expressed concern that Israeli authorities continued to hold World Vision employee Mohammed Halabi on charges of providing material support to Hamas and had still not issued a verdict despite a five-year investigation and a completed trial. According to press reports, on November 17, an Israeli civil court extended Halabi's detention for 90 more days, following 167 court hearings. According to the Palestinian Prisoners Society, Halabi, who was first detained in 2016, underwent "severe" interrogation for 52 straight days following his arrest and was tortured to coerce him to confess to charges of transferring World Vision funds to Hamas, which Halabi has consistently denied. Halabi's detention continued at year's end, with no indication from Israeli authorities of when a verdict might be issued.

### **Political Prisoners and Detainees**

Press and NGOs reported the PASF arrested Palestinians for political reasons in the West Bank. There was no reliable estimate of the number of political prisoners the PA held in the West Bank. Some of these individuals, labeled "collaborators"

for allegedly working with or engaging with Israelis on political initiatives the PA did not support, reported direct and indirect threats of violence from Palestinian political parties, affinity organizations, and militant groups, some with possible ties to the PA. They reported damage to personal property and businesses. There were reports that the families of those targeted were pressured to disown them, which would decrease risks for attackers to injure or kill them, and that they and their family members were denied medical treatment in PA health facilities, which allegedly contributed to greater health complications including death.

In Gaza, Hamas detained an unknown number of Palestinians due to political affiliation, public criticism of Hamas, or suspected collaboration with Israel and held them for varying periods, according to rights groups. Hamas alleged that it arrested Fatah members on criminal, rather than political charges, although many of the arrests occurred after Fatah anniversary celebrations in Gaza that Hamas did not sanction. Hamas released 45 detainees in February, but Fatah alleged that Hamas still held 80 Fatah members in custody. Observers reported numerous allegations of denial of due process with these detentions. NGOs had limited access to these prisoners.

Some human rights organizations claimed Palestinian “security prisoners” held in Israel were political prisoners and a result of Israel’s permissive administrative detention laws. The Israeli government described security prisoners as those convicted or suspected of “nationalistically motivated violence.”

### **Civil Judicial Procedures and Remedies**

A Palestinian resident of the West Bank may file suit against the PA, including on alleged abuses of human rights, but this was uncommon.

A Palestinian resident of Gaza may file suit against Hamas, including on alleged abuses of human rights, but this was also uncommon. Rights groups reported Hamas internal security agencies regularly tried civil cases in military courts.

Palestinian residents of the West Bank may file suit against the government of Israel. Residents of Gaza are not able to seek redress or compensation from the Israeli government for damage to property or bodily harm due to Gaza’s classification as an “enemy territory” under Israeli law.

Israel has an independent and impartial judiciary that adjudicated lawsuits seeking damages for, or cessation of, human rights abuses. Administrative remedies exist, and court orders usually were enforced. Palestinian residents of Jerusalem may file suit against the government of Israel under the same rules that govern access to judicial and administrative remedies by Israel citizens. By law nonresident Palestinians may file suit in civil courts to obtain compensation in some cases, even when a criminal suit is unsuccessful and the actions against them are considered legal.

### **Property Seizure and Restitution**

The Israeli government conducted hundreds of demolitions of Palestinian property in the West Bank, including in Areas A and B, for lack of Israeli-issued permits, construction in areas designated for Israeli military use, location of structures within the barrier's buffer zone, and as collective punishment of family members for terrorist attacks. Several Israeli and Palestinian human rights groups and the United Nations claimed punitive demolitions were a form of collective punishment that violated the Fourth Geneva Convention and were part of Israel's efforts to forcibly dislocate communities on pretexts of "military training" and "law enforcement." Together with other policies and practices, the threat of destruction of homes and sources of livelihood created a coercive environment pressuring people to leave their areas of residence and restricting freedom of movement and access, according to UNOCHA and the Office of the UN High Commissioner for Refugees (UNHCR). Some human rights NGOs claimed Israeli authorities often placed insurmountable obstacles against Palestinian applicants for construction permits in Israeli-controlled Area C. Obstacles include the requirement that Palestinian applicants document land ownership despite the absence of a uniform post-1967 land registration process, high application fees, and requirements to connect housing to often unavailable municipal infrastructure. Israeli authorities charged demolition fees for demolishing a home, according to the United Nations, which at times prompted Palestinians to destroy their own homes to avoid the higher costs associated with Israeli demolition.

In most West Bank demolitions, the Civil Administration, a part of Israel's Ministry of Defense, initially presented a stop-work order, which gives the property owner 30 days to submit an appeal to the Civil Administration and apply

for a retroactive construction permit. If neither is successful, the Civil Administration will issue a demolition order to be executed within two to four weeks, during which time the property owner may petition an Israeli court for an injunction to stop the demolition.

In the West Bank, Israeli authorities, including the Civil Administration and the Ministry of the Interior, demolished 902 Palestinian structures as of the end of the year, compared to 854 in 2020, according to UNOCHA. The demolitions resulted in the displacement of 1,203 persons, compared to 1,001 displaced in 2020. The demolished structures included homes, water cisterns, farm buildings, storehouses, and other structures, more than 98 percent of which were demolished on the basis that they lacked construction permits. Several rights groups, including B'Tselem and HRW, and the United Nations stated that the Israeli government rarely approved Palestinian construction permit requests. Between 2016 and 2020, fewer than 1 percent of Palestinian requests for construction permits in Area C were granted, Bimkom reported. During the year the Civil Administration began the process of approving 900 housing units for Palestinians in Area C and 2,200 housing units for Israeli settlements. In 2020 the Civil Administration issued 1,179 stop-work orders and 797 demolition orders for Palestinian structures in Area C, according to Bimkom.

According to B'Tselem, on February 8, Israel demolished the Palestinian community of Khirbet Humsah for the fourth time. B'Tselem reported that Israel's Civil Administration dismantled and confiscated nine tents that were home to 61 persons, including 33 minors, as well as 12 other structures. They also demolished five livestock enclosures. United Nations monitors confirmed this was the largest such demolition in years. Israel's military liaison agency with the Palestinians, Coordinator of Government Activities in the Territories (COGAT), confirmed that a demolition had been carried out against what it said were illegal structures in an IDF firing zone. COGAT issued a statement following the demolition saying that an "enforcement activity" had been carried out by Israeli forces "against seven tents and eight pens which were illegally constructed, in a firing range located in the Jordan Valley." Israel often cited a lack of building permits in demolishing Palestinian structures in the West Bank. In addition, their forces confiscated three vehicles that did not belong to the community (a tractor belonging to the local

council, a Palestinian Broadcasting Corporation car, and a vehicle belonging to the Palestinian Authority's Commission against the Wall and the Settlements). On February 1 and 3, Israel confiscated most of the community's residential structures and livestock enclosures in two operations. On February 1, B'Tselem reported that the Civil Administration dismantled and confiscated 13 tents that were home to 11 families numbering 74 persons, including 41 minors. The Civil Administration also dismantled and confiscated five shacks, one not yet built, and eight tents, all used for livestock. On February 3, the Civil Administration personnel returned and dismantled and confiscated seven tents that were home to nine families numbering 61 persons, including 33 minors (the same families whose tents were demolished again on February 8). The Civil Administration also dismantled and confiscated five tents and two shacks that served as livestock enclosures as well as three livestock pens; confiscated four portable outhouses and demolished two others; confiscated three disassembled tents and demolished two tents used for tabun ovens; confiscated a vehicle belonging to a Palestinian human rights activist and another vehicle belonging to the Palestinian Authority's Commission against the Wall and the Settlements. On the evening of February 3, IDF arrived at Khirbet Humsah, declared it a closed military zone, and tried to prevent reconstruction of the demolished structures.

According to UNOCHA, on July 14, the Civil Administration demolished 49 structures in Ras at-Tin, displacing 84 persons, including 53 children. On July 7, 30 structures were demolished in the Bedouin community of Humsa al-Bqai'a (Tubas), displacing 42 persons. This community was in an area designated by the Israeli authorities for military training purposes and had recorded seven demolition incidents since the beginning of the year.

The Palestinian Bedouin community Khan al-Ahmar, slated for Israeli demolition since 2009 due to a lack of building permits and proof of land ownership, remained standing at year's end. On September 5, the Israeli government filed a request with the Israeli Supreme Court to delay by six months the planned demolition of Khan al-Ahmar. Approximately 180 residents lived in the community, in an area adjacent to a highway, with unpermitted, makeshift electrical and water connections. In 2018 after nearly 10 years of litigation, the HJC ruled that the Civil Administration's demolition orders against the structures in Khan al-Ahmar

were valid, which provided the Civil Administration legal justification to demolish the village. Residents were not able to receive permits, because the Israeli government had not approved a master plan for the area.

While all West Bank demolitions were formally authorized under Israeli military orders, the Civil Administration used two particular military orders to impede Palestinians' ability to challenge demolitions, according to the United Nations, several Israeli and Palestinian rights groups, and Israeli and Palestinian lawyers familiar with cases in which the orders were used. Under one of the orders the Civil Administration is authorized to demolish a newly built structure as soon as 96 hours after issuing a demolition order. During the year Israeli authorities confiscated 318 structures in Area C, nearly one-third of which were inhabited residential structures seized with little or no prior notice, preventing affected persons from objecting in advance, according to the United Nations.

In August 2020 the Israeli government amended a second military order, which allows for the immediate demolition or confiscation of any mobile structures to include any structures built within 90 days. The order originally allowed for the immediate removal of mobile structures within 30 days of construction. Rights groups stated the Civil Administration broadly interpreted the order as authorizing the demolition of animal pens and other structures and the confiscation of building materials and vehicles.

Several rights groups, including Bimkom and St. Yves, stated the Israeli government was increasingly utilizing these broader military orders as the legal basis for demolitions. According to the Israeli government, all land ownership cases were assessed individually by an administrative committee, which is subject to judicial review, and decisions are made according to the evidence provided.

Israel's Civil Administration conducted punitive demolitions on structures belonging to Palestinians who carried out or allegedly carried out attacks on Israelis, according to human rights groups and media reports. The Israeli government stated such demolitions had a deterrent effect on potential assailants. NGOs, such as Amnesty International, HRW, and several Palestinian and Israeli NGOs, widely criticized punitive demolitions and stated the actions sometimes also rendered nearby structures uninhabitable.

During the year Israeli authorities executed two punitive demolitions on three residences displacing three families comprising 15 persons, including seven children, according to the United Nations. Some punitive demolitions and sealings of rooms occurred before or during the trial of the alleged attacker, not waiting for a verdict to be reached, according to media reports. On December 27, the Israeli press reported that Israeli authorities informed Fadi Abu Shkheidam's family in the Shuafat Refugee Camp of East Jerusalem that it intended to demolish their house, noting the family could file an appeal against the decision. Abu Shkheidam allegedly carried out a shooting attack in the Old City of Jerusalem on November 21, killing one Israeli and injuring several others before Israeli police shot and killed him.

On July 7, the IDF destroyed the home of Muntasser Shalaby in the village of Turmus'ayya near Ramallah, displacing his wife and three children. Shalaby at the time was accused, and only later convicted, of killing Yehuda Guetta and wounding two others in an attack at a bus stop at the Tapuach settlement junction on May 2. Shalaby was reportedly estranged from his wife and family and had not lived in the home for years. Shalaby's family appealed the demolition, but on June 23, the Israeli Supreme Court rejected the appeal.

On February 3, the Israeli Supreme Court approved the IDF's proposal to demolish the top two floors of Muhammad Marwah Kabha's home, denying a petition by Kabha's family to halt the order. Kabha's wife, three minor children, and parents resided in the home. Authorities demolished the home on February 10, six months before Kabha was convicted.

Israeli civil authorities ordered demolition of some private property in East Jerusalem, stating the structures were built without permits. B'Tselem reported that authorities demolished 121 housing units in East Jerusalem, and owners had demolished 81 units to avoid additional government-imposed fines by the end of the year. This represented a decrease of 28 percent and an increase of 92 percent, respectively, with the number of owner-initiated demolitions the highest since B'Tselem began recording data in 2008. Legal experts pointed to a law, which reduced administrative processing times for demolitions, blocked courts from intervening in many cases, and increased administrative fines for those failing to demolish their own buildings, as a key factor in the increased number of

demolitions in East Jerusalem. The number of home demolitions in 2020 was nearly 75 percent higher than the annual average prior to the enactment of the relevant law and almost 40 percent higher than in 2019, which was the first year the law was fully applied, according to NGOs tracking the issue.

There were credible claims that municipal authorities in Jerusalem often placed insurmountable obstacles against Palestinian residents who applied for construction permits, including failure to incorporate community needs into zoning decisions, the requirement that they document land ownership despite the absence of a uniform post-1967 land registration process, the imposition of high application fees, and requirements to connect housing to municipal infrastructure that was often unavailable.

NGOs asserted there was a continuing policy intended to limit construction to prevent the creation or maintenance of contiguous neighborhoods between the West Bank and Jerusalem. Israeli official policy was to maintain an ethnic balance between Jews and non-Jews in Jerusalem, according to civil society. The Israeli Ministry of Foreign Affairs stated that the Jerusalem Municipality did not have any such policy. Israeli law does not prevent non-Jews from purchasing housing units, although cultural, religious, and economic barriers as well as segregated homeowners' associations remained obstacles to integrating existing neighborhoods or establishing new integrated neighborhoods, according to civil society representatives.

According to the Israeli government, all land ownership cases were assessed individually by an administrative committee, which is subject to judicial review.

According to Ir Amim and B'Tselem, ethnic discrimination was a factor in resolving disputes regarding land titles acquired before 1948. The law facilitates the resolution of claims by Jewish owners to land owned in East Jerusalem prior to 1948 but does not provide an equal opportunity for Palestinian claimants to land they owned in West Jerusalem or elsewhere in the British Mandate. Additionally, some Jewish and Palestinian landowners in Jerusalem were offered compensation by Israel for property lost prior to 1948. Civil society reports noted that many Palestinian landowners were deemed ineligible for compensation because they were not residents of Jerusalem as of 1973. Other Palestinian landowners refused



to accept compensation because they deemed it to be inadequate or in principle due to their rejection of Israeli administration.

Between 1948 and 1967, Jordanian authorities housed Palestinians in some property that Jewish owners reclaimed after Israel occupied East Jerusalem in 1967. Legal disputes continued regarding many of these properties involving Palestinian residents, who had limited protection as tenants under Israeli law. Landlords can request permission to evict tenants or demolish their homes if they receive permission to rezone the property.

The Department of State's Justice for Uncompensated Survivors today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website at <https://www.state.gov/reports/just-act-report-to-congress>.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The PA law generally requires the PA attorney general to issue warrants for entry into and searches of private property; however, PA judicial officers may enter Palestinian houses without a warrant in case of emergency. NGOs reported it was common for the PA to harass family members for alleged offenses committed by an individual. Although the Oslo Accords restrict the PASF to operations only in Area A of the West Bank, at times they operated in Areas B, C, and H2 without official Israeli permission, including to harass individuals sought for political activity or search their homes.

In the Gaza Strip, Hamas frequently interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources. There were reports Hamas searched homes and seized property without warrants and took control of hotels to use as quarantine facilities unlawfully and without compensation to the owners. They targeted critics of their policies, journalists, Fatah loyalists, civil society members, youth activists, and those whom Hamas' security forces accused of criminal activity. Hamas forces monitored private communications systems, including telephones, email, and social media sites. They demanded passwords and access to personal information and seized personal electronic equipment of detainees. While Hamas membership was not a

prerequisite for obtaining housing, education, or Hamas-provided services in Gaza, authorities commonly reserved employment in some government positions, such as those in the security services, for Hamas members. In several instances, Hamas detained individuals for interrogation and harassment, particularly prodemocracy youth activists, based on the purported actions of their family members.

In response to reported security threats, the ISF frequently raided Palestinian homes, including in areas designated as under PA security control by Oslo Accords-era agreements, according to media and PA officials. These raids often took place at night, which the ISF stated was due to operational necessity. ISF officers of lieutenant colonel rank and above may authorize entry into Palestinian private homes and institutions in the West Bank even without a warrant, based upon military necessity.

Israel's Settlement Affairs Ministry published criteria in December 2020 for regional councils of Israeli settlers in the West Bank to apply for Israeli government funding for private drones and patrol units to monitor Palestinian building efforts, according to media reports. It was unclear, however, if any settlers received state funding for this purpose during the year. In 2020 Palestinians reported the use of drones by Israeli settlers to observe residents in neighboring villages for security purposes, including to identify the source of noise complaints. NGOs also noted incidents of settlers at agricultural outposts using drones to monitor grazing areas used by Palestinian farmers and shepherds in order to report them to Israeli security forces and further deny them access to pastoral lands.

