



PCHR
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لحقوق الإنسان



ANNUAL REPORT

2021

Executive Summary





PALESTINIAN CENTRE FOR HUMAN RIGHTS

The year 2021 was eventful with significant implications for the human rights and international humanitarian law situation in the occupied Palestinian territory. The year commenced with the Prosecutor of the International Criminal Court's decision to open a criminal investigation into the Situation in Palestine, a milestone that crowns decades of perseverance by the Palestinian Centre for Human Rights and other human rights organizations against a lengthy record of war crimes committed by the Israeli occupation and its forces against Palestinian civilians and their properties, with full compliance by the Israeli judicial system.

Voices around the globe went loud and clear branding Israel as an Apartheid State after calls to demask the last-standing throne of racism in the world by prominent international and Israeli human rights organizations. Still, Israeli launched a wide-scale military aggression on the Gaza Strip in May 2021, killing hundreds of civilians, as the occupying power reaffirms its indifference towards its international obligations, and highlighting the urgent need for an international intervention to protect Palestinian civilians, and prosecute suspected perpetrators of war crimes before international justice. In response to the Israeli attacks, the United Nations' Human Rights Council established a permanent an independent international commission of inquiry with the mandate to conduct an investigation in the occupied Palestinian territory, including East Jerusalem, as well as the territory occupied in 1948, into all violations of international humanitarian law and international human rights law, and to identify the underlying causes of the tensions in Jerusalem and the causes of the conflict in the Gaza Strip.

The year was also marked with an unprecedented escalation in Israeli attacks on Palestinian civil society with the designation of six pioneering civil society organizations as terrorist organizations, with the intention to silence Palestinian civil society organizations and delegitimize organizations that have provided a wide-range of services to society under the occupation, some for more than 55 years. The targeted organizations included ones that are involved in the efforts of international prosecution for Israeli war criminals.

On the Palestinian agenda, the delay of the general elections, which were scheduled to be held in May 2021, depressed hopes and efforts for national Palestinian reconciliation and legitimization of the Palestinian Authority's bodies who have lost representative legitimacy more than a decade ago.

On 3 March 2021, the ICC Prosecutor announced her decision to investigate crimes within the jurisdiction of the Court committed in the Occupied Palestinian Territory. This development was the most significant strategic milestone for PCHR and other Palestinian human rights' organizations work. The Prosecutor's decision followed decision of the Pre-Trial Chamber on 5 February 2021 on the jurisdiction of the International Criminal Court over occupied Palestine, namely the Gaza Strip and the West Bank, including Jerusalem. The decision revived the hope for justice that Palestinian victims seek and was a major step forward in efforts to prosecute Israeli war criminals internationally, especially after the Israeli judiciary denied Palestinians justice and the Israeli occupation's foreign allies blocked the way for Palestinians to enjoy redress under the principle of universal jurisdiction.

Immediately after the ICC made its announcement, PCHR commenced a relentless effort as legal representative for a large number of victims of the recurrent Israeli attacks on the Gaza Strip and went ahead with the third stage of its strategic work on the ICC – which started since the establishment of the Court. PCHR verified the representatives of victims and eyewitnesses before the ICC and sent a delegation to meet with ICC officials and to prepare for legal representation of victims before the Court.

Another strategic breakthrough was the rising calls by international and Israeli human rights organizations to brand Israel as an apartheid state due to the racist reality it has created in the oPt. Early in the making of this report, Amnesty International issued a detailed report that confirms with evidence the application of the apartheid crime on the practices of the Israeli occupation in the Palestinian territory. Amnesty's report was preceded by two others with the same conclusion, first was issued by B'Tselem in January 2021, and the second was issued by Human Rights Watch in 2021. These efforts are essential to unmasking the Israeli apartheid system and opening new horizons for international work to counter it and put an end to its consequences on the Palestinian people. This breakthrough in human rights advocacy follows half a century of Palestinian human rights organizations' work on documenting the many facets of the Israeli apartheid, including discriminatory legal, legislative, administrative, and political foundations, through which Israel imposed a Jewish hegemony over all territory under its control from the river to the sea, accompanied by systematic deprivation of Palestinians' basic rights, geographic fragmentation, and isolation of Palestinians into administrative and political bodies under the control of the Israeli occupation;

on top of the systemic theft of Palestinians' natural resources, and lands for settlement expansion purposes.

Nonetheless, the Israeli occupation forces continued its mass attacks and abhorrent disregard for the sanctity of Palestinian blood this year. On 10 May 2021, the Israeli occupation forces (IOF) launched a widescale military operation on the Gaza Strip and dubbed it as "Guardian of the Walls." During the 11-day aggression, IOF used the most-advanced munitions in its military arsenal, including warplanes, artillery, and gunboats, targeting with tons of explosives and guided missiles civilian houses and properties as well as the infrastructure and different governmental, non-governmental and private sectors. As a result, hundreds of civilians were killed and injured; and properties were massively destroyed, causing a humanitarian crisis to tens of thousands of residents. IOF's strikes targeted civilian neighborhoods, causing destruction to the civilian properties, and inflicting civilian casualties, the most intensive and brutal of all was on al-Wehda Street in central Gaza City on Day 7 of the offensive when tens of houses and multi-story buildings were destroyed over the heads of their occupants.

Following the Israeli aggression against the Gaza Strip, the Human Rights Council (HRC) decided on 27 May 2021 to form an independent international commission of inquiry, with the mandate to conduct an investigation in the occupied Palestinian territory, including East Jerusalem, as well as the territory occupied in 1948, into all violations of international humanitarian law and international human rights law, and to identify the underlying causes of the tensions that started since 13 April 2021, i.e. the escalation in Sheikh Jarrah neighborhood in Jerusalem,

and the causes of the conflict, including discrimination and repression on the basis of religious and ethnic identity.

