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مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة-بتسيلم  
B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

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## Human Rights in the Occupied Territories

### Annual Report 2011

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## Preface

Throughout the year B'Tselem conducts in-depth research and produces publications regarding specific human rights issues. This publication gives an overview of the broad spectrum of issues regarding Israel's human rights performance in the West Bank and Gaza Strip over the past year. It is an opportunity to take a step back and look at the big picture.

The picture is harsh – not because of dramatic events or a sudden deterioration, but precisely because of the routine. This year, we enter the 45<sup>th</sup> year since Israel occupied the West Bank and Gaza Strip. What was supposed to be a temporary situation appears firmly entrenched with no change in sight.

In the West Bank, two and a half million Palestinians live under Israeli military occupation while settlers live in enclaves of Israeli law within the same territory. Individual acts of violence by extremist settlers periodically capture the headlines, and discriminatory and inadequate law enforcement is indeed a concern. However, the major human rights violations result from the settlements: their extensive exploitation of land and water, the massive military presence to protect them, the road network paved to serve them and the invasive route of the Separation Barrier, which was largely dictated by the settlements. Israeli civilians living in the West Bank are also subject to violence. This year, five members of the Fogel family were shot and stabbed to death in their home in the Itamar settlement, and a father and his infant son were killed when their car crashed after rocks were thrown by Palestinians.

In the Gaza Strip, some one and a half million Palestinians are almost completely isolated from the outside world. While people can now leave Gaza through Egypt, they cannot travel to the West Bank, with harsh implications for family ties, the economy and educational opportunities. Israel fully controls the movement of goods. It allows import of humanitarian aid and consumer goods, however raw materials for construction, industry and agriculture are much more limited, and exports are miniscule. As a result, most Gazans remain dependent on humanitarian aid rather than being able to support themselves as they did previously.

Human rights are universal; every individual has the same rights and all authorities must be held to the same standards. As an Israeli organization, B'Tselem devotes most of its efforts to monitoring our own government and military. On the Palestinian side, there are several courageous and credible Palestinian organizations monitoring the human rights performance of the Palestinian Authority in the West Bank and the Hamas government in the Gaza Strip.

Human rights violations are inherent in a military occupation and the protracted nature of Israel's occupation only exacerbates human rights violations. Our job at B'Tselem is to ensure the fullest respect for human rights in the present circumstances, but it is clear that as long as the occupation continues, Palestinians will never fully enjoy their rights. By the same token, an erosion of the Israeli democracy is also inevitable in a situation of prolonged occupation. Israel controls the fate of millions of people who have no part in the democratic system. This is a dangerous situation for any democracy, and highlights the importance of watchdog groups on government and military behavior in this context.

And yet, these watchdogs have come under increasing attack recently. The Israeli government has supported a series of measures against democratic institutions and critics of government policy. Some of these proposals specifically target human rights organizations like B'Tselem, focusing on our sources of funding.

Such attacks only demonstrate the importance of our work. I am so proud to be part of B'Tselem, a vital part of Israeli civil society that in spite of the many challenges works tenaciously to safeguard human rights on the ground. It is especially gratifying to know that we are part of a community of Israelis, Palestinians and people around the world who share our vision of a future where all Israelis and Palestinians will live in safety and dignity. I am confident that ultimately, working together, we will make this vision a reality.

Jessica Montell  
Executive Director  
B'Tselem

# The Human Toll: Killing of Palestinian and Israeli Civilians

## *Palestinians killed by Israeli security forces*

From 1 January-31 December 2011, Israeli security forces killed 115 Palestinians, 18 of them minors (under age 18).

One hundred and five Palestinians were killed in the Gaza Strip. Of these, 37 were not taking part in hostilities, 49 took part in hostilities, and 14 were the object of targeted killing. Regarding the remaining four persons, B'Tselem does not know if they were taking part in hostilities. In addition, one Palestinian policeman was killed while in a building belonging to the Hamas navy.

Nineteen of the fatalities were shot near the Gaza perimeter fence; 11 of them took no part in any hostilities at the time. Israeli security forces also killed two Egyptian non-combatants along the Gaza perimeter fence.

In targeted-killing operations, 18 Palestinian were killed; 14 were the object of the attack, four were bystanders.

Eighty-two Palestinians were killed in aerial bombing attacks (this figure includes four of the Palestinians killed near the perimeter fence and all the Palestinians who were killed in the targeted-killing operations). Twenty of the 82 Palestinians were not taking part in hostilities.

<b>Palestinians killed in the Gaza Strip</b>		
	<b>2010</b>	<b>2011</b>
<b>Did not take part in hostilities</b>	18	37
<b>Took part in hostilities</b>	46	49
<b>Palestinian police</b>	0	1
<b>Object of targeted killing</b>	2	14
<b>Unknown</b>	2	4
<b>Total</b>	68	105

There are no ongoing hostilities in the West Bank, so it is irrelevant to classify Palestinian fatalities according to whether or not they took part in hostilities. In 2011, Israeli security forces killed 10 Palestinians in the West Bank: one in an exchange of gunfire with soldiers, two after they apparently tried to attack soldiers at a checkpoint, four during arrest operations, one while driving his car, one by soldiers' gunfire after Palestinians threw stones at them, and one as a result of a soldier firing a tear-gas canister that hit him in the head from short range while he was throwing stones. In addition, a Palestinian minor, resident of East Jerusalem, was killed during clashes with security forces and with security guards of the Jewish settlement in Silwan. The identity of the shooter remains unknown.

### *Investigations: exception rather than the rule*

Over a decade ago, at the beginning of the second Intifada, the Military Advocate General's Corps announced that, contrary to prior practice, it would not open an investigation by the Military Police Investigation Unit in every case in which soldiers killed a Palestinian civilian. Instead, the unit that was responsible for the death would conduct an operational inquiry, whose findings would be forwarded to the Military Advocate General. Based on these findings, and other information he obtained, the MAG would decide whether to order a criminal investigation.

### *April 2011: A welcome change*

In October 2003, B'Tselem and the Association for Civil Rights petitioned the High Court of Justice to require the MAG Corps to order an MPIU investigation in every case in which soldiers killed a Palestinian who was not taking part in hostilities. The organizations rejected the argument that the situation was one of "armed conflict." In fact, much of the military activity in the Occupied Territories consisted of ordinary policing actions. Furthermore, international law also governs situations of armed conflict, prescribing the circumstances in which soldiers are allowed to open fire, which weapons may be used, and so forth. Not every civilian death in an armed conflict constitutes a violation of the law. However, only a criminal investigation into such cases can determine whether soldiers respected the laws of war.

In April 2011, before the court ruled on the petition, the MAG Corps informed the High Court that, given the relative security calm in the West Bank, it decided to change the investigation policy, and that, "every case in which a civilian is killed from now on, as a result of an action of IDF forces in Judea and Samaria will result in an immediate MPIU investigation." There are two

exceptions to the policy change: the previous policy will remain in force in cases in which a person is killed in the West Bank in an action "of a real combat nature" (for example, an exchange of gunfire) and regarding all civilian deaths in the Gaza Strip.

Following the announcement, the court denied the petition. In the opinion, Supreme Court President Dorit Beinisch wrote that the point of departure in the matter of investigation of deaths is "the centrality and importance of protecting the right to life. . . Even in times of violent encounters, the rules requiring combatants to respect human life, and, to the extent possible, to respect the basic rights of civilians not taking part in hostilities, apply." President Beinisch noted that, "the investigation affects protection of the right to life – the investigation enables, first and foremost, prosecution in appropriate cases and holding persons responsible who do not act in accordance with the law. Furthermore, a criminal investigation acts to safeguard the future-looking component of the obligation to protect life, in that it deters potential violators, prevents disregard for the right to life, and contributes to an atmosphere in which the rule of law is maintained."

### *The new policy is partial and conditional*

B'Tselem welcomes the change in policy. However, the new policy is based on the situation on the ground – the relative calm in the West Bank – and not on an acknowledgement of the obligation to investigate all civilian deaths, even during hostilities. As the state's announcement indicates, if the situation changes, the MAG Corps will revert to its previous policy, which it applied during the second Intifada. Thus, the announcement does not ensure that Israel will meet its lawful obligations.

Another problem is that the operational inquiry remains the basis from which to decide whether to order a criminal investigation into civilian deaths in the Gaza Strip, and into those cases where civilians were killed in combat activities in the West Bank. The operational inquiry is not the proper tool for determining whether to open a criminal investigation; it is intended to learn lessons to improve operational activity, and not to examine criminal responsibility of the soldiers involved. In addition, even when an MPIU investigation is opened, it takes place after the operational inquiry. This chronology is liable to thwart the criminal investigation since, in the course of the operational inquiry, the soldiers involved describe the events together, which could enable them to coordinate their stories.

## *A decade without accountability*

Despite repeated requests by B'Tselem to receive information on cases it has submitted for investigation, the MAG Corps only transmits partial information on these cases.

The partial information provided indicates a lack of accountability in cases of civilian deaths. From September 2000 to April 2011, when the MAG Corps changed its investigation policy, B'Tselem demanded a criminal investigation into 304 cases in which soldiers killed Palestinians. Investigations were opened in only 73 of these cases. Of these, as far as B'Tselem knows, indictments were filed in nine cases and 23 investigations were closed with no measures taken against soldiers; in 27 cases the MPIU completed the investigation but the case was still awaiting the decision of the Military Advocate General; and 14 cases are still under investigation. As for the remaining cases, B'Tselem was informed that, regarding 168 cases, no investigation would be opened and that in 44 cases, the MAG Corps had not yet decided whether to open an MPIU investigation. Regarding 14 cases, the MAG Corps told B'Tselem that the files could not be located, and five files had been transferred to other investigative bodies.

Since the change in the investigations policy, MPIU investigations were ordered in all four cases in which Palestinians were killed in the West Bank. As far as B'Tselem knows, the MPIU is still investigating all of these cases.

## *Wheels of justice grind slowly, then grind to a halt: the killing of Firas Qasqas*

Firas Qasqas, 32, was killed on 2 February 2007 by soldiers' gunfire in a-Tira, a neighborhood in Ramallah. He was a resident of Batir, outside of Bethlehem, and had gone with his family to visit relatives in a-Tira.

According to information obtained by B'Tselem, on that afternoon, Qasqas and two of his brothers-in-law went for a walk in an open area near the houses of the neighborhood. They saw a group of soldiers some 500 meters from them. The two brothers-in-law reported that soldiers opened fire at the three men, who were unarmed and had done nothing to endanger the soldiers' lives. A bullet struck Qasqas in the back, killing him.

B'Tselem wrote to MAG Corps several times, demanding an MPIU investigation into the circumstances of the killing. About a year passed before MAG Corps ordered the investigation. B'Tselem assisted the MPIU in taking testimonies of the two men who were with Qasqas when he



was shot, and provided the MPIU with all the relevant material the organization had in the matter.

As far as B'Tselem knows, the investigation ended in April 2009. Yet despite B'Tselem's repeated requests that the MAG Corps decide whether to indict, no decision was made for almost two years. In February 2011, B'Tselem petitioned the High Court of Justice in the matter. In August, the State Attorney's Office informed the court that it decided to prosecute the officer who was responsible for the killing of Firas Qasqas, subject to a hearing which was to take place in November.

However, the decision to indict was subsequently reversed. In January 2012, over four years after the incident, the State Attorney's Office informed the court that, as a result of the hearing, it had decided not to file an indictment against the officer, and to close the file. The District Attorney's Office wrote that, although the shooting did not comport with the open-fire regulations, "a unique operational situation was involved, in which the soldiers, including the major [the officer], were in real danger." The State Attorney's Office concluded that, "even in the event the order to shoot was mistaken, it did not amount to negligence" and that, "there is a significant lack of evidence to prove the causal connection between the shooting and the alleged death of Firas Qasqas."

B'Tselem intends to appeal the state's decision.

### ***Mistaken identity? Soldiers shoot 'Omar al-Qawasmeh to death in his bed***

'Omar al-Qawasmeh, 66, lived with his wife and son in Hebron. Living on the floor below them was Wa'il al-Bitar, an activist in Hamas who was wanted by the Israeli military. Al-Bitar was released from a Palestinian Authority prison on 6 January 2011.

Around 3:45 P.M. the next day, soldiers broke into the house of the al-Qawasmeh family. They had reached the bedroom door without anybody in the family even knowing they were in the house. Two soldiers shot 'Omar al-Qawasmeh to death. B'Tselem's investigation indicated that he was shot while lying in bed. According to the medical report, he was shot in the head, chest, and limbs.

His wife told B'Tselem that, immediately after the shooting, one of the soldiers told her to show him her husband's identity card and asked whether the apartment was Wa'il al-Bitar's.

Subsequently, the soldiers arrested al-Bitar outside his apartment, without any resistance from him.

