



مركز الميزان لحقوق الإنسان
AL MEZAN CENTER FOR HUMAN RIGHTS

Field Report

**Torture and Cruel, Inhuman and Degrading Treatment:
the Palestinian Population, the Gaza Strip and Israeli Authorities**

1 November 2013 - 31 October 2014



Project funded by the European Union - Joint Project of Al Mezan Center for Human Rights, Adalah, and Physicians for Human Rights-Israel. The contents of this report are the sole responsibility of Al Mezan Center for Human Rights and under no circumstances should be regarded as reflecting the position of the European Union

TABLE OF CONTENTS

Introduction	3
Section 1: Torture and CIDT during arrest and detention	5
1. Palestinian detainees.....	5
2. Palestinian fishermen	8
Section 2: Other cruel, inhuman and degrading treatment	11
1. Palestinian patients of Gaza	11
2. Punitive home demolitions.....	15
CONCLUSIONS AND RECOMMENDATIONS.....	17

INTRODUCTION

The use of torture and cruel, inhuman and degrading treatment (CIDT) is considered to be one of the most flagrant violations of human rights and international humanitarian law, and one that threatens life and human dignity. International law prohibits the use of torture and CIDT. Both the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) state that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.¹ Additionally, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment does not allow for the use of torture or CIDT under any circumstances, explicitly stating that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”.² This includes situations of conflict and occupation. The Convention against Torture provides the internationally-agreed legal definition of torture and further details of how and when certain practices may constitute torture.

The 1949 Geneva Conventions and Additional Protocols of 1977 contain a number of provisions that absolutely prohibit torture and other cruel or inhuman treatment and outrages upon individual dignity. In particular, Art. 32 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War prohibits torture, while Art. 147 designates the use of torture as a grave breach of IHL. The Rome Statute of the International Criminal Court lists torture as a crime against humanity (Art. 7), when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, and considers torture and inhuman treatment to constitute a war crime (Art. 8).

The prohibition on torture and CIDT under international law is one of the clearest examples of customary international law. Moreover, the prohibition of torture and CIDT is complemented by the obligation to prevent torture, which is applicable to all States

Convention Against Torture

Art. 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Art. 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in Art. s 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

¹ Art. 5 of the Universal Declaration of Human Rights, Art. 7 of International Covenant on Civil and Political Rights

² Art. 2(2) of the Convention against Torture

regardless of where the torture is carried out or whether the State in question is a Party to the relevant international treaties and conventions.

The history of the State of Israel has been characterized by the consistent use of torture and CIDT against Palestinians who are under its effective control. Torture and CIDT are practiced in a systematic and widespread manner in Israeli prisons and detention centers. The Israeli closure/blockade of the Gaza Strip and restrictions on movement of Palestinians in the occupied Palestinian territory (oPt) are considered serious violations of international human rights and humanitarian law that cause harm to the civilian population.

Numerous Israeli violations may be considered to amount to torture and CIDT, such as punitive home demolitions, extra-judicial killings, and the prevention of patients from accessing medical care. The Israeli blockade and closure regime, which has been imposed on the Gaza Strip for eight consecutive years, is considered to be a form of collective punishment that deeply affects the lives of civilians and impedes their ability to access appropriate education, employment, housing, and violates their right to respect for one's private and family life. In addition, the Israeli authorities unilaterally impose access restricted areas (ARA) in the Gaza Strip, along the border and at sea. Israeli forces forcibly impose these restrictions and routinely arrest fishermen and farmers in a humiliating manner. It is the position of Al Mezan Center for Human Rights (Al Mezan) that such practices constitute inhuman and degrading treatment of the residents of the Gaza Strip.

Convention against Torture

Art. 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This Art. is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

According to Al Mezan's monitoring and documentation, the Israeli authorities regularly use torture and CIDT against Palestinians, including detainees and medical patients who attempt to travel to Israel or the West Bank via the Erez border crossing. During the period 1 November 2013 to 31 October 2014, Al Mezan monitored and documented various incidents of the use of torture and CIDT committed by Israeli forces in the Gaza Strip. This was carried out as part of a project implemented in cooperation with Adalah- The Legal Center for the Rights of the Arab Minority in Israel and Physicians for Human Rights-Israel (PHR-I), and funded by the European Union Instrument for Democracy and Human Rights (EIDHR). This report outlines the occurrences and types of torture and CIDT committed by the Israeli forces and authorities during the reporting period, and presents a number of case studies based on testimony received by Al Mezan's lawyers.