The designation of six pioneering Palestinian civil society organizations as terrorist organizations, was the most recent in the Israeli occupations series of attacks on Palestinian civil society and human rights defenders. In October 2021, Israeli Defense Minister designated six pioneering Palestinian civil society organizations as terrorist organizations, allegedly for affiliations with the Popular Front for the Liberation of Palestine, aiming to free Palestine and abolish the State of Israel. The decision was met with wide criticism from international legal bodies, including the High Commissioner for Human Rights and Special Rapporteurs at the United Nations Human Rights Council.

Throughout the year, the human rights situation in the oPt was on the decline. In the West Bank, IOF continued to impose a new demographic reality on the ground through the construction of settlements, that are illegal and illegitimate under international law, and to let loose its settlers attacking Palestinian civilians and their properties, in an attempt to force them to leave to pave the way for confiscation of their lands.

IOF continued to kill Palestinian civilians, in a premeditated and systemic manner, on military checkpoints, at peaceful protests against the occupation, and during its raids into the oPt. Also, IOF arbitrary arrest policy against Palestinians continued, as thousands were arrested and subjected to degrading treatment, torture, medical negligence, solitary confinement, and other forms of punitive measures. Additionally, IOF enhanced the restrictions

on civilians' freedom of movement between Palestinian cities, villages, and refugee camps across the West Bank, separating those communities with the intention to create isolated cantons where Palestinians exist and eliminate communities.

As the Israeli occupation continues to reign over the oPt without accountability, so did their systematic house demolitions and collective punishment policy against the civilian population, as a way to frustrate Palestinians into leaving, particularly in Area C and in Jerusalem.

In the Gaza Strip, IOF enhanced the restrictions of its 15-year going closure; and launched a wide-scale military operation from 10 – 21 May, killing hundreds of civilians including women and children, destroying thousands of civilian homes and establishments, and displacing thousands of civilians. During the aggression, IOF destroyed factories, companies, public facilities, and infrastructure (electric, water, sanitation, communication, roads, etc.). The following period, June, and July 2021 were classified as the worst period of closure and most restrictive in recent years. Also throughout 2021, the occupation authorities maintained restrictions on the import of hundreds of goods that they consider as "dual-use" items, including essential materials for the reconstruction of Gaza following the devastating impact of the Israeli attacks, as well as necessary equipment to fix the extensive damage to Gaza's water and sanitary facilities, power grids and infrastructure.

On the Palestinian agenda, the postponement of the elections which were scheduled to be held in May 2021 was a true disappointment to hopes of ending the Palestinian division and

reviving democratic and representative processes in Palestine. This decision followed the Israeli rejection to allow Jerusalemites to take part in the election, despite several calls from civil society and Palestinian factions to unite efforts to ensure that elections do happen at the nearest opportunity. However, the positions of the political leadership continue to reflect a lack of true political will to hold elections.

Thereby, the Palestinian political division persists and enters its 15th year, as do its implications on public freedoms and rights in the West Bank and the Gaza Strip, particularly, political freedoms such as the freedom of expression, peaceful assembly, form associations, political factions, and the right to hold public office on the basis of equal opportunities. It is now the norm to witness persecution, political arrest, attacks on civil society, and violations of freedoms; it is a prominent feature of the Palestinian Authority's rule. Similarly, security services' breaches persisted including arbitrary arrest, disregard for the rule of law, systematic use of torture during interrogation; all with no real oversight due to the dissolution of the Palestinian Legislative Council and stripping the judiciary of its independence after years of division and organized overreach by the executive branch.



I.

ISRAELI VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL HUMAN RIGHTS LAW

1. Willful Killings and Other Violations of the Right to Life and Bodily Integrity

In 2021, IOF killed 206 Palestinian civilians in the Palestinian territory occupied in 1967: 156 killed in the Gaza Strip, and 50 in the West Bank. Of those victims, 75 were children: 59 in Gaza and 16 in the West Bank; and 43 women: 38 in Gaza, and 5 in the West Bank, i.e. 57% of civilian victims were women and children.

The majority of the victims were killed in the Israeli military aggression on the Gaza Strip (10 _ 21 May 2021), as 151 civilians were killed, including 59 children and 38 women. Also, 1,968 Palestinians were wounded in the May 2021 Israeli military aggression, including 630 children and 397 women. After the aggression, IOF killed 5 Palestinians in Gaza: 3 at a border-side peaceful protest, and 2 in Israeli shelling.

In the West Bank, IOF killed 50 civilians, including 16 children and 5 women. The majority of those (41, including 10 children) were killed in clashes and protests organized by Palestinians across the West Bank against the Israeli occupation and its oppressive policies in the oPt, or during IOF incursions into Palestinian cities and refugee camps. In the vast majority of these cases, the protestors formed no threat of any kind to soldiers. Additionally, 5 Palestinians were summary executed, and 3 others were killed

by settlers. One other Palestinian was killed in a murder crime committed by a special Israeli force against Palestinian activists.

2. Ongoing Closure and Restrictions on Freedom of Movement in the oPt

The Israeli occupation authorities maintained its closure policy against Palestinians by isolating them inside the occupied territory, within its scheme of systematic fragmentation of the Palestinian people, which Israel has executed for decades. As a result, Palestinians currently live in isolated Bantustans under Israeli apartheid system.