The IDF Spokesperson's announcement, made the same day, stated that, "during the course of a night arrest of wanted persons, a Palestinian who was in the house of one of the terrorists was killed." In fact, as noted above, al-Qawasmeh was killed inside his own apartment. In a subsequent announcement the IDF Spokesperson presented findings of the operational inquiry whereby "the initial gunfire at the civilian was done following a surprising and suspicious movement he made, causing the soldier to feel his life was in danger, especially given the information that the forces had as to the activity and dangerousness of Wa'il Bitar, a senior activist in Hamas, who was the object of the arrest and was in the building." The announcement expressed regret for the death of 'Omar al-Qawasmeh, but emphasized that the shooting was carried out in accordance with the open-fire regulations. Nevertheless, OC Central Command decided not to extend the service in the standing army of one of the two soldiers who shot al-Qawasmeh.

The action taken by OC Central Command was insufficient and reflects an appalling disregard for human life. It is clear from the chronology of the events and the responses of the IDF Spokesperson that the soldiers entered al-Qawasmeh's apartment by mistake. Even if the soldiers believed that the man in front of them was the person they wanted to arrest, and even if he made a suspicious movement, the soldiers were not justified in opening fire with the intent to kill him. There were many soldiers in the apartment, and they could have prevented the danger he posed – if indeed he posed any danger – in other ways.

B'Tselem wrote to the military advocate for operational matters, demanding a criminal investigation into the death of al-Qawasmeh. In January 2012, a year after the incident, the MAG Corps informed B'Tselem that they had decided a year earlier, two weeks after the incident, not to open an investigation.

### ***Soldiers shoot to death two young men in the Qalandiya refugee camp***

Around 1:30 A.M. on 1 August 2011, soldiers entered the Qalandiya refugee camp on what the IDF Spokesperson described as a "routine operation to arrest wanted persons." It was the first night of Ramadan, so many of the residents were awake and preparing for the pre-fast meal. In

the operation, the soldiers arrested three residents of the camp, two of them minors. A group of young men threw stones at the soldiers, who responded with tear-gas and stun grenades.

According to B'Tselem's investigation, around 3:00 A.M., some of the soldiers began to leave the camp. A few Palestinians were standing by the front doors of their houses, about 50 meters from them. A group of young men threw stones at the soldiers. This time, the soldiers responded with live ammunition and a massive volley of tear gas. The shots struck three young men who were in the street:

- Mu'atsem 'Adwan, 22, who was standing at the door to his house, was hit in the head and chest and apparently died on the spot;
- 'Ali Khalifa, 25, was struck in the stomach and died at the hospital;
- Maamun Ibrahim, 24, was injured slightly by shell fragments.

An operational inquiry, in which the soldiers involved took part, was conducted immediately after the incident. In accordance with the new policy instituted in April 2011, an MPIU investigation was opened to investigate the circumstances of the deaths of 'Adwan and Khalifa. Only in November did MPIU investigators take the testimony of Ibrahim. As far as B'Tselem knows, the investigation has not yet been completed.

### ***Hamas stores ammunition in a neighborhood in Gaza, breaching international humanitarian law; Israel bombs the warehouses, killing and wounding civilians, some of them children***

A little after 2:00 A.M. on 9 December 2011, Israeli aircraft fired two missiles at a compound of Hamas' military wing, the 'Az-a-Din al-Qassam Brigades, northwest of Gaza City. Another missile, which was fired a minute or so later, caused a large explosion and fire. The intensity of the blast apparently caused secondary explosions of ammunition stored in the compound.

According to information obtained by B'Tselem, rockets had been fired into Israel from this area shortly before the attack.

The missiles and secondary explosions damaged nearby houses. One of the houses, located only a few meters from the compound, collapsed on its occupants. Two people were killed: Bahajat a-Za'lan, 37, and his ten-year old son Ramadan. Another son, Yusef, 8, was seriously injured. Other houses near the compound were damaged, and one was totally destroyed.

Maqdad a-Za'lan, 19, Bahajat a-Za'lan's nephew, whose house is situated next to the house that collapsed, described the events to B'Tselem:

. . . I heard my uncle Bahajat say: "Maqdad, go to the children." I jumped over the fence separating our house from Uncle Bahajat's house. . . [Under the debris,] Bahajat was hugging his little boy, Ahmad, and his wife, Sa'ada. Sa'ada cried out to me, "Save Ahmad." I got Ahmad out from under the debris and went out of the house. . . I returned to Sa'ada to remove her from under the debris. While I was doing that, a third blast shook the whole area. The debris covered me and Sa'ada. I started looking for my cousins in the next room and found Ramadan, 10, and Yusef, 8, who were unconscious due to the smoke of the missiles and the destruction. I also found Rimah, 3, sitting cramped over in the corner of the room. Iman, 5, was sleeping and had not been injured, and I realized she was alive.

I returned again to lift Sa'ada from under the debris, and then I saw that Uncle Bahajat was alive. He said to me, "You're responsible for my children." I picked up his upper body and laid it on my lap and then began to clear the ruins around him. But I didn't succeed. I began to press on his chest to help him breathe, and then cleared the debris from around him and laid him there, until he died.

The IDF Spokesperson explained that, "secondary explosions resulted from the presence of weapons that had been stored near the terrorist sites that were attacked. The IDF regrets the injury to uninvolved persons, but emphasizes that the responsibility lies with the terrorist organization Hamas, which chooses to act from the heart of the civilian population and uses them as a human shield."

Storing ammunition and firing rockets from military compounds inside a civilian area is unlawful and endangers the civilians living there. The illegality arises because the ammunition might explode and because of the fear that the other side will attack the warehouse, which is a legitimate military object. By storing such ammunition in the heart of a civilian population, Hamas breached the fundamental principle of international humanitarian law, whereby civilians must be kept outside the cycle of hostilities.

However, Hamas's breach of international law by storing ammunition in a residential area did not grant Israel the automatic right to bomb it. The warehouse was indeed a legitimate military object, but Israel had the obligation to prevent, as far as possible, harm to civilians. Therefore, it was allowed to attack these targets only after it had taken all feasible means to minimize potential

injury to civilians. This included warning people before the bombing so they could leave the area. The decision to carry out the attack specifically in the middle of the night, when people were likely to be in their homes, increased the likelihood that civilians would be harmed. The film presented by the IDF Spokesperson that documented the second attack clearly showed a civilian structure next to the target bombed by the air force. Therefore, military officials cannot claim that they did not know civilians were in the area.

In a letter to the Military Advocate General's Corps, B'Tselem demanded that an investigation be opened into the circumstances of the two incidents.

### *Israeli civilians killed by Palestinians*

In 2011, Palestinians killed 11 Israeli civilians.

Eight were killed in the West Bank: five members of the Fogel family – the parents and three of their children, aged 11, 4, and an infant – were stabbed and shot to death in their home in the Itamar settlement; A man was shot by a Palestinian policeman when he entered the area of Joseph's Tomb in Nablus (which is under control of the Palestinian Authority) without prior coordination with the Israeli military; and Asher Palmer and his infant son were killed as a result of stones thrown at the car in which they were traveling on Route 60.

Another Israeli civilian, was shot to death in the Jenin refugee camp – the identity of the shooter and the background of the shooting remain unclear.

Three people were killed inside Israel: two in rocket attacks from Gaza – one in Beersheva and the other in Ashkelon – and a 16-year-old boy was killed by an anti-tank missile fired from Gaza at a bus inside the Sha'ar Hanegev Regional Council.

In addition, six Israeli civilians and one Israeli soldier were killed in an attack near Eilat. The identity of the perpetrators has not been announced. In an exchange of gunfire in that incident, several persons, whose identity is not known to B'Tselem, were killed, among them apparently some of the perpetrators. The soldier was killed by friendly fire. Another soldier was killed, also by friendly fire, in an exchange of gunfire with Palestinians along the border with Gaza.

Two foreign citizens were killed: one was abducted and hanged by Palestinian civilians in the Gaza Strip, and the other was killed by an explosive charge laid by Palestinians in Jerusalem.

### *Palestinians killed by Israeli civilians*

Two Palestinians were killed by settler gunfire in the West Bank. In both cases, settlers went to the vicinity of Palestinian villages and apparently opened fire after Palestinians had thrown stones at them. A third Palestinian, a resident of East Jerusalem, was stabbed to death in the center of Jerusalem by an Israeli.

### *Death penalty by Palestinian Authorities*

In 2011, Palestinian Authority courts in the West Bank sentenced one person to death, and Hamas courts in the Gaza Strip sentenced eight persons to death (one of them an Israeli, who was tried and sentenced *in absentia*). Hamas executed three persons: Muhammad Ahmad Abu Qanis, 51, and his son Rami, 22, who were convicted, on 29 November 2004, in the Magistrate's Court in Gaza for collaboration with Israel and for causing the death of Palestinians and were executed by hanging, and 'Abd al-Karim Muhammad 'Abd Sharir, 35, who was convicted on 29 October 2010 for collaboration with Israel and was executed by firing squad.

Since the Palestinian Authority was established, in 1995, 71 persons have been sentenced to death in PA courts for the crimes of collaboration with Israel, treason, and murder. Since June 2007, when Hamas seized control of the Gaza Strip, another 27 people have been sentenced to death for similar offenses.

Under Palestinian law, execution of a death sentence requires the approval of the president of the Palestinian Authority. Mahmoud Abbas has refused to approve executions, so none have been carried out by the Palestinian Authority since he took office, in January 2005. Prior to this date, the Palestinian Authority executed 13 persons who were sentenced to death. The Hamas government reinstated capital punishment in 2010, claiming that Abbas's presidency had ended, that the Hamas government no longer recognized him as president, and that his approval was not needed. From then until the end of 2011, eight executions were carried out in the Gaza Strip.

Out of all cases in which death penalties were handed down in the West Bank and Gaza Strip, two were reduced to a prison sentence, and in five cases, the person was released. Eight persons sentenced to death were killed inside prison, and three were murdered after they escaped from prison during Operation Cast Lead. Five persons facing execution escaped and were not caught,

six were sentenced *in absentia* and are not in custody, and in two cases, B'Tselem does not know where the person is being held.

PA and Hamas prisons currently hold 47 persons who have been sentenced to death and live in uncertainty as to whether they will be executed.

B'Tselem strongly condemns capital punishment, which is immoral and breaches the right to life. Capital punishment must be stricken from the statute books, regardless of the details or nature of the crime. The Palestinian Authority and the Hamas government must eliminate capital punishment. Until then, the Hamas government must not execute any person sentenced to death.

## **Not Just “Rotten Apples:” Violence against Palestinians by Israeli Security Forces**

### *B’Tselem documents hundreds of cases of violence and harassment*

Over the years, B’Tselem and other human rights organizations have documented hundreds of cases in which soldiers and police have slapped and kicked Palestinians, insulted and humiliated them, and delayed them at checkpoints for no reason. On occasion, more serious violence has also been exposed.

Israeli officials evade responsibility for these cases by condemning the incidents and claiming that the perpetrators are “a few rotten apples” whose acts do not reflect military policy. In practice, the system does not make it unequivocally clear that any violence against Palestinians is forbidden, and many complaints have been handled in a token manner. The implicit message to security forces is that even if the system objects to these acts in principle, it does not intend to bring lawbreaking soldiers and police officers to justice.

From September 2000 until the end of 2011, B’Tselem reported 473 cases to the law-enforcement authorities in which B’Tselem's investigation raised the suspicion that security forces used violence against Palestinians. Soldiers were involved in about half of these cases, and police or Border Police were involved in the rest. In each case, B’Tselem wrote to the relevant body and demanded an investigation and prosecution of those responsible:

- Of the 241 cases involving soldiers that B’Tselem sent to the Military Advocate General’s Corps, Military Police investigations were opened in 200 of the cases. However, the overwhelming majority of these - 134 cases - were closed without any measures being taken against the soldiers involved. Seven investigations led to filing of indictments, one of which was subsequently withdrawn. In another 18 cases, the MAG corps decided not to open an investigation. B’Tselem was not provided information on the handling of the other cases.
- B’Tselem sent 244 cases to the Department for the Investigation of Police concerning violence by police and Border Police officers. Information provided to B’Tselem indicates that an investigation was ordered in 146 of the cases, but fully 113 of them were closed without any measures being taken against those involved. In 12 of the cases, indictments



were filed. In 77 cases, DIP decided not to open any investigation. B'Tselem was not provided information on the handling of the remaining cases.

### ***Impediments to justice: Some cases go unreported***

Many Palestinians do not bother to file a complaint against Israeli soldiers or police officers. Filing a complaint is cumbersome and may take many hours. Also when an MPIU investigator summons the complainant to give testimony, the complainant may have to wait hours at the entrance to the District Coordination and Liaison office (DCL). Many others, primarily Palestinians who enter Israel illegally, do not file complaints even in cases of severe violence, fearing they will be arrested while they file their complaint. Many others do not file complaints because they do not have faith that the Israeli criminal-justice system, which tends not to believe them and to protect those who harmed them, will bring them to justice. As a result, not all cases of violence are reported.

