



OCCUPIED PALESTINIAN TERRITORIES

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

15 May 2012

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 30 April 2012. The 'Latest News' section contains further brief information on events and reports accessed from 1 to 14 May 2012. The report was issued on 15 May 2012.
- ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service

UK Border Agency
9th Floor, Lunar House
40 Wellesley Road
Croydon, CR9 2BY
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
 - xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
 - xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the
- 8 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of the UK Border Agency

5th Floor, Globe House

89 Eccleston Square

London, SW1V 1PN

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Website: <http://icinspector.independent.gov.uk/country-information-reviews/>

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Latest News

EVENTS IN THE OCCUPIED PALESTINIAN TERRITORIES FROM 1 TO 14 MAY 2012

The Latest News provides a non-exhaustive selection of significant events since 1 May 2012. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

14 May “Palestinian prisoners in Israeli jails have agreed to end a mass hunger strike, which has been going on for more than two months. More than 1,500 Palestinians have been refusing food to demand an improvement in conditions. Under a deal, Israel conditionally agreed not to renew detentions without charge, which had been a key grievance.”

BBC News

Palestinian inmates in Israel end mass hunger strike, 14 May 2012

<http://www.bbc.co.uk/news/world-middle-east-18062016>

Date accessed 15 May 2012

8 May “Palestinian chief negotiator Saeb Erekat has been admitted to hospital after suffering a heart attack, medics say...Mr Erekat has been part of negotiations with Israel over Palestinian independence for the past two decades.”

BBC News

Palestinian negotiator Saeb Erekat has heart attack, 8 May 2012

<http://www.bbc.co.uk/news/world-middle-east-17994311>

Date accessed 15 May 2012

2 May “The Israeli military has closed an investigation into the killing of 21 members of a Palestinian family during its offensive on Gaza in 2009. Witnesses said Israeli troops had told the Samouni clan to stay in a house, out of their way, and later shelled it. But the military advocate general found the claims of war crimes ‘groundless’.”

BBC News

Israeli military closes Gaza shelling investigation, 2 May 2012

<http://www.bbc.co.uk/news/world-middle-east-17920049>

Date accessed 15 May 2012

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex F – References to source material](#).

Aljazeera <http://english.aljazeera.net/news/middleeast/> [37]

Asharq Alawsat <http://aawsat.com/english/> [67]

British Broadcasting Corporation (BBC) http://www.bbc.co.uk/news/world/middle_east/

10 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

Integrated Regional Information Networks (IRIN)

<http://www.irinnews.org/Country.aspx?Country=OPT> [87]

MIFTAH – The Palestinian Initiative for the Promotion of Global Dialogue and Democracy

<http://www.miftah.org/> [21]

Palestine Monitor <http://palestinemonitor.org/spip/> [33]

United Nations News Centre <http://www.un.org/apps/news/> [90]

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REPORTS ON THE OCCUPIED PALESTINIAN TERRITORIES PUBLISHED OR ACCESSED BETWEEN 1 AND 14 MAY 2012

The Home Office is not responsible for the content of external websites.

Human Rights Watch

An Unsettling Situation, 11 May 2012

<http://www.hrw.org/news/2012/05/11/unsettling-situation>

Date accessed 15 May 2012

International Crisis Group

The Emperor Has No Clothes: Palestinians and the End of the Peace Process, 7 May 2012

[http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Israel%20Palestine/122-the-emperor-has-no-clothes-palestinians-and-the-end-of-the-peace-process.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Israel%20Palestine/122-the-emperor-has-no-clothes-palestinians-and-the-end-of-the-peace-process.pdf)

Date accessed 15 May 2012

A list of regularly updated sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex F – References to source material](#).