SECTION 1: TORTURE AND CIDT DURING ARREST AND DETENTION

Palestinians are often subjected to a series of violations during arrest and detention by Israeli forces. During their arrest, detainees are regularly subjected to beating, verbal abuse, blind folding and painful handcuffing. Many Palestinian detainees are subjected to physical and psychological torture during detention for the purposes of obtaining information or a confession. Detainees are also detained in circumstances that fail to meet the Standard Minimum Rules for the Treatment of Prisoners of 1955.

1. Torture and ill-treatment of Palestinian detainees

The Israeli forces use torture against Palestinian detainees in a widespread manner. Nearly all Palestinian detainees interviewed by Al Mezan had been subjected to physical or psychological torture during their detention and/or interrogation. During the reporting period, Al Mezan documented the arrest of 107 Palestinians. Most of the arrests were carried out in areas in the eastern parts of the Gaza Strip. Al Mezan carried out interviews with all the detainees who have been released.

A lawyer working for Al Mezan visited 12 of the detainees inside Israeli prisons where they were being held. He observed clear indications that the Israeli forces and security authorities had used various forms of torture, ill-treatment and abuse common complaints included being searched by dogs, beaten with fists and rifles, forced to remain without clothes, and subjected to verbal abuse. They were also subjected to blindfolding and painful handcuffing. At least six detainees were interrogated and tortured by Israeli troops.

During interrogation, the Israeli security authorities placed several forms of physical and psychological pressure on the Palestinian detainees. Detainees were subjected to threats, sleep deprivation, long periods of blindfolding, systematic beating on sensitive parts of their bodies, and forced to sit in various types of uncomfortable “stress positions” for long periods of time. These acts were carried out for the purposes of obtaining information or confessions. The



tables below illustrate the various types of torture and ill-treatment used during arrest and interrogation, based on Al Mezan’s interviews with the released detainees.

Table (1): Ill-treatment during arrest

Type of treatment ³	Number	%
Handcuffing	102	95%
Blindfolding	95	89%
Verbal abuse	79	74%
Beating	65	61%
Rough physical treatment	11	10%
Other	18	17%

Table (2): Physical and physiological torture during interrogation

Type of torture	Number	%
Sleep deprivation	69	64%
Prevented from using the toilet	44	41%
Blindfolding	43	40%
Food and water deprivation	42	39%
Humiliation	52	49%
Different types of painful stress positions	52	48%
Death threats	34	32%
Repeated beating on sensitive body parts	29	27%
Tight leg binding	40	37%
Attempts to force collaboration with Israel	26	24%
Severe general beating	22	21%
Stripping	9	8%
Head beaten against the wall	5	5%
Suffocation with plastic bags	3	3%
Dousing in cold and hot water	2	2%
Threats to rape relatives	1	1%
Burning by cigarettes	1	1%

Affidavit of Ahmed Mohammed Abu Riydeh (35) from Khan Younis

At around 4:00 pm on Wednesday, 23 July 2014, I was sitting with my family in our house that is located in Abu Riydeh neighborhood, east of Khuza'a, in the east of Khan Younis. I heard the sounds of explosions and movements of military vehicles near us. I heard a man from the neighborhood, Ibrahim Al Najjar (Abu Hatem) calling us. He informed us that the Israeli forces had ordered him to evacuate people from the Abu

³ Information gathered by Al Mezan during interviews with ex-detainees.

Riydeh neighborhood. I left my house, as did dozens of residents of the neighborhood. We went to Al Farouq mosque which is close to our house.

When we reached the mosque, I saw a number of tanks and several soldiers pointing their weapons at us. One of the soldiers ordered us to take off our clothes. Another soldier searched us. I saw one of the soldiers gather older people, women, and children and order them to leave the town. The soldiers then arrested me along with a number of young and older men. Their ages ranged from around 20 to 40 years old. They gathered us behind the mosque. We were stripped and handcuffed.