### ***Soldiers beat and humiliate shepherd from the village of Kisan***

Nayef 'Abayat, 24, lives in Kisan, a village south of Bethlehem. In the 1980s and 1990s, a few settlements were built in this area, which was classified Area C under the Oslo Agreements, meaning Israel has control over both civil and security matters. In testimony he gave to B'Tselem, 'Abayat said that many residents of Kisan, who earn a living raising sheep and goats, are frequently harassed by the military and by the settlements' security coordinators.

On Friday, 4 March 2011, 'Abayat was grazing his family's flock on land south of the village. Around mid-day he gathered his sheep and was walking along the road leading to his house. The Ibey Hanachal outpost is situated alongside the road. As he was walking, three military jeeps pulled up and three soldiers got out and came over to him.

According to 'Abayat, one of the soldiers asked him what he was doing there and kicked him before he could answer. The blow knocked Abayat to the ground, injuring his elbow, which began to bleed. The other soldiers searched him, cuffed his hands, and blindfolded him. Then they threw him onto the floor of the jeep. They drove for about two hours, during which the soldiers insulted and swore at him. The jeep came to the Etzion army base, where the soldiers left him waiting in the yard for a few hours, still blindfolded and cuffed. He was released several hours later. B'Tselem complained to the MAG Corps on 'Abayat's behalf, demanding an investigation into the matter. An MPIU investigation was opened.

### *Border Police officers beat resident of Silwan, East Jerusalem*

Wahid a-Rawidi, 34, lives in East Jerusalem's Silwan neighborhood. He is married, and has five children. Around 7:00 P.M. on 15 September 2011, he drove with his mother, wife, and two of his children – who were three years old and one year old – to a nearby neighborhood to visit his sister, who had given birth a few days earlier. At the time, residents of the neighborhood were throwing stones at Border Police. On the way, the Rawidi family encountered a Border Police jeep that had blocked the road.

The policemen ordered a-Rawidi to stop and demanded the ID cards of everyone in the car. His mother did not have her ID card with her. While a-Rawidi was trying to convince the policeman to let him continue on his way, another jeep approached, and residents threw stones at it. A-Rawidi worried that his car and his children would be injured by the stones, so he moved the car about ten meters forward. His way was blocked by another police jeep. A policeman got out of the jeep and ordered a-Rawidi to get out of his car. During this time, more stones were thrown at the police, and some of them hit a-Rawidi's car.

According to a-Rawidi, he asked the policemen if he could move his car. The border policemen shouted and swore at him, and beat him all over his body. One of the police officers pushed him to the ground, cuffed his hands behind him, and sprayed tear gas into his face. A-Rawidi told B'Tselem: "I felt like I was choking, like I was about to die. My eyes burned like crazy."

After that, a-Rawidi told B'Tselem, the policemen put him into the jeep and blindfolded him. He said he heard his mother trying to reach him and to get the police to release him, but they shouted at her to stay back. The jeep drove off and stopped after going a short distance. A-Rawidi asked the policemen to allow him to get out because he was having trouble breathing. They let him out. He asked the policemen to call for an ambulance since he was hurting from the beating. The policeman disregarded his request. According to a-Rawidi's testimony, the policemen told him that he could end the matter if he agreed to go home as if nothing had happened. He refused and insisted that he go to the hospital and to file a complaint for the violent acts and humiliation he had suffered.

He was taken to the police station in Jerusalem's Old City, where he was told he was suspected of assaulting police officers and for disturbing them in the performance of their duties. He denied all the allegations. He was then taken to another police station, where he was examined by a physician, who ordered that he be taken to a hospital for examination. After being examined at

the hospital, he was returned to the police station and the next day was brought before a Jerusalem Magistrate's Court judge to extend his remand.

The judge, Haim Li-Ran denied the police's application to extend the detention for three days for purposes of investigation. In his decision, the judge wrote, "I find it hard to understand why the incident developed as it did, and as a result a suspect is standing before me who has been beaten, with a blue mark under his right eye and a bloodstained shirt."

A-Rawidi filed a complaint with the Department for the Investigation of Police (DIP). DIP informed B'Tselem that the complaint is being investigated.

### *A field trip turns into a nightmare*

On Friday, 17 December 2010, Palestinian youth from the Hebron, Ramallah, and Nablus districts took a trip to Jericho to mark the end of a computer course. Around 7:00 P.M., their bus came to the Container checkpoint, near the Abu Dis Municipality. One of the Border Police officers staffing the checkpoint entered the bus and began to collect the ID cards of the group.

Among the boys was Amir Qabajeh, 16, from Tarqumiya, Hebron District. He told B'Tselem's field researcher that the trip had been great and the atmosphere on the bus was fantastic. When the policeman reached him, he was joking with his friends. The policeman took his ID card and ordered him to get off the bus. The policeman also ordered a friend of Qabajeh's, who he was joking with, to get off the bus.

The two boys said that the policemen ordered them to sit under an open shelter next to the checkpoint. Then the policemen took them, one after the other, behind a structure at the checkpoint and beat them.

Qabajeh told B'Tselem that, when he returned to the bus, he felt humiliated and embarrassed due to the policemen's assault on him with his friends and relatives nearby. The good atmosphere on the bus turned into sadness and silence. The atmosphere worsened when his friend, H. returned to the bus. They could see the markings of a beating on his body. Qabajeh told B'Tselem that he would never forget what happened to him that day, and the grief and embarrassment he suffered.

About a month later, B'Tselem, acting on behalf of Qabajeh and H, reported the incident to the Department for the Investigation of Police (DIP) and demanded an investigation. In October 2011,

DIP informed B'Tselem that, after examining the complaint, it was decided that the circumstances of the cases did not warrant a criminal investigation. B'Tselem asked to see the investigation file. This file reveals the most superficial of investigations with no real attempt to get at the truth. The entire file consisted solely of Amir's testimony and the Border Police mission report from the day of the incident. The mission report did not mention the incident at all, and DIP did not bother to take the testimonies of the Border Police officers who were at the checkpoint or of the checkpoint's commander, although their particulars appeared in the mission report.

On 4 December 2011, the Association for Civil Rights in Israel wrote to the State Attorney's Office against the DIP's decision not to open a criminal investigation and demanded that the investigation be reopened and conducted properly.

## Without Due Process: Detention and Arrest of Palestinians

Palestinian detainees and prisoners are generally held in facilities of the Israel Prison Service. Except for Ofer Prison, near Ramallah, all these facilities are located inside Israel. As of 30 November 2011, 4,803 Palestinians were being held in IPS facilities. This includes 3,720 prisoners and 630 detainees who have been remanded until the end of the criminal proceedings against them.

**Palestinians held under military custody in IPS facilities, 2011**

At end of -	Total	Convicted	Non-administrative detainees	Held under Illegal Combatants Law	Remanded until end of trial	Administrative detainees
January	5,642	4,618	181	3	621	219
February	5,550	4,540	162	2	632	214
March*	5,493	4,474	140	17	645	217
April	5,383	4,381	124	2	657	219
May	5,335	4,321	154	2	630	228
June	5,420	4,425	136	2	615	242
July	5,398	4,410	122	2	621	243
August	5,204	4,164	124	2	642	272
September	5,269	4,235	131	1	616	286
October **	4,772	3,753	131	1	609	278
November	4,803	3,720	169	1	630	283
December	4,281	3,196	152	1	625	307

\* As of 27 March.

\*\* In October, 477 Palestinian prisoners were released as part of the Shalit-exchange deal.

In addition, the military maintains two detention facilities inside the West Bank, at the Etzion and Huwara military bases. The detainees are generally held for a short period of time for interrogation purposes only, after which they are transferred to other detention facilities or are released. No women or children under age 16 are held in the two facilities.

### *Administrative detention: Prolonged detention without trial*

Administrative detention is detention without trial, the declared aim being to prevent the person from committing an act that is liable to endanger public safety. Unlike a criminal proceeding, administrative detainees held by Israel are not told the reason for their detention or the specific allegations against them. Although detainees are brought before a judge for purposes of approving the detention order, most of the material submitted by the prosecution is privileged. Since the detainees do not know the evidence against them, they are unable to refute it. The detainees also do not know when they will be released: although the maximum period of a detention order is six months, it can be renewed indefinitely. Administrative detention violates the right to liberty and the right to due process; the detainee is incarcerated for a prolonged period without criminal charges being filed, without a trial in which the state is required to prove the accusations, and without the court giving its ruling at the end of the trial.

Over the years, Israel has held thousands of Palestinians in administrative detention for periods ranging from a few months to several years. The state has also held a number of Israelis, including a few settlers, for periods up to a few months. There were times over the past decade when the number of Palestinians held in administrative detention exceeded one thousand.

Since 2008, there has been a steady drop in the number of administrative detainees: from 813 in January 2008 to 204 in December 2010. In 2011, this trend was reversed and there was an increase: 307 in December compared with 219 in January. Some 29 percent of the administrative detainees were held for a period of between six to twelve months, and 24 percent for one to two years. Seventeen were held between two and four and a half years, and one detainee was in administrative detention for over five years. In December 2011, one minor was being held in administrative detention.

### *From rare exception to standard practice*

Under international law, it is permissible to administratively detain a person only in exceptional cases, when the person himself poses a danger and less harmful means cannot prevent it. A

detainee has the right to appeal the detention. Israel's use of administrative detention breaches these rules, in gross violation of the detainee's rights. Israel's policy with respect to administrative detention makes a mockery of the protections prescribed by Israeli and international law, which are intended to ensure the right to liberty and due process, the right to be heard, and the presumption of innocence.

### *Release or prosecute*

The decline in the number of Palestinians in administrative detention does not reflect a change in policy, and the military law allowing wide-scale and lengthy detentions remains in force. At the end of 2011, Israel was still holding more than 300 Palestinians in administrative detention for months and even years without their knowing when they will be released and without being able to mount a defence. Israel must release all the administrative detainees or prosecute them in accordance with due process.

### *Definitely not child's play: Palestinian minors denied protections afforded by Israeli and international law*

#### **Statistics**

According to the Israel Prison Service, in 2011, some two hundred Palestinian minors were in the custody of security forces at any given time. The number of minors in prison has been dropping steadily. By way of comparison, in 2008, an average of about 320 minors were incarcerated each month.

These figures do not include minors detained for questioning and released without being prosecuted. The authorities could not provide figures for such detentions. According to the military court's figures, in 2010, 650 indictments were filed against minors, 40 percent of them for stone-throwing with no other offenses. Other minors were accused, among other things, of throwing petrol bombs and of belonging to an unlawful organization. According to figures of the IDF Spokesperson, in 2010, eight minors were convicted of serious crimes, among them the attempted assault of a soldier. In 2011, one minor was convicted of five counts of homicide – the killing of five members of the Fogel family from Itamar – and of other crimes arising out of the

same incident. The court sentenced him to five consecutive life sentences, and an additional five years for the other offenses he committed.

## **Without protection: From arrest to indictment**

Israeli law defines a minor as a person under 18 years old. This same definition has been applied to Palestinians in the West Bank only since September 2011. Prior to that, the relevant age was 16.

Although the change is welcome, Palestinian minors still are not provided the protections granted under Israeli and international law. Detention and incarceration continue to be the only response to suspected breaches of the law – and not the last resort when dealing with juvenile offenders. Military law does not give minors the right to have a parent present during interrogation, as required by Israeli law, and often Palestinian minors are questioned without being able to consult with an attorney. In addition, the military legislation lacks proper rules governing arrests and interrogations. The Israeli military regularly takes Palestinian minors from their beds in the middle of the night to detain them, even when the interrogation is not urgent. Israeli law requires that an adult detainee be brought before a judge within 24 hours, and a minor detainee under age 14 within 12 hours. By contrast, in the West Bank, both adults and minors may be held for eight days before being brought before a judge.

Twelve is the age of criminal responsibility both in Israel and in the West Bank. Criminal proceedings may not be initiated against a minor younger than 12. Israeli statutory law grants special protections to minors; a minor under age 14 cannot be held in detention or incarceration. There are additional restrictions on indictments filed against minors under 13. These protections do not exist in the military legislation applicable to Palestinians. The only parallel restriction in the military legislation is that a minor under 14 may not be sentenced to incarceration for over six months.

## **The Military Youth Court: A slight improvement**

In November 2009, Israel instituted a Military Youth Court, which operates at the Ofer Military Base. The court's judges have been authorized to serve as youth court judges, and the hearings are held *in camera*. Since it was established, it has dealt with minors under age 18, even though the military legislation then in force defined minors only as persons under age 16. The Military Youth Court conducts only the principal hearings; hearings on extension of detention are held in



the regular military courts, and appeals are heard by the military courts of appeals, on which youth judges do not sit.

The Military Youth Court has attempted to shorten the length of proceedings. According to figures of the IDF Spokesperson, before the Youth Court was established, in 10 percent of the cases in which minors were detained until the end of the criminal proceedings, the proceedings took more than nine months to complete. In 2010, only 1.5 percent of cases lasted that long.