In the Gaza Strip, IOF continued to impose an illegal and inhumane closure and tightened restrictions on the freedom of movement of persons and goods in the oPt. The Gaza closure entered its 15th consecutive year, and restrictions were tightened at all the crossings, particularly during the 10 – 21 May 2021 military aggression, and the period afterwards where the closure was at its most restrictive in recent years. Throughout the year, Israeli restrictions continued on the import of hundreds of goods that the occupation considers as “dual-use” items, which included essential materials for the reconstruction of Gaza following the devastating impact of the Israeli attacks, as well as necessary equipment to fix the extensive damage to Gaza’s water and sanitary facilities, power grids and infrastructure. Meanwhile, IOF continues to impose restrictions on Gaza exports to the West Bank, Israel, and abroad with a limited exception for the export of quantifiably small Gaza products, mostly agricultural.

The Israeli restrictions on the movement of individuals to and

from the Gaza Strip via Beit Hanoun "Erez" crossing continued all year long, and they applied to all groups – even the limited ones that were granted exit permits. During the military aggression, IOF barred all groups access to the crossing, including patients with medical referrals for treatment abroad.

The naval siege also continued, as Israel continues to deny Palestinian fishermen access to fishing areas, despite the proclaimed authorization for fishermen to fish at a distance between 3 – 15 nautical miles. Also, IOF decreased the allowed fishing area dozens of times throughout the year and imposed a complete sea closure throughout the period of its military aggression in May.

IOF continued to isolate the West Bank cities and establish temporary and permanent checkpoints to restrict movement of civilians and goods between the cities. The construction of the Israeli Annexation Wall within Palestinian lands in the West Bank aggravated civilians' suffering, whether their residential areas or agricultural lands were locked behind the wall; similarly for people who worked inside those areas. IOF also continued to deny thousands of Palestinians their right to travel via King Hussein bridge and continued to purposefully subject Palestinians to degrading treatment when travelling on IOF-controlled crossings.

Not only did the isolation of Jerusalem continue in 2021, but it was intensified as Palestinians from the West Bank and the Gaza Strip are banned entry into the city, except for limited categories and under strict conditions. Additionally, the occupation erected several electronic gates and police checkpoints within the

neighborhoods of Jerusalem's Old City, and at its entrances. IOF also imposed new restrictions at Bab al-Amoud, as Palestinians were banned from sitting or gathering in the area and all Ramadan-related activities were also banned. IOF also limited the operational hours for Dahiat al'Barid gate, which is adjacent to Qalandia checkpoint. IOF did not announce hours of operation for Jerusalemite-ID vehicles, and it was continuously shut from the end of May until mid-November 2021.

3. Arrests, Torture and Other Forms of Cruel and Inhuman Treatment

In 2021, PCHR documented the arrest of 8,000 Palestinians, including 1,300 children and 184 women. The vast majority of these arrests occurred in the West Bank (7955). There were also 45 arrests documented in the Gaza Strip, 29 at Gaza's eastern border (including 8 children), 7 at Beit Hanoun crossing, and 9 fishermen who were arrested at sea (including 2 children).

Palestinians in Israeli jails suffer from degrading treatment and inhumane conditions from the first moments of their arrest, as they are subjected to mental and physical torture, including physical abuse, sleep deprivation, threats, and using the strappado. Inside the prison, detainees are subjected to the same treatment, including: solitary confinement, barred of visitation rights, arbitrary transfer, and deprivation of adequate medical treatment.

In 2021, IOF issued 1,595 administrative detention orders against Palestinians, some were arrested during the year, including children, and others had their sentences renewed more than once

... others had been under arrest for years and were put in administrative detention. Israeli occupation authorities put hundreds of Palestinians under administrative detention, and some may be locked for more than a decade; while others have their sentences renewed more than once for a 3 or 6-month periods.

This year, one Palestinian detainee died in Israeli prison. He had health problems and was not offered the necessary medical treatment throughout his 13-year time in Israeli jails. He died as a result.

4. Attacks on Journalists and Media Personnel

The year witnessed a noticeable increase in Israeli violations against journalists and media outlets in the oPt; PCHR documented 150 violations, including shooting, physical assault, detention, arrests, and summonses for investigation on journalistic work, destruction of media offices, photo-ban, confiscation of equipment, etc. systematically banning journalists from covering incidents, destroying media offices and agencies, and newspaper shutdown.

The considerable increase in the type and volume of attacks on media persons is attributed to three main factors:

- a) The Israeli military aggression on Gaza where Israeli purposefully attacked media offices and press agencies.
- b) Media coverage of the escalating protests in occupied east Jerusalem in April and May 2021 against the Israeli decisions to deport Palestinian families from Sheikh Jarrah

neighbourhood, Israeli violence against Palestinians in Jerusalem during the holy month of Ramadan, and the escalating settler-attacks

- c) Escalating protests across the West Bank against continued Israeli settlers' attacks on Palestinians and their properties, including physical assaults, run-over attacks, destroying crops, and attempts to form new settlement outposts.

5. Demolition of Civilian Property and Objects

The Israeli forces continued to systematically demolish Palestinian civilian houses and properties in the oPt. This phenomenon peaked in May, as IOF destroyed thousands of civilian objects during its military aggression, including houses, economic facilities, infrastructure (water, electric, communication, sanitation, roads), governmental facilities, tourism facilities, as well as health and culture establishments, in breach of international law and IHL rules on the principles of distinction and proportionality. Consequently, 7,680 residential units were destroyed: 1,313 completely destroyed, and 6,367 partially. These houses sheltered 38,020 persons, including 10,218 children and 17,444 women, as per the documentation of PCHR, Al Haq, and Al Mezan.