One of the soldiers beat and kicked me. I saw him beating and kicking others. Soldiers then ordered us to stand in two lines. We were about 75 people. They ordered us to walk behind one of the tanks. There was another tank moving behind us. We walked about 3 kilometers until we reached the separation fence. When we arrived, I saw a number of soldiers and dogs. I saw one of the soldiers taking pictures of us. We were standing and wearing only our underwear.

One of the soldiers ordered us to sit on the ground. One of the soldiers then poured water over us and allowed the dogs to come close to us and lick the water from our bodies. I felt humiliated. I was afraid. One of the soldiers then kicked me and verbally abused me. He did the same with other detainees. I could hear shooting and continuous explosions during our detention period which lasted for about five hours. A number of buses then came. Soldiers blindfolded and handcuffed us. Then they made us move to the buses.

The bus moved for about two hours. The bus then stopped and the soldiers made us get out of the bus. A soldier uncovered my eyes. I saw that I was in a military site and there were a number of soldiers around me. A number was put on each detainee. After that I was taken to the doctor's room for a medical examination. I told the doctor that I suffer from gallstones in my left kidney and that I had undergone surgery. I told him that I suffer from pain and that I needed painkiller tablets. He did not give me anything. He examined me quickly.

Soldiers then took me to another room. There were two soldiers. One of them interrogated me about Palestinian resistance factions. The other sporadically beat me with his fist on my back for about 15 minutes. I was then taken to another room. I saw a man dressed in civilian clothing sitting behind a desk and there was a computer on the desk. He showed me a map of Khuza'a. He asked me about people there and their homes. He also asked me about tunnels. This continued for an hour. They then released me and I went home.

Affidavit of detainee Ibrahim Mohammed Abu Shawish (27) from Khan Younis⁴

⁴ The affidavit was taken at Ashkelon prison on 12 August 2014

In the afternoon of Thursday, 24 July 2014, while I was in Al Qarara village in the east of Khan Younis, I heard the sound of a loud explosion. It was accompanied by the smell of gas. I felt suffocated. Israeli soldiers arrested me. They forced me to take off my clothes. They then handcuffed me from behind. They took me to one of the houses in the village. I was fasting but they forced me to drink water. An interrogator who named himself as Roni Blshi started to interrogate me. He slapped me on the face and beat me with his fist. He kicked me on different parts of my body. I fell to the ground. The interrogator put a chair on top of me and sat on the chair.

He asked me to give him information about the locations of resistance fighters. I did not answer. Meanwhile, a soldier opened fire around me and threatened to kill me. Interrogation continued until Al Maghreb prayer call [the sunset Muslim prayer]. They then brought me in an Israeli tank to an Israeli military site. They made me dress in overalls. A doctor examined me. Five people dressed in civilian clothes then started to interrogate me about Palestinian resistance.

At around 4:00 am on the next day, 25 July 2014, they referred me to Ashkelon investigation center. There they ordered me to wear orange clothes. I was so tired. At around 7:00 am on the same day, I was interrogated again. On the next day, I was interrogated for the third time. During the interrogation, I was subject to 'shabah' (a form of stress position). The interrogator forced me to put the upper half of my body on one chair and the lower half on another chair. My back was curved backwards. He left me there for a long time. The investigator sat on my body. I felt severe pain. He also removed the chair from underneath the upper half of my body so that my head was on the ground. He pressed my face with his hand and demanded information from me.

The interrogator then untied my hands and ordered me to sit on a chair. I did. There was a table behind the chair. He tightly tied my legs and my hands from behind. The interrogator pulled my hands from behind the table. I felt severe pain and screamed. Another interrogator squeezed my face from behind and put something in my mouth. I felt very thirsty. They untied my hands and ordered me to stand near the wall. They cuffed my hands and legs. They also tied my arms from the middle. The interrogator was roughly pulling my hands back and upwards. The interrogator brought a machine. He told me it was a lie detector machine and that if I lied he would torture me again.

The interrogation continued for 20 days. I was staying in a three square meter cell. It was blue and its walls were rough so that I couldn't lean on them. There was a bright yellow light. It was on all the time. This caused a lot of physical and psychological pain for me. I could not breathe well for almost one month.