According to B'Tselem and the United Nations, the Israeli military compelled various communities throughout the Jordan Valley to vacate their homes in areas Israel had declared firing zones during times when the IDF was conducting military exercises.

A 2003 Israeli law that was renewed annually until July when the Knesset did not extend it, prohibited Palestinians from the West Bank or Gaza, Iranians, Iraqis, Syrians, and Lebanese, including those who are Palestinian spouses of Israeli residents or citizens, from obtaining resident status unless the Ministry of the Interior made a special determination, usually on humanitarian grounds. The

government had extended the law annually due to government reports that Palestinian family reunification allowed entry to a disproportionate number of persons who were later involved in acts of terrorism. Following the Knesset's decision in July not to extend the law, Israeli Ministry of Foreign Affairs officials stated that the Ministry of Interior instructed the Population and Immigration Authority to continue to examine cases that were not covered by the limiting circumstances under the expired temporary order, such as humanitarian reasons. Applications that were covered by the expired order could be resubmitted for review, but they will not be adjudicated until a new implementing policy is in place, according to the Israeli Ministry of Foreign Affairs.

The NGO HaMoked asserted that statistics from government documents obtained through Freedom of Information Act requests contradicted allegations of terrorism, and that the denial of residency to Palestinians from the West Bank or Gaza for the purposes of family reunification led to cases of family separation. As of July the Population and Immigration Authority had received 774 family unification requests. By year's end, no request was acted on.

HaMoked reported that, of the more than 2,000 requests filed in the previous two years, most were for West Bank Palestinians married to Israelis or East Jerusalemites. On September 14, HaMoked, the Association for Civil Rights in Israel (ACRI), and Physicians for Human Rights filed a petition demanding the Ministry of Interior respect the law and process the requests. On October 6, the head of the Population and Immigration Authority, Tomer Moskowitz, stated that the Ministry of Interior was continuing to implement the prior law as if it had not expired. Israeli authorities confirmed at the end of the year that in accordance with the Israeli government's decision from 2008 regarding the extension of the Citizenship and Entry into Israel Law (Temporary Order), the minister of the interior was instructed not to approve any requests for family reunification received from Gaza. This decision was made due to Israeli security authorities' assessment that Gaza was an area where activities were carried out that may threaten the security of the State of Israel and its citizens, according to Israeli Ministry of Foreign Affairs officials.

According to press reports, as of 2020 there were approximately 13,000 Palestinians from the West Bank or Gaza living in Israel, including Jerusalem, on

temporary stay permits because of the Citizenship and Entry Law, with no legal provision that they would be able to continue living with their families. There were also cases of Palestinian spouses living in East Jerusalem without legal status. Authorities did not permit Palestinians who were abroad during the 1967 war or whose residency permits the government subsequently withdrew to reside permanently in Jerusalem. Amnesty International and other human rights organizations called on the government to repeal this law and resume processing family unification applications. The law allows the entry of spouses of Israelis on a “staying permit” if the male spouse is age 35 or older and the female spouse is age 25 or older, for children up to age 14, and a special permit to children ages 14 to 18, but they may not receive residency and have no path to citizenship. This law applies to Palestinians from the West Bank or Gaza, Iranians, Iraqis, Syrians, and Lebanese, including those who are Palestinian spouses of Israeli residents or citizens, unless the Ministry of the Interior makes a special determination, usually on humanitarian grounds.

Israeli authorities froze family unification proceedings for Palestinians in the West Bank and Gaza in 2000. On August 30, Israeli defense minister Benny Gantz and Palestinian general authority for civil affairs Hussein al-Sheikh announced that Israel had agreed to approve 5,000 family reunification requests filed by Palestinians. Both undocumented foreign nationals married to Palestinians and former residents of Gaza who during the year lived in the West Bank were eligible to apply to adjust their residency status under the agreement. In late December al-Sheikh announced that Israel would approve 9,500 additional requests: 6,000 from the West Bank and 3,500 from Gaza. In 2020 individuals from the occupied territories submitted 1,191 family unification applications, 340 of which were approved and 740 of which were pending, according to the Israeli government.

HaMoked stated in 2020 there were likely thousands of foreign spouses living in the West Bank with their Palestinian partners, and often children, with only temporary tourist visas, a living situation that became more complicated under COVID-19 with the frequent closures of Allenby Bridge. HaMoked stated that because these individuals used the Allenby Bridge to enter and depart the West Bank from Jordan, the bridge’s closure left them with the choice of either potentially overstaying their visa or attempting to travel through Ben Gurion

Airport, which they are not permitted to do without special Israeli permission. HaMoked claimed the military's prior refusal to review requests of foreign citizens for family unification was contrary to Israeli law and to Israeli-Palestinian interim Oslo Accords-era agreements. HaMoked stated the IDF rejected family unification requests based on a broad policy and not on the facts of the individual cases brought before it. As such, HaMoked stated, the practice did not appropriately balance relevant security needs and the right of Palestinians in the West Bank and Gaza, whom HaMoked stated were protected persons under international humanitarian law, to family life.

Israeli authorities reportedly permitted children in Gaza access to a parent in the West Bank only if no other close relative was resident in Gaza.

### **g. Conflict-related Abuses**

**Killings:** During a conflict from May 10 to 21, Palestinian militants in Gaza launched 4,400 rockets and mortar shells toward Israel. According to the IDF, 680 of these rockets misfired and landed in Gaza, causing Palestinian casualties. The IDF launched 1,500 airstrikes against targets in Gaza during the conflict. According to the Israeli government, NGOs, and media, Gaza-based militants fired rockets from civilian locations toward civilian targets in Israel, including large salvos towards dense population centers. Israeli airstrikes destroyed 1,800 homes, including five residential towers. According to UNOCHA, during the May escalation, 261 Palestinians were killed, including 67 children. At least 241 of the fatalities were by Israeli forces, and the rest due to rockets falling short and other circumstances. An estimated 130 of all fatalities were civilians and 77 were members of armed groups, while the status of the remaining 54 fatalities was not determined. More than 2,200 Palestinians were injured, including 685 children and 480 women, some of whom may suffer a long-term disability requiring rehabilitation. In Israel, 13 persons, including two children, were killed and 710 others were injured. According to B'Tselem, 20 Palestinians, including seven minors, were killed by Palestinian rocket fire. A member of the Israeli security forces was killed by an antitank missile fired by a Palestinian organization. At the height of the fighting, 113,000 internally displaced persons (IDPs) sought shelter and protection at the UN Relief and Works Agency (UNRWA) schools or with hosting families. According to the UN's Shelter Cluster, which is responsible for

tracking and assisting with provision of housing and shelter, there remained approximately 8,250 IDPs, primarily those whose houses were destroyed or severely damaged.

Human rights groups condemned Hamas's and Palestinian Islamic Jihad's targeting of civilians as well as Israel's targeting of civilian infrastructure. The Israeli government stated that Hamas and others were using this civilian infrastructure for cover, including offices within the buildings and tunnel infrastructure beneath them. A Hamas tunnel was found under an UNRWA school in Gaza, for example, and Hamas temporarily turned away bomb disposal experts brought in by the UN Mine Action Service and UNRWA to ensure the school was safe to open, delaying the work being undertaken to remove two deeply buried bombs that had struck the school during the airstrikes. The IDF also destroyed a building which contained the headquarters for several international media organizations, such as the Associated Press (AP) and al-Jazeera. The IDF stated that intelligence showed Hamas was also using the building and noted that it had warned building occupants to vacate the building, with the result that there were no casualties attributed to the strike. The AP and others continued to call for an investigation, and Israel did not make public the intelligence information that led to the strike. Prior to and following the May conflict, Gaza-based militants routinely launched rockets, released incendiary balloons, and organized protests at the Gaza fence, drawing airstrikes from the IDF. These activities killed three Palestinians and one Israeli border police officer since the May conflict.

**Other Conflict-Related Abuse:** Israeli, Palestinian, and international human rights groups condemned the closure of Israeli-controlled crossings for pedestrians and goods in and out of Gaza following the May 10-21 conflict, with multiple human rights organizations describing the closures as a collective punishment of civilians living in Gaza. Following the escalation, Israeli closures included: limiting entry of goods into Gaza from Israel to basic humanitarian goods, such as food and medicine, in the months following the conflict; cutting fuel imports from Qatar into Gaza from Israel for five weeks following the conflict; reducing electricity in Gaza to six hours per day; preventing Gazans with permits, including workers and medical patients, from leaving Gaza during and in the seven weeks following the conflict; preventing humanitarian workers from accessing Gaza for

five days following the end of the conflict; preventing the reconstruction of destroyed Gazan infrastructure, including electricity, water, and housing, for three months following the conflict by blocking the entry of construction materials including rebar, cement, and fiberglass into Gaza; and reducing the fishing zone for Gazan fishers from 15 to six miles in the month following the conflict. By October Israel lifted most of the newly imposed restrictions.

## **Section 2. Respect for Civil Liberties**

### **Freedom of Expression, Including for Members of the Press and Other Media**

The PA basic law generally provides for freedom of expression but does not specifically provide for freedom of expression for members of the press and other media. The PA enforced legislation that NGOs claimed restricted press and media freedom in the West Bank, including through PASF harassment, intimidation, and arrest. Notably, Palestinian activists reported narrowing space for political discussion, with arrests of Fatah party opponents, critics of the PA, and peaceful protesters in the West Bank.

In Gaza, Hamas severely restricted freedom of expression, including for members of the press and other media, through arrests and interrogations of journalists as well as harassment and limitations on access and movement for some journalists. These restrictions led many journalists and activists to self-censor.

Israeli civil and military law provide only limited protections for freedom of expression, including for members of the press and other media, for Palestinian residents of the West Bank. NGOs and Palestinian journalists alleged that Israeli authorities restricted press coverage and placed limits on certain forms of expression. These included restricting Palestinian journalists' movement as well as using violence, arrests, closure of media outlets, and intimidation, according to media reports and the Palestinian Center for Development and Media Freedoms. The Israeli government stated it allowed journalists maximum freedom to work and stated that it investigated any allegations of mistreatment of journalists.

**Freedom of Expression:** Although no PA law prohibits criticism of the

government, media reports indicated PA authorities arrested West Bank Palestinian journalists, social media activists, and protesters who criticized the PA or covered events that criticized the PA. The law restricts the publication of material that endangers the “integrity of the Palestinian state.” The PA arrested West Bank journalists and blocked websites associated with political rivals, including sites affiliated with political parties and opposition groups critical of the Fatah-controlled PA. The Palestinian NGO Lawyers for Justice reported at least 40 cases were brought against political opponents of the PA since January.

On June 24, officers from the PSO entered the Israeli-controlled H2 area of Hebron, raided the house where Palestinian social media critic Nizar Banat was staying, and severely beat him. He died shortly afterward on the way to the hospital. The Security Forces Justice Commission indicted 14 low-level PASF officers on September 5. The PA failed to hold any higher-level officials responsible for Banat’s killing, although PA leadership would have had to coordinate closely with the IDF to enter the H2 area of Hebron (see section 1.a.). Israeli press reported that PA security forces arrested or summoned for interrogation dozens of political activists who participated in anti-PA protests following Banat’s killing and charged 16 with fomenting sectarian strife and insulting senior Palestinian officials.

In Gaza, Hamas arrested, interrogated, seized property from, and harassed Palestinians who criticized Hamas. Media practitioners accused of criticizing Hamas, including civil society and youth activists, social media advocates, and journalists, faced punitive measures including raids on their facilities and residences, unjust detention, and denial of permission to travel outside Gaza.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent Palestinian media operated under restrictions in the occupied territories. Because of the political rivalry between Fatah and Hamas, journalists faced threats, interrogation, arrest without charge, intimidatory lawsuits, prosecutions, and bans on covering certain events, according to Reporters Without Borders (RWB). Many Palestinian journalists reported that they practiced self-censorship. Several websites regarded by the PA as opposition media have been inaccessible since 2017, RWB reported. Facebook also reportedly blocked several Palestinian media outlets, including Maydan al-Quds on November 21. Palestinian



activists and journalists launched a campaign called “Facebook Censors Jerusalem” to raise awareness concerning Meta’s/Facebook’s alleged efforts to censor Palestinian content on its flagship social media platform. Sada Social, a nonprofit NGO focusing on the digital rights of Palestinians, alleged that social media platform’s algorithms removed posts that contained words such as “ Hamas” or “martyr” without taking into consideration their contextual meaning.

Hamas permitted broadcasts within Gaza of reporting and interviews featuring PA officials. Hamas allowed, with some restrictions, the operation of non-Hamas-affiliated broadcast media in Gaza. For example, the PA-supported Palestine TV continued to operate in Gaza.

In areas of the West Bank to which Israel controlled access, Palestinian journalists claimed Israeli authorities restricted their freedom of movement and ability to cover stories. The ISF did not recognize Palestinian press credentials or credentials from the International Federation of Journalists. Few Palestinians held Israeli press credentials.

RWB stated that Israeli forces subjected Palestinian journalists to arrest, interrogation, and administrative detention, often without any clear grounds. In recent years, Israeli authorities also reportedly closed several Palestinian media outlets for allegedly inciting violence.

**Violence and Harassment:** There were numerous reports that the PA harassed, detained (occasionally with violence), prosecuted, and fined journalists in the West Bank during the year based on their reporting.

The NGO Palestinian Center for Development and Media Freedoms (MADA) recorded 69 violations against Palestinian journalists by different Palestinian parties in the West Bank and Gaza in June, including 17 incidents of physical assault and two arrests, 11 confiscations and destruction of journalists’ equipment, 21 incidents of denial of coverage, eight cases of threats, and seven serious defamation cases in addition to several other violations. During a protest in Ramallah in June, MADA reported that freelance journalist Saja al-Alami, who was trying to cover the demonstration, alleged that plainclothes PA security forces attempted to assault her. Journalists reported Israeli security forces forcibly

prevented them from covering a press conference on June 6 in front of the Israeli police station on Salah el-Din Street regarding the arrest of activist Mona al-Kurd. When al-Kurd was released, Israeli police allegedly used tear gas and sound bombs to obstruct coverage of the event, hitting al-Jazeera reporter Najwan Semari with shrapnel in her left foot. She was treated for the injuries at a local hospital.

In early May, press reports indicated the PASF had arrested journalist Hassan al-Najjar in mid-April for a couple of weeks after he released the recording of a telephone call between him and President Abbas. During the telephone call, al-Najjar had complained about being fired from the official Palestine TV by senior PA official and general supervisor of the Palestinian Broadcasting Corporation, Ahmad Assaf, for criticizing him.

On June 26, PA security forces reportedly hit Middle East Eye reporter Shatha Hammad in the face with a tear gas canister while she and several other journalists were covering a march in Ramallah city center following Banat's killing.

The PA occasionally obstructed the West Bank activities of media organizations with Hamas sympathies and limited media coverage critical of the PA. For example in May 2020, PA police at a checkpoint stopped, assaulted, and arrested Anas Hawari, a journalist for the Hamas-affiliated Quds News Network, according to media reports and rights groups, including the Committee to Protect Journalists. Hawari's lawyer said police knocked out one of Hawari's teeth during the incident and confiscated his cell phone. Police later released Hawari on bail after charging him with insulting an official, resisting arrest, and violating COVID-19 lockdown measures. The case continued at year's end. Journalists from al-Araby al-Jadeed also complained of harassment by the PASF, noting that they had been unable to obtain a media license from the PA for the previous five years.

In the aftermath of Nizar Banat's killing, journalists reported that security personnel in civilian clothes harassed journalists and demonstrators while security and police officers in uniform refused to provide protection to members of the press who faced threats.

On November 4, MADA reported that Palestinian security services stormed the house of freelance journalist Naseem Maalla after midnight south of Nablus,

confiscated his mobile telephone, and took him to PSO headquarters in Junaid Prison. Maalla was subject to several interrogations and reportedly tortured. He was accused of possessing a weapon, then of collecting and receiving money from illegal entities (“ Hamas”). He was released on November 25.

The PA also had an inconsistent record of protecting Israeli and international journalists in the West Bank from harassment by Palestinian civilians or PA personnel.

On June 26, MADA reported that Palestinian security forces beat journalist Nasser Hamayel, a producer for ABC News. PA security arrested Hamayel while covering protests in Ramallah in support of Nizar Banat. Security forces transferred Hamayel to the General Investigation Center in al-Bireh, where he was detained for several hours and his mobile phone was confiscated. He was accompanied by a cameraman who was assaulted and prevented from filming.

On June 26 and 27, MADA reported that Palestinian security personnel and security forces in civilian clothes prevented an al-Jazeera crew from approaching Ramallah city center to broadcast live protests against the killing of Nizar Banat. al-Jazeera’s reporter, Jihan Awad, reported that she called police for protection and to enable them to pass but police did not help. Similar incidents were reported by al-Hurra TV channel journalists who were conducting interviews in downtown Ramallah while covering the events.