In the West Bank, IOF maintained its policy of direct demolitions of civilians homes and other civilian objects, assaulting and confiscating civilian properties, and forcing civilians to self-demolish their homes and fining them. While the West Bank had its fair share of demolitions, East Jerusalem witnessed a remarkably high and organized demolition campaign, which

fits under the Israeli intense efforts to create a Jewish majority in occupied East Jerusalem. Additionally, settler-attacks on Palestinian civilians and their properties continued all under IOF protection.

Demolition and leveling operations increased in favor of settlement projects, as the rate of demolition and confiscation of Palestinian homes in the West Bank increased by 21% during 2021 compared to 2020, according to the United Nations Office for the Coordination of Humanitarian Affairs – OCHA. This indicates grave violations against civilian population, especially in Area C, as the Israeli authorities approved only five of over 100 outline plans submitted by Palestinians in Area C, and the outline plans approved by the Israeli authorities cover less than 1% of the area of Area C in favor of Palestinians.

PCHR documented that 91 civilian facilities were demolished: 43 for commercial purposes, 6 industrial facilities, 31 agricultural facilities, 4 water wells, 5 educational facilities, and 3 religious facilities. Meanwhile in occupied East Jerusalem, IOF demolished 127 houses that included 148 residential apartments and sheltered 173 families of 1009 individuals, including 466 children. Also, IOF delivered cease-construction notices to 20 houses that included 28 residential units. IOF also forced 67 Palestinians to self-demolish their houses, including 81 housing units. In addition, IOF demolished 31 houses, under the pretext of non-licensing and halted construction works in 20 houses for the same reason.

6. Settlement Expansion Activities and Setter-Attacks

Israel continued to chop off large portions of the occupied

Palestinian territory in actualization of unchangeable facts on the ground, including doubling the pace of settlement construction, creating a Jewish majority in occupied East Jerusalem, and isolating it from its Palestinian dimensions, as well as sieging Arab Jerusalemites and expelling them from the city. Of course, all of these efforts are in conjunction with the construction of the Annexation Wall and severing natural ties and communication between Palestinian cities, villages, and refugees camp with the construction of settlements, settler-only bypass roads, and hundreds of military checkpoints. The Israeli occupation authorities managed to change the features of oPt, seize its resources, and deprive the Palestinian people of their inalienable in favor of the settlers. This has created a new version of apartheid where settlers enjoy privileges at the expense of the indigenous people who are besieged and dispersed in Bantustans and are suppressed by means of law and IOF's brute force and military order, stripping them of all rights guaranteed by international law.

During the year, Israeli settlers established a settlement outpost on Mount Sabih area, eastern Beita, Nablus. They constructed main roads and residential units and caravans, that were occupied by 5 Jewish families. The Israeli military commander in the West Bank issued a decision on 6 June to evacuate the outpost; however, it is yet to be implemented.

7. The Annexation Wall in the West Bank

With the construction of the Wall nearing completion, it became clear that 85% of it was built inside Palestinian lands in zigzag way. The wall extends along the West Bank, with a length of about

700 km, more than twice the length of the Green Line, which is estimated at 300 km. The wall was constructed with electronic fences, 8-9 meters tall walls of reinforced concrete, and electronic gates isolating thousands of Palestinians from their lands and their social surroundings.

According to the Palestinian Authority's estimates, the area of the isolated and besieged Palestinian lands between the wall and the armistice line (the green line) amounted to about 680 km², or about 12.0% of the West Bank, of which about 454 sqm are agricultural lands and pastures.

Israel has created facts on the ground besieging dozens of Palestinian communities, including villages and towns between the Wall and Israeli territory; thereby, denying them access to their lands as they require special coordination and permits to go and plant their lands. They also require permits for any sort of movement, including family visits to the other side.

8. Attacks on Human Rights Defenders

The most significant development in the series of attacks by the Israeli occupation and its army against Palestinian civil society and human rights defenders was the designation of six pioneering Palestinian civil society organizations as terrorist organizations, allegedly for affiliations with the Popular Front for the Liberation of Palestine, aiming to free Palestine and abolish the State of Israel. As per the Israeli Defense Minister's decision, the Union of Palestinian Women's Committees, Addameer Prisoner Support and Human Rights Association, Al-Haq, Bisan Center for Research and Development, Defense for Children International _ Palestine,

and the Union of Agricultural Work Committees are all terrorist organizations.

This move against those organizations is last in a series of systemic attacks to undermine Palestinian civil society, as Palestinian civil society activists and human rights defenders in the oPt have been directly and indirectly attacked with the help of organizations that work undercover as non-governmental organizations, but they are affiliated with the Israeli occupation.

9. ICC and Prosecution of Israeli War Criminals

2021 witnessed a strategic achievement with regard to prosecution of Israeli war criminals before the international justice when ICC decided to open an investigation into the situation of Palestine on 03 March 2021. This came following the decision by the Pre-trial Chamber of the ICC on 05 February 2021 affirming that the ICC has full territorial jurisdiction over the occupied Palestinian territory (oPt), i.e., the West Bank, including East Jerusalem, and the Gaza Strip. The decision marks a critically important step and a quantum shift in the efforts exerted to prosecute the Israeli war criminals internationally and inspires Palestinians' hopes that they finally found a way to justice after the Israeli Judicial System denied Justice for Palestinian on the one hand and the Israeli occupation authorities worked via its external relations to deprive the Palestinians of benefiting from the International Jurisdiction of some European courts on the other hand to prosecute the Israeli leaders who committed war crimes.