2. Ill-treatment of fishermen

Israeli forces continue to implement a policy of ill-treatment and CIDT in dealing with Palestinian fishermen, who are regularly harassed and subjected to arrest while carrying out their work in the restricted fishing zone off the coast of the Gaza Strip. According to the Oslo Accords, Gaza fishermen are entitled to access fishing waters up to 20 nautical miles from the shore. However, Israel has restricted the fishing zone to three to six nautical miles, alternately, since 2008. Al Mezan has documented regular attacks against fishermen within the fishing limits, which have included harassment, shooting, damage or destruction to fishing equipment, arrest, and the confiscation of fishing boats and equipment. Israeli naval forces force fishermen to take off their clothes, jump into the sea, and swim towards Israeli vessels where they are then arrested, even during the coldest winter months.



In their affidavits to Al Mezan, fishermen stated that, after being arrested and transported to Israeli vessels, the Israeli forces give them light cotton clothes to wear. Such clothes do not protect them from the cold weather. They also stated that the Israeli forces usually blindfold and handcuff them; frequently in painful positions. They are usually taken to Ashdod port in Israel for interrogation. Most of them are subjected to hours of interrogation, during which they are intimidated, blackmailed and coerced to cooperate with the Israeli forces and to give information about particular people from their neighborhoods. According to Al Mezan's monitoring and documentation, the Israeli forces usually release fishermen after several hours and keep their boats and fishing equipment in custody.

During the reporting period, Al Mezan documented 120 incidents of shooting at fishermen. One fisherman was killed and 12 were injured as a result of these attacks. Israeli forces arrested 55 fishermen and released them after few hours at Erez crossing. Israeli forces confiscated 26 fishing boats and damaged 7 sets of fishing equipment.

Affidavit of fisherman Jihad Basheer Abu Riyala (24)⁵

At around 7:00 am on Tuesday, 11 March 2013, I went along with my brother Sha'ban to the harbor. We went directly to our small boat which was moored at the port. We had prepared 1,000 long-lines (a method of fishing used commonly in Gaza using long ropes

⁵ Al Mezan took this affidavit on 11 August 2015

attached to hooks) to throw in the sea. We boarded the boat and sailed in a southwesterly direction. We stopped west of Al Sheikh 'Ijleen area in the southwest of Gaza City.

I saw one of the illuminated buoys [which demarcates the no-go line for Palestinian fishermen] about one nautical mile to the west of us. We were about five nautical miles off of the coast [during this period, fishermen were allowed to fish up to six nautical miles offshore]. We took our nets and started fishing. We continued working until 1:00 pm on the same day.

I suddenly saw a big Israeli boat entering the permitted fishing zone. It was moving about one nautical mile east of us [about four nautical miles from the coast]. After an hour, the Israeli boat moved to the west and it was about one nautical away from us [about six nautical miles from the coast]. I suddenly saw two more big Israeli boats. One was moving to the south and the other was moving north beyond the illuminated buoys.

I turned on the engine of the boat and sailed backward to the east for about 2 kilometers, afraid of the Israeli boats. I was hearing shooting. I then saw Israeli boats chasing us. We continued moving to the east until we were three nautical miles away from the coast. In the meantime, the Israeli boats managed to surround us. They were just a few meters away from us. I heard shooting again. I saw bullets hit our boat. I heard an Israeli soldiers talking via loudspeaker, saying "Stop or I will kill you, you son of a bitch". I told the soldier, "Enough, we are leaving".

Then he opened fire again. I heard the engine of the boat stop working. He then ordered us to take off our clothes. We took off our clothes except our underwear. He ordered us to jump into the sea and swim towards him. I did. I was so cold. I told him in a loud voice, "Come and take me. It's so cold". He did not answer. I heard shooting again. I saw ripples in the water around me for a minute.