B'Tselem found that from the beginning of 2005 to the end of June 2011, 93 percent of minors convicted of stone throwing were given a prison sentence. The Military Youth Court improved the handling of cases involving minors under 14. In the first six months of 2011, no minors under 14 were convicted of stone throwing. Also, the Military Youth Court shortened prison sentences appreciably for those minors under 14 who were convicted; in 2010, the longest sentence imposed on this age group was nine days, compared to sentences of two months that had been imposed before the Youth Court was instituted. Inside Israel, as mentioned above, minors under 14 cannot be imprisoned at all.

For older children, the establishment of the Military Youth Court did not result in significant changes regarding the penalties imposed; from the beginning of 2005 to the end of June 2011, the median period of incarceration for minors aged 14-15 was two and a half months and four months for minors aged 16-17.

## **Chronology of a predictable confession: The arrest and interrogation of a Palestinian boy for throwing stones**

Muhammad Jawabreh, 16, an eleventh-grade student, lives with his parents and eight siblings in al-'Arub refugee camp, near Hebron. He told B'Tselem about his arrest and interrogation.

Around 2:00 a.m. on Thursday, 19 May 2011, a large group of soldiers came to our house. They forced their way into my bedroom and woke me up by kicking and banging their rifles. I was stunned and frightened. I got out of bed. An officer asked me my name and I told him. He told me to get dressed because I was in pajamas.

I got dressed while the soldiers spoke with my father. I understood that they were going to arrest me. The soldiers took me to the street, tied my hands behind me, blindfolded me, and then put me into a jeep. A few minutes later, we drove off.

On the way, the soldiers slapped me a lot, hit me with the barrels of their rifles, and kicked me. One of them kicked me hard in the head. I couldn't defend myself because my hands were tied behind me. The soldiers also swore at me, calling me a bastard and much, much worse.

The jeep stopped and the soldiers put me in some kind of shipping container. A female soldier came in and took off the blindfold and gave me a medical questionnaire. She asked me if I had any of a long list of diseases, and I said I didn't. After that, the soldiers blindfolded me again and sat me on the floor. While I was sitting there, a soldier came and stepped on my legs and banged my head against the side of the container. He did that few times. He also swore at me and kicked me a few times. That lasted until morning.

In the morning, the soldiers took me and other detainees and had us sit between the containers. We sat there a long time, more than three hours maybe. They took us, one at a time, to interrogation.

Jawabreh told B'Tselem that he was also treated violently during his interrogation.

Before the interrogator began to question me, he pushed me against the wall of the container. Then he sat me down on a chair opposite his table and questioned me about stone throwing, and about a particular day – whether I threw stones at cars or army jeeps, who was with me, and whether my family knew I throw stones. I told that I didn't throw stones at all. He said I was lying. He got up a few times and tightened the binding on my hands.

Ultimately, Jawabreh confessed to the offenses the interrogator claimed he committed. He was convicted in a plea bargain and sentenced to four months' imprisonment, which he served in Ofer and Megiddo prisons.

## **Undercover security forces detain 13-year-old boy playing with his friends in East Jerusalem**

Since East Jerusalem was annexed to Israel, minors detained there are entitled to all the protections afforded by Israel's Youth Law. Despite this, in many instances police have violated the rights of Palestinian minors suspected of stone-throwing.

On the afternoon of Friday, 22 July 2011, boys in East Jerusalem's Ras al-'Amud neighborhood were playing soccer in the street. A police car crossed the intersection and a Border Police jeep blocked off the road. Then a civilian vehicle stopped alongside the boys, and security forces dressed in plain clothes got out. They grabbed Islam Jaber, a 13-year-old boy, forced him into the vehicle, and drove off. The action was filmed on a security camera installed outside a nearby shop.

Jaber described what happened next:

The undercover forces made me lie down on my back, on the floor of the van, and blindfolded me. One of them asked me in Arabic, "What's your name? How old are you?" I told him. I was very scared, and I cried. I didn't know what would happen to me, and didn't understand why they grabbed me like that. Later, they asked me a few more questions. After each question, one of them slapped me.

He was taken to an unknown place for questioning about stone throwing. His parents were not present, and he was not allowed to consult with an attorney. He described his interrogation:

The interrogator asked me: "Why did you throw stones"? I said I didn't. They took off the blindfold, and I saw a policeman and alongside him a man with a mask on his face and dressed in civilian clothes. The policeman told me to sign a piece of paper that had Hebrew writing. I told him I can't sign any piece of paper. He said, "All right." He blindfolded me and then the interrogators began to beat me. They hit me all over my body with their hands, and I think also with a rubber club. It hurt a lot, and I cried. A short while later, somebody came and told me to stop crying, and that my father would arrive soon and take me home.

After about an hour, Jaber was released. His father took him to the emergency room at Hadassah Hospital where he was found to have a few external bruises. The boy says that, since the incident, he has been waking up in the middle of the night due to nightmares.

Three days after the incident, his father filed a complaint with the Department for the Investigation of Police and the boy gave his testimony. On 13.3.12 DIP informed B'Tselem that the file was closed and no investigation conducted due to lack of public interest. B'Tselem has requested the file to consider appealing this decision.

## **The Gaza Strip: Isolated and Impoverished**

### *Despite withdrawal, Israel maintains control in the Gaza Strip*

In September 2005, Israel withdrew its forces from the Gaza Strip, which increased Palestinians' control over their lives, primarily with respect to their ability to move freely throughout most of Gaza. However, Israel continues to hold decisive control over major aspects of people's lives there. Israel maintains full control of Gaza's airspace and territorial waters, and most of the land crossings to and from Gaza. Gazans who want to go to the West Bank must pass through Israel, for which they require a permit which Israeli authorities only grant in very rare humanitarian cases. In addition, Israel still controls the Palestinian population register and taxation under the customs union, both of which cover the West Bank as well as the Gaza Strip.

In May 2011, Egypt declared that the Rafah crossing would remain open permanently for Palestinians to cross. The opening of the crossing improved Gazans' freedom of movement, and most people can now leave for Egypt and from there to other countries, without Israel's approval. However, Rafah Crossing does not enable the transfer of goods, so that Gazans still rely on Israel for imports and exports. In addition, residents of the Gaza Strip cannot reach the West Bank via Rafah Crossing because Israel does not allow them to enter the West Bank via Jordan.

### *The siege on the Gaza Strip*

In June 2007, after Hamas seized control of the Gaza Strip, Israel imposed a siege on the area, in which it enforced harsh restrictions on imports and exports. According to Israeli officials, the objective of the siege was to bring down the Hamas government and bring about the release of the soldier Gilad Shalit (who was ultimately released in October 2011). The siege thus constitutes a kind of collective punishment of the civilian population and is, therefore, unlawful.

### *The result: Economic collapse and severe poverty*

Israel's policies have led to economic collapse in Gaza. The prohibition on importing raw materials and on exports led to the closing of 95 percent of the factories and workshops. As a result, tens of thousands of people lost their jobs. In December 2011, unemployment stood at 28 percent, compared to 18.7 percent in 2000. More than 70 percent of the population depends on food aid from international organizations.

### ***Gaza Exports: Is there such a thing?***

Prior to the siege, Gaza exported items such as furniture, textiles, and agricultural produce.

According to figures of the Palestinian Chamber of Commerce, in the four years prior to imposition of the siege, an average of 40 truckloads of goods left Gaza daily. About 85 percent were intended for Israel and the West Bank.

In June 2007, Israel completely prohibited all exports from Gaza, except for a few shipments of agricultural produce. In the entire three year period from June 2007 to June 2010, a total of 255 truckloads of strawberries and flowers left the Gaza Strip for European markets – less than a single month of exports prior to the siege.

In late 2010, Israel eased restrictions on agricultural produce. From November 2010 to April 2011 – the agricultural export season – Israel allowed the export of some 300 truckloads of produce (70 percent strawberries, 27 percent flowers, and the remainder cherry tomatoes and peppers).

On 27 November 2011, Israeli officials met with the Gaza Farmers Committee ahead of a new export season. Israel announced that this season – November 2011 to May 2012 – it would allow 580 trucks of exports from Gaza (51 percent strawberries, 22 percent cherry tomatoes, 17 percent flowers, and 9 percent peppers).

According to B'Tselem's figures, in 2011, 238 trucks carrying 538 tons of produce and some 9.5 million flowers left the Gaza Strip. These quantities are miniscule compared to the level of exports prior to the siege and clearly do not meet the population's needs. In addition, Israel permits exports only to Europe, and not to the West Bank or to Israel. Export of produce to Europe is barely profitable, and is only possible thanks to the involvement of the Dutch government, which administers and finances the project.

### ***Imports to Gaza: Food is IN, Building Materials are OUT***

In May 2010, after the Israeli navy intercepted the Turkish flotilla, Israel eased restrictions on imports to the Gaza Strip. Prior to that, all items were prohibited, with the exception of a specific list of goods. The change reversed this policy such that all items are now allowed, with the exception of goods that Israel contends are used, or might be used, for military purposes – fuel and building materials among them.

In 2011, Israel allowed an average of 4,170 trucks a month of imports to Gaza. This was twice the number that entered before June 2010, but is only 40 percent of the goods that entered Gaza prior

to the siege. There is no food shortage in Gaza, but there is still a severe shortage of construction materials. In 2011, the amount of building materials allowed into Gaza amounted to 17 percent of the average monthly quantity of goods that entered Gaza from 2005 to 2007, before Israel imposed the siege.

### *Difficulties rebuilding all that was destroyed*

Israel's prohibition on importing construction materials prevents Gazans from rebuilding all that was destroyed during Operation Cast Lead, in December 2008 and January 2009. In the operation, 3,500 houses were totally destroyed and thousands were partially damaged. Infrastructure and many public buildings were also severely damaged.

Israel currently allows into Gaza only building materials intended for projects under international supervision. Since June 2010, when Israel announced the easing of import restrictions, some 160 such ventures have been approved: infrastructure construction, renovation of hospitals, housing, and so forth. Dozens of ventures await Israel's approval, some of them for over a year.

In this context, in 2011 an average of 685 trucks carrying construction materials entered monthly, compared to an average of 5,000 trucks per month in the two-year period preceding the siege.

### *Shortage of classrooms*

The Gaza Strip has 450,000 elementary and high school students, a number that grows every year. Israel's prohibition on import of construction materials prevents the rebuilding of schools that were damaged during Israeli military operations, the renovation of schools following normal wear and tear, and construction of new schools.

According to the figures of UNRWA and the Ministry of Education in Gaza, during the 2011-2012 school year, there was a shortage of 1,000 classrooms for 40,000 pupils. There are also dozens of classrooms that need to be renovated. To meet this shortage, most of the schools run on shifts. In 2011, some 197,500 pupils studied in the afternoon shift.

### *Lights out*

The many years of the siege have also severely impaired Gaza's electricity supply. The crisis began with Israel's bombing of the Gaza power station following the abduction of Gilad Shalit, in June 2006. In September 2007, after it declared the Gaza Strip a "hostile entity," Israel reduced the

supply of industrial fuel, which is needed to operate the power station. Following a petition filed by the NGOs Gisha and Adalah, the state agreed to supply some 63 percent of the fuel needed. In practice, however, it provides less. In addition, in 2010, a controversy arose between the Hamas government and the Palestinian Authority in the West Bank regarding payment for the fuel. The controversy led to further reduction in the fuel supply. In early 2011, the energy authority in the Gaza Strip began to bring industrial fuel from Egypt, at a lower cost, through the tunnels running under the Egyptian border.

At the end of 2011, more than one million Gazans still rely on electricity from Israel. When there are problems with the Israeli supply, it takes a long time to coordinate repairs. For example, on 17 November, one of the power lines – serving 120,000 Gazans – malfunctioned. It took three weeks before Israel allowed the repair.

The situation has created a continuous gap of more than 30 percent between electricity demand and supply. At times of high demand, the gap can reach 45 percent. Due to the shortage, the authorities cut the power up to eight hours a day in some areas.

The permanent shortage of electricity prevents the proper operation of water wells and desalination plants. All the water in Gaza is pumped from the Coastal Aquifer, whose water quality is poor due to years of over-pumping. Also, irregular operation of the desalination plants has resulted in improper desalination of some of the water supply. According to figures of the Emergency Water, Sanitation and Hygiene group (EWASH), in July 2011, only 5-10 percent of the water from the Coastal Aquifer met the WHO standard for water quality. The rest of the water was polluted with chloride and nitrates, several times higher than the recommended levels.

The electricity shortage also affects wastewater treatment, with up to 80,000 cubic meters of untreated, or partially untreated, wastewater flowing into the sea daily.

The water supply is also disrupted. According to EWASH, in January 2011, 45 percent of the residents had running water only 6-8 hours every two days. Thousands of others were not hooked up to a water system, and had to buy water. Some residents who are connected to a water system buy treated water for drinking purposes, but 17 percent of Gaza's residents do not have enough money to buy the treated water.

