

## **PHROC Condemns Collective Punishment of Palestinians in Response to the Disappearance of Three Israeli Settlers**

**Date: 17 June 2014**

The recent wave of arrests, attacks, killings and total closure of large parts of the West Bank following the disappearance of three Israeli settlers is a clear form of collective punishment against the Palestinian people. Since the disappearance of the three settlers on Thursday 12 June, Israeli forces in Jalazoun refugee camp, north of Ramallah, have killed a Palestinian man, Ahmad Sabarin, 20, and have arrested approximately 200 Palestinians across the West Bank. In total, eight members of the Palestinian Legislative Council (PLC) have been arrested since 12 June, including the head of the PLC. One PLC member has since been released. On 15 June three people were injured, including an eight-year old boy, when the Israeli military blew up the entrance of a house in Hebron during an arrest operation. In addition, on 16 June six Palestinian were injured at Qalandiya checkpoint near Ramallah, including Yazan Yacoub, 17, who was, according to reports, shot in the chest and abdomen with a live bullet, critically wounding him.

As the Occupying Power, Israel is obligated to carry out its search for the missing settlers in line with its obligations under international humanitarian law (IHL) and international human rights law (IHRL). IHRL imposes an absolute obligation on Israel to respect the right to life of Palestinians by ensuring that the use of force and firearms by law enforcement officials is carried out in a manner that minimises damage and injury and respects and preserves human life. IHRL further prohibits arbitrary or unlawful interference with privacy, family, home and correspondence and affords all persons the right to liberty and security of person, which demands a legal basis for each and every individual arrest. Furthermore, all persons that are arrested must be treated with humanity and respect for their inherent dignity.

Although some of the measures carried out by the Israeli forces in large parts of the West Bank may have a link to the investigation into the disappearances, the methods employed are indiscriminate in their nature and are undermining the fundamental rights of the persons concerned. Furthermore, these restrictive measures are being carried out based on mere speculation regarding both the identity of those responsible for the disappearances and their location. As such, these measures indicate Israel's intention to impose punitive measures against large portions of the Palestinian population in violation of Article 33 of the Fourth Geneva Convention prohibiting reprisals against protected persons and their property, as well as collective punishment.

Furthermore, Israeli government threats to expel Hamas personnel from the West Bank to the Gaza Strip based on allegations that the organisation is responsible for the settlers' disappearances not only amounts to indiscriminate collective punishment but also violates Article 49 of the Fourth Geneva Convention, which prohibits forcible transfers and deportations of protected persons in occupied territory. The violation of this provision amounts to a grave breach of the Geneva Conventions and as such may

constitute a war crime under Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court.

The Palestinian Human Rights Organisations Council (PHROC) condemns Israel's disregard for its obligations under international law and its use of reprisals against the Palestinian population in carrying out its investigations into the disappeared youths. PHROC calls upon High Contracting Parties to the Geneva Conventions to uphold their obligation to ensure respect for the Conventions as established under Common Article 1, by taking concrete measures to pressure Israel to halt its violations of international law.

PHROC further condemns the Israeli government-initiated law proposal to permit force-feeding of hunger strikers. Currently, over 125 Palestinian detainees and prisoners have been on hunger strike in protest against Israel's illegal practice of Administrative Detention. Force feeding is defined as torture by the [World Medical Association](#) and has been [condemned](#) by the United Nations (UN), including by the UN Special Rapporteur on Torture. As such, PHROC calls upon the international community to condemn the law publicly and to urge the Israeli government to withdraw it. Moreover, PHROC calls on Israel to heed to the demands of the hunger strikers by bringing its illegal practice of administrative detention to an immediate end.