



**PCHR's Report to The United Nations  
Independent International Commission of Inquiry  
on the Occupied Palestinian Territory, including  
East Jerusalem, and in Israel**

3 January 2023



# المركز الفلسطيني لحقوق الإنسان

## PALESTINIAN CENTRE FOR HUMAN RIGHTS

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### **Introduction:**

The Palestinian Centre for Human Rights (PCHR) is pleased to submit this report to the United Nations Independent Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, in response to the Commission's call for submissions.

The report will present information on: 1) the targeting of human rights defenders, activists, and journalists, and 2) specific incidents concerning children.

### **1. Targeting of Human Rights Defenders, Activists, and Journalists:**

#### **Raids on Seven Palestinian Civil Society Organizations**

The targeting of civil society organizations and human rights defenders by the Israeli authorities has escalated during 2022. The most prominent incident during the year was the raids conducted by the Israeli occupation forces on the offices of seven Palestinian civil society organizations in the Occupied West Bank city of Ramallah on 18 August 2022.<sup>1</sup> These organizations are: Alhaq, Addameer, Bisan Center for Research and Development, Union of Agricultural Work Committees, Union of Palestinian Women's Committees, Defense for Children International- Palestine, and Health Work Committees. The organizations' doors were broken down, material and office equipment seized, and a military order entitled "an order to close the place", was left behind for each organization. The military order stated that the place "belongs to an unlawful organization" and that "the continuity of the work place of the place may affect the security of the area, the security of the IDF forces and public order".

This move came following an arbitrary decision by Israel's Defense Minister, Benny Gantz, to designate six of these organizations as "terrorist organizations" under Israel's

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<sup>1</sup> PCHR, "PCHR Condemns and Demands International Community to Intervene Promptly after Israeli Occupation Forces Shut Down 7 CSOs in Ramallah," 18 August 2022, available at:

<https://pchrgaza.org/en/pchr-condemns-and-demands-international-community-to-intervene-promptly-after-israeli-occupation-forces-shut-down-7-csos-in-ramallah/>.



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

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vague 2016 Counter-Terrorism Law in October 2021.<sup>2</sup> The decision was later extended into the Occupied Palestinian Territory (OPT) after the IOF's Commanding Officer of the Central Command, Maj. Gen. Yehuda Fuchs, in charge of the military regime in the West Bank, declared five of these organizations as "unlawful association", pursuant to his authority under the Emergency Regulations.

PCHR notes that these raids and closures represent the latest escalation in Israel's widespread and systematic campaign aiming to silence and discredit Palestinian civil society organizations, who since the 1990s have played and continue to play an essential role in documenting and exposing the violations and crimes of the Israeli occupation and in seeking accountability for Palestinian victims.

Palestinian human rights organizations, including PCHR, have been subjected over the years to defamation campaigns by the Israeli government and organizations which operate under its auspice, like NGO Monitor and UN Watch, in order to dry the organizations' funding and challenge the international donor community. An example of that is the report entitled "Terrorists in Suits" which was issued by Israel's Ministry of Strategic Affairs. The report made false and baseless allegations linking PCHR Staff, including PCHR's Director, Raji Sourani, with the Popular Front for the Liberation of Palestine (PFLP) and terrorism. The campaigns intensified following the accession of the State of Palestine to the Rome Statute and the opening of an investigation into the situation by the Office of the Prosecutor.

In addition, it is expected that the targeting of human rights organizations will only increase in the upcoming period. Israel's finance minister in the new government and head of the far-right Religious Zionism political party, Bezalel Smotrich, said that human rights organizations are an existential threat to Israel and that the new government will need to target such organizations' finances and act against them via "legal and security means".<sup>3</sup>

### **Deportation of Salah Hamouri**

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<sup>2</sup> PCHR, "Persecution and Termination Next: Israeli Occupation Designates 6 Pioneering Palestinian Organizations Terrorists," 23 October 2022, available at: <https://pchrghaza.org/en/persecution-and-termination-next-israeli-occupation-designates-6-pioneering-palestinian-organizations-terrorists/>.