On June 30, according to MADA, a Facebook page called The Sons of Fatah Movement – Rapid Response published a post threatening seven Palestinian journalists who submitted a request to the United Nations for protection after they were subjected to a series of attacks by Palestinian security forces while documenting demonstrations in Ramallah. The journalists claimed police refused to protect them. The Facebook post criticized the journalists for seeking protection from the PA but not acting similarly against the “Israeli occupation” and alleged the journalists were linked to certain political parties.

In Gaza, Hamas at times arrested, harassed, and pressured, sometimes violently, journalists critical of its policies. Hamas reportedly summoned, detained, and questioned Palestinian journalists to intimidate them. Hamas also constrained

journalists' freedom of internal movement in Gaza during the year, attempting to ban access to some official buildings.

On January 11, MADA reported Hamas police prevented reporters and cameramen from Ma'an TV and al-Ghad al-Arabi TV from covering a sit-in organized by the owners of local markets demanding an end to the year-long COVID-19 lockdown. Hamas officers claimed filming was prohibited in the area and that the sit-in was organized without authorization from the de facto Ministry of Interior.

On April 24, MADA reported that Hamas-affiliated armed security forces in Gaza shoved journalist Mou'in al-Dabba and tore his shirt as he was covering an evening march in support of Jerusalem during which protestors burned tires. The armed forces apologized to al-Dabba after recognizing him and asked him not to publicize the assault. He reported on the incident anyway and was contacted by an unknown person and instructed to delete the post and file a formal complaint.

On May 17, MADA reported that the de facto authorities' prosecutor's office in Gaza prevented journalist Mohammad Awad, reporter of the Gaza-based Dunia al-Watan as well as regional al-Arabiya and al-Hadath TV from covering events in Gaza for the latter two regional outlets. Awad stated that he received a telephone call at midnight from a person who introduced himself as one of the de facto authority's prosecutor's officers. The person informed Awad that "there are instructions from the leadership" to prevent Awad from carrying out his work. Awad filed a complaint with the Government Media Office, the de facto authorities' information office, which in turn referred him to the internal security office. The internal security office confirmed that the telephone call came from an official authority. The next day, an announcement against al-Arabiya and al-Hadath TV was distributed, describing them as "channels of sedition" and warning the journalists who work for them.

On July 3, MADA reported that Hamas security personnel assaulted journalist Muhammad al-Louh, a correspondent for al-Shabab Radio in Gaza, while he was covering high school examinations in Deir al-Balah. Al-Louh was wearing a distinctive press uniform with the name of the radio station while conducting interviews with high school students in al-Bureij refugee camp. He was banned by security personnel from reporting in a forbidden area. Al-Louh was then assaulted,

slapped, and kicked for not responding to questions, and he sustained bruises on his hands and right leg.

Throughout the year, there were reports of Israeli actions that prevented journalists who were Palestinian from the West Bank and Gaza or Arab/Palestinian citizens of Israel from covering news stories in the occupied territories. These actions included alleged harassment and acts of violence against journalists by Israeli soldiers. Palestinian journalists also claimed that Israeli security forces detained Palestinian journalists and forced them to delete images and videos under threat of violence, arrest, or administrative detention. Israeli authorities defended these detentions on security grounds.

Palestinian journalists who were able to obtain permits to enter Israel as well as Jerusalem-based Arab/Palestinian journalists reported incidents of harassment, racism, and occasional violence when they sought to cover news in Jerusalem, especially in the Old City and its vicinity. In November the Journalist Support Committee, a nonprofit journalist advocacy organization, stated Israeli security forces had committed more than 678 acts of violence against Palestinian journalists since the beginning of the year, including detention and office closures. In June then Israeli public security minister Amir Ohana extended for six months the closure order against Palestine TV's East Jerusalem office, and the office remained closed at the end of the year. In 2019 the public security minister at the time first ordered the closure when Israeli police raided the office according to Palestinian press.

RWB reported at least 21 Palestinian journalists were banned by Israel from traveling for unspecified reasons. When RWB inquired regarding the reasons for barring Palestinian journalist Majdooleen Hasoona of Turkish outlet TRT World from traveling from the West Bank to Turkey, Israeli authorities cited "security reasons" according to Palestinian press.

There were reports of Israeli forces detaining journalists in the West Bank. On January 28, Israeli forces reportedly allowed three cameramen – Suleiman Abu Srouf from WAFA, Omar Abu Awad from Palestine TV, and Adel Nimah for Reuters – to cover Israeli demolitions in the Bedouin community of al-Wadi al-Ahmar near the Fayasil village of Jericho, but detained them for several hours

afterwards, according to Palestinian media.

The Committee to Protect Journalists reported that 12 Israeli soldiers raided the Ramallah home of Alaa al-Rimawi, a reporter for the Qatari broadcaster al-Jazeera Mubasher and director of the local J-Media Network news agency (see above), on April 21 and arrested him. He was never charged with a crime and conducted a hunger strike for 16 days of his detention. While he had been issued a three-month administrative detention order, he was reportedly released in early June.

Israeli police officers detained, used violence against, and confiscated equipment of journalists during demonstrations in Jerusalem. During a protest at Haram al-Sharif/Temple Mount on May 4, Israeli police reportedly beat with a baton Ahmad Gharabli, a Palestinian journalist working for Agence France-Presse (AFP), according to press reports.

On June 5, MADA reported that Israeli forces assaulted several female Palestinian journalists and prevented them from covering disputes between Palestinian families and Israeli settlers in the Sheikh Jarrah neighborhood of East Jerusalem. Israeli forces allegedly beat the crew of al-Jazeera regional television, who held Israeli press cards, damaged their camera, and detained for several hours correspondent Guevara al-Budairi, banning her from Sheikh Jarrah for 15 days. They also reportedly assaulted and expelled Yasmine Asaad, a correspondent for regional al-Sharq TV. Israeli forces also forced Ma'an News Network correspondent Maysa Abu Ghazaleh to put down her camera and stop taking pictures and physically forced Palestine TV reporter Christine Rinawi and freelance journalist Maram al-Bukhari away from the area.

On August 27, the Human Rights Defenders Fund (HRDF) reported that Israeli security forces arrested seven Palestinian journalists covering a peaceful demonstration against the establishment of new outposts and settler violence in the South Hebron Hills. According to the HRDF, the journalists were arrested, and their equipment was confiscated although they clearly identified themselves as journalists to the soldiers. Two of the journalists claimed they were attacked and beaten by the soldiers during the arrest. According to the soldiers, the journalists entered a closed military area illegally. The journalists were released later that day, issued a summons for an additional interrogation on August 29, after which

their equipment was returned. They subsequently submitted a complaint to the Military Police. It was unclear if any action had been taken on the complaint by year's end.

The Associated Press accused Israeli police of beating photographer Mahmoud Illean on December 17 while he was covering a protest in Sheikh Jarrah. Illean was admitted to a hospital for head injuries. Israeli police did not provide an explanation for the incident, stating that relevant authorities would investigate. There was no update at year's end.

In the West Bank, the PA's Palestinian News and Information Agency (WAFA) reported 384 Israeli violations against journalists during the year, including beatings, detentions, and use of tear gas and live and metal nonlethal ammunition.

On February 3, according to MADA, the mayor of Beit Sahour municipality harassed and threatened the director general of Radio Bethlehem 2000, George Canawati, concerning Canawati's Facebook post alleging corruption in Beit Sahour. The mayor entered the radio station headquarters in Bethlehem looking for Canawati, who was not there at the time, complaining Canawati was targeting him. Canawati filed a complaint with the public prosecutor, who determined Canawati's post did not in any way implicate the mayor.

On January 1, MADA reported that Israeli forces prevented a group of journalists representing various local, regional, and international agencies from covering a march organized by families in the Ramallah area, firing tear gas at them and forcing them away.

**Censorship or Content Restrictions:** The PA prohibits calls for violence, displays of arms, and racist slogans in PA-funded and -controlled official media. There were no confirmed reports of any legal action against, or prosecution of, any person publishing items counter to these PA rules. Media throughout the West Bank and Gaza reported practicing self-censorship. There were reports of PA authorities seeking to erase images or footage from journalists' cameras or cell phones.

In the West Bank, MADA reported that on April 1 the Arab American University Radio (AAUP) dismissed journalist Ahmed Zayed following his telephone

interview with Fatah PLC candidate Abu al-Tayyib Jaradat, who insulted the PA government and Fatah party regarding a disagreement on voters' lists. The interview aroused discontent in the university and Fatah movement, leading the university to withdraw the interview and terminate the journalist's contract.

According to the Committee to Protect Journalists, on July 27, Palestinian police officers raided and closed the office of J-Media in al-Bireh in the West Bank and banned its 17 employees from entering the office or removing any personal belongings or journalistic equipment from it. Alaa al-Rimawi, J-Media's director who also worked for al-Jazeera, was arrested by the PASF and held for three days in early July following a complaint against him by the Palestinian Ministry of Endowments for delivering a speech without permission at a mosque during the funeral of Palestinian opposition activist Nizar Banat. In July the PA Information Ministry stated that the closure of the J-Media office and several other media institutions was due to their failure to obtain the necessary legal licenses to carry out their work and not for reasons related to restrictions on media freedoms. The office remained closed at year's end, although J-Media's website remained active and accessible. The case against J-Media remained open.

On November 7, MADA reported Palestinian security forces detained Abdullah Bahsh, a journalist for the pro-Hamas Quds News Network, and deleted content on his mobile phone while he covered the demolition of a commercial complex by the PA's Nablus municipal government. Although Bahsh reportedly had permission from authorities to document the demolition, three PSO officers asked him to leave the area after deleting media on his mobile phone and taking a copy of his identification card.

In Gaza civil society organizations reported Hamas censored television programs and written materials, such as newspapers and books.

On April 24, MADA reported the Cybercrime Investigation Department in Gaza summoned AFP journalist Sakher Abu al-Aoun after he published a post on Facebook criticizing a hospital for medical negligence and for treating his son differently than they would if he was the son of a Hamas official. An investigator took al-Aoun's mobile phone and deleted the post, claiming he had a mandate from the prosecutor, after al-Aoun refused to delete it himself. Al-Aoun was



interrogated for two hours and offered the option to either be detained or released on bail. He was ultimately released after the investigator learned al-Aoun's son had died.

The Israeli government raided and closed Palestinian media sources in the West Bank, primarily based on allegations they incited violence against Israeli civilians or security services. Conviction of acts of incitement under military law is punishable by up to 10 years' imprisonment. NGOs and observers stated Israeli military regulations were vaguely worded and open to interpretation. The ISF generally cited two laws in its military orders when closing Palestinian radio stations: the 1945 Defense Emergency Regulations and the 2009 Order Concerning Security Provisions. These laws generally define incitement as an attempt to influence public opinion in a manner that could harm public safety or public order. The Palestinian Prisoners' Center for Studies alleged that Israeli authorities arrested 390 Palestinians during the year for "incitement to violence" on social media.

While the Israeli government retained the authority to censor the printing of publications for security concerns, anecdotal evidence suggested authorities did not actively review the Jerusalem-based al-Quds newspaper or other Jerusalem-based Arabic publications. Editors and journalists from those publications, however, reported they engaged in self-censorship.

**Libel/Slander Laws:** Israel's law allows for both civil legal proceedings in the form of damage compensation cases as well as criminal legal proceedings in the form of private complaints. The maximum sentence is up to one year imprisonment. There were accusations of slander or libel against journalists and activists in the West Bank and Gaza.

According to HRDF, Israeli individuals and right-wing NGOs used defamation lawsuits to discourage public criticism of the Israeli occupation of the West Bank. For example in July 2020 the Samaria Regional Council, an Israeli municipal body for settlers, sued former Knesset member and head of the Zulat Institute, Zehava Galon, after she criticized on Twitter their granting of a certificate of honor to two settlers who in 2019 allegedly shot and killed an alleged Palestinian attacker. According to B'Tselem, the settlers purportedly continued to shoot the Palestinian

after he no longer posed a threat. In June 2020 an additional libel lawsuit against Galon, B'Tselem, and three individuals who tweeted on the incident was filed by Yehusha Sherman, who shot the attacker. The lawsuits continued at year's end.

**National Security:** Human rights NGOs alleged that the PA restricted the activities of journalists on national security grounds.

On November 13, MADA reported that the Palestinian Intelligence Service summoned journalist Salah Abu Hassan, the programs director at Alam Radio in Hebron, and subjected him to interrogation for an hour about his work at the radio. According to MADA, the interrogation officer told Abu Hassan that radio programs could not speak against the government and that he had an obligation to preserve the public interest of the Palestinian society.

### **Internet Freedom**

Internet was generally accessible throughout the occupied territories, although, frequent power outages in Gaza interrupted service. According to HRW reporting in prior years, both the PA and Hamas arrested persons for their social media posts and brought charges of “harming revolutionary unity” and “misuse of technology.” Such arrests continued during the year.

The PA actively monitored social media to pressure and harass activists and journalists. There were instances when the PA arrested or detained Palestinians because of their posts on social media. On April 7, the Hebron District Court acquitted Palestinian human rights activist Issa Amro of all charges related to a social media post critical of the PA's arrest of a Palestinian journalist who criticized PA President Mahmoud Abbas in 2017. Amro was also subject to legal action by Israeli authorities (see section 2.b., Freedom of Peaceful Assembly).

On May 9, MADA reported that Palestinian Security Services officers threatened to beat and destroy the camera of freelance journalist Nidal al-Natshah for posting a video to social media that he filmed on May 8 documenting Palestinian security forces forcibly removing several persons from a protest at Bab a-Zawiya. Al-Natshah edited the post in response to the threat.

On August 2, MADA reported that Palestinian general intelligence services in

Hebron summoned for interrogation journalist Alaa Rabei concerning Facebook posts regarding the killing of Nizar Banat, in which he demanded authorities hold Banat's killers accountable. Authorities released Rabei after several hours of interrogation.

Gaza-based Palestinian civil society organizations and social media practitioners stated Hamas authorities monitored the internet activities of Gaza residents and took action to intimidate or harass them.

On March 3, journalist Muhammad Awad reported receiving telephone calls in which he was threatened with detention by unknown actors for publishing information related to financial corruption by the mayor of Nuseirat on his Facebook page.

### **Academic Freedom and Cultural Events**

PA law provides for academic freedom, and the PA generally did not restrict academic freedom or cultural events in the West Bank.

Individuals or officials from academic institutions, however, reportedly censored curricula due to concerns that PA security agents were present on university campuses among the student body and faculty members. NGOs claimed that authorities closely monitored criticism of the PA by university students and professors.

Public schools as well as UNRWA schools in the Gaza Strip followed the same curriculum as West Bank public schools. Palestinians in Gaza reported substantially decreased interference by Hamas in public schools at the primary, secondary, and university levels due to COVID-19-related school closures and a focus on online schooling.

Students and faculty from Gaza participating in certain cultural and education programs (including programs sponsored by foreign governments and international organizations) faced questioning from Hamas, according to the ICHR. Some female students in Gaza reported being forced by school personnel to wear a hijab or other conservative dress.

Israeli restrictions on movement (see section 2.d.) adversely affected academic institutions and access to education and cultural activities for Palestinians. Since 2017, a total of 62 Palestinian schools in Area C faced pending demolition or stop-work orders, according to the PA Ministry of Education.

Israeli civil law prohibits institutions that receive Israeli government funding from engaging in commemoration of the *Nakba*, or “catastrophe,” the term used by Palestinians to refer to the displacement of Palestinians during Israel’s 1948 War of Independence. Activities forbidden by the law include rejecting the existence of Israel as a “Jewish and democratic state” or commemorating “Israel’s Independence Day or the day on which the State was established as a day of mourning.”

Israeli authorities provided to Israeli-funded public schools in East Jerusalem neighborhoods an edited version of the PA curriculum that deleted material glorifying terrorist attacks on Israelis, as well as certain information on Palestinian history and culture. Israeli authorities sought to tie funding for those schools to the use of the Arabic-language Israeli curriculum. Some Palestinians expressed concern at what they perceived as Israeli efforts to impose Israeli views on these students. Others welcomed the Israeli curriculum, and the additional resources associated with it, as better preparing students in East Jerusalem to enter Israeli higher education and join the Israeli workforce, compared to lower paying employment in PA-controlled areas in the West Bank or manual labor and low-wage sectors in Israel.