The Israeli occupation authorities continued to set a series of

obstacles to obstruct Palestinians' access to both criminal and civilian justice. Israel employs its judiciary to provide legal cover for its crimes and violations against Palestinians in order to spare Israeli war criminals international accountability, specially by ICC. Since the 2008-2009 Israeli military operation (Cast Lead) on the Gaza Strip, PCHR field 1059 complaints before the military prosecution on behalf of 2850 Palestinian civilian victims, demanding investigation into the crimes and violations committed during that offensive and up to the date. However, investigation was opened into only 22 cases, including only one during the 2021 Israeli offensive (Guardian of the Walls,) and no single Israeli soldier has been ever accused of any criminal charges; only in very few cases soldiers were subject to disciplinary punishment relevant to breaching the shooting orders.



2.

PALESTINIAN VIOLATIONS OF HUMAN RIGHTS AND OBSTACLES TO DEMOCRATIC TRANSITION

1. Violation of the Right to Life and Bodily Integrity

In 2021, 66 persons, including 12 children and 10 women, were killed, and 158 persons were wounded, including 45 children and 10 women in the West Bank and the Gaza Strip in incidents related to social violence, assault on the rule of law, misuse of weapons, law-enforcement missions. In the Gaza Strip, 39 people were killed, including 11 children and 6 women, and 124 were wounded; meanwhile, in the West Bank, 27 persons were killed, including 1 child and 4 women, and 34 others were wounded.

2. Death Penalty in the PA

No death sentence was executed in the Gaza Strip in 2021, becoming the fourth year in a row during which no verdict has been executed in Palestine as the latest was in 2017 in the Gaza Strip. Meanwhile, no death sentence has been executed since 2005 in the West Bank. In 2021, there was a significant decrease in the number of death sentences issued by the military and civilian courts of first instance while PCHR reported 2 cases of serious breaches in use of death penalty in the Gaza Strip. This year, 23 death sentences were issued; most of them were issued by military courts: 16 were issued by First Instance Court and 7 upholding previous verdicts. Of the total number of death sentences, 12 were issued by military courts, including 8 by the Military First Instance Court. Therefore, the number of death

sentences issued by a first instance court in the PA controlled areas since 1994 is 252: 222 sentences in the Gaza Strip and 30 others in the West Bank. Among the sentences issued in the Gaza Strip, 159 have been issued since the Palestinian division in 2007.

3. Illegal Arrests, Torture, and Other Forms of Cruel, Inhuman or Degrading Treatment

In 2021, Palestinian security services in the West Bank and Gaza Strip continued their policy of arbitrary arrests, summonses, and detention of Palestinian citizens, without due process of law and in violation of the Palestinian Basic Law (PBL), Code of Criminal Procedure, and Palestine's contractual obligations, including International Covenant on Civil and Political Rights (ICCPR) and Convention against Torture (CAT).

Law-enforcement security services in the Gaza Strip and the West Bank continued to use torture and cruel treatment against prisoners and detainees in their prisons and detention centers. In 2021, PCHR documented testimonies affirming that the security services used different forms of torture and cruel, degrading, and inhuman treatment. All those complaints emphasized that these practices occurred during detention at the security services' prisons and detention centers or while on their way to these prisons and detention centers.

Four criminal detainees died at PA security services' prisons and detention centers due to the deterioration of their health condition. Two of them died after being referred from the Bethlehem Reform and Rehabilitation Center to al-Hussein and Arab Society Hospitals in the City after their health deteriorated.

The 2 others died in the Gaza Strip at al-Aqsa Martyrs Hospital in Deir al-Balah after referring them from the Deir al-Balah Rehabilitation and Reform Center.

4. Legislature in Palestine

In 2021, the PLC remained out of the picture after its legislative and oversight role has been disrupted since the elections in 2006 and following the Constitutional Court's decision in December 2018 to dissolve it. Palestinians renewed their hopes of holding presidential and legislative elections in 2021 and thereby restoring the PLC and democratic life in Palestine pursuant to a presidential decree issued on 15 January 2021 to hold the presidential and legislative elections overdue since 2010. However, after starting the election process stages and before publishing the electoral lists, the Palestinian President issued a decree to postpone the elections until they can be held all over the Palestinian territory, including Jerusalem. During 2021, the Palestinian President issued 41 laws by decrees while the Hamas-affiliated Change and Reform Bloc issued 9 laws in Gaza on behalf of the PLC, perpetuating the fragmentation of Palestinian legislations.

5. Undermined Independence of the Judicial Authority

The executive authority's infringement on the Judicial authority continued in the West Bank and the Gaza Strip, jeopardizing the latter's independence and role in achieving justice and enforcing the rule of law. In 2021, a new High Judicial Council was formed after the transitional council, which was designated by the Palestinian President in 2019 upon the dissolution of the High

Judicial Council, ended its term. This came allegedly for seeking reforms to the judicial authority. PCHR rejected those allegations at the time and considered it as unjustified interference into the judiciary's work, demanding the Palestinian President to leave the issue of reforming the Palestinian Judiciary to elected authorities expected to take hold in future elections. 2021 ended while the Palestinian judiciary in the West Bank and Gaza Strip still suffers from restricted/fragile independence and executive authority's interference. The political division in 2007 seriously undermined the independence of the judiciary and entrenched the executive authority's interference into the judiciary's affairs.

6. General and Local Council Elections

It was hoped that the general, legislative, and presidential, elections would be held in the West Bank, including Jerusalem, and the Gaza Strip by the middle of the year upon a presidential decree issued by the Palestinian President on 15 January 2021, ending 11 years of postponement for different reasons. Over those years, no general elections have been held to renew the legitimacy of the Palestinian political system. As per the decree, the elections were supposed to be held successively as PLC elections would be held on 22 May 2021 and the presidential elections would be held on 31 July 2021. The decree also set 31 August 2021 as the date for accomplishing the National Council membership as per the Statute of the Palestine Liberation Organization.