<sup>3</sup> Haaretz, "Israel Must Deal With Human Rights Orgs as an Existential Threat, Netanyahu Ally Says," 21 November 2022, available at: <https://www.haaretz.com/israel-news/2022-11-21/ty-article/.premium/israel-must-deal-with-human-rights-orgs-as-an-existential-threat-far-right-mk-says/00000184-99a8-dc14-a99e-b9ebb5930000>.



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

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Another example of the targeting of human rights defenders is the expulsion of French-Palestinian lawyer Salah Hamouri from his native city, Jerusalem. On 18 December 2022, Israeli authorities deported Salah to France after he had been held in administration detention for several months without charge or trial.<sup>4</sup>

Prior to his detention, Salah was notified by the Israeli Ministry of Interior on 3 September 2020 of its intention to revoke his “permanent residency status” because of a “failure of allegiance toward the State of Israel”, which was confirmed on 29 June 2021 by the adoption of recommendations to revoke “his permanent residency”.<sup>5</sup> His appeal against the revocation was rejected by Israel’s Supreme Court on 29 November 2022 and was informed that he would be expelled to France.

The revocation of Salah Hamouri’s residency rights for “failure of allegiance” and deportation sets a dangerous precedent for Palestinian human rights defenders in Jerusalem, who might be systematically targeted on this basis.

Salah’s deportation also constitutes a war crime under the Fourth Geneva Convention as it is generally prohibited to deport protected persons outside occupied territory. According to article 49 of the Convention: “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive”.<sup>6</sup>

### **Arrest of Nasser Nawaj’ah**

On 6 August 2022, IOF arrested B’tselem field researcher Nasser Nawaj’ah from his home in the village of Susiya, in the South Hebron Hills, in the Occupied West Bank.<sup>7</sup> He was

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<sup>4</sup> PCHR, “PCHR Condemns Deportation of Palestinian Human Rights Defender Salah Al-Hammouri to France,” 20 December 2022, available at: <https://pchrgaza.org/en/pchr-condemns-deportation-of-palestinian-human-rights-defender-salah-al-hammouri-to-france/>.

<sup>5</sup> See UN, “Israeli Deportation Order Against French-Palestinian Activist Salah Hammouri Could Constitute War Crime – Statement by UN Special Rapporteurs,” 2 December 2022, available at: <https://www.un.org/unispal/document/israeli-deportation-order-against-french-palestinian-activist-salah-hammouri-could-constitute-war-crime-statement-by-un-special-rapporteurs/>.

<sup>6</sup> Article 49(1), Fourth Geneva Convention (1949).

<sup>7</sup> B’Tselem, “ISA detains and interrogates B’Tselem field researcher,” 12 August 2022, available at: [https://btselem.org/press\\_releases/20220812\\_isa\\_detains\\_and\\_interrogates\\_btselem\\_field\\_researcher](https://btselem.org/press_releases/20220812_isa_detains_and_interrogates_btselem_field_researcher).



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

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handcuffed, blindfolded and taken to ISA facilities, where he was held for more than 12 hours. He was interrogated by the Israeli Security Agency (ISA), known as Shin Bet, and was questioned about his work and home. He was accused of “causing all the trouble in the area” and was asked to stop “causing trouble” and “engaging in friction” with the military. This was not first time that the ISA has taken action against Nawaj’ah. In 2021, he was summoned for a talk with an ISA officer who told him that he “threatening the military and sending B’Tselem activists to harass the soldiers”.

### **Hafez Huraini**

On 12 September 2022, IOF detained Hafez Huraini, a Palestinian farmer and human rights defender from his land in at-Tuwani village, Massafer Yatta, Hebron.<sup>8</sup> His detention occurred after a group of armed Israeli settlers attacked him resulting in severe injuries and breaking both of his arms. On 15 September, Hafez Huraini appeared before an Israeli military court after he had been falsely accused of attempted murder, harming the security of the area and severe assault. On 22 September 2022, he was released on bail after spending 10 days in detention while the investigation continues. Hafez has been repeatedly assaulted before by Israeli settlers and arrested by Israeli authorities while working on his land in at-Tuwaini village.