I swam to the Israeli boat. When I reached it, I climbed its wooden ladder. I was so cold. A soldier blindfolded my eyes and handcuffed me with a plastic strap. I could hear a soldier via loudspeaker ordering my brother Sha'ban to jump into the water. A few minutes later, a soldier untied my hands and made me dress in a light cotton shirt and trousers. He then handcuffed me with metal handcuffs. I felt the Israeli boat moving. A soldier asked me my name and I answered. He asked me for my ID card number. I did not answer him because I had not memorized it. He beat me on my head with his fist. He then hit my shoulder and back. Then he left me alone.

Half an hour later, the Israeli boat stopped. A soldier uncovered my eyes. I saw my brother beside me. I saw soldiers around me. The boat had stopped. There was a quay opposite us and a number of soldiers were standing there. They made me get down onto the quay. Two soldiers blindfolded me and took me with my brother to a room. We sat there on chairs for about four hours. A soldier then took me to another room. He uncovered my eyes. I saw a man dressed in civilian clothes sitting behind a desk. He asked me to sit down and I did. He asked me my name and about my work. I answered

him. He then asked me questions about Gaza seaport, the other fishermen, the Hamas movement, my home, and my neighbors.

He told me, “I’ll give you a chance to think about your future working with us”. I told him, “You want me to be a traitor? This is not acceptable for me”. He told me, “No, this chance will make your life better”. After one hour of interrogation, I still refused to cooperate with them. A soldier then took me back to the previous room. Then they took my brother away with them. After an hour, my brother was brought back to the same room. They took us to a car and drove us to Erez crossing. They released us at around 11:00 pm on the same day. We went home. The Israeli forces had confiscated our boat, nets, two GPS, and the cell phone of my brother. Fishing is our only source of living.

SECTION 2: OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT

Israeli forces continue to use various types of CIDT and ill-treatment against persons in the Gaza Strip. Some incidents involve treatment that amounts to torture. The closure/blockade Israel on the Gaza Strip, imposed in its current form by Israel since September 2007, involves violations of international human rights and humanitarian law that constitute forms of degrading and ill-treatment and, in some cases, amount to torture. Israel regularly prevents patients from reaching hospitals outside of Gaza for medical treatment that is not available in the Gaza Strip. The Israeli authorities regularly either issue a delayed response or do not reply to applications for permission to travel via Erez crossing, even in critical cases of patients who are faced by death, deterioration of their health condition or faced with severe pain. In doing so, Israel violates its obligations as an Occupying Power to provide for the basic needs of the civilian population. In addition, there are strong indications that Israeli forces destroy residential houses in the Gaza Strip for punitive purposes; especially houses of combatants killed in hostilities or suspected combatants whose houses are destroyed when they are not used for any military purposes. This form of collective punishment has resulted in the large-scale displacement of hundreds of thousands of people, including children and elderly people.

1. Preventing patients from accessing medical treatment



The health sector in the Gaza Strip is severely degraded and regularly experiences acute shortages of equipment and medical supplies. The health sector is not equipped to provide appropriate services for the population. The Ministry of Health is therefore forced to refer a large number of patients to hospitals outside the Gaza

Strip. According to statistics provided by the Palestinian health District Co-Ordination Office (DCO), during the reporting period, 17,510 patients have applied to the Israeli authorities to obtain permission to travel via Erez crossing to receive medical treatment. The Department of Referrals Abroad of the Ministry of Health refers the vast majority of patients to hospitals in Israel or the West Bank. According to Israeli procedures, patients suffering from life-threatening health conditions must apply to the Israeli security authorities through the DCO in the Gaza Strip. Patients who receive permission from the Israeli authorities are allowed to travel via Erez crossing with one companion, who must also apply for permission.

The Israeli authorities issue permits for some patients within one or two weeks. Large numbers of people do not obtain permission, either in effect, because they do not receive a reply, or because their application is refused after several weeks. The length of time it takes to receive the Israeli reply varies from one patient to another, and it is common for patients not to receive an explanation when their application is refused. In order to make an application, the patient must first have a confirmed medical appointment at a hospital in Israel or the West Bank. Hundreds of patients are forced to reschedule their appointments, depending on when or whether Israel grants them permission to travel. In the meantime, their health conditions often deteriorate. The delay in issuing travel permits for patients exacerbates the patients' suffering and threatens their lives.