Due to the Israeli obstacles that obstruct holding elections in Jerusalem, the Palestinian President decreed on 29 April, i.e., only 3 weeks before the date set to hold the PLC elections, to

postpone the elections and declared the European Union's failure to put pressure on Israel to allow holding elections in Jerusalem. Consequently, the Central Elections Commission announced the suspension of the general elections.

Meanwhile, no local council elections have been consensually held in the West Bank and Gaza Strip since 2005 as well. This year, local council elections were held on 11 December for 154 local councils classified © in the West Bank, within the first phase of the elections, in which Hamas refused to participate or hold in the Gaza Strip. Meanwhile, the local councils in Gaza are formed by designation.

7. Violation of the Right to Freedom of Opinion and Expression

In 2021, restrictions on the freedom of opinion and expression continued, as many journalists, opinion-makers, and activists were arrested and detained on grounds of freedom of expression and calls for protests. The violations of freedom of expression were mainly reflected in the authorities' practices against the protests held following the murder of Nizar Banat and Presidential decree to postpone the general elections in Palestine. Meanwhile in the Gaza Strip, violations of freedom of expression continued particularly against activists criticizing the living conditions in the Gaza Strip on social media. Self-censorship also continued to undermine freedom of expression and control the minds of citizens in the West Bank and Gaza Strip due to the arbitrary practices and systematic violations against journalists and opinion-makers for long years, particularly after the Palestinian division in 2007.

8. Violation of the Right to Peaceful Assembly

Double standards and discrimination have emerged by authorities in the West Bank and the Gaza Strip regarding citizens' enjoyment of their rights to peaceful assembly in 2021. Despite ongoing impact of Covid-19 on the oPt and the accompanying health protocols, which significantly limited peaceful assemblies, the authorities allowed peaceful protests against the Israeli policies and practices and did not impose any obstacles. Meanwhile, the authorities imposed restrictions on holding peaceful gatherings and protests relevant to the internal affairs, including banning peaceful assemblies and private gatherings, which do not require Police notification, and other forms of peaceful assembly. Moreover, restrictions continued on peaceful assembly, including restrictions on the movement of participants in assemblies and beating them in addition to summoning and arresting them.

9. Violation of the Right to Freedom of Association

Civil society continue to pay the price of the division, which imposed systematic restrictions on associations, particularly their right to obtain funds and practice and manage their activities freely. The civil society in Gaza is particularly subject to double and increased restrictions by the authorities in Gaza and the West Bank. 2021 witnessed further restrictions, including the attempt to amend Associations Law upon a law by decree issued by the Palestinian President, but retracted later in the same year. Meanwhile, restrictions continued on associations' activities and funding in addition to arbitrary measures relevant to executive authority's accreditation of Boards of Directors and signatures in violation of law. These restrictions have resulted in freezing

bank accounts of many associations, particularly those operating in the Gaza Strip, which are being dealt with based on security backgrounds and measures taken by the security services.

10. Persons with Disabilities' Conditions

Persons with disabilities continued to suffer in 2021 under the Israeli closure and internal division and their impact on this important group's enjoyment of their rights guaranteed by domestic and international laws. Persons with disabilities suffered from denial of basic health and education services as well as in-kind and financial support, closure of border crossings, restrictions on freedom of movement and other rights guaranteed for this group under the International Convention on the Rights of Persons with Disabilities, and Law No. 4 of 1999 relevant to persons with disabilities' rights in Palestine.

In 2021, IOF killed 4 persons with disabilities; 3 were killed during the military offensive on the Gaza Strip in May 2021, while another person with disability was killed at Qalandia checkpoint, northeast of occupied Jerusalem. The number of new persons with disability inflicted by the military offensive is 50, including 10 amputations and 35 cases of Monoplegia, Hemiplegia, and Quadriplegia. Also, 10 residential units housing persons with disabilities were completely or partially destroyed. During the aggression, around 3000 persons with disabilities out of around 100,000 civilians sought refuge in UNRWA schools, amid ongoing Israeli strikes on the Gaza Strip. Those schools neither met the minimum accessibility measures for persons with disabilities nor were equipped with basic services for the displaced persons due to the aggression continued for 11 days.