### **Imposition of a “Closed Military Zone” on the House of Issa Amro**

On 31 October 2022, IOF established a “closed military zone” around the house of human rights defender Issa Amro in Hebron, a day after Amro sought to file a complaint against Israeli settler violence and several days after he documented and posted a video on social media of Israeli soldiers violently attacking an Israeli activist in Hebron.<sup>9</sup> The military order bars anyone from entering the area of the home other than Issa Amro himself. His house serves as the community center of the Palestinian human rights group “Youth Against Settlements”. Issa Amro has been regularly subject before to harassment by the Israeli soldiers and settlers in relation to his human rights work.

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<sup>8</sup> See Front Line Defenders, “Human Rights Defender Hafez Huraini Released From Israeli Prison While Investigation Continues,” 29 September 2022, available at: <https://www.frontlinedefenders.org/en/case/human-rights-defender-hafez-huraini-released-israeli-prison-while-investigation-continues>.

<sup>9</sup> See OHCHR, “Israel: UN experts condemn attacks against human rights defender Issa Amro and Palestinian civil society,” 17 November 2022, available at: <https://www.ohchr.org/en/press-releases/2022/11/israel-un-experts-condemn-attacks-against-human-rights-defender-issa-amro>.



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

---

### Assassination of Al-Jazeera Journalist Shireen Abu Akleh

The killing of Palestinian Journalist and Al-Jazeera Correspondent Shireen Abu Akleh by an Israeli sniper on 11 May 2022 while covering events in Jenin constituted one of the most important events in the OPT during 2022. Shireen was killed while covering the clashes between the IOF and Palestinian resistance in Jenin camp when she was shot directly in the head by an Israeli sniper.<sup>10</sup> Her colleague, Ali Al-Samoudi was also injured at the time as a result of a shot in the back while he was trying to provide her with medical care. They were both wearing blue vests with “Press” written on them. IOF also violently attacked the mourners participating in her funeral later in East Jerusalem.<sup>11</sup>

IOF initially denied responsibility for the killing claiming that she was killed by random gunfire by Palestinian gunmen, before retracting and announcing at a later time that there is a possibility that she was killed by Israeli bullets, but unintentionally. However, investigations by several Palestinian human rights organizations, including PCHR, and Palestinian Public Prosecution conclusively demonstrate that the targeting was intentional as the fatal shot was directed just below the helmet and that the source of the gunfire was an IOF marksman.

As a journalist, Shireen Abu Akleh was entitled to protection as a civilian under international humanitarian law and customary international law. Specifically, Article 79(1) of the First Additional Protocol to the Geneva Conventions, provides that “journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians”.<sup>12</sup> Similarly Rule 34 of the International Committee of the Red Cross (ICRC) Customary International Humanitarian Law, requires that “[c]ivilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities.”<sup>13</sup>

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<sup>10</sup> PCHR, “IOF Continue to Kill Journalists in Cold Blood: Journalist Shireen Abu ‘Akleh Killed and Another Journalist Wounded by IOF’s Fire in Jenin Refugee Camp,” 11 May 2022, available at: <https://pchrgaza.org/en/iof-continue-to-kill-journalists-in-cold-blood-journalist-shireen-abu-akleh-killed-and-another-journalist-wounded-by-iofs-fire-in-jenin-refugee-camp/>.

<sup>11</sup> PCHR, “Unjustified Violence: IOF Suppress Thousands of Mourners at Journalist Shireen Abu ‘Akleh’s Funeral in East Jerusalem,” 13 May 2022, available at: <https://pchrgaza.org/en/unjustified-violence-iof-suppress-thousands-of-mourners-at-journalist-shireen-abu-aklehs-funeral-in-east-jerusalem/>.

<sup>12</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3, Article 79(1).

<sup>13</sup> ICRC, Customary IHL Database, Rule 34, available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule34](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule34).