The Israeli security authorities require dozens of patients to go to Erez crossing for interviews, considered as part of the security checks Israel runs on them during the consideration of their permit requests. Patients who refuse to attend the security interview are denied permission to travel. Patients who attend security interviews are regularly subjected to intimidation and coercion. The Israeli authorities ask them to provide information about their family members, friends, and neighbors before permission to travel is granted. In their affidavits to Al Mezan, patients who were interviewed at Erez crossing stated that the main purpose of the interviews had been to obtain information and convince them to cooperate with the Israeli security. In many cases, their applications were denied if they refused to cooperate with the Israeli side. In some cases, patients have been detained at Erez crossing.

According to statistics provided by the DCO, during the reporting period the Israeli authorities have requested 334 patients to attend security interviews. As of the end of the reporting period, 68 patients were awaiting an appointment to be interviewed. During the reporting period, Al Mezan documented the arrest of 5 patients and 3 companions. Al Mezan also documented 55 incidents of ill-treatment of patients who applied for permits to travel via Erez crossing. 29 of the patients did not receive a reply and 17 patients were refused without explanation. Permits for 4 patients' companions were denied.

Table 3: Ill-treatment experienced by medical patients

Type of treatment	No reply	Refusal	Refusal for escort	Summoned for interview	Arrest	Death
Number	29	17	4	5	8	1

Affidavit of Hamza Mustafa Temraz (31)

At around 5:00 pm on Monday, 12 September 2005, while I was playing football at Deir Al Balah Football Club, I felt a severe pain in my right leg. I was transferred to Al Aqsa Hospital, was and later referred to Shifa Hospital in Gaza City. Medical examinations showed that I had torn my cruciate ligament and that I needed meniscal transplant surgery. The hospitals in Gaza City did not have the necessary equipment. I underwent the surgery at the Gaza European Hospital in Khan Younis. However, after the surgery my condition did not improve. I regularly took painkillers to relieve the chronic pain. A few years later, my health condition deteriorated even further and I began to experience difficulty walking. On 1 April 2014, I was referred to An-Najah National University Hospital in Nablus in the West Bank. I obtained an appointment with a doctor there on 11 May 2014.

I applied to the Israeli authorities for permission to travel via Erez crossing. I received a reply advising me that my application was under consideration. I missed my appointment with the hospital. My suffering continued. On 24 May 2014, I received a reply from the Israeli authorities calling me to an interview on 17 June 2014. At around 8:00 am on 17 June 2014, I went to the Palestinian checkpoint at Erez crossing. I stayed there until 1:00 pm, when I received permission from the Israeli authorities to cross to the Israeli side.

I walked a long distance until I reached the Israeli side. Two men dressed in blue shirts and beige trousers escorted me. They searched me using a hand-held metal detector. While they were searching me, one of them put his hand on my groin area. I tried to stop him but then both of the men beat me using their fists on different parts of my body for several minutes. They then ordered me to stand up and face the wall. I did. They ordered me to take off my clothes. They searched me again. Afterwards, I got dressed again.

They took me to a room. I saw a man dressed in civilian clothes and sitting behind a chair. He started interrogating me. He asked me about my family, my neighbors, and some questions related to the Palestinian factions. He tried to blackmail me. He asked me to cooperate with the Israeli side in order to be allowed to travel and receive medical treatment. I refused. After two hours of interrogation, the Israeli forces released me. I went home. The Israeli authorities did not allow me to travel and reach the An-Najah National University Hospital.

I obtained new appointments 9 more times. Sometimes my applications for a travel permit were refused, and other times they remained under consideration for long periods. I scheduled appointments on 29 June 2014, 24 August 2014, 7 December 2014, 8 January 2015, 11 February 2015, 5 March 2015, 31 April 2015 3 May 2015, and 15 June 2015. My condition continues to deteriorate. I now suffer from severe pain in my back. I usually require 4 injections a month to relieve the pain. Each injection costs \$70. I'm not able to go upstairs. During cold weather, I feel severe pain that prevents me from sleeping. I'm badly in need of medical treatment.