The Israeli government maintained prohibitions on numerous prominent Jerusalem-based Palestinian institutions, such as the Jerusalem Chamber of Commerce and the Orient House, which had been the de facto Palestine Liberation Organization office. The government renewed a closure order for these and other institutions under a 1994 law passed after the Oslo Accords that requires the PA to obtain Israeli permission to open a representative office or hold a meeting in areas Israel recognizes as under its sovereignty. The government likewise continued to shut down Palestinian institutions and cultural events in Jerusalem that the government stated had PA participation or support, incited violence against Israel, or had anti-Israel or other objectionable content. Organizers of affected events often argued their event had no such elements or affiliations. Israeli authorities

stated they would also detain and ban PA-affiliated officials in Jerusalem from conducting PA-related activities. According to Haaretz, the Ministry of Public Security approved dozens of such orders during the year. PA officials publicly pointed to the 1993 letter sent by then Israeli foreign minister Shimon Peres to his Norwegian counterpart Johan Holst as proof of an agreement to allow Palestinian institutions and activities in East Jerusalem.

On March 8, Israeli authorities banned a women's handicrafts fair and exhibition on International Women's Day organized at the Mount of Olives Club in al-Tur neighborhood, saying the event was funded by the PA. Local sources stated Israeli security forces including Shin Bet officers raided the club and seized the identification cards of the participants. They also detained the director of the club, Ikhlas al-Sayyad, and fashion designer Manal Abu Sbitan for questioning. Israeli security forces also confiscated Palestinian traditional clothing and other contents of the exhibition.

In October Israeli police stopped a three-day children's fair at the House of Abraham, an East Jerusalem center for religious pilgrims managed by Secours Catholique-Caritas France under the auspices of the French consulate. According to Israeli press reporting, the festival was supported by the UN Development Program, Finland, and Austria. In each of the cases, organizers or participants said that Israeli security forces informed them the justification was alleged funded by, or organization with the support, of the PA. They also denied police allegations of funding or collaboration and asserted that these justifications were pretexts for shutting down Palestinian cultural events.

According to press reports, on September 1, Israeli forces arrested the principal of a secondary school in the East Jerusalem neighborhood of Wadi al-Joz, alleging that the principal had met personnel from the PA's Ministry of Education and that PA Ministry of Education officials used one of the school's classrooms as an office.

## **b. Freedoms of Peaceful Assembly and Association**

Authorities in the West Bank, Gaza, and East Jerusalem limited and restricted Palestinian residents' freedoms of peaceful assembly and association. The Israeli

military issued an order in 1967 which requires Palestinians in the West Bank to obtain a permit for any protest involving 10 or more persons; during the year there were no known instances in which Israeli authorities granted permission for such a protest. The Palestinian Basic Law requires PA permission for protests of 50 persons or more.

### **Freedom of Peaceful Assembly**

PA law permits public meetings, processions, and assemblies within legal limits. Both the PA and Hamas security forces selectively restricted or dispersed peaceful protests and demonstrations in the West Bank and Gaza during the year.

The PASF arrested dozens of protesters in the summer following Nizar Banat's killing on June 24 (see section 1.a., Arbitrary or Unlawful Killings, and section 1.d., Arbitrary Arrests or Detention).

Some NGOs claimed the PASF used emergency COVID-19 measures as a pretext to crack down on dissent. Palestinian activists and the family of Nizar Banat asserted that emergency orders put in place to address COVID-19 were abused by the PASF to prevent protests and a memorial service for Banat on September 18. A trial in the July 2020 case of 22 anticorruption activists arrested after gathering for protests despite their permit request being denied under coronavirus emergency regulations continued at year's end. One activist's case was thrown out on December 19 due to a witness' failure to appear in court; the other 21 remained free while the trial proceeded.

On November 30, the Ramallah Court dropped charges against seven activists accused of illegally gathering in July during protests following Banat's death, citing lack of evidence.

According to a Hamas decree, any public assembly or celebration in Gaza requires prior permission. Hamas used unjust arrest to prevent some events from taking place, including political events affiliated with Fatah. Hamas also attempted to impede criticism of its policies by imposing arbitrary demands for the approval of meetings on political or social topics.

A 1967 Israeli military order covering the West Bank and Gaza stipulates that a

“political” gathering of 10 or more persons requires a permit from the regional commander of military forces, which Israeli commanders rarely granted. The penalty for conviction of a breach of the order is up to 10 years’ imprisonment or a fine. The IDF Central Command declared areas of the West Bank to be “closed military zones” in which the IDF prohibited public assembly by Palestinians. Israeli military law prohibits Palestinians from insulting a soldier, participating in an unpermitted demonstration or march consisting of more than 10 persons, and “incitement” (encouraging others to engage in civil disobedience).

There were reports that Israeli authorities used excessive force against protesters in East Jerusalem. Between April and June, hundreds of Palestinian and Jewish Israeli protesters from across Israel and East Jerusalem came to Sheikh Jarrah to show their support for families at risk of eviction and to protest the dispossession of Palestinians from their homes, according to the HRDF. Police and media characterized the protest as violent; the HRDF reported that Israeli police used aggressive and disproportionate force to disperse the demonstrations, injuring hundreds of protesters. Israeli security forces reportedly deployed stun grenades and tear gas canisters, sprayed “skunk water,” and fired sponge grenades, according to the HRDF. Between April 29 and May 21, the HRDF provided legal aid to 42 Palestinian and Israeli peaceful protesters arrested in Sheikh Jarrah, some of whom the HRDF alleged were hospitalized after being attacked by police. Most of the protesters were released after one or two court hearings on bail with 30- to 60-day bans from Sheikh Jarrah, while others were released at the police station with 15-day bans from Sheikh Jarrah.

On August 21-22, the PASF arrested approximately 30 protesters during a series of protests memorializing well-known PA critic Nizar Banat, including Ubay al-Aboudi, director of the Bisan Center for Research and Development. The PA charged protesters with participating in an unauthorized protest and more dubious charges of disparaging government institutions, insulting civil servants, and inciting sectarian hatred. Following international and diplomatic pressure, protesters were released within days; their first hearing was scheduled for November.

According to Amnesty International, on the evening of July 5, Palestinian security forces detained at least 15 persons, including protesters, journalists, and a lawyer,

after violently dispersing a peaceful gathering in front of the Ballou' police station in Ramallah. According to Amnesty International, police in riot gear holding shields dispersed the gathering with "wanton force," beating protesters, dragging them on the ground, spraying them with pepper spray and pulling their hair. Several female protesters also alleged sexual harassment by police, including groping.

During the Sheikh Jarrah protests, the HRDF alleged Israeli settlers repeatedly attacked Salah Diab, a local human rights activist, and police detained him numerous times throughout May. On May 3, the HRDF alleged that Israeli police pepper sprayed and attacked Diab, injuring his leg. On May 6, the HRDF reported that 21 Israeli Jewish attackers pepper-sprayed Palestinians who were breaking their fast during Ramadan in front of Diab's house. The attackers allegedly came from the newly established "office" across the street from extreme-right Knesset member Itamar Ben-Gvir. The incident escalated as the two groups threw plastic chairs and stools at each other. Following the attack, four Palestinians including Diab, were arrested for "racially motivated" attacks, while one of the Jewish attackers was detained and released the same evening, according to the HRDF. On July 11, Diab was summoned to a termination of employment hearing from his work at Israel's Mega Supermarket Chain. In the letter sent to Diab, Mega accused him of violating company values and policies and harming its reputation due to his activism and participation in the Sheikh Jarrah protest. Local Israeli officials, including a deputy mayor of Jerusalem, reportedly campaigned for termination of Diab's employment.

According to the HRDF, Jerusalem police forces regularly confiscated, attacked, and arrested peaceful protesters who waved the Palestinian flag, despite Public Security Minister Omer Bar-Lev's explicit order to the police commissioner and high-ranking officers that the Palestinian flag may only be confiscated during demonstrations under exceptional circumstances.

Palestinian human rights activist Issa Amro faced 16 charges in a trial in an Israeli military court that began in 2016. On January 6, an Israeli judge at the Ofer Military Court convicted Amro on six counts, including participating in a rally without a permit, obstructing a soldier, and assault. On January 26, the UN special rapporteurs on the situation of human rights defenders and on the situation of



human rights in the Palestinian Territory occupied since 1967 issued a statement condemning Amro's conviction. On March 22, the Military Court sentenced Amro to a three-month suspended prison sentence with two years' probation. According to the HRDF, the activity for which Amro was indicted was entirely peaceful, and he was in turn assaulted by soldiers, police officers and settlers. According to the HRDF, this created a chilling effect on other human rights defenders who might fear facing similar criminal proceedings. Amro appealed the conviction. Haaretz reported the IDF has detained Amro at least 20 times 2018.

### **Freedom of Association**

PA law allows freedom of association. PA authorities sometimes imposed limitations on the freedom of association in the West Bank, including on labor organizations (see section 7.a.). NGOs stated a regulation subjecting "nonprofit companies" to PA approval of their projects and activities prior to receiving funds from donors impeded their independence and threatened the ability of both local and international nonprofits to operate freely in the West Bank.

In Gaza, Hamas attempted to prevent various organizations from operating. This included some organizations Hamas accused of being Fatah-affiliated, as well as private businesses and NGOs that Hamas deemed to be in violation of its interpretation of Islamic social norms. Hamas claimed supervisory authority over all NGOs, and Hamas representatives regularly harassed NGO employees and requested information on staff, salaries, and activities.

According to the PCHR, on September 21, de facto authorities' police entered al-Azhar University campus in Gaza and ordered students to take off their Palestinian kufiyah, claiming there were orders to ban wearing kufiyahs. The center added that police detained and abused all those who refused to obey the orders, subjecting them to degrading treatment.

Human rights NGOs alleged that Israeli authorities cited laws against terrorism or protecting national security to arrest or punish critics of the government or deter criticism of government policies or officials. On October 22, Israeli minister of defense Benny Gantz announced that Israel was designating six Palestinian NGOs (al-Haq, Addameer, Defense for Children International-Palestine, the Bisan Center

for Research and Development, the Union of Palestinian Women's Committees, and the Union of Agricultural Work Committees) as terrorist organizations, alleging connections to the Popular Front for the Liberation of Palestine (PFLP) terrorist organization. Local and international human rights groups strongly criticized the designation, alleging that overly broad use of terrorism laws created a chilling effect on civil society groups conducting legitimate human rights work. The designated groups are based in the West Bank, but the designation applies both within the West Bank under IDF military order, and in Israel under the law.

The UN special rapporteur on counterterrorism and human rights criticized the designation as a blatant misuse of counterterrorism legislation designed to ban human rights activities and silence voices advocating for respect for human rights. On October 25, 22 Israeli NGOs released a joint statement of support and solidarity with the designated NGOs, calling on the Israeli government and international community to oppose the decision and alleging the designation was done to criminalize and prevent documentation of human rights abuses and prevent legal advocacy and aid for human rights work.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

PA law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions. The PA maintained security coordination with Israel throughout the year. IDF checkpoints and settlements constrained Palestinians' movement throughout the West Bank, including access to their farmlands, according to NGOs and the PA. This was particularly true during the olive harvest, when Palestinian farmers who coordinated access to their olive groves with Israel's Civil Administration and the PA sometimes had difficulty accessing their land, according to human rights groups.

Citing security concerns and frequent attempted terrorist attacks, Israel imposed

significant restrictions on Palestinian movement in the West Bank and between the West Bank and Jerusalem.

**In-Country Movement:** In an effort to combat the spread of COVID-19, Hamas occasionally enforced restrictions on internal movement in Gaza. Pressure to conform to Hamas’s interpretation of Islamic norms generally restricted movement by women, who often had to travel in groups when visiting certain public areas such as the beach. There were sporadic reports of security officers requiring men to prove a woman with them in a public space was their spouse.

Israeli authorities often deployed temporary checkpoints that prohibited travel between some or all Palestinian West Bank towns. Palestinians who lived in affected villages stated that “internal closures” continued to have negative economic effects, lowering their employment prospects, wages, days worked per month, and their children’s ability to commute to school. During periods of potential unrest, including on some major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted “comprehensive external closures” that prevented Palestinians from leaving the West Bank and Gaza.

Israel placed restrictions on Palestinian farmers accessing their land in the so-called seam zone west of the barrier and east of the Green Line, according to human rights groups, and there were some reports that soldiers operating the checkpoints at seam-zone access points did not allow farmers to move farming implements and machinery, including trucks for transporting olive harvests, into the area.

The Israeli travel permit system restricted Palestinians’ ability to travel from Gaza to the West Bank. Palestinian higher education contacts reported that permits for Gazans to attend West Bank universities were seldom granted. According to the NGO HaMoked, Israeli authorities required Palestinians from the West Bank who are married to a Palestinian in Gaza and reside in Gaza to sign a “Gaza resettlement form” and permanently forego their right to move back to the West Bank.

Israel has declared access-restricted areas (ARAs) on both the coastal and land borders around Gaza, citing evidence that Hamas exploited these areas at times to

conduct attacks or to smuggle weapons and goods into Gaza. The lack of clear information regarding the ARAs created risks for Palestinians in Gaza who lived or worked either on the Mediterranean coast or near the perimeter fence. No official signage exists for the line of demarcation, and official policy changed frequently. Hamas's use of certain technologies for rockets, drones, other weapons, and surveillance systems led Israel to restrict importation of dual-use equipment into Gaza including Global Positioning System (GPS) devices.

The lack of GPS devices made it more difficult for fishermen to locate and avoid restricted maritime activity areas. In addition, the permitted maritime activity area for Palestinians along the coastal region of Gaza changed between zero and 15 nautical miles multiple times throughout the year, according to Gisha, an Israeli organization that focuses on Palestinian freedom of movement. Gisha called the changes a form of collective punishment. Human rights NGOs asserted that confusion regarding permitted activity areas led to multiple instances of Israeli forces firing upon farmers and fishermen. According to the Israeli government, Hamas attempted to conduct terrorist activities by sea. According to the United Nations, regular electrical outages often made it necessary for Gazan farmers to work their fields after dark. In some instances, IDF soldiers shot at farmers near the ARA when farmers irrigated their fields at night. UNOCHA reported Palestinians in Gaza considered areas up to 1,000 feet from the perimeter fence to be a "no-go" area, and up to 3,300 feet to be "high risk," which discouraged farmers from cultivating their fields. UNOCHA estimated nearly 35 percent of Gaza's cultivable land was in these areas. On September 2, Israeli naval forces shot at multiple Palestinian fishing vessels near Abasan al-Khabira, a town close to an Israeli security fence, injuring one fisherman in the leg.

Major checkpoints, such as Container and Za'tara, caused disruptions in the West Bank when closed, according to media reports. When Container (near Bethlehem) was closed, it cut off one-third of the West Bank population living in the south, including Bethlehem and Hebron, from Ramallah and the north. Similarly, Za'tara checkpoint blocks traffic in and out of the entire northern part of the West Bank, including Nablus, Tulkarem, and Jenin, according to media reports. UNOCHA reported in its 2020 biennial survey that there were 593 permanent obstacles throughout the West Bank. Israeli restrictions on movement affected virtually all

aspects of Palestinian life, including attendance at weddings and funerals, access to places of worship, employment, access to agricultural lands, schools, and hospitals, as well as the conduct of journalism and humanitarian and NGO activities. There were also reports of patients dying in traffic before reaching hospitals and ambulances on the way to accidents or scenes of attacks being stopped by the IDF for hours at a time.

Israeli authorities allegedly damaged Palestinian property in the West Bank during raids, sealed off entries and exits to homes and other buildings, and confiscated vehicles and boats. The Israeli government stated that it imposed collective restrictions only if an armed forces commander believed there was a military necessity for the action and that the imposition on the everyday lives of Palestinian civilians was not disproportionate. IDF veterans working at Israeli NGOs, however, described such operations as often being arbitrary.

Israeli authorities restricted or prohibited Palestinian travel on 29 roads and sections of roads (totaling approximately 36 miles) throughout the West Bank, including many of the main traffic arteries, according to B'Tselem. Israeli security forces also imposed temporary curfews confining Palestinians to their homes during arrest operations. Israel continued to restrict movement and development near the barrier, including access by some international organizations.

Palestinian farmers continued to report difficulty accessing their lands in Israeli-controlled Area C of the West Bank. NGOs and community advocates reported numerous Palestinian villages owned land rendered inaccessible by the barrier or settlements. A complicated Israeli permit regime (requiring more than 10 different permits) prevented these Palestinians from fully using their lands. The Israeli NGO HaMoked reported that government of Israel data showed a marked reduction in approvals of permits to cross the barrier compared with previous years. According to HaMoked, the IDF denied 73 percent of farmer permits in 2020, compared with 63 percent in 2019. Only 1 percent of these permits were denied for security reasons, according to the IDF. The vast majority of permits were denied due to difficulties navigating the military bureaucracy and failure to meet increasingly restrictive criteria, according to HaMoked. HaMoked also reported that Israeli authorities did not open gates to these areas early enough in the morning, which reduced the time Palestinian farmers had each day to cultivate

their land.