### *Can't fish, can't farm*

Agriculture has been hit hard by the siege, resulting in thousands of persons losing their source of livelihood. This is due, in part, to the prohibition on the entry of basic items such as pesticides and spare parts for irrigation systems, as well as the prohibition on exports. In addition, Israel has declared about one-third of Gaza's farmland adjacent to the Israel-Gaza border, a "security strip" to which access is forbidden or restricted, and in which Israel has relaxed its open-fire regulations. Farmers therefore cannot access these lands.

Israel has also restricted the area in which fishing is allowed. In 1994, fishermen were allowed to go 20 nautical miles from shore. In 2006, the distance was reduced to six nautical miles, and since Operation Cast Lead, fishermen have only been allowed to fish within three nautical miles from the coast. At the end of 2011, the Israeli navy placed five buoys along the coastline, from Beit Lahiya to Rafah, three nautical miles from shore. According to information B'Tselem obtained, on a number of occasions, naval vessels fired towards fishermen who approached the buoys. As a result, fishermen are afraid to go close to the buoys, further limiting the fishing area available to them.

The waters in this range yield a meager supply of fish, and fishermen find it difficult to make a living. According to the UN agency OCHA, the restrictions on fishing resulted, in 2011, in the smallest crop of sardines in 12 years. In 2009-2011, the catch was 437 tons a season, less than one-quarter that of 2006-2008 (1,817 tons).

In some cases, the Israeli navy seized boats and equipment from fishermen. Often it did not return all the equipment; in some cases, it returned the boats, but not the engines. As far as B'Tselem knows, in 2011, 24 fishing boats had been confiscated, in addition to nets, GPS devices, other equipment, and fish. Only nine of the boats were returned to their owners, without the equipment that was on board.

Due to these difficulties, many fishermen have stopped fishing. Only 3,700 fishermen are now registered in the Gaza Strip, compared with about 10,000 in 2000.

### *Family of fishermen lose their livelihood*

**Khader Hassan Khader Baker, 29, married with three children and living in a-Shati refugee camp, in Gaza City, is a fisherman. He**



## **described to B'Tselem the repercussions of Israel's restrictions on fishing off the Gaza coast.**

For 14 years, I've worked with my father fishing on a motor boat in the sea off Gaza's coast. My grandfathers were also fishermen. Despite the difficulties and restrictions on fishing, we managed to make a living from fishing.

On 11 September 2011, I was fishing in the sea off Beit Lahiya, with my father and six other people. We were in two boats. The Israeli navy detained us and took us in for questioning at Erez Checkpoint. They released us shoeless late that day. They confiscated the two boats and the motors, nets, navigation devices, and other fishing equipment. I was in shock and felt like our house had been destroyed.

I haven't worked since then. My father has heart problems, and now we don't have the money to buy his medication, so he goes to the UNRWA clinic. Since I'm not working, I buy fruit only once a month, meat or chicken once or twice a month. I don't have money for clothes for me and my family. The 'Eid al-Adha holiday was especially hard for me. I stayed at home, like it was an ordinary day, didn't slaughter a sheep, and did not visit relatives. My sons and brothers also felt things were missing on the holiday, since they didn't buy things like their friends did. They were sad because they wanted to enjoy the holiday like everyone else.

### ***The "tunnels economy"***

As a result of the siege policy, an extensive network of smuggling tunnels have developed between the southern Gaza Strip and Egyptian Rafah. Since the siege began, large quantities of goods have been imported through these tunnels. The Hamas government supervises the operation of the tunnels and collects taxes from the operators. In addition to consumer goods and other basic supplies, Palestinians also smuggle in weapons, including rockets. The Israeli Air Force has bombed the tunnels many times, causing the operation of some to shut down.

With the easing of restrictions on imports, the scope of commercial activity through the tunnels diminished. Now, they are primarily used to bring in construction materials, fuel, and goods that cannot pass through the official crossings. The tunnels economy provides a livelihood for about 1,000 persons. Clearly, tunnels are not a proper substitute for a stable system of imports and exports in an economy of over 1.5 million persons.

## *Leaving the Gaza Strip*

### **Restrictions on travel between Gaza and the West Bank**

Since 2000, Israel has acted in a variety of ways to separate the West Bank from the Gaza Strip. Since November 2007, Israel has forbidden Palestinians registered as residents of the Gaza Strip to remain in the West Bank without a special permit, which is granted for only three months. The prohibition also applies to Palestinians who have lived in the West Bank for years. It is extremely difficult to obtain a permit from Israel to cross from Gaza to the West Bank.

Most Palestinians allowed to pass into Israel through Erez Crossing are businesspeople or people receiving medical treatment. According to WHO figures, between January-November 2011, 9,800 persons submitted requests to cross Erez to obtain medical treatment. Of these, 89.3 percent were approved (compared to 81.6 percent in 2010). Two hundred and thirty-three requests (2.4 percent) were rejected, and 744 requests (8.3 percent) were delayed (168 involving minors), such that the patients lost their appointment and had to schedule a new date and then submit another request to cross.

Other delays in medical treatment resulted from restrictions, not related to Israel, imposed by the Palestinian Ministry of Health in Ramallah.

### **Gaza resident separated from her family in the West Bank**

Suha Qassem Hassan Abu Jabber, 33, lives in Khan Yunis with her husband and five children. She was born in Hebron, married at age 15 and moved to the Gaza Strip. In 1998 and in 2000, she and her children visited her family in Hebron. Since then, she has not been allowed to visit her family.

In 2002, my brother Mu'ataz got married and I couldn't go to the wedding. Since then, he's had two children, and I haven't seen them. In 2007, my brother Akram died while in surgery to remove his gall bladder. I didn't manage to see him or say goodbye or go to his funeral. I asked my family not to bury him until I saw him. I didn't function for three days. I was in shock and felt I was imprisoned in Gaza and couldn't see my family.

In 2008, my brother Muhammad got married. He has a daughter. About three years ago, my father tore his retina and was hospitalized in Hebron for about two months. I didn't know about it until he had been in the hospital for 15 days. I called every day to ask how

he was. My family doesn't tell me everything that is happening with them so as not to make things hard for me and so I won't worry.

In June 2011, I managed for the first time in 11 years to see my mother, brothers and sisters and their children. I did that via the Internet. I spoke with them for 40 minutes. When I saw them, the only one I could recognize was my sister Samira, and I asked the others to identify themselves.

It is so painful to be far from my family. The pain grows at holiday time, when I see my in-laws' families visiting them, and not me. I cry when I think of my family.

Over the years, I have gone more than once to get a permit to cross through Israel to go to the West Bank, but the coordination and liaison office in Gaza told me that that I'm forbidden to enter because I am young. After a few attempts, and due to the frustration I felt when I was refused a permit, I stopped submitting requests.

## **Rafah Crossing**

In late May 2011, after almost four years in which it restricted use of the crossing, Egypt announced the official and permanent opening of Rafah Crossing to Palestinian movement. Following the announcement, the crossing was open daily from 9:00 a.m. to 5:00 p.m., except for Fridays and official holidays, when the crossing was closed. Egyptian authorities stated that women, minors, and men over age 45 would not require a permit to enter Egypt, and that up to 600 persons would be allowed to cross each day.

In the first few months that followed the announcement, persons wanting to leave Gaza via the crossing had to register at the Palestinian Ministry of the Interior. Due to the great demand to cross, primarily during Ramadan, which fell in August, only urgent medical cases, students whose studies were about to start, and holders of foreign passports were allowed to cross into Egypt. It was reported that Palestinians close to the Hamas government received permits on the spot. In December, it was announced that persons could go directly to the crossing and did not have to register in advance. As far as B'Tselem knows, since then, people have been able to cross freely.

According to the Palestinian Crossings Authority, from June to December 2011, an average of 14,867 persons passed into Egypt via Rafah Crossing each month, and 14,372 entered Gaza via Rafah. This is a significant increase. In March 2011 for example, 5,561 persons exited and 4,064 persons entered via the crossing. However, before 1997, when the crossing was operated in

accordance with the US-brokered Agreement on Movement and Access, an average of 40,000 persons crossed monthly.

Egyptian authorities have a list of persons who are "forbidden entry" to Egypt. The head of Rafah Crossing on behalf of the Hamas government stated that they do not know how many persons are on the list or the criteria. In 2011, the Egyptians prohibited 8,037.

### *Gilad Shalit goes free*

After being held hostage in Gaza for over five years, Cpl. Gilad Shalit was freed on 18 October 2011. Those holding him did not allow the International Committee of the Red Cross to meet with him nor his parents to be in contact with him or know the conditions in which he was being held. Throughout his captivity, B'Tselem demanded that the Hamas leadership, which controls the Gaza Strip, release Shalit unconditionally and treat him humanely until his release. B'Tselem also demanded that representatives of the Red Cross be allowed to visit him.

Following his release, media reports indicated that, during the early part of his captivity, Shalit was treated harshly, but the treatment subsequently improved. It was also reported that, during the entire five-year period, the captors did not supply Shalit, who is nearsighted, with eyeglasses, and that he lost about 10 kilograms as a result of poor nutrition,

Seizing a person (civilian or soldier) and holding them against their will in order to pressure the adverse side to agree to demands is deemed, under international law, the "taking of hostages" and is absolutely forbidden. The offense is greatly aggravated when the captors threaten to kill or injure the hostage if the demands are not met. The circumstances of Shalit's capture and captivity clearly indicate that the act was a "taking of a hostage."

Five years and four months after Shalit's abduction, Hamas and Israel reached agreement on an exchange, achieved with the aid of German and Egyptian mediators, that was signed in Egypt on 11 October. A week later, Shalit was taken to Egypt and then, upon the release of 450 Palestinian prisoners, brought to Israel. In the second stage of the agreement, carried out on 18 December 2011, Israel released another 550 Palestinian prisoners.

B'Tselem welcomes the release of Shalit, who was held in blatant breach of his rights.

# Whose Land is This? Settlements in the West Bank and East Jerusalem

There are currently:

- 124 Israeli settlements in the West Bank that the Ministry of the Interior recognizes as communities, three of which were first recognized in 2010 - Hemdat and Rotem, in the Jordan Valley, and Avnat, in the northern Dead Sea;
- 12 settlements built on land that Israel annexed in 1967 and included in the Jerusalem municipal borders. There are also a few Israeli enclaves in the heart of Palestinian neighborhoods in the city, the largest being in Silwan, Ras al-'Amud, and Sheikh Jarrah;
- About 100 unrecognized settlements, referred to in internal Israeli discourse as "outposts."

In order to build the settlements, over the past four decades Israel has taken hundreds of square kilometers of Palestinian land, and forbidden Palestinians from using it.

## *Over half a million settlers*

According to the Israeli Central Bureau of Statistics, at the end of 2010, the number of settlers living in the West Bank had reached 311,430. According to figures of the Jerusalem Institute for Israel Studies, at the end of 2009, 186,646 persons were living in Jewish neighborhoods in East Jerusalem. Thus the total settler population amounts to 6.4 percent of Israel's population. These figures are lower than in previous years since they are based on the 2008 census, which did not include tourists or temporary residents who were included in previous censuses.

According to the ICBS, in 2012 the number of settlers in the West Bank (not including East Jerusalem) grew by 4.9%. This is 2.6 times the growth of the Israeli population as a whole for the same year (1.9% population growth). Of the settlement growth rate, 29% results from immigration from inside Israel to settlements.

### *Faster pace of building after the freeze: 40 percent of all government housing starts are in occupied territory*

In November 2009, the Israeli government decided to freeze settlement construction in the West Bank, not including East Jerusalem, for ten months. The ten-month period ended in September 2010.

Construction and Housing Ministry figures show that in 2010 the Ministry initiated 119 housing starts in West Bank settlements and 593 in Jewish neighborhoods in East Jerusalem. The total figure (712) represents 15 percent of total Ministry construction that year. Construction was completed on 1,285 apartments in the West Bank (951 in the Jewish neighborhoods of East Jerusalem and 334 elsewhere in the West Bank), 27 percent of all apartments built at the ministry's initiative and completed in 2010.

In the first seven months of 2011, the pace of housing starts in settlements picked up. The Construction Ministry initiated 90 housing starts in settlements and 1,399 in the Jewish neighborhoods of East Jerusalem. The total (1,489) amounts to 39 percent of housing starts by the ministry. During this period, the construction of 351 apartments in settlements and 618 in the Jewish neighborhoods in East Jerusalem were completed, all under the initiative of the Construction Ministry. This total (969 apartments) was 48 percent of all apartments built and completed by the ministry in this seven-month period.

### *Extensive Construction Plans in East Jerusalem*

In 2011, Israel increased its efforts to expand Jewish neighborhoods and establish new ones in East Jerusalem, as well as build a new national park there. These plans, if implemented, will sever the Palestinian neighborhoods from the rest of the West Bank.

During the year, the District Planning and Building Committee gave initial approval to four plans in East Jerusalem.

- Two plans to expand the Har Homa neighborhood, including 930 apartments southeast of the neighborhood's built-up area, and another 42 apartments inside the built-up area.
- The establishment of a new neighborhood – Giv'at Hamatos – and construction of 2,610 apartments there. Some of the land is privately owned by Palestinians and since this land has not been expropriated, as was done in other Jewish neighborhoods, some of the land of the new neighborhood may be used to expand the Palestinian village of Beit Safafa.