11. Impact of the Political Division on Economic and Social Rights in Gaza strip

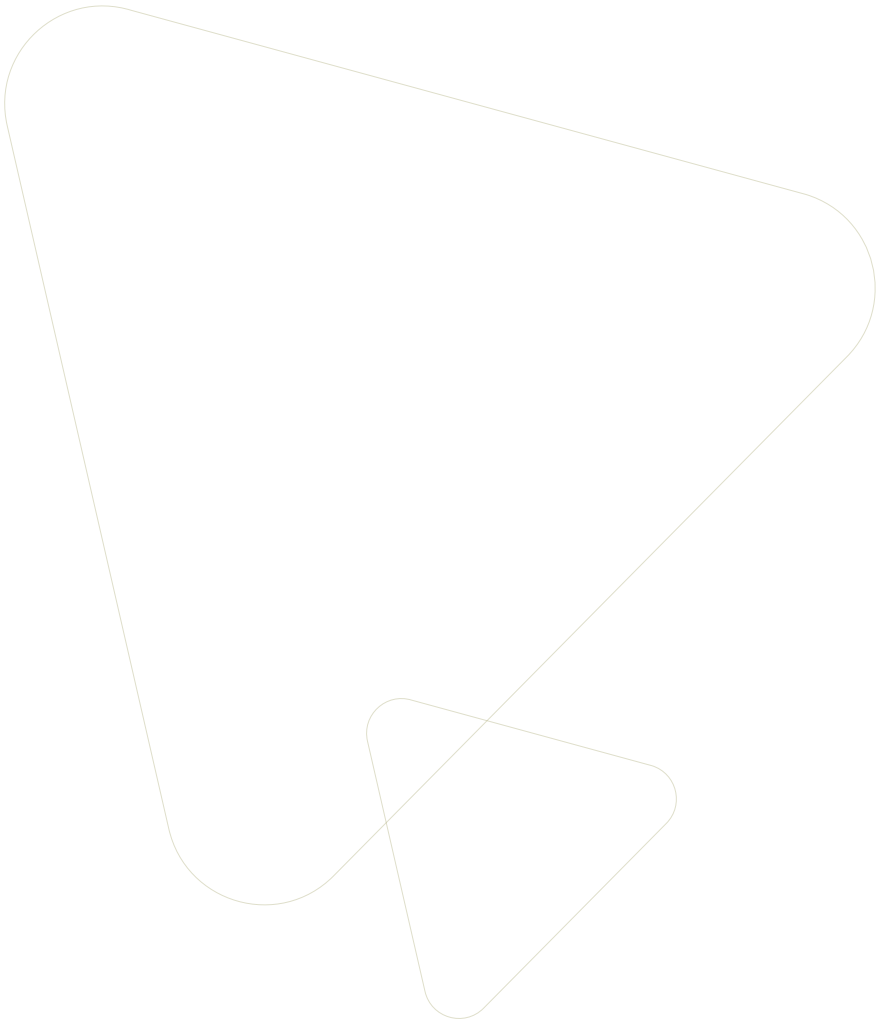
The ongoing Palestinian political division aggravated the living conditions of people in the Gaza Strip along with the economic measures and procedures imposed by the division parties, such as issuing administrative and political decisions that burdened the people in Gaza.

Families receiving allocations and assistance under the social protection program in 2021 suffered from the interruption of payment and the Social Development Ministry's non-disbursement of the financial dues for those families benefiting from this program. Moreover, the political division worsened poverty rates triggered by the Israeli closure, particularly among the marginalized and low-income families. Meanwhile, the already deteriorated health conditions in the Gaza Strip continued to get worse due to the Israeli closure, weakening the health system in the Strip and leading to prolonged shortage of medicine and medical supplies due to poor coordination between the division parties.

The political division also deprived new generations of applying for official public posts without discrimination based on political affiliations; accordingly, the already high unemployment rates increased by the Israeli-imposed closure.

The division negatively affected the Gaza health system, which had been already deteriorating due to the Israeli-imposed closure, as the shortage of medicine and medical supplies due to the poor coordination between the division parties. The health

system in Gaza also faced Covid-19 pandemic with limited capacities and already fragile health facilities, which lacked the medical supplies necessary for combating the pandemic.





RECOMMENDATIONS

In light of the continuous Israeli occupation of Palestine, suffering of Palestinian refugees for more than 74 years, international community's denial of the Palestinian people's suffering, and international parties' insistence on unconditional support for the Israeli occupation in clear disregard for international law and principles of justice and freedom;

Considering the Israeli occupation's insistence on denying Palestinians' right to self-determination on their land and enjoy their natural wealth and resources as codified in Common Article 1 of the two International Covenants on Human Rights and Israel's ongoing and systematic suppression of Palestinians and their right to freedom of expression and peaceful assembly, murder of Palestinians at checkpoints, ongoing policy aiming to change the demographic status of the occupied territory and policy of displacement and house demolitions; the ongoing Israeli closure imposed on the Gaza Strip for the 14th consecutive year; Israel's persistence to grant impunity for the Israeli war criminals and denial of Palestinians' right to access;

In light of the Israeli smear campaign against the Palestinian civil society to undermine and conceal its role in exposing the Israeli crimes and supporting the Palestinian people's resilience when declaring 6 active Palestinian organizations as terrorists in a prelude to label them;

Taking in consideration Palestinians' renewed aspirations and hopes to achieve justice and redress following ICC's historic decision to open investigations into human rights violations in the occupied Palestinian territory; and

In light of continued denial of freedoms in the West Bank and Gaza Strip, particularly the freedom of political participation, deterioration of living conditions and the outgrowing poverty and unemployment in the Gaza Strip, PCHR presents the following recommendations to the international community and Palestinian decision-makers:

Recommendations to the International Community:

PCHR calls upon:

1. The international community at large, and the European Union in particular to adopt serious steps to compel Israel to retract its designation of six Palestinian civil society organizations as terrorist organizations.
2. The International Criminal Court to continue its efforts that shall bring Israeli war criminals before international justice.
3. All States Parties to the Rome Statute of the ICC to ensure accountability and prosecution of Israeli war criminals and to bring them to justice.
4. Demands the international community to stand clearly against the annexation plan of large parts of the occupied Palestinian territory by the Israeli occupation.
5. The Arab States that have signed normalization agreements with Israel to abide by Security Council resolutions, and not to deal with the Israeli settlements, that are built on Palestinian land, as part of the Israeli occupation state. Therefore, they must refrain from visiting the settlements or importing goods from them.
6. The international community to put pressure on the Israeli occupation to stop its crimes against Palestinian civilians, especially its crimes against Palestinian children and the killing of Palestinians at checkpoints.