PA-affiliated prosecutors and judges claimed that ISF prohibitions on movement in the West Bank, including Israeli restrictions on the PA's ability to transport detainees and collect witnesses, hampered their ability to dispense justice.

Israeli restrictions on the importation of dual-use items, including wires, motors, and fiberglass that could be used for the production of weaponry or explosives, prevented some fisherman from being able to repair their boats.

In the West Bank, Israeli military authorities continued to restrict Palestinian vehicular and foot traffic and access to homes and businesses in the downtown H2 sector of Hebron, where approximately 22,000 Palestinians resided. This included a ban on Palestinians walking, driving, or exiting the front door of their homes on Shuhada Street and most of al-Sahleh Street. Israeli security forces cited a need to protect several hundred Israeli settlers resident in the city center. Israeli security forces continued to occupy rooftops of private Palestinian homes in the H2 sector as security positions, forcing families to leave their front door open for soldiers to enter. In response to these reports, the Israeli government stated that freedom of movement is not an absolute right but must be balanced with security and public order.

The Israeli government, citing security concerns, continued to impose intermittent restrictions on Palestinian access to certain religious sites, including the Haram al-Sharif/Temple Mount. Israeli officials cited security concerns when imposing travel restrictions, including limiting access to Jerusalem during major Jewish holidays as well as continuing construction of Israel's barrier, which impeded the movements of Palestinian Muslims and Christians in the West Bank.

**Foreign Travel:** Hamas in Gaza occasionally enforced movement restrictions on Palestinians attempting to exit Gaza to Israel via the Erez Crossing and to Egypt via the Rafah Crossing. Palestinians returning to Gaza were regularly subject to Hamas interrogations regarding their activities in Israel, the West Bank, and abroad.

Hamas required exit permits for Palestinians departing through the Gaza-Israel Erez Crossing. Hamas also prevented some Palestinians from exiting Gaza based

on the purpose of their travel or to coerce payment of taxes and fines. There were some reports unmarried women faced restrictions on travel out of Gaza.

On February 14, Gaza's Supreme Judicial Council issued a notice allowing male guardians to restrict unmarried women's travel. Following significant public backlash, the notice was revised to allow a male guardian (i.e., a father, brother, or grandfather) to apply for a court order preventing an unmarried woman from traveling if they assess the travel will cause "absolute harm." She could also be prevented from traveling if the guardian had a pending lawsuit against her that requires a travel ban. The notice also allows parents and the paternal grandfather to apply for travel bans on their adult children and grandchildren if they can show travel could result in similar harm. According to HRW, on September 21, Palestinian border officials at the Rafah Crossing between Gaza and Egypt blocked Afaf al-Najar from traveling to Turkey, where she had received a scholarship to study media and communications, because her father had applied for a judicial travel ban. At an October 3 court hearing, a judge told al-Najar she could study for her degree in Gaza, suggesting he expected her to remain there. The case continued at year's end.

Hamas restricts the entry of foreigners into Gaza unless a recognized local entity applies for their entrance prior to arrival. Hamas prohibited several international journalists from entering due to a lack of local agencies or persons applying for permits on their behalf.

During the conflict in May, Gazans were not able to get advanced medical care outside of Gaza for several weeks. The Palestinian Center for Human Rights and the ICRC filled the gap temporarily, then ceded the coordination role to the World Health Organization until coordination resumed.

Israeli authorities often denied or did not respond to Palestinian applications for travel permits through the Erez Crossing, including for patients seeking medical care unavailable inside Gaza, citing security concerns. On December 23, Israel granted 500 permits for Christians in Gaza to attend Christmas celebrations in the West Bank, although Israeli authorities largely limited entry and exit from Gaza at the Erez Crossing to humanitarian cases and limited permits to businesspersons and day laborers working in Israel. These limitations prevented some Palestinians

from transiting to Jerusalem for visa interviews; to Jordan (often for onward travel) via the Allenby Bridge; and to the West Bank for work or education. There were reports from Gazans that Israeli authorities had imposed additional restrictions on items that could be brought through Erez into Israel, including not being allowed to carry cell phone chargers or more than one pair of shoes. The Israeli Ministry of Foreign Affairs stated there were no such new restrictions.

The barrier that divides the majority of the West Bank from Israel, including communities within Jerusalem, and some parts of the West Bank, significantly impeded Palestinian movement. Israeli authorities stated they constructed the barrier to prevent attacks by Palestinian terrorists. In some areas the barrier divided Palestinian communities in the West Bank and Jerusalem and neighborhoods within Jerusalem. At its widest points the barrier extended 11 miles into the West Bank. OCHA estimated that more than 11,000 Palestinians, excluding East Jerusalem residents, resided in communities west of the barrier who were required to travel through Israeli security checkpoints to reach the remainder of the West Bank.

In Jerusalem the barrier affected residents' access to their extended families, places of worship, employment, agricultural lands, schools, and hospitals, as well as the conduct of journalism and humanitarian and NGO activities. For example, restrictions on access in Jerusalem, including delays at checkpoints lasting up to two hours, made it difficult for Palestinian patients and medical staff trying to reach the six Palestinian hospitals in East Jerusalem that offer specialized care. Authorities sometimes restricted internal movement in Palestinian neighborhoods of Jerusalem and Jerusalem's Old City and periodically blocked entrances to the East Jerusalem neighborhoods of Issawiya, Silwan, and Jabal Mukabber. The government stated that the barrier was needed for security reasons and restrictions on movement in Jerusalem were temporary and implemented only when necessary for investigative operations, public safety, public order, and when there was no viable alternative.

Israeli officials imposed restrictions on movement of materials, goods, and persons into and out of Gaza based on security and economic concerns (see also section 3, Recent Elections, Gheith case). Amnesty International and HRW reported difficulties by foreign workers in obtaining Israeli visas, which affected the



delivery of humanitarian assistance in the West Bank and Gaza. Amnesty International and HRW also reported that the Israeli government denied permits to their employees to enter Gaza from Israel. The United Nations and several international NGOs reported that the Israeli government denied permits to UN and NGO local Gazan staff to exit Gaza into Israel. The Israeli government stated all Gaza exit requests are reviewed on a case-by-case basis in accordance with security considerations arising from Hamas's de facto control of Gaza.

UNRWA reported staff movement continued to be restricted and unpredictable at several checkpoints, notably those controlling access to East Jerusalem or through the barrier. UNRWA reported that, as of the end of November, movement restrictions in the West Bank, including East Jerusalem, had resulted in the loss of at least 241 staff days. With a few exceptions, senior officials and staff of UNRWA and other humanitarian organizations were unable to leave or enter Gaza during the May conflict because of closures of the crossings between Israel and Gaza.

The Israeli government continued selective revocations of residency permits of some Palestinian residents of Jerusalem. This meant those residents could not return to reside in Jerusalem. Reasons for revocation included holding residency or citizenship of another country; living in another country, the West Bank, or Gaza for more than seven years; or, most commonly, being unable to prove a "center of life" (interpreted as full-time residency) in Jerusalem. The Israeli Ministry of Foreign Affairs reported that as of October, Israeli authorities revoked 22 residency permits in Jerusalem on the grounds of a regulation that allows revocation for individuals who stayed outside of Israel for more than seven years or acquired citizenship or permanent residence status elsewhere. Some Palestinians who were born in Jerusalem but studied abroad reported losing their Jerusalem residency status, but the government denied revoking residency status of anyone who left for the sole purpose of studying abroad. The government added that the residency of individuals who maintained an "affinity to Israel" would not be revoked and that former residents who wished to return to Israel could receive renewed residency status under certain conditions.

Palestinians possessing residency permits issued by the Israeli government but no PA or Jordanian identity document needed special documents to travel abroad.

During the year the Israeli Supreme Court continued to uphold, with few exceptions, the ban imposed in 2000 on students from Gaza attending West Bank universities. Students in Gaza generally did not apply to West Bank universities because they understood Israeli authorities would deny permits or could revoke them during the school year.

Delays in permit approvals by Israeli officials caused some Palestinians to miss the travel dates for exchange programs abroad and matriculation in foreign universities. In some cases authorities asked students to submit to security interviews prior to receiving permits. Israeli authorities detained some students indefinitely without charge following their security interview, which caused other students to refuse to attend these interviews due to fear of being detained.

Egyptian authorities opened the Rafah Crossing to pedestrians several times during the year, and OCHA reported 88,510 exits and 70,771 entrances through the Rafah Crossing as of November, an increase over 25,069 exits and 26,829 entrances in 2020. OCHA reported the Rafah Crossing had been open 198 days and closed 135 days as of November, compared to 2020 when the crossing was only open 126 days. The UN and several international NGOs reported that obtaining permission from the Hamas government in Gaza and the Egyptian government to travel through Rafah was extremely difficult for Palestinians in Gaza and often required paying bribes to local authorities.

According to Gisha, Israeli authorities denied some exit permit applications by residents of Gaza on the grounds that the applicants were “first-degree relative[s] [of] a Hamas operative.” UNOCHA reported that some of its staff members were denied exit permits out of Gaza because UNOCHA coordinated with Hamas as the de facto government in Gaza to facilitate the entry, exit, and transportation of UN personnel. In other cases, UNOCHA reported that its staff received exit permits, but Israeli authorities denied them permission for them to exit after hours of waiting at border crossings.

### **e. Status and Treatment of Internally Displaced Persons**

According to the United Nations, 1,025 persons were displaced in the West Bank and East Jerusalem due to demolitions as of November 17.

UNRWA and other humanitarian organizations provided services to IDPs in Gaza and the West Bank, with some limitations due to Israeli restrictions on movement and border access. Humanitarian actors, including UNRWA, the ICRC, and NGOs, reported they faced difficulties providing assistance during the May conflict in Gaza, due to several factors, including the intensity of the bombing of Gaza by the Israeli military, difficulties establishing a coordination mechanism with the Israeli government, restrictions on movement of goods and persons by Israeli authorities, and, in one notable case of Israelis permitting humanitarian supplies through the Kerem Shalom Crossing, a mortar attack by Hamas.

## **f. Protection of Refugees**

The PA cooperated with UNRWA in the West Bank. In Gaza de facto authorities generally cooperated with UNRWA and allowed it to operate without interference. After the May conflict and a controversial interview given by UNRWA's Gaza field director, Hamas announced it would no longer guarantee his and his deputy's safety, effectively forcing out UNRWA's two most senior officials.

**Access to Asylum:** Palestinian residents of the West Bank who claimed to be in a life-threatening situation due to their sexual orientation or other reasons, such as domestic violence, did not have access to the asylum system in Israel due to Israel's claim that the 1951 Refugee Convention does not apply to Palestinians because they receive assistance from the UNRWA, although UNRWA's mandate does not extend to Israel. Thus, many Palestinians in life-threatening situations resided in Israel without legal status. NGOs stated this situation left these persons, who claimed they could not return to the West Bank due to fear of oppression, vulnerable to human trafficking, violence, and exploitation. Some lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) Palestinians were able to obtain a temporary permit from the Coordination of Government Activities in the Territories (COGAT) allowing them to stay in Israel without authorization to work or to access social services. A Supreme Court petition by NGOs demanding these rights was pending as of the year's end. According to UNHCR, prior to the issuance of permits, COGAT requested proof of efforts to resettle in a third country. On July 22, in its response to a petition to the Supreme Court demanding the right to work and access to the health-care system for Palestinians with stay permits in Israel, the government stated it viewed a fundamental difference

between Palestinians threatened due to cooperation with Israel and Palestinians who fled due to their sexual orientation or domestic violence. The government committed to begin issuing work permits for the first group but not for the second group. Members of the second group could only apply for a permit in demanded fields such as construction and industry, mirroring requirements for Palestinian workers from the West Bank. The government stated that COGAT examined the issue on a case-by-case basis. On July 26, the Supreme Court upheld the government's position, but also demanded the government update the court regarding the possibility of accepting requests for work permits from the second group, separate from an employer. The case was ongoing at the year's end.

**Abuse of Migrants, Refugees, and Stateless Persons:** Israeli security operations in the West Bank led to 27 fatalities of UNRWA-registered Palestinian refugees, five of whom were killed while reportedly conducting an attack on the ISF or Israeli civilians. The ISF conducted an estimated 409 military and policing operations in West Bank refugee camps, injuring 101 Palestinians, according to the United Nations. Of these injuries, 65 persons, including 10 minors, were injured with live ammunition, the United Nations reported. Israeli authorities demolished 141 structures belonging to UNRWA-registered refugees, which resulted in the displacement of 195 refugees, according to the United Nations.

**Access to Basic Services:** UNRWA provided education, health care, and social services, as well other assistance, in areas of Jerusalem, the West Bank, and Gaza. Palestinian refugees in the occupied territories were eligible to access UNRWA schools and primary health-care clinics, although in some cases, movement restrictions limited access to UNRWA services and resources in the West Bank (see section 1.d.). UNRWA services in Gaza were also disrupted during the May escalation in violence.

Socioeconomic conditions in Gaza severely affected refugees. UNRWA reported that food security continued to be at risk. In March UNRWA temporarily suspended food distribution at its official distribution centers to avoid spreading COVID-19 but began door-to-door delivery as an alternative soon afterwards.

Israeli import restrictions on certain commodities considered as dual use continued to impede humanitarian operations in Gaza, including those directed toward

refugees. In 2016 Israeli authorities introduced a requirement whereby approval of UNRWA projects remained valid for only one year. As project implementation timelines often exceeded one year, this requirement necessitated applications for reapproval of projects, which hampered implementation and increased transaction costs for multiple UNRWA projects.

### **g. Stateless Persons**

According to NGOs, 40,000 to 50,000 Palestinians in Gaza lacked identification cards recognized by Israel. Some were born in Gaza but were never recognized by Israel as residents, some fled Gaza during the 1967 war, and some left Gaza for various reasons after 1967 but later returned. A small number lacking recognized identification cards were born in Gaza and never left but had only Hamas-issued identification cards. Under the Oslo Accords, the PA administers the Palestinian Population Registry, although status changes in the registry require Israeli government approval. The Israeli government has not processed changes to the registry since 2000 and has not approved family reunifications since 2009. COGAT confirmed that without accurate and updated records in Israeli databases, Israeli authorities could not process Palestinians' movement in and out of the West Bank and Gaza.

There was no process for foreign spouses or foreign-born children of Palestinians to obtain permanent legal status in the West Bank prior to August, when Israeli authorities permitted 5,000 family reunification petitions to be submitted via the PA's Ministry of Civil Affairs. Following a meeting between President Abbas and Israeli minister of defense Gantz on December 28, there were indications that Israel would permit the PA to process additional family reunification petitions, although thousands more would likely remain unprocessed due to Israeli-imposed limits on the number of petitions. Since Israel approves the Palestinian family registry, many Palestinian children and young adults, especially those born abroad, remained without legal status at the end of the year, in the region where they had spent most or all of their lives.

## **Section 3. Freedom to Participate in the Political Process**

The PA basic law provides Palestinians the ability to choose their government and

vote in periodic free and fair elections held by secret ballot and based on universal, equal suffrage. The PA has not held national elections in the West Bank or Gaza since 2006, however, preventing Palestinians from being able to choose their own government or hold it accountable. Civil society organizations in Gaza, which has been under Hamas control since 2007, stated Hamas and other Islamist groups did not tolerate public dissent, opposition, civic activism, or the promotion of values contrary to Hamas's political and religious ideology.

Although Israeli law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, Palestinian residents of Jerusalem and Druze of the Golan Heights who have permanent residency status may vote in municipal elections and seek some municipal offices, but not that of mayor, and are denied the right to vote in general elections or serve in the Knesset.

## **Elections and Political Participation**

**Recent Elections:** The first phase of municipal elections, last held in 2017, took place in the West Bank on December 11. There have been no national elections in the occupied territories since 2006. Elections were due to be held in 2010, but President Abbas refused to announce an election. In 2018 President Abbas announced that the PA Constitutional Court had issued a decision dissolving the Palestinian Legislative Council (PLC) and calling for PLC elections within six months. Those elections never happened. Fatah and Hamas leadership discussed the possibility of elections in late 2019 and returned to the issue in 2020, with President Abbas again promising elections at his address to the UN General Assembly in September. On January 15, President Abbas decreed that elections for the PLC would be held on May 22. On April 2, however, Abbas indefinitely postponed those elections.

Candidates running in the legislative elections prior to their cancellation were targeted. On April 12, unknown assailants shot at the house and office of attorney Hatem Chahine in Hebron. Chahine was a candidate of the Future list, which represents the Democratic Reform Current led by dismissed Fatah leader Mohammed Dahlan. According to press reports, the Criminal Investigation Unit of the Palestinian police inspected Chahine's house and found bullets in the main

entrance and in his wife's car parked behind the entrance's gate.