Affidavit of Eid Salman Al Sharatha (28), husband of Asia (deceased)

I live in the family home in Ezbet Abed-Rabbo. I married Asia Mohammed Al Sharatha on 8 August 2008. I have one daughter. At the beginning of 2009, my wife became seriously ill. Doctors said that she suffered from myocardial infarction and heart valve disease. Her doctor was Hasan Abu Tawela. After several years of treatment, her doctor advised her to undergo open heart surgery.

After the release of Asia's father, Mohammed Al Sharatha, in a prisoner swap agreement, we started the process of obtaining a medical referral to a hospital in the West Bank or Israel. We secured an appointment at Al Ahli Hospital in Hebron. In October 2013, the Israeli security authorities asked Asia to attend an interview at Erez crossing. Her father refused. We decided to have the surgery done in Gaza and to have a biological valve transplant. We were surprised to learn that this procedure was not available in hospitals in the Gaza Strip.

We started the process of obtaining another referral to a hospital in the West Bank. On 19 December 2014, we applied to the DCO to obtain a travel permit to pass through Erez crossing. We did not receive a reply. We missed our appointment with the hospital. We made several new appointments with Al Ahli Hospital while we were awaiting the Israeli reply. On 25 February 2014, Asia's health condition deteriorated. She was entered into the Intensive Care Unit at Kamal Odwan Hospital. We sent an urgent application asking for permission for her to travel. On Thursday, 6 March 2014, we were informed that the Israeli security authorities had requested Asia to attend an interview on Sunday, 9 March 2014. Due to her critical health condition, her father agreed to allow her to go for the interview.

At around 8:00 am on Sunday, Asia went to Erez crossing. Her mother, brother and aunt accompanied her. She was interviewed and left again at 3:00 pm on the same day. The interview duration was only two hours. She spent the rest of the time waiting to enter the Israeli security office. When the interview was finished, they did not allow her to pass through Erez crossing to go to Al Ahli Hospital. The Israeli security authorities informed her that they would give a response to her application later. She told me that they asked her about her family and some security questions about her father's work, the resistance,

and the Al Qassam Brigades. She went home and waited for the Israeli reply. She was waiting to be allowed to travel.

Her physical and psychological condition deteriorated after the interview, including having to walk a long distance of around one kilometer [from the Palestinian checkpoint to the Israeli security office]. At around 1:30 am on Monday, 10 March 2014, she was in severe pain. I took her to Kamal Odwan Hospital. Her health condition deteriorated further and she was pronounced dead at 9:00 am on the same day. The delay in reaching Al Ahli Hospital contributed to Asia's death. If she has received the treatment, she would be better now. We were denied medical treatment due to the Israeli siege imposed on the Gaza Strip. The closure of Rafah crossing also prevented Asia from travelling and receiving medical treatment.



2. Punitive home demolitions and forcible displacement

Israel continues to implement a policy of punitive home demolitions and forcible displacement of people in the Gaza Strip through the systematic targeting of residential houses. These home demolitions are carried out through aerial bombardment and using artillery shells, land-surface missiles, and military bulldozers. These actions cause great harm to civilians. Home demolitions are carried out for a variety of reasons, including the collective punishment of the families of members of resistance factions. In addition to causing severe suffering, punitive home demolitions are a violation of the Fourth Geneva Convention 1949 which prohibits any destruction of real or personal property⁶, except where such destruction is rendered absolutely necessary for military operations.

Al Mezan has recorded home demolitions by Israeli forces during the reporting period in two stages. During the first period, from 1 November 2013 until 5 July 2014, Israeli forces totally destroyed one house and partially destroyed 114 houses in the Gaza Strip. During the second period, from 6 July 2014 until 26 August 2014, the duration of the Israeli offensive 'Operation Protective Edge', Israeli forces destroyed 32,028 houses, of which 8,359 were totally destroyed and 23,669 were partially destroyed. During the course of the offensive, Israeli forces destroyed large areas of the Al Sheja'iya neighborhood in eastern Gaza, and large parts of Khuza'a, Beit Hanoun and eastern Rafah. All of these neighborhoods have been totally changed due to the destruction. The home demolitions themselves, as well as the extensive use of supposed warning methods

⁶ Art. 53 of the Fourth Geneva Convention.

such as the ‘roof knock’ missile, leafleting and telephone messages, caused widespread fear and panic, pushing 520,000 people to forcibly evacuate their homes. Unless the destruction of a civilian building is done out of military necessity, it violates international humanitarian law. Punitive home demolitions can be considered to be an example of CIDT of Palestinians.