7. The United Nations to be aware of its responsibility to enable Palestinians to have the right to self-determination, as it is the primary responsible entity for the Palestinian cause since its General Assembly approved the Partition Resolution No. 181 and recognized the State of Israel.
8. The international community to condemn and boycott the Israeli settlements established on Palestinian lands occupied in 1967, to respect Security Council resolutions, especially Resolution No. (2334) - related to condemning settlements, and to work to ensure that Israel respects them.
9. The international community to support the Palestinian reconciliation efforts in a manner that considers the implementation of transitional justice mechanisms to ensure non-recurrence of fighting and the achievement of democratic transformation.
10. The international community to take firm and decisive stances against the US-backed Israeli policies aimed at changing the situation in the occupied territories, especially the policy of demolishing homes and displacing villages with everything these practices represent as flagrant violations of international law that amount to war crimes and crimes against humanity.
11. The High Contracting Parties to the Geneva Conventions to stand by their obligations under the common Article (1), which requires respect for the conventions in all circumstances, and to fulfil their obligations under Articles 146 and 147 of the Fourth Geneva Convention of 1949, relating to the protection of civilians in times of war, which require prosecution of persons responsible for grave breaches of the agreement. This can be done by activating

the principle of universal jurisdiction, to enable Palestinians to obtain their rights to justice and redress, especially in light of sterile path for justice within the Israeli judicial system.

12. The international community to move quickly and immediately to put pressure on the Israeli military occupation authorities to end the comprehensive closure imposed on the Gaza Strip, which restricts the freedom of movement of individuals and goods of freedom; and to save 2 million civilians who live in an unprecedented state of economic, social, political, and cultural suffocation, due to the policy of collective punishment and measures of reprisal against civilians.
13. The European Union to work towards implementing the standards related to human rights contained in the European-Israeli Association Agreement, and to oblige Israel to comply with it, as well as to respect EU obligations under the European Convention on Human Rights in its relations with the Occupying Power.
14. The international community, especially states that import Israeli weapons and military services, to fulfil their moral and legal obligations; not to allow Israel to use the offensive on Gaza as a way to promote new weapons already tested in the Gaza Strip; and not to accept training services based on the field experience in Gaza in order to avoid turning Palestinian civilians in Gaza into testing objects for Israeli weapons and military tactics.
15. The Parties to international human rights instruments ,especially ICCPR and ICESCR ,to pressurize Israel to apply them in the oPt and to compel them to incorporate the human rights situation in

the oPt in its reports submitted to the relevant committees.

16. The EU and international human rights bodies to pressurize the IOF to stop their attacks against Palestinian fishermen and farmers ,mainly in the border areas.
17. The international community and Arab countries ,to take serious actions to end the restrictions on the movement at the border crossings ,particularly the Gaza Strip Crossings ,in a way that guarantees the free movement of Palestinian civilians.
18. The international community to commit to supporting the United Nations Relief and Works Agency and to fulfil their duty to provide services to Palestinian refugees.

Recommendations to Palestinian Decision-Makers

PCHR calls upon:

1. The PA and the Palestinian factions to work jointly in order to ensure holding free and fair general elections in 2022, and to induce a positive environment that allows everyone to participate equally.
2. Palestinian factions to take decisive and serious steps in order to achieve the Palestinian reconciliation based on reconciling the past and establishing foundations for a transition stage to end corruption and ensure protection and respect for human rights.
3. The Higher Judicial Council to reunite and restore the integrity of the judicial authority as a prelude to ending the Palestinian division ,in order to have a nonbiased body that can arbitrate conflicts that may arise during the reconciliation process.
4. The Palestinian authorities both in the Gaza Strip and the West Bank to respect public freedoms and end the practice of arbitrary summonses on the grounds of freedom of opinion; and to eliminate all illegal restrictions on the right to peaceful assembly.
5. The Palestinian authorities both in the Gaza Strip and the West Bank to stop all arbitrary measures against associations, including non-profit companies ,and to abolish all procedures that infringe upon associations 'rights and freedoms to work, privacy ,and receive funding.

6. The Palestinian President to ratify the Family Protection Law and the Freedom of Access to Information Law ,with consideration to civil society comments.
7. The Palestinian President to issue a law by decree that calls for moratorium on the death penalty in Palestine ,particularly after Palestine's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights ,aiming at the abolition of the death penalty .PCHR also calls on the Gaza authorities to refrain from issuing or executing death sentences, or to allow summary executions.
8. The Palestinian President to exercise his authority codified under Article 43 of the PBL and issue decrees that have the power of law in cases of necessity that cannot be delayed.
9. The Change and Reform Parliamentary Bloc to stop convening and abstain from enacting any laws on behalf of the PLC.
10. The Palestinian government and security services to stop all violations of the right to freedom of opinion and expression and the right to peaceful assembly and to hold the perpetrators of such violations accountable via the appropriate legal means.
11. The executive authorities to release immediately all those illegally detained .PCHR emphasizes that all prison and detention facilities 'wardens bear full legal liability for any person illegally detained and shall be prosecuted ,with no statute of limitations.
12. The executive and judicial authorities to end immediately the practice of torture in prisons and detention facilities and the

Attorney General to hold those suspected of committing torture accountable .PCHR emphasizes that such crimes are not time-barred according to the PBL.

13. The three branches of government to institute transparency in the PA's institutions via facilitating access to information and providing all information relevant to public affairs ,especially on the official websites.
14. The Palestinian Cabinet to exert sincere efforts for respecting the rights of persons with disabilities and activate the Palestinian Law No 4 .of 1999 on the Rights of Persons with Disabilities, ensuring appropriate and accessible facilities to persons with disabilities and guaranteeing their right to work.
15. The executive authority to respect persons 'right to freedom of movement .PCHR emphasizes that restricting this right is possible only upon a judicial warrant as codified in the PBL.



PCHR

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