On April 15 in Ramallah, unknown assailants attacked the car of the head of the Unified Palestinian Movement list, Khaled Dweikat, while it was parked in front of his apartment in the Ersal neighborhood. Dweikat said he believed the attack was election-related and filed a complaint with the General Intelligence Service of the Palestinian police, the Central Elections Commission, and the ICHR. The ICHR announced it received numerous complaints prior to President Abbas canceling elections, ranging from threats of violence and property damage to blackmail. On May 1, unknown assailants shot and threw grenades at the house of electoral candidate Nizar Banat. The attack came a few hours after the Freedom and Dignity electoral list, which Banat formed, sent a message to the EU demanding it halt funding for the Palestinian Authority and its security apparatus. Banat died after being beaten by PASF officers several weeks later (see section 1.a.).

On January 19, Israeli police summoned for questioning the Fatah secretary in Jerusalem, Shadi Mtour. They subsequently released Mtour after renewing an order banning any contact between him and 21 PA and Fatah officials, including Fatah deputy head Mahmoud al-Aloul, Jerusalem governor Adnan Gheith, and head of Jerusalem unit at the PA Presidency Mu'tasem Tayem.

Throughout the year, Israeli authorities issued or extended various orders and charges against Gheith. On March 29, Israeli authorities banned Gheith from entering the West Bank or going to his office in al-Ram, a village northeast of Jerusalem. On August 2, Israeli authorities extended an order banning Gheith, from holding contacts with President Abbas and other PA officials. Gheith is already denied movement outside his place of residence in Silwan neighborhood in Jerusalem.

On November 22-23, Palestinian press reported that Israeli forces raided Gheith's home, assaulted him, his sons, and cousins present at the house, and threw sound bombs and damaged household belongings before interrogating him concerning posts on social media his wife had shared. Israeli authorities charged Gheith with violating the ban on communicating with Palestinian officials and threatening the security of Israel. Israeli authorities released Gheith on bail after several hours, after renewing his house arrest for four more months and other movement and

communications bans. On December 26, press outlets reported that Israeli forces again raided Gheith's home during a larger arrest campaign in the Silwan neighborhood.

On April 17, the Israeli National Police shut down an election press conference at the St. George Hotel in East Jerusalem and detained three PLC candidates, Nasser Qous and Ashraf al-A'war from Fatah and Ratibah al-Natsheh from the Palestinian Democratic Union (FIDA). The press conference was scheduled to take place at the St. George hotel in East Jerusalem. The three candidates were released later that day and warned not to conduct any election activity in Jerusalem City.

According to press reports, Israeli authorities banned Fatah Jerusalemite district committee member Ahed Rishq from entering Haram al-Sharif/Temple Mount for a total of six months.

**Political Parties and Political Participation:** The PA allowed a limited range of political parties to exist in the West Bank and limited the ability of Hamas members to campaign and organize rallies. In Gaza, Hamas allowed other political parties but restricted their activities, primarily in the case of Fatah. According to HRW, the PA and Hamas arbitrarily arrested each other's supporters solely because of their political affiliation or expression of views.

**Participation of Women and Members of Minority Groups:** No PA laws limit participation of women or members of minority groups in the political process, and they did participate. Legally women and minorities may vote and participate in political life, although women faced significant social and cultural barriers in both the West Bank and Gaza. There was a 20 percent quota for women on the Palestinian Legislative Council, but the council's activity has been suspended since 2007 and no legislative elections have been held since 2006. There were three women and four Christians in the 22-member PA cabinet.

Hamas generally excluded women from leadership positions in Gaza, although Hamas members elected one woman during the year to their political bureau, the 15-member council that leads Hamas in Gaza.

## **Section 4. Corruption and Lack of Transparency in**



## Government

There were numerous reports of government corruption during the year. PA law provides criminal penalties for conviction of official corruption, but little was done to prosecute corrupt officials.

**Corruption:** Allegations of corrupt practices among Fatah officials continued, particularly related to favoritism and nepotism in public-sector appointments, which were rarely advertised. In a Facebook post in April, anticorruption activist Fadi Elsalameen shared a statement he alleged was from Fatah's armed faction, the al-Aqsa Martyrs Brigade, in which they threatened to shoot him "without hesitation." Neither the PA nor Fatah commented on or investigated the alleged threat. Many of Nizar Banat's social media posts alleged corruption prior to his killing by PASF officers on June 24. President Abbas stated he would resign if 50 or more Palestinians called on him to step down. Amnesty International reported that on July 3, hundreds of Palestinians gathered in Ramallah for a peaceful demonstration against Abbas, which resulted in the arrest of prominent critic Ghassan al-Saadi. President Abbas was 16 years in office, and there was no legislative oversight of the PA or de facto authorities in Gaza, since the PLC has been defunct since 2007. There were reports that PA officials also sought to influence the judicial branch. In the absence of a legislature, President Abbas often set policy through presidential decrees, and most influential positions in the PA were appointed solely by the president. Critics described the PA's corruption as a systematic problem. A public opinion poll conducted in October by the Coalition for Accountability and Integrity found that Palestinians viewed corruption as the most important issue to be solved. The poll also found that two thirds of Palestinians were not convinced of the effectiveness and independence of the anticorruption agencies in the West Bank.

In Gaza local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including preferential purchasing terms for real estate and financial gains from tax and fee collections from Gazan importers. International organizations cited corruption in Hamas hiring practices as well, creating a system of patronage that hampered economic growth. Hamas severely inhibited reporting and access to information.

Local business representatives in Gaza alleged the PA Ministry of Civil Affairs, which submits applications to Israeli authorities for the entry of restricted materials into Gaza, engaged in nepotism and gave preferential treatment to Gaza-based importers close to the ministry.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Palestinian human rights groups and international organizations reported restrictions on their work in the West Bank. Some of these organizations reported the PASF and PA police harassed their employees and pressured individuals and organizations not to work with them. Several PA security services, including General Intelligence and the Palestinian Civil Police, appointed official liaisons who worked with human rights groups.

Gaza-based NGOs reported that harassment and restrictions on civil society increased during the year. Hamas representatives appeared unannounced at their offices to seek tax payments, demand beneficiary lists and salary information, and summon NGO representatives to police stations for questioning. Humanitarian organizations continued to raise concerns regarding the shrinking operational space for international NGOs in Gaza, including Israeli travel bans affecting their Gaza-based staff.

Human rights NGOs alleged that Israeli authorities cited laws against terrorism or protecting national security to arrest or punish critics of the government or deter criticism of government policies or officials. In October Israeli minister of defense Benny Gantz announced that Israel was designating six Palestinian NGOs as terrorist organizations, alleging connections to the PFLP terrorist organization (see section 2.b.).

Some Israeli and Palestinian human rights NGOs operating in the West Bank, Gaza, or both, including B'Tselem, Rabbis for Human Rights, and Breaking the Silence, reported harassment from Israeli settlers and Israeli authorities (see also section 2.b., Freedom of Association). These groups as well as NGO Yesh Din and HRW reported some of their employees were subjected to questioning by

security services, interrogations, intimidation, death threats, or physical assault. Yesh Din and B'Tselem reported some Palestinian field workers were detained for several hours at checkpoints after Yesh Din research materials were found in their possession. The NGOs claimed these behaviors increased during periods in which Israeli government officials spoke out against the NGOs' activities or criticized them as enemies or traitors for opposing Israeli government policy. On December 25, an IDF soldier shot B'Tselem employee Sarit Michaeli in the face in Beita as she documented weekly protests there from a distance. Michaeli believed the rubber bullet that hit her was likely aimed at Beita residents.

According to the HRDF, Israeli authorities repeatedly subjected B'Tselem's field researcher in the South Hebron Hills, Nasser Nawaj'ah, to harassment, intimidation, and reprisal. On March 6, Shin Bet interrogators allegedly threatened that Nawaj'ah would end up like Harun Abu Aram, a Palestinian civilian whom the IDF shot in the neck and paralyzed, if he continued his work. Nawaj'ah was subsequently detained and questioned by IDF soldiers at least four times in ensuing weeks.

During the COVID-19 pandemic, many human rights organizations working in the Palestinian territories received administrative fines from Israeli authorities for violating COVID-19 regulations. On January 1, Yigal Bruner, Micha Rachman, and Arik Ascherman, the director of the NGO Torat Tzedek, arrived in the Jordan Valley to help Palestinian farmers plow their lands. During their work, Israeli police officers arrived in the area and fined each of them for violating COVID-19 regulations by going to a public place for no necessary reason. Ta'ayush activists Amiel Vardi, Michal Hai, Daniel Kronberg, and Michal Barkat reported the same experience the next day in the South Hebron Hills, as did several other human rights defenders in the following weeks. On January 20, the HRDF filed a request with the attorney general to cancel 13 administrative fines. While similar fines given within Israel were cancelled after a petition to the Supreme Court, fines given in the West Bank were not. By the end of the year, five human rights activists were indicted for violating COVID-19 regulations in the West Bank, and two trials had begun.

Palestinian, Israeli, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings.

**The United Nations or Other International Bodies:** PA officials generally cooperated with and permitted visits by representatives of the United Nations and other international organizations.

There were numerous reports Hamas harassed members of international organizations operating in Gaza, including UN organizations.

The Israeli government continued its policy of nonengagement with the UN Human Rights Council's "special rapporteur on the situation in the Palestinian territories occupied since 1967." In February 2020 the government suspended relations with the UN High Commissioner for Human Rights (OHCHR) following publication of a UN Human Rights Council database of companies and "business activities related to settlements in the Occupied Palestinian Territory." The government of Israel continued its freeze on relations with the agency at year's end, according to OHCHR. No OHCHR international staff visas were granted or renewed by Israel during the year to allow access to the West Bank and Gaza Strip. As a result the agency's 16 resident staff were forced to work remotely from outside Israel.

**Government Human Rights Bodies:** The ICHR continued serving as the PA's ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights abuses within PA-controlled areas; the ICHR also issued formal recommendations to the PA. The ICHR was generally independent but faced resource shortages that limited its ability to work effectively. Local and international human rights NGOs cooperated with the ICHR.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape is illegal under PA law, but the legal definition does not address spousal rape. Punishment for conviction of rape is five to 15 years in prison. The PA repealed a law in 2018 that relieved a rapist of criminal responsibility if he married his victim. Neither the PA nor Hamas effectively enforced laws pertaining to rape in the West Bank and Gaza.

According to the PA's Central Bureau of Statistics, one in five Palestinian women

in the West Bank and Gaza reported at least one incident of physical abuse from their husbands. According to UN Women, in the West Bank and Gaza one in three women who have ever been married were subjected to physical violence by their husbands, and one in seven who have never married are subjected to violence by a household member. Women in Gaza were twice as likely to be a victim of spousal abuse as women in the West Bank. PA law does not explicitly prohibit domestic violence.

PA and Hamas did not enforce the law effectively in domestic violence cases in the West Bank and Gaza. NGOs reported Palestinian women were frequently unwilling to report cases of violence or abuse to the PA or Hamas due to fear of retribution or little expectation of assistance. Women's rights and child advocacy groups reported sharp increases in incidents of domestic violence and abuse related to coronavirus mitigation measures including lockdowns and business closures.

According to human rights groups, the Attorney General's Office and the security services ignored death threats directed at employees and employees' family members at a women's rights organization.

On November 22, Amer Rabee allegedly stabbed his wife, Sabreen Yasser Khweira, to death in their home outside Ramallah. Rabee also allegedly attacked his mother, who suffered injuries and was transferred to a hospital. PA police arrested Rabee later on November 22, and both the Khweira and Rabee families have called for his execution. According to press reports, Rabee had spent a month in prison earlier in the year after Khweira filed a complaint with police after Rabee beat her with cables. The case following Khweira's killing continued at year's end.

In October 2020 Palestinian police began an investigation into the death of a pregnant woman at her home in the West Bank town of Nabi Elias, according to media reports. Shortly after the investigation began, the PA Ministry of Social Affairs stated the woman's husband had killed her and PASF arrested him. The investigation continued at year's end.

**Other Harmful Traditional Practices:** The law precludes "family honor" as protection for perpetrators in "honor killing" crimes. In 2018 the PA amended the

law to prohibit the practice of judges giving lighter sentences for crimes against women and children versus crimes against men. NGOs claimed the amended law was not sufficiently enforced. According to the Democracy and Media Center (SHAMS), 11 Palestinian women were killed in the West Bank, Gaza, and Jerusalem during the year out of 555 total killings; five in the West Bank, four in Gaza, and two in Jerusalem.

In September 2020 the PA attorney general charged three male family members with murder in the 2019 death of Israa Ghrayeb in an alleged honor killing, according to media reports. Hearings in the case were postponed several times due to coronavirus emergency measures. On February 17, the Bethlehem Court released the three suspects on bail. The case continued at year's end.

**Sexual Harassment:** No PA law specifically relates to sexual harassment, which was a significant and widespread problem in the West Bank and Gaza. Some women claimed that when they reported harassment, authorities held them responsible for provoking men's harassing behavior.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. UNICEF reported that 100 percent of live births were attended to by a skilled birth attendant. While menstrual hygiene supplies were widely available, access to clean water and reliable sanitation facilities was a chronic problem. UNRWA provided reproductive health services include preconception care, antenatal care, intranatal care, postnatal care, and family planning to UNRWA registered refugees.

**Discrimination:** Inheritance for Muslims in the West Bank and Gaza falls under the Palestinian Basic Law, which is based on sharia. Under the Palestinian Basic Law, women have a right to inheritance but generally received less than men. According to human rights groups, in some cases women have been attacked by male family members for asserting their right to an inheritance. While recognized Christian communities have separate civil court systems, there is no separate civil law for Christians, so those communities also utilize the Palestinian Basic Law. Men may marry more than one wife. Women may add conditions to marriage contracts to protect their interests in the event of divorce and child custody disputes but rarely did so. Local officials sometimes advised such women to leave their

communities to avoid harassment. Hamas enforced a conservative interpretation of Islam in Gaza that discriminated against women. According to press and NGO reports, in some instances teachers in Hamas-run schools in Gaza sent girls home for not wearing conservative attire, although enforcement was not systematic. Reports of gender-based employment discrimination in Gaza against women were common, and factories often did not hire pregnant or newly married women to avoid the need to approve maternity leave.

## **Systemic Racial or Ethnic Violence and Discrimination**

The Palestinian Basic Law included broad protections for Palestinians but was often superseded by informal tribal laws or the Jordanian penal code which offered less protection. There were no Palestinian laws that specifically provided for the protection of members of racial or ethnic minorities.

The government of Israel has assigned the IDF to maintain law and order in the West Bank through a series of military orders, but none specifically provide for the protection of Palestinian civilians or reference Palestinian rights. Rather, the focus of the IDF's presence in the West Bank is the protection of Israeli citizens residing or transiting there. Minister of Defense Gantz repeatedly stated throughout the year that the IDF did not have the authority to arrest Israelis who attacked Palestinians in the West Bank. His remarks came after numerous videos that showed Israeli settlers attacking Palestinian civilians in the presence of and occasionally with the assistance of IDF. Israel's nationalistic crimes unit investigated hate crimes against both Israelis and Palestinians, including "price tag" attacks, in the West Bank. On November 18, Gantz held a meeting with top security officials to discuss "the grave phenomenon" of settler violence against Palestinians over the olive harvest period. After that meeting, Gantz announced the establishment of interagency teams to review force postures and strengthen legal authorities. The interagency teams had not announced any steps to address settler violence as of the end of the year.

According to a HRW report released in April, throughout most of the West Bank and Gaza, Israel was the sole governing power; in the remainder, it exercised primary authority alongside limited Palestinian self-rule. Across these areas and in most aspects of life, HRW concluded, Israeli authorities methodically privileged

Jewish Israelis and discriminated against Palestinians.

Palestinians also allegedly attacked other Palestinians on behalf of Israeli settlers. For example Daoud Nassar, director of the Tent of Nations farm, faced more than 25 cases in Palestinian courts involving various Palestinian attacks on the farm and against him personally. In May an arson fire destroyed hundreds of trees. His farm also faced property damage inflicted by Israeli forces. In June a COGAT bulldozer plowed through the property “for access” to another site, destroying trees and fences. There were several demolition orders against structures on the property, regarded as unpermitted in Israeli courts – in one case including a natural cave. Tent of Nations stated it had a valid title to the land dating back approximately 100 years under the British Mandate. The farm, located near Bethlehem, was on a hill with a 360-degree view and settlements occupy surrounding hilltops. Tent of Nations continued to wait at year’s end for COGAT’s Registry Committee to confirm the boundaries of their land and their ownership.