Affidavit of Ahmed Fat’hi Ayyad (23)

I live with my family which consists of 19 members in our three-story house in Al Mansoura Street in the east of Al Sheja’iya neighborhood in the east of Gaza. On Saturday, 19 July 2014, I heard a number of explosions in the area and I knew from local broadcasting channels that it was Israeli bombing. The bombing lasted until 6:00 am on Sunday, 20 July 2014. So we left our home and went to the west of Al Sheja’iya, afraid of Israeli attacks. I saw other people from the neighborhood also fleeing the place. While were walking, we were struck by a missile and my sister Shireen (18), my brother Rami (33) and his son Mohammed (2) were all killed. I lost my left arm in the attack. After being treated in the hospital, I was informed that our house had been totally destroyed. I went to stay with my family in my cousin’s house in Ayyad Street near Al Sheja’iya market.

I discovered that dozens of my relatives, as well as other residents of the east of Al Sheja’iya, had been forced to evacuate their houses in the evening hours of Sunday, 20 July 2014 due to the dozens of missiles falling on them. Another 5 members of my family were killed in the same attack, which is called the “Al Sheja’iya Massacre”. Most of them were women and children. Since that time, my relatives were staying at the UNRWA shelter in the Tal Al Hawa area in southwest Gaza City. I now live at my uncle’s home. Since I lost my arm, I suffer from severe physical pain. I also suffer from the psychological pain of losing my family members and of experiencing the destruction of the whole neighborhood over the heads of the people. I can hardly cope, living with one hand. This will be with me all my life. I am still young. I don’t know what I or my family did to deserve this, or the thousands of people like us whose houses were destroyed. They are now forced to live far from their homes in shelters in inhumane conditions.

CONCLUSIONS AND RECOMMENDATIONS

Both international human rights law and international humanitarian law are applicable in the oPt, and the Occupying Power, is obliged to abide by these laws. The use of torture, and other forms of CIDT, is a grave violation of international law. Israel is a State Party to the relevant international treaties and conventions which enshrine this prohibition in the body of international law. Moreover, the prohibition on torture is a peremptory norm, which means it is accepted by States that no derogation from this norm is permitted, even in cases of war or public emergency that threaten the life of the nation. International humanitarian law also prohibits the practice of collective punishment against civilians in occupied territories.

In violation of their obligations, and as the data in this report indicates, Israeli forces and authorities routinely use torture and CIDT against Palestinians. It is the view of Al Mezan that the application of broad punitive policies against the people of Gaza by the Occupying Power, which results in severe suffering, reaches the level of unjustified and prohibited collective punishment; and the perpetrators of these violations enjoy impunity.

The impact of the blockade and closure policy applied to the Gaza Strip amounts to CIDT; the policy results in serious harm to people's dignity and causes severe physical and psychological pain. As stated above, human rights treaties and conventions "provide that no one shall be subjected to cruel, inhuman or degrading treatment or punishment".⁷ According to the laws of occupation, Israel, as the Occupying Power, must end the imposed blockade and closure of the Gaza Strip, and ensure that the basic needs of the civilian population are met.

Al Mezan Center for Human Rights strongly condemns Israel's continued and escalating use of torture and CIDT against Palestinians detained in Israeli prisons, patients who are trying to reach hospitals outside the Gaza Strip, and fishermen at sea. Al Mezan condemns Israel's punitive attacks against homes, which force families to evacuate, rendering them homeless. It is imperative that Israel end the use of torture and ill-treatment against Palestinians.

International law imposes obligations on the Contracting Parties to the Fourth Geneva Convention to "search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts".⁸ Therefore, Al Mezan calls on the international community to uphold its obligations under international law by exerting pressure on Israel to respect international law and, in particular, to end the use of torture and CIDT. The international community must also fulfill its international obligations to investigate and provide accountability for violations of international law, especially in cases of torture and CIDT.

⁷ CAT

⁸ Ibid