Based on current-ownership records, it is likely that at least 1,700 of the apartments will be earmarked for Jews.

- The establishment of a new national park on the eastern slope of Mt. Scopus. The park will connect Jerusalem and E-1, the area north of the Ma'ale Adummim settlement, in which Israel plans to build about 4,000 apartments.

In August 2011, the Construction and Housing Minister approved progress on plans to build 625 apartments west of Pisgat Ze'ev, next to the built-up area of the Palestinian neighborhood Beit Hanina, and 1,600 apartments on Shu'afat Ridge (Ramat Shlomo). The District Committee has not yet discussed this plan.

In 2011, the construction of 17 luxury apartments intended for settlers was completed in the former Police compound in the Ras al-'Amud neighborhood, opposite the settler neighborhood Ma'ale Zeitim, where the construction of 60 apartments was completed last year. These two compounds overlook the main entrance to Ras al-'Amud.

In February, the planning committees began to discuss plans to build two new settlement compounds in Sheikh Jarrah. If approved, Palestinian families that have lived there for over 60 years will have to be evicted. In 2009, four Palestinian families who lived in another part of this same neighborhood were evicted following law suits filed by settler organizations claiming ownership.

### *One hand approves, the other hand demolishes*

Some settlements in the West Bank are referred to as "outposts." They were built without government approval, without land being formally allocated, without an approved building plan, and in some instances on privately-owned Palestinian land. Yet the construction has been aided by the government and carried out with the knowledge of the military. The authorities thus fail to enforce their own building laws. In the Quartet-sponsored Road Map and following petitions to the High Court of Justice, Israel undertook to evacuate all the outposts built after 2001, but has only taken a few symbolic steps in this regard.

In 2011, the Civil Administration demolished only three permanent structures that were built in the Migron outpost and a few temporary structures in unoccupied outposts. During the course of the year, the government decided to retroactively approve the illegal construction in the Hayovel, Horsha, and Shvut Rachel outposts. Following the decision, the state declared about one square

kilometer of land as state land and allocated it to the Hayovel and Horsha outposts, although the built-up areas in these outposts amounted to no more than 0.07 square kilometer.

In recent years, a few petitions have been filed with the High Court of Justice to remove outposts. Some were denied and others are pending.

- In 2006, Peace Now petitioned the High Court, demanding evacuation of the Migron outpost, built between the Geva Binyamin and Ofra settlements in 1999. The outpost was expanded in 2002 and is now the largest outpost in the West Bank, with some 250 residents. In August 2011, about five years after the petition was filed, the High Court ordered the state to evacuate the outpost, but delayed the evacuation until the end of March 2012.
- In 2008, Peace Now petitioned the High Court against the unlawful construction on private Palestinian land in the Derekh Ha'avot outpost, in the Etzion Bloc. In September 2011, the High Court sanctioned the illegal construction in the outpost. Although the state declared for almost nine years that the construction there was conducted in contravention of the law, the justices accepted the state's argument that demolition of the outpost was not on the Civil Administration's order of priorities, and denied the petition.
- The petition filed by Yesh Din in 2008 to evacuate the Amona outpost, which was built in 1995 on privately-owned Palestinian land is still pending.
- In September 2007, Peace Now filed a petition to evacuate six outposts. In March 2011, the state undertook to evacuate three of them by the end of the year – Givat Asaf, Mitzpe Yizhar, and Ramat Gilad. Evacuation of Givat Asaf has been delayed for another six months. On 15 December, the authorities demolished two structures built on private Palestinian land in Mitzpe Yizhar, while 5 other structures built on state land were not demolished. In December, the state reached agreement with the settlers on the Ramat Gilad outpost to move nine structures built on private Palestinian land to land that Israel declared state land.

### *Exploitation: Jordan Valley resources*

The Jordan Valley and northern Dead Sea area contains the largest land reserves in the West Bank. Through the regional councils that unify the 37 settlements and outposts there, Israel controls 90 percent of the area. The settlers exploit large swaths of land to develop intensive



farming all year round and receive extravagant allocations of the Jordan Valley water supply. The water allotment to the tiny settler population in the Jordan Valley is almost a third of the amount of water consumed by all Palestinians living in the West Bank. In addition, the settlements mine minerals and operate archeological and tourist sites, including the beaches of the Dead Sea. Israel has built waste disposal sites in the area: a facility for treatment of sewage coming from Jerusalem and a regional waste dump. The extensive exploitation of the area's resources contravenes international law and rulings of the High Court of Justice, which held as far back as 1983 that occupied territory "is not an open field for economic exploitation."

### ***Separate and unequal legal systems within the same territory***

Israel's financial, legal, and bureaucratic investment in the settlement enterprise has turned the settlements into Israeli civilian enclaves within an area under military rule. The result is a regime of separation and discrimination in the West Bank; two separate legal systems operate in the same territory and a person's rights depend on his or her nationality. While Palestinians live under military occupation, the settlers enjoy all the rights of Israeli citizens living inside Israel, and most also receive a host of additional financial benefits that reduce the cost of living in settlements and increase the settlers' quality of life.

### ***Settlements create hardships for Palestinian communities and threaten future Palestinian state***

The settlements violate numerous human rights of the Palestinians, among them the right to property, the right to an adequate standard of living, and the right to freedom of movement.

In order to take over West Bank land – and to hand over private and public Palestinian lands to the settlements for their use – Israel established an elaborate legal-bureaucratic apparatus, based on false claims of "military needs," "public purposes," or "state land." The result is settlement control of over 42 percent of the land and extensive construction on private Palestinian property (amounting to 21% of settlement construction). By taking over land in this way, Israel has severely and systematically violated the right of property of the local population.

Most of the settlements were established very close to Palestinian communities, making it impossible for the latter to develop and for the residents to exercise their right to an adequate standard of living. In some cases – such as Ariel – the site of the settlement was chosen

specifically so that the topographic conditions would adversely affect the development of the adjacent Palestinian community.

The vast majority of the current restrictions on Palestinian movement are aimed at keeping them away from settlements or from the main roads that settlers use. These restrictions impair the Palestinians' daily lives and violate their right to freedom of movement.

The spatial-geographic reality that Israel has created in the West Bank makes it practically impossible for the Palestinians to realize their right to self-determination in an independent and viable state of their own.

### ***Settlements are illegal***

Under international humanitarian law, occupation is a temporary situation. Accordingly, it is forbidden to make permanent changes in the occupied territory. The occupying state holds the territory only as a "trustee." It is required to ensure the wellbeing of the local population and to refrain from exploiting the natural resources for its own population. Also, the occupying state is forbidden to transfer its citizens to the occupied territory or to encourage them to move there.

### ***Dismantle the settlements, while ensuring settlers' rights***

Since the settlements are illegal under international law, and given the severe human rights violations they entail, B'Tselem demands that the government of Israel remove all the settlements and return the settlers to Israeli sovereign territory. The removal must be carried out in a manner that respects the settlers' human rights, including payment of compensation. The state is obligated to prepare an orderly plan to absorb the residents of the settlements and properly integrate them inside Israel.

## **Turning a Blind Eye: Failure to Protect Palestinians from Violence by Israeli Civilians**

### *Breach of Duty: Settler violence often goes unchecked*

One of the principal functions of any government is to enforce the law and protect the life, limb, and property of people under its jurisdiction. Israel, being the occupier in the West Bank, is responsible for the area's Palestinian residents, whom international law classifies as protected persons.

Acts of violence carried out by settlers against Palestinians and Palestinian property are an ongoing and widespread phenomenon. In recent years, some of these acts have been referred to as "price tag attacks" – a response to actions of the Israeli authorities that are perceived to harm the settlement enterprise. For example, some of the attacks occurred after the Military's Civil Administration distributed demolition order for settlement structures that were built unlawfully, or after such structures were demolished. In other cases, the violence took place after Palestinians harmed settlers.

Security forces do not always deploy in advance to protect Palestinians from settler violence, even when such violence could be anticipated. In the "day of rage" declared by settlers on 3 March 2011, a large contingent of security forces was deployed to prevent acts of violence. However, in other cases, such as following the demolition of structures in the Migron outpost, on 5 September 2011, security forces did not prevent violence as was required of them. A week after the demolition, B'Tselem documented ten incidents in which settlers had damaged Palestinian property, among them the torching of a mosque in the village Qusra and the spraying of offensive graffiti on the walls of two other mosques.

In some cases, rather than restricting violent settlers, Israeli security forces imposed restrictions on the Palestinians. In April 2011, for example, settlers threw stones at Palestinian vehicles on Route 60 after Palestinian policeman killed Ben Yosef Livnat at Joseph's Tomb, in Nablus. In response, the military closed the road to Palestinian travel in the section between the Huwara intersection and Jit.

### *History of leniency*

Since the settlements began in the Occupied Territories, the authorities have adopted an undeclared policy of leniency toward Israelis who harm Palestinians and damage Palestinian property. Various state commissions and committees have noted this tendency, among them the committee headed by Deputy Attorney General Yehudit Karp in 1981, and the Shamgar Commission, appointed following the massacre by Baruch Goldstein in the Tomb of the Patriarchs, in Hebron, on 25 February 1994. By acting in this way, Israel violates its obligation as the occupying power in the West Bank to maintain law and order. This responsibility includes ensuring the safety and wellbeing of Palestinians against violence by Israelis. To accomplish this, the state must deploy its forces properly and bring offenders to justice.

### *Standing idly by*

B'Tselem has documented some cases where security forces were present during incidents of settler violence yet did not intervene; in a few cases, they even took part in the violence. From September 2000 to the end of 2011, B'Tselem submitted 57 complaints of incidents in which it was suspected that security forces stood idly by during acts of violence. The responses received from the Military Advocate General Corps indicated that a criminal investigation been opened in only four cases (and in two of these, the file was closed without taking any measures against the soldiers involved). In 30 cases, it was decided not to open an investigation, in 12 cases B'Tselem was informed that its inquiry was still being handled, and in five cases, B'Tselem received no reply. Another four cases were referred to other military bodies for handling, one case was dealt with in a disciplinary hearing, and one file could not be located.

### *Lenient police treatment of Israelis who harm Palestinians*

The Israel Police, which is charged with investigating settler violence against Palestinians, does not properly investigate the claims of violence and does not carry out its law-enforcement obligations. From September 2000 to the end of 2011, B'Tselem submitted 352 complaints to the Israel Police, demanding to know if investigations had been opened in cases in which Israelis harmed Palestinians or damaged their property, and if so, the status of the investigations. The complaints dealt with such actions as gunfire, assault, destruction of property, forcing people off their land, threats, theft of crops, and torching of fields.

In 250 cases, an investigation had been opened, but only 29 had resulted in an indictment. Of the remaining cases, 137 files were closed with no measures being taken against anyone involved in the incident. In 67 cases, the investigation was still ongoing, and in 15 cases, the investigation file had been referred to a state attorney. In another two cases, B'Tselem filed appeals, which are pending.

Of the remaining 102 cases, B'Tselem was informed that in 80 cases, the police did not open an investigation, primarily because the person injured did not file a formal complaint, though the police are required by law to investigate every time they hear of a suspected crime. In 16 cases, B'Tselem received no response to its complaint. One case was still being processed and in five cases, the file could not be located.

### ***Settlers attack Palestinians in front of soldiers***

On the afternoon of 3 July 2011, settlers attacked the village of 'Asira al-Qibliya, claiming villagers had started a fire near the Yizhar settlement. The attack was filmed by a volunteer in B'Tselem's camera project. The attackers were armed with sticks and metal pipes, some had covered their faces, and two carried weapons. They threw stones at houses at the edge of the village, beat and injured one Palestinian, and broke branches on about 20 olive trees. Villagers came and threw stones at the attackers.

Eyewitnesses reported to B'Tselem that approximately ten minutes after the attack began, Israeli security forces arrived in a jeep, and that later, more jeeps, with Border Police and soldiers, arrived. The video footage shows that the security forces did not prevent the settlers from attacking Palestinians and their property. Rather, they fired tear gas to move the villagers away.

B'Tselem sent all the footage to the police and the military, demanding that the attackers be located and an investigation opened into why the soldiers did not stop the attack. B'Tselem was informed that the police opened an investigation into the settler violence. B'Tselem has not been informed if the Military Police Investigation Unit had opened an investigation into the soldiers' conduct, and, if an investigation had been ordered, its results.

### ***Settlers assault Palestinian, investigation closed***

Ibrahim a-Nawaj'ah, 49, lives in Khirbet Susiya, in the southern Hebron hills, near where the Susiya settlement was built. On the morning of 13 December 2010, he was repairing his tent. Testimonies that he and members of his family gave to B'Tselem indicate that a few settlers came

and attacked him without provocation. The assailants held his hands behind his back and beat him with a stone and a pick. When members of his family came to his assistance, the settlers stoned them, injuring one of them. The settlers fled in the direction of Har Sinai Farm, which is next to the Susiya settlement. A-Nawaj'ah was taken to the hospital, where he was kept overnight.