According to the HRDF, on October 11, one Palestinian and two Israeli human rights activists were violently arrested by the Israeli army while assisting Palestinian families in their yearly olive harvest near Salfit village in the West Bank, allegedly for entering a closed military zone and assaulting a soldier. The arrest occurred despite a Supreme Court ruling which stated that the Israeli army must let Palestinians access their lands freely to harvest their olives. Based on video footage, the judge released both Israeli human rights activists under the condition of a five-day ban from Salfit and from Nof-Avi Farm, a nearby unauthorized outpost which was erected on Salfit’s lands. The Palestinian human rights activist was released on similar terms. The Israeli activists were tried under the Israeli civil law system, while the Palestinian activist was tried under the Israeli military legal system, although the three were arrested together and charged with the same offenses.

On December 10, Israeli forces shot and killed a Palestinian resident with live ammunition during ongoing antissettlement protests in Beita village against the unauthorized outpost that Israeli settlers established in May. Since regular protests began in early May, OCHA reported that in Beita and Beit Dajan, nine Palestinians have been killed and more than 5,700 injured, including 218 by live ammunition,



1,083 by rubber bullets and 4,341 others who required medical treatment for inhaling teargas. Most of the Beita residents killed by the IDF were killed during weekly Friday protests against the unauthorized settlement, which has temporarily been converted into an IDF base following the evacuation of settlers in June.

According to Bimkom, an estimated 35,000 Palestinian Bedouins lived in Area C of the West Bank. Many were UNRWA-registered refugees. Bedouins were often resident in areas designated by Israel as closed military zones or planned for settlement expansion. Demolition and forced displacement by the Israeli government of Bedouin and herding communities continued in Area C. Many of these communities lacked access to water, health care, education, and other basic services. The Ministry of Foreign Affairs reported that 16 Israelis died during the year because of Palestinian attacks; 14 of the 16 were in Israel, one was in the West Bank, and one was in Jerusalem, according to the Foreign Affairs Ministry. Thirteen died during the May conflict. The Shin Bet reported, without specifying the identity of perpetrators or victims, that during the year there were nine incidents of rock throwing that resulted in moderate or worse injuries, 94 cases of live fire incidents, 46 stabbing attacks, and 1,516 Molotov cocktail attacks. Two Israeli soldiers were wounded, and one Palestinian killed during the “Day of Rage” protests that were called in solidarity with Gaza on May 19 in Jerusalem and the West Bank. There were also dozens of reports of arson, as well as stone throwing.

As of December, Shin Bet had registered 397 settler attacks resulting in Palestinian fatalities, injuries, or properties in the West Bank, compared to 272 violent incidents in 2020, according to Israeli press reports. The NGO Breaking the Silence reported 416 anti-Palestinian incidents in the West Bank during the first half of the year – more than double the figure for the first half of 2020 and more than all of 2019. According to Haaretz reporting, the IDF was aware of these incidents and often allowed settlers to “let off steam” to avoid confrontation with the settlers.

The ISF reportedly accompanied settlers during some attacks as well. According to The Intercept and NGOs, on May 14, six IDF soldiers accompanied a group of settlers who arrived in the town of Urif, near Nablus. The settlers allegedly uprooted 60 fig and olive trees, attacked the town’s school with stones, and broke its solar panels. During the attack the soldiers allegedly protected the settlers with

gunfire, gave orders on where to go, what to uproot, and what to destroy and appeared to coordinate the attack while shooting at anybody who tried to get close. The attack left four Palestinian residents dead, and survivors said they did not know whether settlers or the IDF had shot them.

Some Israeli and Palestinian officials, as well as numerous NGOs alleged that some Israeli settlers used violence against Palestinians to intimidate them from using land that settlers sought to acquire. On July 26, a B'Tselem video showed a settler shooting in the direction of Palestinians in the village of al-Tuwanai, near Hebron, with an IDF-issued assault rifle belonging to a soldier who reportedly stood close by. The settler was then seen picking up large rocks to throw at Palestinians before IDF troops ordered him to leave the area. The IDF acknowledged the incident, saying that the soldier was summoned for an immediate investigation and clarification by the brigade commander, and the regulations were clarified. Various human rights groups, including Yesh Din, Rabbis for Human Rights, and B'Tselem, continued to claim Israeli authorities insufficiently investigated and rarely prosecuted settler violence. Palestinian residents were reportedly reluctant to report incidents because Israeli police stations in the West Bank were located inside Israeli settlements, often where alleged perpetrators resided, and they feared settler retaliation. Israeli police are not permitted to enter Palestinian villages without IDF accompaniment. Palestinians were also discouraged by a lack of accountability in most cases, according to NGOs. Following a freedom of information act request, Yesh Din received Israeli police figures for 2018 to 2020 which revealed that 369 cases of Israeli violence against Palestinians were opened, and 11 indictments were filed during the period. In comparison, 363 cases of Palestinian politically motivated crime against non-Palestinians (Israeli security forces and Israeli settlers) were opened, and 70 indictments filed.

Israeli settlers also attacked and injured Palestinian civilians in the West Bank, in some cases severely. On September 28, 40 mostly masked Israeli settlers from two nearby unauthorized outposts attacked the Palestinian village of Um Faggarah around lunchtime. The settlers first attacked a Palestinian herder and tried to steal his flock of sheep. Settlers then entered villagers' homes and threw rocks at residents, including at close range. One Israeli settler dropped rocks on the head of

a sleeping three-year-old Palestinian boy, fracturing his skull. According to UNOCHA, settlers injured eight Palestinians including children, killed five animals, and damaged numerous vehicles and 10 homes. UNOCHA reported that the IDF shot tear gas canisters and rubber-coated metal bullets, injuring another 20 Palestinians. On September 28, IDF soldiers detained a Palestinian and an Israeli settler in connection with the attack. The Palestinian was eventually released on bail; it was unclear whether the settler remained in custody. On September 29, Israeli police arrested two adults from Jerusalem and one youth from the settlements in connection with the attack. As of the end of the year, media outlets reported that two Israelis were charged for the assault out of dozens involved in the attack.

According to NGO and media reports, Palestinian civilians killed three Israeli civilians in the West Bank. On December 16, Israeli settler Yehuda Dimentman was shot and killed and two additional Israeli citizens riding in the same car were injured in a shooting attack near the outpost of Homesh. Press reported that Israeli police subsequently detained six Palestinians, two of whom they alleged conducted the attack, while the others aided the attackers. Palestinian Islamic Jihad claimed responsibility for the attack, and the investigation continued at year's end. Following Dimentman's death, press reported that thousands of Israeli citizens flocked to Homesh in support of retroactively legalizing the Homesh yeshiva and establishing a settlement in memory of Dimentman. Israeli security forces blocked local roads and four nearby Palestinian villages and did not stop the march despite the protesters marching to an area that was illegal for Israelis to enter. According to the ICRC, some protesters entered the nearby Palestinian village of Burqa, vandalizing homes and tombstones and attacking residents, and approximately 100 Palestinians were injured and one hospitalized, mostly from teargas in clashes with the IDF. No arrests were reported despite the heavy Israeli security forces presence.

In December 2020 according to media reports, Israeli police were chasing a car in the West Bank when the car flipped over and one of its occupants, 16-year-old settler Ahuvia Sandak, died. Sandak and the other four occupants, who were also settlers, were reportedly throwing stones at Palestinians before the incident occurred. Sandak's death sparked violent protests outside police stations in

Jerusalem as some questioned the actions of police involved in the incident. In the West Bank, according to media reports, settlers blocked roads in protest of the police role in the incident, threw rocks at cars with license plates that identified them as Palestinian, and raided some Palestinian homes.

There were dozens of reports of settler violence during the olive harvest. Yesh Din stated that between October 1 and November 15, it recorded 41 incidents, including 12 incidents of violent offenses, 10 instances of burning or uprooting olive trees, 16 instances of crop theft, four incidents of land prevention to olive groves, and one case in which soldiers allegedly denied a farmer access to his land without basis. They noted, however, that they had limited resources to document incidents, suggesting that their statistics understated the problem. Army radio reported on November 8 that the Ministry of Defense recorded 67 incidents of settler violence towards Palestinians during the harvest season (with approximately one more week left in the season at that point). The incidents included uprooting, cutting, and burning trees as well as setting cars on fire, and vandalism. Israeli security forces arrested at least three settlers suspected of stone throwing and were investigating other incidents of violence and property damage, according to media reports.

Settler violence occurred throughout the year. According to the IDF, in the first half of the year there were 416 violent incidents on the part of the settlers, averaging 2.5 incidents per day, compared to 507 violent incidents the IDF reported for all of 2020. According to Peace Now and Yesh Din, 63 percent of acts of settler violence against Palestinians took place in the vicinity of outposts, and most violence went unreported to authorities.

Israeli authorities investigated reported attacks against Palestinians and Arab/Palestinian citizens of Israel, primarily in Jerusalem, by members of organizations that made anti-Christian and anti-Muslim statements and objected to social relationships between Jews and non-Jews. On August 18, five young Jewish Israelis stabbed Palestinian resident of East Jerusalem Ahmed Salima outside West Jerusalem's main market, Mahane Yehuda. Salima had finished his shift at a nearby restaurant and was waiting for his ride. The Israeli Jewish youth were reportedly headed to pray at the Western Wall. While Israeli police first accused the five of committing the attack with nationalistic motives, the prosecutor did not

view it as a hate crime and instead announced charges on August 29 of aggravated intentional assault and possession of a knife. The case remained pending.

The Israeli government and settler organizations in Jerusalem made efforts to increase property ownership by Jewish Israelis in Jerusalem. Civil society organizations and representatives of the Palestinian Authority stated the efforts sought to emphasize Jewish history in Palestinian neighborhoods. UNOCHA and NGOs such as Bimkom and Ir Amim alleged that the goal of Jerusalem municipal and Israeli national policies was to decrease the number of Palestinian residents of Jerusalem. Official Israeli government policy was to maintain a 60 percent majority of Jews in Jerusalem according to the Jerusalem Municipality's *Outline Plan 2000*. Israeli, Palestinian, and foreign NGOs noted the Israeli government's goal of "maintaining a solid Jewish majority in the city," as stated in the Jerusalem municipality's master plan, and limiting the number of Palestinian residents. The plan originally set a target "ratio of 70 percent Jews and 30 percent Arab," but planners later acknowledged that "this goal was not attainable" considering "the demographic trend" and adjusted to a 60-40 target.

Jewish landowners and their descendants, or land trusts representing the families, are entitled to reclaim property they had abandoned in East Jerusalem during fighting prior to 1949. Palestinians who abandoned property in Israel in the same period had a right to compensation only but not to reclaim the property. In some cases, private Jewish organizations acquired legal ownership of reclaimed Jewish property in East Jerusalem, including in the Old City and through protracted judicial action sought to evict Palestinian families living there. Authorities designated approximately 30 percent of East Jerusalem for Israeli neighborhoods and settlements. Palestinians were able in some cases to rent or purchase Israeli-owned property, including private property on Israeli government-owned land, but faced significant legal and governmental barriers to both. Israeli NGOs stated that after accounting for Israeli neighborhoods/settlements, Israeli government property, and declared national parks, only 13 percent of all land in East Jerusalem was available for construction by Palestinians or others.

Although the law provides that all residents of Jerusalem are fully and equally eligible for public services provided by the municipality and other Israeli authorities, the Jerusalem municipality and other authorities failed to provide

sufficient social services, education, infrastructure, and emergency planning for Palestinian neighborhoods, especially in the areas between the barrier and the municipal boundary. Approximately 117,000 Palestinians lived in that area, of whom approximately 61,000 were registered as Jerusalem residents, according to government data. According to the Jerusalem Institute for Policy Research, 78 percent of East Jerusalem's Arab residents and 86 percent of Arab children in East Jerusalem lived in poverty in 2017.

Social services in Israeli settlements in the West Bank, including housing, education, and health care, were available only to Israelis and not Palestinians, according to NGOs.

Throughout the year there were nationalistic hate crimes and violence by Jewish individuals and groups against Palestinians and Arab/Palestinian citizens of Israel and property, often with the stated purpose of exacting a "price" for actions taken by the government against the attackers' interests. The most common offenses, according to police, were attacks on vehicles, defacement of real estate, harm to Muslim and Christian holy sites, assault, and damage to agricultural lands. According to UNOCHA, there was a 21 percent increase in "nationalistic" attacks in the West Bank by settlers or Jewish extremists that involved Palestinian property damage. There were 274 such attacks in 2020, compared to 332 as of December 20.

On May 3, B'Tselem reported that dozens of Israeli settlers attacked the Palestinian village of Jaloud, setting brush fires and throwing stones at villagers. The attack reportedly was revenge for three Israelis wounded in a drive-by shooting at a nearby traffic junction days earlier.

On July 22, three settler youth allegedly set fire to a stone factory west of Hawara. Palestinian residents of nearby Jamma'in village described it as a price tag attack, according to media reports. Israeli police stated they had received reports of arson and they had arrested one of the suspects and transferred him to a hospital for medical care.

On November 9, Palestinian residents of al-Bireh found graffiti sprayed on approximately two dozen cars and a building in their neighborhood. The damage

included punctured tires, spray-painted Stars of David, and anti-Arab slogans in Hebrew. The slogan “enemies live here” was also painted on a building and “price tag” painted on a van. Israeli police and the IDF were dispatched to the scene, but there were no reported arrests.

In December 2020 Muhammad Marwah Kabha killed Israeli citizen Esther Horgan near the West Bank settlement of Tal Maneshe, according to multiple media reports. Kabha confessed to scouting the area in advance and killing Horgan, and an Israeli military court convicted him of murder on October 27. In May 2020 Palestinian Nizmi Abu Bakar threw a brick off his roof striking IDF soldier Amit Ben Yigal in the head and killing him while the IDF was conducting operations in Area A, according to media reports. In June 2020, Israel indicted Bakar for intentionally causing death. In November 2020 Bakar pleaded not guilty, and the defense stated they would work to annul the confession he gave during his interrogation, according to the Israeli government. The case continued at year’s end.

## **Children**

**Birth Registration:** The PA registers Palestinians born in the occupied territories, and Israel requires the PA to transmit this information to Israel’s Civil Administration. The PA may not determine citizenship. Children of Palestinian parents may receive a Palestinian identity card issued by the Civil Administration if they are born in the West Bank or Gaza to a parent who holds a Palestinian identity card. The PA Ministry of Interior and Israel’s Civil Administration both play a role in determining a person’s eligibility for that card.

The Israeli government registers the births of Palestinians born in Jerusalem, although some Palestinians who have experienced the process reported that administrative delays can last for years. The Civic Coalition for Palestinian Rights estimated that more than 10,000 children in East Jerusalem remained undocumented.

**Education:** In Gaza primary education is not universal. UNRWA, Hamas, religious institutions, and private foundations all provided instruction. In addition to the PA curriculum, UNRWA provided specialized classes on human rights,

conflict resolution, and tolerance. There were reports that Hamas offered courses on military training in its schools during youth summer camps to which school-age children could apply for admission.

In the West Bank, Palestinian government officials and Palestinian university officials accused the ISF of disrupting university campuses, especially in areas close to Israeli settlements. UNICEF documented 85 instances of “interference in education” by Israeli forces in the West Bank in 2020, 26 percent of which involved firing weapons in or near schools. UNICEF’s preliminary data indicated there were approximately 100 instances of “interference in education” by Israeli forces in the West Bank during the year.

According to NGOs, the difficulty of obtaining permits to build schools and the Israeli destruction of schools built without permits prevented many West Bank Palestinian children from getting an education. Israeli restrictions on construction in Area C of the West Bank and East Jerusalem also negatively affected Palestinian students’ access to education. As of the end of the year, 46 Area C schools and eight East Jerusalem schools, serving an estimated 5,400 students, were under pending partial or full demolition or stop-work orders, according to UNICEF. None were demolished during the year. B’Tselem further reported that on August 24, Israeli troops trained with heavy equipment close to homes and a school near the village of Tayasir in the north Jordan Valley, provoking protests that led to injuries. During the year the Civil Administration conducted 583 demolitions in the West Bank and East Jerusalem that displaced 370 Palestinian minors, complicating their ability to attend school, according to the United Nations.

There were reportedly insufficient classrooms to accommodate schoolchildren in Jerusalem. Based on population data from the Central Bureau of Statistics, the NGO Ir Amim estimated that in the 2020-21 school year, there was a shortage of 2,840 classrooms for Palestinian children who were residents in East Jerusalem. Ir Amim also reported that following a freedom of information request, the Jerusalem Municipality said it did not know where 37,233 Palestinian children in Jerusalem were enrolled in school. According to Ir Amim, this figure constituted 27 percent of East Jerusalem children of compulsory school age.