# المركز الفلسطيني لحقوق الإنسان

## PALESTINIAN CENTRE FOR HUMAN RIGHTS

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As a protected person<sup>14</sup>, Shireen was entitled special protection under international human rights law and international humanitarian law. Yet, she was shot and killed by the IOF in complete disregard of her protected status, thereby violating the duty of the Occupying Power to protect civilian persons. Her killing further amounts to willful killing, a grave breach of the Fourth Geneva Convention and a war crime under the Rome Statute of the International Criminal Court (ICC).<sup>15</sup>

This crime comes in the context of Israel's systematic attacks on journalists who work on exposing the crimes of the Israeli occupation against the Palestinian people. With the killing of Shireen Abu Abkleh, the number of journalists killed by the IOF since the outbreak of the Second Intifada in 2000, has risen to 25: 8, including an Italian journalist, were killed in the West Bank, while 17, including a British journalist, were killed in the Gaza Strip.

In 2022, according to PCHR's documentation, 30 journalists, all of them in the West Bank, were injured by live bullets, plastic-coated metal bullets, stun grenades and/or tear gas during their coverage of the protests that took place in occupied Jerusalem and the rest of the West Bank cities against the Israeli escalation. In addition, 40 journalists were subjected to inhumane and degrading treatment, including beating, kicking, slapping or were sprayed pepper spray in the face while covering events. Moreover, 25 journalists were arrested, either during their work covering the events or from their homes on the background of their journalistic work. Five of them are still detained in Israeli prisons on administrative detention or were given sentences.

## **2. Specific incidents involving children:**

This year witnessed the killing of a high number of Palestinian children in the Occupied West Bank. In fact, the number of Palestinians killed (155) during this year is the highest in West Bank in over 15 years. According to PCHR's documentation, IOF killed 32 Palestinian children, with the majority of the killings concentrated in the northern governorate of Jenin (14).<sup>16</sup> This came as a result of the sharp increase of arrest operations

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<sup>14</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287, Article 4.

<sup>15</sup> Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3, Article 8(2)(a)(i).

<sup>16</sup> Children Killed in the West Bank: Jerusalem (2), Hebron (1), Bethlehem (3), Ramallah (7), Nablus (4), Qalqilya (1).



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

---

and incursion into Palestinian cities in the occupied West Bank following the IOF's launch of a military operation code named "Break the Wave" on 31 March 2022.

In its documentation and collection of evidence, PCHR has observed that IOF use excessive and lethal force against Palestinian children in circumstances that may amount to willful killings in violation of international law. Under international law, intentional lethal force is only justified in circumstances where a direct threat to life or of serious injury is present.<sup>17</sup> However, as will be shown from the cases below, in the vast majority, if not in all the incidents, there was no direct threat to the lives to any of the Israeli soldiers by the Palestinian children.

On 2 June 2022, IOF shot and killed 17-year-old Odah Mohammed Sedqah while he was playing with his friends in the western area of the annexation wall between "Hashmonaim" settlement and al-Midya village, west of Ramallah.<sup>18</sup> IOF opened fire at Mohammed from a distance of approximately 150-200 meters. He was hit with a live bullet that penetrated his back and exited the right side of his chest. Oda's Friend told PCHR: "

"We were playing in the western area close to our houses, specifically near 'Odah's family house, and there were no confrontations nor events. There is also a tent where Israeli soldiers permanently station in addition to armed Israeli Border Guard officers stationed at the annexation wall. At 16:20, my friend 'Odah told me that he wanted to leave and go back home. At the time, I heard gunshots, and ran quickly to see 'Odah lying on the ground and screaming. I tried to move him, but his back was bleeding. Villagers immediately arrived and took him in a private car to Ramallah Governmental Hospital, where he was pronounced dead".<sup>19</sup>

In another incident, IOF shot and killed 17-year-old Mohammed Akram Ali Abu-Salah with live ammunition in the village of Silat Al-Harithiya near Jenin in the northern occupied West Bank on 23 February 2022.<sup>20</sup> The killing occurred when IOF entered the

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<sup>17</sup>UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Article 9.

<sup>18</sup> PCHR, "Israeli Occupation Forces Kill Palestinian in Ramallah," 3 June 2022, available at: <https://pchrgaza.org/en/israeli-occupation-forces-kill-palestinian-in-ramallah/>.

<sup>19</sup> Ibid 18.