According to the testimonies, a member of the family called the Hebron police during the attack, asking that police be dispatched to the area. The person answering the phone told the caller he was lying. The police did not dispatch assistance until an Israeli who was there called again. By the time the police arrived, the assailants were already gone.

On 20 December 2010, a-Nawaj'ah filed a complaint and gave testimony to the police. A week later, a police officer called and told him to come to the station. A-Nawaj'ah thought it had to do with his complaint, but when he arrived, he was questioned about stealing sheep from the Susiya settlement the night before the attack. When he asked the policeman if the assault on him was being investigated, the interrogator replied, according to a-Nawaj'ah, that "if the sheep had not been stolen, there wouldn't have been a problem with the settlers."

Less than a month later, the police decided to close the file on the assault of a-Nawaj'ah, on grounds of "offender unknown". Perusal of the investigation file indicates that the police did not carry out basic investigative actions; they did not question any of the inhabitants of the adjacent Har Sinai Farm, in which direction the assailants fled, nor did they question soldiers who were posted next to where the incident occurred. On 11 October 2011, B'Tselem appealed the closing of the file.

### *A series of serious attacks south of Nablus*

In September and October 2011, B'Tselem documented eight incidents in which settlers assaulted Palestinians and damaged their property in the villages Qusra, Jalud, and Duma, south of Nablus. Some of the incidents began when settlers who had come from the direction of the Esh Kodesh outpost had gone onto the land of the Palestinian communities and destroyed olive trees. In the incidents, violent clashes broke out between Palestinians and settlers, and between Palestinians and security forces that had arrived at the scene. In September, the military put up a tent on the hill overlooking the area between Qusra and the adjacent Esh Kodesh settlement. But the harm to residents of Qusra continued.

In one of the incidents, a soldier shot to death 'Issam Badran, 37, a resident of Qusra, who was throwing stones at soldiers who had come to the village after settlers had entered village land. In another incident, a settler fired a shot and a resident of the village was injured from bullet fragments. In another case, settlers violently attacked olive pickers from Jalud and Israelis and internationals who were with them. Qusra's mosque was torched and offensive graffiti written on it, and hundreds of trees were destroyed on land of Qusra and Duma. These incidents joined seven other incidents that B'Tselem had documented since October 2010, in which settlers attacked shepherds and injured their flock, attacked persons riding in a truck, torched vehicles inside Qusra, and damaged trees on village land.

In addition to protecting Palestinians, Israel must also dismantle the settler outposts. This area is classified Area C, meaning it is under complete Israeli control. Israel is responsible for the safety of the residents of Qusra and of the nearby villages Jalud and Duma. Therefore, Israeli authorities have the obligation to prevent attacks carried out by Israelis against Palestinians. Not only have the security forces failed time and again to protect Palestinian communities from settlers, but in a few of these cases the forces themselves harmed Palestinians.

# **Annexation in the Guise of Security: The Separation Barrier**

## *Route of the Barrier reveals territorial aspirations of the State*

In 2002, following a series of attacks inside Israel, the government decided to build a physical barrier between Israel and the West Bank. However, the route of the Separation Barrier was not only based on security, but also on other completely extraneous considerations. In fact, one of the major considerations in setting the route is the desire to annex parts of the West Bank to Israel. The planned route, 85 percent of which runs inside the West Bank, encircles settlements such as Ma'ale Adummim and Ariel, and also encircles a few Palestinian communities. Upon completion, 9.4 percent of the West Bank, containing eight Palestinian communities and about 90 settlements, outposts and Israeli industrial areas will lie west of the Barrier. In at least 12 places, the barrier is routed hundreds and even thousands of meters from existing settlements, allowing for future settlement expansion. The desire to annex territory to Israel is the primary reason for the Barrier's length – which at 708 kilometers is over twice the length of the 320-kilometer-long Green Line, the armistice line between the West Bank and Israel.

So far, 437.5 kilometers of the Barrier have been constructed (62 percent of the planned route), directly harming hundreds of thousands of Palestinians, who remain in enclaves or are separated from their farmland. Another 58 kilometers is currently under construction and the remaining 212 kilometers either await government approval or are in planning. All the sections under construction or awaiting approval are located inside the West Bank.

The state has the right and obligation to protect its citizens from attacks, but if it requires a barrier to do so, it must construct it along the Green Line or inside Israel. It is not allowed to use the Barrier's route to expand the area of settlements or its sovereign territory. Therefore, Israel must dismantle all parts of the barrier that were built inside the West Bank.

## *The seam zone: Separating Palestinians*

Israel's policy of including as many settlements and as much unsettled land as possible on the western side of the barrier isolated much land and created enclaves between the Barrier and the Green Line, an area officially referred to as the "seam zone." Some villages are completely surrounded by the barrier, cut off from the rest of the West Bank.



Thousands of Palestinians have been separated from their farmland and water sources on the western side of the Barrier. The tens of thousands of Palestinians who worked these lands have lost their source of livelihood. Israel has built 66 agricultural gates along the Barrier that are intended to serve farmers and farm laborers, but the gates are opened infrequently or on a seasonal basis, and only some of the landowners, those who manage to obtain a permit from the Civil Administration, are allowed to cross. Farmers who obtain permits have trouble working their land because they generally are not allowed to bring in farm equipment or laborers to assist them. The procedure for obtaining a permit is cumbersome, and, to aggravate matters, the Civil Administration has yet to publish in Arabic the criteria for obtaining a permit.

The Civil Administration reported that in 2010 it issued 30,985 permits to enable Palestinians to enter the seam zone. Some 70 percent of permit requests were granted. Of the permits that were issued, 61 percent were for short periods of up to three months. Since 2007, the Civil Administration has imposed a quota – it does not grant more than 70 percent of the requests for a permit, regardless of the number of requests submitted.

The Civil Administration has consistently reduced the number of long-term permits (over one year) to enter the seam-zone areas. This policy makes it impossible for Palestinians with farmland west of the Barrier to develop modern agriculture or raise diverse crops that require intensive cultivation. Having no option, they limit their farming to olive orchards, which require relatively little cultivation. In April 2011, the High Court of Justice rejected a petition by ACRI that challenged the legality of the permit regime in the seam zone. The High Court held that, subject to a few changes that had to be implemented, the permit regime is proportionate and maintains a proper balance between Israel's security needs and the needs of the local population.

### ***Bil'in: State takes four years to carry out High Court decision***

In July 2011, the military completed relocation of the Separation Barrier in the Bil'in area, four years after the High Court of Justice ordered that the Barrier be rerouted to run closer to the Modi'in Illit settlement. The rerouting returned 700 dunams (0.7 sq km) of farmland to the villagers; 1,500 dunams (1.5 sq km) of their land remain west of the Barrier.

### ***East Jerusalem: Harmful route in complicated reality***

Given the complex reality in the Jerusalem area, any route that is chosen for the Barrier will inevitably violate human rights. East Jerusalem is an integral part of the West Bank. Israel

annexed this area and included it as part of the Jerusalem municipality, however for years this did not affect the daily life of Palestinians in this area. New streets were built on both sides of the municipal boundary, and schools, health services, and other institutions built on these streets served Palestinians on both sides of the border. Due to the permanent shortage of housing solutions in East Jerusalem – a result of discriminatory planning, the failure to issue building permits, and wide-scale demolition of houses – many Palestinians holding the status of Jerusalem residents lived outside the city limits.

The construction of the Separation Barrier along the municipality's border completely disrupted the fabric of life that had developed over decades, and led to severe infringement of the human rights of residents of the neighborhoods surrounding the city. East Jerusalem residents who live beyond the Barrier, as well as other Palestinians holding permits to enter East Jerusalem, are permitted to enter the city via just three of the checkpoints located along the Barrier. Checkpoints were set up at the entrances to neighborhoods outside the city limits – such as a-Sheikh Sa'ed and a-Nu'man – and restricted their residents' access to Jerusalem. Residents of these neighborhoods have to spend much of their time waiting in long lines at the checkpoints, which limit their access to health and education services and to their jobs.

The route of the barrier leaves two large Palestinian neighborhoods – Kafr 'Aqab and the Shu'afat refugee camp – physically cut off from the city, so their residents have to undergo security checks every time they leave their neighborhood and go to other parts of the city. Residents of the Shu'afat refugee camp can only reach the rest of the city via the checkpoint at the main entrance to the camp. In December 2011, this checkpoint was replaced by a large terminal, like those separating the West Bank from Israel.

Since the Barrier was built, the Jerusalem Municipality and the Israel Police have shirked their responsibilities for life in the Shu'afat refugee camp: drug crimes are rampant, and uncontrolled construction is widespread. The municipality makes no effort to regulate building in the community to meet the residents' needs.

### *Al-Walajah: Choked by high walls*

In August 2011, Israel's High Court of Justice approved the route of the Barrier in the section that encircles the built-up area of al-Walajah, a Palestinian village in southwest Jerusalem. The Barrier – in this case a concrete wall nine meters high and 700 meters long – will sever the village from

hundreds of dunams of village farmland. Only one opening will be left for exiting the village. Years earlier Israel expropriated half of the village's land to build the settlements of Har Gilo and Gilo.

Israel began to build the Barrier around the village in early 2010. Residents of the village petitioned Israel's High Court of Justice challenging the legality of military orders seizing their land. In December 2010, after most of the village's built-up area had already been surrounded by a wall, the Court froze additional construction of the Barrier.

Completion of the Barrier will make development of the village impossible because it runs close to the houses. Also, the earthwork and construction have caused serious damage to the Emek Refaim reserve – including the 1,500 year-old agricultural terraces, some of which were being cultivated by residents of the village who have now suffered a blow to their source of income. Once the Barrier is completed, villagers wanting to reach their land will need to obtain special permits. Based on the experience in other areas of the West Bank, the Civil Administration gives permits sparingly to farmers and only for short periods of time. As a result, many people with land on the other side of the Separation Barrier have been compelled to abandon these lands and have lost their source of livelihood.

# Forbidden Protest: Violation of the Right to Demonstrate

## *Suppression of weekly demonstrations in the West Bank*

In recent years, Palestinians, Israelis, and internationals have held demonstrations against the Separation Barrier and Israel's control of land in the West Bank. Regular demonstrations are currently held in several places, such as the villages Bil'in, Beit Ummar, al-Walajah, al-Ma'sara, a-Nabi Saleh, Kafr Qadum, and Ni'lin. Many of the demonstrators are non-violent, but there are also demonstrators who throw stones.

In January 2011, the IDF Spokesperson's Office distributed a video on YouTube, in which the former commander of the Judea and Samaria Division, Brig. Gen. Nitzan Alon, spoke about the demonstrations in Bil'in.

The approach, as far as we're concerned, is to allow the demonstration so long as it is non-violent. We make a clear distinction between a non-violent demonstration, which is legitimate protest, and a violent demonstration of throwing stones, hurling pieces of metal, physically attacking and damaging the security fence. Against this, we shall use crowd control measures.

The claim that the military limits demonstrations in the Occupied Territories only when they are violent is not accurate. As a rule, the military treats every demonstration as an unlawful breach of public order that must be dispersed by various means. Every Friday, Border Police and soldiers come to the demonstrations and disperse them by one means or another. At times, security forces prevent demonstrations before they even begin, and seal off areas where demonstrations are planned, prior to and for the duration of the demonstration.

Hundreds of Palestinians from the various villages have been arrested and tried for stone-throwing, and often for taking part in an unlawful demonstration. The military has made a concentrated effort to arrest the organizers of the demonstrations in villages in the West Bank, and more than ten of them have been prosecuted for organizing demonstrations and incitement to violence. Most of the prosecutions rely on testimonies given by minors in procedures that violated their rights: they are detained in the middle of the night, questioned without their parents being present, and are not always properly informed of their rights.

In addition, dozens of Israelis have been arrested for taking part in demonstrations and being present in land declared a “closed military area.”

### *A show of force: Repression of protest in a-Nabi Saleh*

Since December 2009, residents of a-Nabi Saleh, a village north of Ramallah, have demonstrated every Friday in protest against settlers’ appropriation of a nearby spring and land belonging to Palestinians from a-Nabi Saleh and surrounding villages. The protest procession has become one of the focal points of the weekly demonstrations in the West Bank.

In 2011, security forces’ response to demonstrations in the village violated the right to demonstrate. B’Tselem’s documentation of events in June and July showed that security forces stopped the demonstrations inside the village, often before they began. Security forces fired an enormous amount of tear gas (150 canisters in one particular demonstration). The canisters were fired inside the village’s built-up area; as a result, all the residents, and not only those taking part in the demonstration, were exposed to the gas. Some tear gas canisters were fired directly at the demonstrators, an illegal practice. Security forces also fired an inordinate number of stun grenades, at children and adults, to disperse them, also when the forces were not in danger. To prevent people from outside the village from taking part in the demonstrations, the security forces blocked all roads leading to the village. As a result, the right of all residents of the area to freedom of movement was violated.