**Child Abuse:** PA law prohibits violence against children; however, PA authorities



and Hamas in Gaza rarely punished perpetrators convicted of family violence. Reports of domestic abuse increased under coronavirus emergency orders.

There were reports Hamas ran jihadi-themed summer camps, although there were no reports that Hamas recruited or used child soldiers.

**Child, Early, and Forced Marriage:** Child marriage did not appear to be widespread in the West Bank and Gaza, according to NGOs including the Women’s Center for Legal Aid and Counseling. President Abbas issued a presidential decree declaring a marriage legal only if both parties enter into the marriage willingly and both are 18 years old. The decree provides an exemption for minors if a judge agrees the marriage is in “the best interest of both parties.” As of the end of October, the chief justice of the Sharia Court, Mahmoud al-Habash, granted 400 exemptions out of 2,000 requests, according to Palestinian media outlets. Some of the justifications for granting exemptions were not sufficient reason to provide an exception, according to the Women’s Center for Legal Aid and Counseling, which claimed some of the accepted justifications included “the girl agreed to marriage without coercion,” and “the husband agrees to let his wife complete her studies.”

**Sexual Exploitation of Children:** The PA considers statutory rape a felony, based on Jordanian law. Punishment for conviction of rape of a victim younger than 15 includes a minimum sentence of seven years’ imprisonment. In Gaza, under the rule of Hamas, suspects convicted of rape of a victim younger than 14 are eligible for the death penalty. There were reports that societal norms in Gaza led to underreporting to Hamas of sexual exploitation of children. The minimum age of consensual sex in the West Bank is 16. The Gaza Strip has no legal age of consent because marriage is legally required before sexual intercourse is allowed.

**Displaced Children:** Conflict and demolition orders (see section 2.d.) displaced significant numbers of Palestinian children in the West Bank and Gaza.

## **Anti-Semitism**

Israeli settlements in the West Bank had approximately 441,600 residents at the end of 2019 and 451,700 at the end of 2020, according to the Israeli Central Bureau of Statistics.

Some Palestinians and Muslim religious leaders used anti-Semitic rhetoric, including Holocaust denial. Anti-Semitism also regularly featured in public discourse, including expressions of longing for a world without Israel and glorification of terror attacks on Israelis and Jews. During a protest in Beita against an unauthorized settlement on August 15, some of the activists burned a Star of David with a swastika inside. During times of heightened tensions between Israeli authorities and Palestinians, Palestinian press and social media sometimes circulated cartoons encouraging terrorist attacks against Israelis, and official PA media outlets published and broadcast material that included anti-Semitic content.

Civil society organizations cited problematic content in PA textbooks, including those used by UNRWA in its schools, to include anti-Semitic content, incitement to violence directed against Israel, and the failure to include Judaism alongside Christianity and Islam when discussing religion. On June 18, the Georg Eckert Institute for International Textbook Research released a study of a sample of 156 books that noted the textbooks' adherence to UNESCO standards, including a "strong focus on human rights" as well as progress in the excision of inciteful content, e.g., elimination of references to the Israeli-Palestinian conflict in math and science textbooks. The study also noted a pronounced narrative of resistance towards Israel and found that some selections questioned the legitimacy of the State of Israel, contained anti-Semitic content, and praised Palestinians who committed violent attacks against Israel. UNRWA declared during the year that it had "zero tolerance for hatred, incitement to violence or discrimination" and that it reviewed the content of educational materials to ensure they were in line with UN values and principles and to address problematic content.

In Gaza and the West Bank, there were instances in which media outlets, particularly outlets controlled by Hamas but also media outlets controlled by the PA's ruling Fatah party, published and broadcast material that included anti-Semitic content, sometimes amounting to incitement to violence.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. The government did not provide information or communication in accessible formats. PA law prohibits discrimination due to a permanent or partial disability in physical, psychological, or mental capabilities. It does not mandate access to buildings, information, or communications. The ICHR reported a lack of accessible transportation in Palestinian areas across the West Bank. UNRWA's policy is to provide accessibility in all new structures in refugee camps.

Israeli authorities advanced plans to build an elevator and parking lot at the Ibrahimi Mosque/Tomb of the Patriarchs in Hebron to provide access for persons in wheelchairs. Under the Oslo Accords, the Hebron PA municipality would need to issue a permit for the construction, and it has refused to do so, according to media reports. PA officials have called the construction criminal and tantamount to annexation of Palestinian land. The site has experienced frequent protests and clashes with Israeli security forces over the past year, in part due to Israeli construction plans.

Persons with disabilities received inconsistent and poor-quality services and care in the West Bank and Gaza. The PA in the West Bank and Hamas in Gaza partially depended on UN agencies and NGOs to care for persons with physical disabilities, and both the PA and Hamas offered substandard care for persons with mental disabilities, according to advocacy groups. HRW stated neglect from Hamas and the Israeli closure of Gaza significantly affected the lives of persons with disabilities in Gaza, contributing to a lack of access to assistive devices and widespread stigma. Palestinians in Gaza reported little to no infrastructure accommodations for persons with mobility disabilities as well as difficulty in importing wheelchairs and other mobility aids. Hamas was more likely to provide prostheses and mobility aids to individuals injured in Israeli airstrikes or in the protests at the Gaza fence than to those born with disabilities, according to NGOs.

In May 2020 a border police officer in Jerusalem chased and then shot and killed Iyad Halak, a Palestinian man with autism, after he had failed to heed calls to stop. A manslaughter indictment was submitted on June 17 to the Jerusalem District

Court against the officer responsible for the shooting.

## **HIV and AIDS Social Stigma**

While the PA Ministry of Health provided treatment and privacy protections for patients with HIV or AIDS, societal discrimination against affected individuals in the West Bank was common. Anecdotal evidence suggested societal discrimination against HIV and AIDS patients was also very common in Gaza.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

PA law in the West Bank does not prohibit consensual same-sex sexual activity. There were reported examples of violence, criminalization or abuse based on sexual orientation and gender identity during the year. NGOs reported PA security officers and neighbors harassed, abused, and sometimes arrested individuals due to their sexual orientation or gender identity. In Gaza sexual acts “against the order of nature” are criminalized. NGOs reported Hamas security forces harassed and detained persons due to their sexual orientation or gender identity.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

PA law provides for the rights of workers to form and join independent unions and conduct legal strikes. The law requires conducting collective bargaining without any pressure or influence but does not include protections for employees and unions to engage effectively in collective bargaining. Antiunion discrimination and employer or government interference in union functions are illegal, but the law does not specifically prohibit termination for union activity or provide for job reinstatement for termination due to union activity.

The PA labor code does not apply to civil servants or domestic workers, although the law allows civil servants the right to form unions. The requirements for legal strikes are cumbersome, and strikers had little protection from retribution. Prospective strikers must provide written notice two weeks in advance of a strike (four weeks in the case of public utilities). The PA Ministry of Labor may impose

arbitration; workers or their trade unions faced disciplinary action if they rejected the result. If the ministry cannot resolve a dispute, it may refer the dispute to a committee chaired by a delegate from the ministry and composed of an equal number of members designated by the workers and the employer. Disputes may move finally to a specialized labor court, although authorities had not established the court as required by labor legislation.

The government did not effectively enforce the law and procedures were subject to lengthy delays and appeals. Penalties were not commensurate with those for violation of other laws involving denials of civil rights, such as discrimination, and inspection was not sufficient to enforce compliance. The PA enforced the prohibitions on antiunion discrimination and employer interference in union functions, but it inconsistently enforced laws regarding freedom of association. The PA did not seek to enforce collective bargaining rights for unions, except for those representing PA employees. Hamas continued to maintain de facto control of worker rights in Gaza, where the PA was unable to enforce labor law. Hamas continued to suppress labor union activities, including placing restrictions on celebrating Labor Day and suppressing public gatherings of labor unions.

In the West Bank, the PA respected freedom of association and the right to collective bargaining, with some significant exceptions. Labor unions were not independent of authorities and political parties in the West Bank or Gaza. The politicization of labor unions in Gaza by Hamas reduced participation and effectiveness in advocating for labor rights. Two main labor unions in the West Bank (the Palestinian General Federation of Trade Unions and the Federation of Independent and Democratic Trade Unions and Workers) competed for membership and political recognition.

Israel applies Israeli civil law to Israeli settlements in the West Bank, but authorities did not enforce it uniformly. Despite a 2007 ruling by the Israeli Supreme Court requiring the government to apply Israeli law to Palestinian workers in Israeli settlements, the Israeli government did not fully enforce the ruling. Most Israeli settlements continued to apply Jordanian law to Palestinian workers; that law provides for lower wages and fewer protections than does Israeli law.

## **b. Prohibition of Forced or Compulsory Labor**

PA law does not expressly forbid forced or compulsory labor. It is unknown whether any penalties were assessed for violations commensurate with those for other analogous serious crimes, such as kidnapping. Forced labor occurred in the West Bank and Gaza. Women working as domestic workers were vulnerable to forced labor conditions in both the West Bank and Gaza, since the PA and Hamas authorities do not regulate domestic labor within households or in the large informal sector.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law does not prohibit or criminalize all the worst forms of child labor. The law provides for the protection of children from exploitation in the workplace, including limitations on working hours, occupational safety, and health restrictions. The government did not effectively enforce the law. Penalties for child labor were not commensurate with those for similar serious crimes, such as kidnapping. PA law provides for a minimum age of employment and prohibits the employment of minors younger than 15. PA law classifies children as persons younger than 18 and permits hiring children between the ages of 15 and 18 for certain types of employment under set conditions. The law allows children younger than 15 to work for immediate family members under close supervision.

PA law prohibits children from working more than 40 hours per week; operating certain types of machines and equipment; performing work that might be unsafe or damage their health or education; and working at night, in hard labor, or in remote locations far from urban centers. A presidential decree includes provisions on child labor and explicit penalties for conviction of violations. PA authorities may penalize repeat offenders by having fines doubled or fully or partially closing the offender's facility.

Inspectors did not operate in all sectors and did not have the authority to assess penalties. The worst forms of child labor occurred in construction and illicit activities such as smuggling drugs and commercial sexual exploitation. During the year PA Ministry of Labor officials reported there were 14 Palestinian fatalities in the West Bank and Gaza. The Ministry of Labor fined and gave warnings to

businesses employing children illegally. The ministry inspected only businesses operating in the formal economy and was unable to conduct investigations in Gaza. It did not have access to the Israeli-controlled Area C of the West Bank. Many cases of child labor in the West Bank reportedly occurred in home environments, for example on family farms, which were not open to labor ministry inspection.

In the first quarter of 2020, 2 percent of children between the ages of 10 and 17 were employed (3 percent in the West Bank and 1 percent in Gaza). Palestinian child laborers deemed by the PA to be most vulnerable to forced labor generally worked in shops, as roadside and checkpoint street vendors, in car washes, in factories, in small manufacturing enterprises, or on family farms.

Hamas did not effectively enforce child labor laws in Gaza; however, Gaza continued to have a lower percentage of child labor than the West Bank. While the United Nations previously reported child labor was increasing in Gaza due to widespread economic hardship, high unemployment across all segments of society has led to high competition for jobs, thus decreasing the demand for child labor. Hamas reportedly encouraged children to work gathering gravel and scrap metal from bomb sites to sell to recycling merchants. Hamas increased recruitment of youth for tunnel-digging activities. Children were also reported to be working informally in the automotive and mechanics sector, often changing tires and working as mechanics' assistants. There were also reports Hamas trained children as combatants. Due to the rising economic hardship in Gaza, street begging, predominantly by children as young as age three, was common throughout Gaza and Hamas no longer attempted to discourage the practice.

The Israeli government stated it did not issue permits for Palestinian West Bank residents younger than 18 to work in Israeli settlements in the West Bank, except in the Jordan Valley, where the law allows issuing permits to persons ages 16 and older. There were reports during the year that some Palestinian children entered the settlements or crossed into Israel illegally, often smuggled, to seek work. According to a 2015 Human Rights Watch report, Palestinian children younger than 16 worked on Israeli settlement farms. The PA reported that Palestinian children engaged in child labor in Israeli settlements in the West Bank faced security risks, exploitation, and harassment, since they did not have access to legal protection or labor inspection.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

PA laws and regulations do not prohibit discrimination regarding race, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. While PA laws prohibit discrimination based on gender and disabilities, penalties were not commensurate with laws related to civil rights, such as election interference, and the PA did not effectively enforce those laws and regulations in the West Bank, nor did Hamas in Gaza. PA law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from employment in dangerous occupations. As a result, most women were not able to work at night or in the mining or energy sectors. Women endured prejudice and, in some cases, repressive conditions at work. According to the Palestinian Central Bureau of Statistics (PCBS), the Palestinian female labor force participation rate was 18.9 percent in Gaza and 17.1 percent in the West Bank as of September. Reports of gender-based employment discrimination in Gaza against women were common, and factories often did not hire pregnant or newly married women to avoid the need to approve maternity leave.

There was discrimination in the West Bank and Gaza based on the above categories with respect to employment and occupation. Persons with disabilities faced discrimination in hiring and access to the workplace.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The PA's monthly minimum wage was below the poverty line. On August 23, the PA cabinet approved raising the Palestinian national wage by approximately 30 percent in 2022, although some observers questioned the government's ability to enforce this policy, especially in Gaza. The PCBS estimated 30 percent of residents in the West Bank and 64 percent of residents in Gaza lived below the poverty line. The average monthly wage in Gaza is significantly lower than the PA's monthly minimum wage, according to the PCBS.

According to PA law, the maximum official Sunday-to-Thursday workweek is 48



hours. The law also allows for paid official and religious holidays, which employers may not deduct from annual leave. Workers must be paid time and a half for each hour worked beyond 45 hours per week and may not perform more than 12 hours of overtime work per week. The government did not effectively enforce the law on wages and hours of work. Penalties were not commensurate with those for similar crimes, such as fraud.

**Occupational Safety and Health:** Occupational safety and health standards were not appropriate for the main industries in the country, which included construction, mining, quarrying, manufacturing, and agriculture. The PA Ministry of Labor was responsible for setting appropriate occupational health and safety standards. Responsibility for identifying unsafe work conditions lies with inspectors and not the worker. Palestinian workers do not have the legal protection to remove themselves from situations that endangered their health or safety without jeopardy to their employment. Mechanisms for lodging complaints were generally not utilized due to fear of retribution, according to NGOs.

The government did not effectively enforce the law on occupational safety and health standards. Penalties for violations of occupational, safety, and health laws were not commensurate with those for crimes such as negligence. Labor inspectors could conduct unannounced visits and initiate legal action but did not have the authority to levy fines. In 2020 the Ministry of Labor's Inspection Department did not conduct regular visits due to COVID-19. The PA did not effectively monitor smaller worksites or those in the informal sector, which were at times below legal safety standards. The ministry does not have authority to enforce Palestinian labor law west of Israel's barrier or in Israeli settlements in the West Bank.

**Informal Sector:** Israeli authorities did not conduct labor inspections in Israeli settlements, where Palestinian workers constituted a significant part of the workforce. The lack of a competent labor authority in the settlements increased workers' vulnerability to exploitation. NGOs such as Kav LaOved stated that exploitative practices in Israeli settlements were widespread. The International Labor Organization (ILO) estimated that one-half of all such workers with permits continued to pay exorbitant monthly fees to brokers to obtain and maintain valid work permits. Approximately 146,000 Palestinians worked in Israel and Israeli

settlements as of the third quarter of the year, mostly in construction and agriculture. These workers were more vulnerable to exploitation and were not eligible for worker benefits, such as paid annual and sick leave. Kav LaOved brought cases to Israeli labor courts on behalf of Palestinian workers employed by enterprises in Israel and West Bank settlements. Many of the cases related to nonpayment or misreporting of wages, inadequate medical care following workplace injury, and the settlement of subsequent health insurance claims within the Israeli system.

According to the Palestine Central Bureau of Statistics, as of the third-quarter *Labor Force Survey*, 28 percent of wage employees received less than the minimum wage. In the West Bank approximately seven percent of wage employees in the private sector received less than the minimum monthly wage. In Gaza, 83 percent of wage employees in the private sector received less than the minimum monthly wage. Palestinians working in Israeli settlements reported they continued to receive wages lower than the Israeli minimum wage, despite a 2008 High Court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements.

Respect for occupational safety and health standards was poor. There continued to be workplace fatalities of Palestinian laborers. According to an ILO report during the year about Palestinian workers, there were 23 fatalities of Palestinian workers in Israel in 2020, 10 of those in construction. Kav LaOved documented dozens of cases where employers instructed employees to return to the West Bank following workplace injury rather than provide for medical attention inside Israel.