<sup>20</sup> PCHR, "Collective Punishment Policy: A Palestinian child killed and 6 Palestinians injured during the IOF's demolition of a prisoner's home in Jenin," 14 February 2022, available at: <https://pchrgaza.org/en/collective-punishment-policy-a-palestinian-child-killed-and-6-palestinians-injured-during-the-iofs-demolition-of-a-prisoners-home-in-jenin/>.





## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

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village at approximately 10:00 pm to demolish the home of a Palestinian prisoner, a policy which amounts to collective punishment. A number of young residents of the village gathered in the area where the IOF were deployed to protest the demolition. They started throwing stones at the IOF and in response live and rubber bullets, sound bombs and tear gas were fired at the protestors. As a result, 7 people, including 2 children, were injured. Among those was Mohamed who was shot with a live bullet and pronounced dead at approximately 00:30 am while he was in Ibn Sina hospital in the city of Jenin.

In the Gaza Strip, 8 children were killed by the IOF in the context of a military operation. The operation, named "Breaking Dawn", lasted for three days and was the most serious escalation since the 11-day Israeli aggression in May last year. According to the latest PCHR documentation, the IOF's attacks killed 33 Palestinians, amongst them 20 civilians.

On 7 August, 2022, at approximately 7:00 pm, Israeli warplanes committed a massacre when they brutally targeted a group of children who were playing next to their grandfather's tomb in Al-Falouja cemetery in Jabalya camp, north of the Gaza Strip. As a result, five children, four of them from the same family, were killed: Jameel Ehab Nigim 13, Jameel Nagm Al-Deen Nigim, 4, Hamed Haidar Nigim, 16, Mohamed Salah Nigim, 16, and Nazmi Fayez Abu Karesh, 14. According to a testimony provided to PCHR by Ehab Nigim, Jameel's father, the children's body parts were scattered all over the place to the extent that he could not identify his own son, Jameel.

There was no suspicious military activity near the targeted place nor there were personnel from Palestinian resistance groups between the victims which can provide any kind of justification for the targeting of civilians, except that the targeting was deliberate. It was clear to the IOF warplanes what and who they were targeting.

As detailed above, Israel committed systematic and flagrant violations of international human rights and humanitarian law against Palestinian children, which amount to war crimes and crimes against humanity, particularly under the ICC's Rome Statute. Among these crimes are: indiscriminate and disproportionate use of force and willful killing.

### **Recommendations:**

Despite the repeated human rights violations and crimes committed in the OPT, the international community has systematically failed to hold Israel accountable. Protected by the culture of impunity, Israel has seen, once and again, that there is no political or economic cost to pay for its human rights violations which might force it to change its



## المركز الفلسطيني لحقوق الإنسان PALESTINIAN CENTRE FOR HUMAN RIGHTS

---

unlawful policies or practices, refrain from committing crimes and abide by its legal obligations.

Condemnations are not enough. The international community must immediately start taking concrete action to hold Israel accountable, including through sanctions and supporting efforts to take Israel before the ICC. By failing to take immediate and direct action, Palestinians will continue to face systematic and intensified attacks by the Occupying Power.

In light of the deteriorating human rights situation in the OPT, PCHR calls upon the Commission of Inquiry to:

- Condemn Israel's continued excessive use of force and lethal force against Palestinian civilians, including children, women, and journalists, and ensure that Israel aligns its rules of engagement for the use of live fire with international human rights law throughout the OPT.
- Call on the ICC Prosecutor Mr. Karim Khan to proceed effectively with its investigation into the situation in the State of Palestine in light of the deteriorating situation of human rights and to avoid perceptions of selectivity and double standards in conducting its work.
- Call on the international community to support the ongoing investigation by the Office of the Prosecutor (OTP) of the ICC into the situation in Palestine with the necessary resources requested by the OTP in its budget proposal and exert pressure on Israel to approve and facilitate the upcoming trip planned by ICC Prosecutor Karim Khan to the OPT in light of Israel's history of denying UN Commissions of Inquiry, Special Rapporteurs, and other international mechanisms and bodies from entering the OPT.
- Call on third states to cooperate to end Israel's widespread systematic violations, including by imposing individual sanctions and travel bans on perpetrators of grave breaches of international law committed in the occupied Palestinian Territory.