In August 2011, with the beginning of the month of Ramadan, the security forces changed their policy and allowed demonstrators to march to the road exiting the village, stopping them a short distance from the village’s built-up area. Also, the security forces no longer blocked the roads leading to the village, which diminished the harm to the local population during the demonstrations. However, the demonstrators were still not allowed to reach the nearby spring, which is one of the focal points of the demonstrations. Also, the security forces still did not recognize the demonstrators’ right to demonstrate; they declared the demonstrations unlawful right at the start, though none of the participants threw stones or committed any violent act, and the security forces continued to disperse them by firing tear gas and spraying foul-smelling water called “the skunk.” The military declared the entire village a closed military area every Friday, thus preventing persons from outside the village to take part in the demonstrations.

### *The reality of “crowd control” techniques: Another demonstrator killed with a tear-gas canister*

On the afternoon of Friday, 9 December 2011, after the main demonstration in the village of a-Nabi Saleh had dispersed, a few young men threw stones at an army jeep. One of them was village resident Mustafa a-Tamimi, age 28. Photographs and eye-witness testimony indicate that the jeep turned around and began to move away. A soldier sitting in the jeep then opened the back door and fired a tear-gas canister directly at a-Tamimi, who was several meters away. The canister struck Tamimi in the face, killing him. In line with the new MAG Corps policy, a criminal investigation was opened immediately. As far as B'Tselem knows, this investigation has not yet been completed.

For several years, B'Tselem issued warnings about the ongoing practice of firing tear-gas canisters directly at people during demonstrations. B'Tselem has documented many cases in which tear-gas canisters were fired directly at people during demonstrations, including in non-violent demonstrations in which there was no stone throwing and no actions that might endanger the security forces. For example, in April 2009, Bassem Abu-Rahmah from Bil'in was killed by a tear-gas canister that struck him in the chest while he was participating in the weekly demonstration in his village. B'Tselem has demanded a criminal investigation into 13 documented cases in which persons were seriously injured by tear gas canisters over the past decade.

Firing of this kind breaches the military's open-fire regulations: tear gas is a non-lethal means for crowd control, and using it as a substitute for live fire is forbidden. The organization has demanded – both in writing and in meetings with senior military officials – that commanders clarify to soldiers serving in the field that firing tear-gas canisters directly at a person is unlawful.

In response to these demands, military officials have confirmed that direct firing of tear-gas canisters is indeed unlawful. For example, in July 2011, following further requests by B'Tselem, Major Uri Sagi, of the office of the legal advisor for Judea and Samaria, replied that, “following your letter, we have again clarified to the forces operating in Central Command the rules relating to firing of tear-gas canisters at persons, including the prohibition on firing a tear-gas canister directly at a person.”

Despite these declarations, security forces continue to fire tear-gas canisters directly at persons. As far as B'Tselem knows, no member of the security forces has been prosecuted for breaching the prohibition.



## **Stifling Development: Restrictions on Construction, Demolition of Homes**

### *Increased demolitions lead to increased homelessness*

According to B'Tselem documentation, in 2011, the Civil Administration demolished 176 housing units built without a permit in Area C of the West Bank, leaving 1,138 Palestinians homeless, including 532 minors. This is an increase over the previous year, when the Civil Administration demolished 108 housing units, leaving 663 Palestinians (among them 317 minors) homeless. Almost half of the demolitions in the past two years were carried out in Bedouin communities in the Jordan Valley.

### *Lawbreakers against their will*

Since 1967, Israel's policy has been to limit as much construction as possible in Palestinian communities in the West Bank, ignoring people's needs and the natural growth of the Palestinian population. As part of this policy, Israel has done almost nothing to prepare building plans for Palestinian communities and has not allocated land for Palestinian development. Instead, the planning bodies – which are administered solely by Israelis – have relied on British Mandate outline plans drafted almost 70 years ago that classify most West Bank land as agricultural, on which building is forbidden. This policy applies throughout Area C, which constitutes 60 percent of the West Bank and contains most of the land reserves for development of Palestinian towns and villages.

[In these](#) Palestinian communities, residents are left with no option other than building without a permit. The Palestinian Authority has planning authority in Areas A and B of the West Bank, where most of the Palestinian population lives. However, the land reserves in Areas A and B are very limited, thus creating a grave housing shortage. Israel's planning policy is especially flagrant given the extensive planning and investment in expansion of settlements and development of industrial and employment areas located there.

### *East Jerusalem*

The Jerusalem Municipality also carries out a planning policy that severely violates the right to housing of residents of the Palestinian neighborhoods in East Jerusalem. One-third of the 70



square kilometers annexed to the city in 1967 were expropriated from Palestinians in order to build 12 settlements housing almost 187,000 Jews.

At the same time, Israeli governments and the Jerusalem Municipality have made concerted efforts to limit Palestinian construction. They do this through a variety of mechanisms: in part by not drawing up outline plans for the Palestinian neighborhoods; by classifying broad expanses of land as “green spaces,” in which construction is forbidden; and by setting very low building percentages in Palestinian communities compared to adjacent Jewish settlements in the city. Lacking any real possibility to build lawfully, many Palestinians have built without a permit.

Israel’s policy exacerbates overcrowding. In Israeli neighborhoods in Jerusalem, housing density is one person per room. In Palestinian neighborhoods it is almost twice as high: 1.9 persons per room.

In 2011, the Jerusalem Municipality demolished 20 homes in East Jerusalem, in which 132 Palestinians (among them 72 minors) lived. By comparison, in 2010, the municipality demolished 22 homes, in which 191 (94 minors) lived.

### *Expulsion plan for most disempowered population*

The Civil Administration has plans to expel some 27,000 persons living in Bedouin communities in Area C of the West Bank. The first phase of the plan, which may take place during the coming year, intends to forcibly relocate some 2,300 Bedouin living in the area of the Ma’ale Adummim settlement to a site near the Abu Dis refuse dump, east of Jerusalem. In the second phase, which is planned to take place within three to six years, Bedouin communities will be expelled from the Jordan Valley. The Civil Administration did not offer the Bedouins an opportunity to take part in drafting the plan, and ignored the anticipated harm to their way of life and their health if they are indeed transferred to a site next to the dump.

Half of the communities that are expected to be expelled in the first phase live in or near E-1, the massive expansion plan of the Ma’ale Adummim settlement. Israel has already drafted plans for construction in E-1 of 3,910 apartments and a metropolitan employment and business center that will serve both Jerusalem and Ma’ale Adummim. Located northwest of the built-up area of the existing settlement, the E-1 plan will connect the settlement and Jerusalem, exacerbate East Jerusalem’s detachment from the rest of the West Bank, and sever the territorial contiguity between the northern and southern sections of the West Bank.

The Civil Administration justifies expulsion of the Bedouin communities by claiming that they live in structures that were built without permit and on land to which they have no rights.

However, these communities have been living and working these lands for decades, since before Israel occupied the West Bank in 1967. The Civil Administration has in the past issued orders to demolish structures in these communities: tin structures, tents, and a school. In Wadi Abu Hindi (350 residents) and Muntar (300 residents), demolition orders have been issued against all structures in the community.

Some eighty percent of the Palestinians who are to be expelled in the first phase of the plan are refugees who once lived in the Negev. Two-thirds of them are under age 18. None of the communities are connected to the power grid, and only half have running water. They do not receive educational, health, and other vital services.

Although the residents live a traditional life based on raising sheep and goats, they have only limited access to grazing land and markets. According to figures of the UN Office for the Coordination of Humanitarian Affairs (OCHA), most of the residents suffer from food insecurity.

In the early 1990s, in order to expand the Ma'ale Adummim settlement, Israel already moved members of the Jahalin Bedouin tribe to the site next to the Abu Dis dump. The dump is a health hazard for persons living nearby.

### *Israel's duty to allow construction for Palestinians*

Israel must provide a suitable response to the planning needs of Palestinians in the West Bank and East Jerusalem, and enable them to build according to their needs. Ensuring minimal living conditions, and principally the right to housing, is an obligation of the occupying power. Israel's policy contradicts this obligation and turns Palestinians into lawbreakers by default.

Furthermore, the plan to expel the Bedouin communities from Area C flagrantly breaches international humanitarian law, which prohibits the forced transfer of protected persons unless the transfer is necessary for their safety or to meet an imperative military need, and even then, only temporarily.

## **A little bit easier to move: Restrictions on Palestinian Movement in the West Bank and East Jerusalem**

### *Segregated roads and checkpoints continue to stifle Palestinian communities*

In 2011, the Israeli military reduced slightly its restrictions on Palestinian movement in the West Bank. This improvement follows the elimination of some of the main checkpoints in 2009, which eased movement on the main roads linking Palestinian cities. But Palestinians are still unable to move about the West Bank freely, and Israel continues to view the Palestinians' free movement as a privilege it may grant or deny at its discretion.

The movement restrictions still in force make it difficult for Palestinians to gain access to areas where Israel is interested in strengthening its control, such as East Jerusalem, the Jordan Valley, land west of the Separation Barrier, and areas of Israeli settlements in the heart of Hebron. These restrictions prevent Palestinians from using some of the main roads and highways in the West Bank, such as sections of Route 60 and Route 443. Settlers travel on these roads without hindrance, while Palestinians are directed to long and windy alternative roads.

The military eliminated a significant number of the restrictions on movement in the West Bank, but the checkpoint infrastructure was left in place. Thus, the military can re-staff these checkpoints, channel traffic to them, and close entrances to the principal Palestinian cities when it is deemed necessary.

The existing restrictions on movement severely infringe the right of Palestinians in the West Bank to freedom of movement and as a result violate other basic rights, such as the right to adequate medical treatment, to education, to religious practice, and to work. The restrictions also make it difficult to maintain economic, family, and social ties.

### *Current situation*

At the end of 2011, there were 102 checkpoints inside the West Bank. Of these, 22 are in Area H-2 of Hebron city, where the Israeli settlements are located. Forty of the checkpoints are the last inspection point prior to entering Israel, although most of them are actually located a few kilometers east of the Green Line or from the entrance to Jerusalem. Seventy-six are permanent,

regularly staffed checkpoints, and the remaining 26 checkpoints have infrastructure but are staffed sporadically

According to figures of the UN Office for Humanitarian Assistance (OCHA), in September 2011, there were also 522 physical obstacles, such as dirt piles, concrete blocks and gates that close off roads to Palestinians. Also, an average of some 495 "flying checkpoints" are set up each month, without any permanent infrastructure, at which soldiers check passing cars for a period of a few hours.

Along the Separation Barrier, there are 66 agricultural gates that enable limited Palestinian access to land west of the Barrier, which is defined as a closed military zone. Twelve of the gates are opened daily for a few hours. The others are opened only during certain agricultural seasons.

### *Who benefits from Jordan Valley checkpoints?*

Four checkpoints restrict Palestinian access to the Jordan Valley – Tayasir, Hamra, Ma'ale Efrayim, and Yitav. The first two are permanently staffed, and the military does not allow Palestinians to cross unless their identity cards indicate they live in the Jordan Valley. The last two have been staffed only occasionally during the past year, however, Israel has not officially stated that they are open to Palestinian movement, so few Palestinian vehicles cross. Israel continues to block the northern entrance to Jericho and to restrict movement at the eastern exit from the city to buses traveling to the Allenby crossing to Jordan.

The security benefits Israel reaps from these restrictions are unclear, since Palestinian vehicles are allowed to enter the Jordan Valley and Jericho via alternative, albeit longer, roads.

### *Small improvements*

In 2011, the military allowed Palestinians to use once again the road running north from the Container checkpoint to Abu Dis. The road runs next to the access road to one of the sections of the Qedar settlement. The road shortens, by several minutes, travel to al-'Eizariya, saving the drivers the need to travel along the crowded streets of Abu Dis.

The road running north to Salfit passes through the Ariel settlement. Closed to Palestinians over the past decade, it was opened in 2011 to Palestinian buses and taxis which register in advance, and to ambulances. Use of this road shortens the trip from 11 villages to the Salfit commercial center by 20 kilometers.

### *Hebron – Restrictions only on Palestinians*

Inside Hebron city, the Israeli military maintains 22 staffed checkpoints around H-2, the area that remains under complete Israeli control, and includes the Old City, in which the Israeli settlement compounds are located. The checkpoints obstruct Palestinian movement to and from this area.

Also, according to OCHA, Israel has placed more than 100 physical obstacles in H-2, including 56 roadblocks.

Shuhada Street, a north-south artery and one of the main roads in the city, was closed to Palestinian pedestrians and vehicles at the end of 2000 and has remained closed for over a decade. In December 2006, the military admitted it had been closed by mistake, and said that an order had been given to allow Palestinians to use it subject to a security check. However, several days later, the military closed the street again. In October 2007, the Military Advocate General informed the Association for Civil Rights in Israel that the military's position was that the street should remain closed to Palestinians. The street has remained closed to Palestinians since then.