Independent Commission for Human Rights produces monthly reports on violations of human rights and Public Freedoms in the Palestinian-controlled Territory

<http://www.ichr.ps/en/?tpl=306> [71]

International Crisis Group (ICG) produces a monthly Crisiswatch on Israel and the Occupied Palestinian Territories (OPTs) <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bA22BA765-9955-42C0-BF38-872912FC338D%7d> [66a]

<http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bA22BA765-9955-42C0-BF38-872912FC338D%7d> [66a]

United Nations Information System on the Question of Palestine (UNISPAL) “The main collection contains the texts of current and historical United Nations material concerning the question of Palestine and other issues related to the Middle East situation and the search for peace.” <http://unispal.un.org/unispal.nsf/udc.htm?OpenForm> [39]

UN Office for the Coordination of Humanitarian Affairs (OCHA) produces weekly and monthly updates, in addition to ad hoc Special Focus reports <http://www.ochaopt.org/> [3]

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Background Information

1. GEOGRAPHY

- 1.01 For the purpose of this report the Occupied Palestinian Territories (OPTs) are formed of the West Bank (including East Jerusalem) and the Gaza Strip. The UK Foreign and Commonwealth Office's (FCO) document, Geographical Names & Information, last revised 9 January 2012, noted, "Her Majesty's Government [HMG] does not recognise these territories as an independent state. Their permanent status has yet to be agreed. In the view of HMG the status of the whole of Jerusalem also remains to be determined." [5b] (p27) (**Note:** Due to the complexities of transliterating Arabic script into the Latin alphabet the spelling of Arabic words may vary considerably.)
- 1.02 The FCO Country Profile: Middle East and North Africa – Occupied Palestinian Territories (FCO Country Profile), last reviewed 26 March 2012, stated, "The West Bank is an area of 5,800 sq km – roughly 130km long and 40-65km wide. ...The Gaza Strip is an area of 365 sq km – some 45km long and 5-12km wide." [5a] (**Geography**) As shown by the United Nations Cartographic Section's (UNCS) 2004 map of Israel and the OPTs, the West Bank borders Israel to the north, west and south, and Jordan and the Dead Sea to the east. The same map showed that the Gaza Strip borders Israel to the north, east and south, and Egypt to the south and has a coastline along its west on the Mediterranean Sea. [2a]
- 1.03 The United Nations Office for the Coordination of Humanitarian Affairs' (OCHA) March 2011 map of the Gaza Strip showed Beit Lahiya, Beit Hanoun, Jabalia, Gaza City, Al Bureij, Deir al Balah, Khan Yunis and Rafah as principal towns/cities in Gaza Strip. [3ah] The July 2011 OCHA map of the West Bank, showed Tulkarm, Tubas, Nablus, Qalqiliya, Salfit, Ramallah, Jericho, East Jerusalem, Bethlehem and Hebron as principal towns/cities. [3a]

See [Maps](#) below.

WEST BANK – AREAS 'A', 'B' AND 'C'

- 1.04 Following the September 1995 signing of the Oslo II Accord (the Interim Peace Agreement [IPA]) the West Bank was divided into Areas 'A', 'B' and 'C'. [39b] (**Article XI**) For more detailed information consult the [Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip](#). [39b] The agreement and its annexes are also available on the website of the Israeli [Ministry of Foreign Affairs](#). [12a] See also [History](#)
- 1.05 The July 2011 OCHA map of the West Bank, extracted from the August 2011 Special Focus report: Displacement and Insecurity in Area C of the West Bank, defined these areas:

Area A – Full Palestinian civil and security control

Area B – Full Palestinian civil control and joint Israel-Palestinian security control

Area C – Full Israeli control over security, planning and construction [3a]

See [Maps](#) below.

- 1.06 Jane's Internal Affairs section, updated 5 April 2011, also noted:

“Significant concessions had to be made by the Palestinians to ensure that the withdrawals [agreed in the IPA] went ahead. Moreover, a great deal of Palestinian land was confiscated to allow for the building of a complex new road network providing access to the majority of Israeli settlements without passing through Palestinian population centres. The Israeli settlements themselves remained under Israeli control and the area controlled by the PA was hopelessly fragmented, making it virtually impossible to construct the effective institutions of a state, which are dependent on contiguous territorial integrity.” [28a] (*The Establishment of the Palestinian Authority*)

- 1.07 The International Crisis Group’s (ICG) September 2010 report, *Squaring the Circle: Palestinian Security Reform under Occupation*, noted that following the outbreak of the Al Aqsa Intifada (Second Intifada) in September 2000:

“Israel’s reoccupation of Area A in March 2002 rendered Oslo’s geographical repartition essentially obsolete, and that remains the case today. ... A Fatah Central Committee member summarised the situation as follows:

“Any reference to the PA’s growing control of Area A relates exclusively to inter-Palestinian affairs, that is, the PA’s control over other Palestinian groups, like militias and clans. Ultimate control over Area A still remains with the Israelis. Strictly speaking, there is no such thing as Area A anymore.” [66b] (p20)

- 1.08 Amnesty International’s June 2010 report, *As safe as houses? Israel’s demolition of Palestinian homes* stated, “Under the Oslo Accords, the Israeli authorities retain both civil and military control in Area C, more than 60 per cent of the West Bank. The estimated 150,000 Palestinians living there face severe restrictions on building and also on their freedom of movement.” [35d] (p4)

See also [History](#); [Political system](#) and [Freedom of Movement](#)

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Hebron

- 1.09 The undated About Hebron webpage of the Temporary International Presence in the City of Hebron (TIPH), accessed 22 September 2010, reported, “Since early 1997, following the Hebron Protocol, the city has been divided into two parts: H1 and H2. The H1 area, home to around 140 000 Palestinians, came under the control of the Palestinian authorities. The H2 area, which is inhabited by around 30 000 Palestinians and approximately 500 Israeli settlers in four downtown settlements, remained under Israeli military control.” [64a] (*Hebron Today*)

See B’Tselem’s [Map of restrictions in Hebron’s Center](#), May 2007 [25b] For more information on the city of Hebron see the [TIPH website](#) [64]

Jerusalem (Arabic: al-Quds)

- 1.10 A United Nations Department of Public Information (UNDPI) paper *The Question of Palestine and the United Nations* of April 2008 stated, after the end of the 1948-1949 hostilities, which followed the creation of the State of Israel in May 1948, “Israel occupied the western sector of the Jerusalem area, and Jordan occupied the eastern

sector, including the walled Old City. Thus, there came into existence a de facto division of Jerusalem.” [39a] (p111)

- 1.11 An OCHA Special Focus report of March 2011, East Jerusalem: Key Humanitarian Concerns, noted:

“Following the war of 1967, the Government of Israel unilaterally annexed some 70 km² [kilometre squared] of the occupied area to Israel, which included East Jerusalem, as defined under Jordanian rule (six km²), as well as 64 km² of surrounding West Bank territory; the annexed area was subsequently added to the Municipality of Jerusalem.” [3ai] (p2)

“This annexation is not recognized by the international community, and the Security Council has resolved that all legislative measures and actions taken by Israel to alter the character and status of Jerusalem are null and void (see, inter alia, [United Nations] Security Council resolutions 252, 267, 471, 476 and 478).” [3ai] (p1)

United Nations resolutions on the Occupied Palestinian Territories are available via the [United Nations Information System on the Question of Palestine \(UNISPAL\)](#). [39e]

See B'Tselem's [Map of the Isolation of East Jerusalem](#), August 2007 [25c]

See also [History](#)

DEMOGRAPHIC INFORMATION

- 1.12 A Palestinian Central Bureau of Statistics' (PCBS) press release of 11 July 2011 stated:

“Based on estimates prepared by PCBS according to the results of the Population, Housing and Establishment Census of 2007, the total population of the Palestinian territory at mid 2011 was about 4.17 million; 2.12 million males and 2.05 million females. The estimated population of West Bank was 2.58 million of which 1.31 million [were] males and 1.27 million females. While the estimated population of Gaza Strip totaled 1.59 million of which 806 thousand [were] males and 782 thousand females. The percentage of urban population mid-2011 was about 73.8%, while the percentage of population in rural and camps areas was 16.9% and 9.3% respectively.” [6b] (p1)

See also [Palestinian refugees](#)

- 1.13 The FCO Country Profile, last reviewed 26 March 2012, noted that the people of the OPTs are Arabs, Arabic is the official language, although English is widely spoken, and the majority of the population are Muslim (97%), whilst there is also a small minority of Christians (3%). [5a] The online version of SIL International's Ethnologue: Languages of the World of 2009, accessed 26 January 2012, noted that Standard Arabic is the official language of the OPTs; Ethnologue listed six languages for the West Bank and Gaza strip, of these four (three dialects of Arabic, and Domari) are living languages and two are not known to have any speakers. Ethnologue also noted the existence of two immigrant languages, Armenian and Hebrew. [40a]

See also [Freedom of religion](#)

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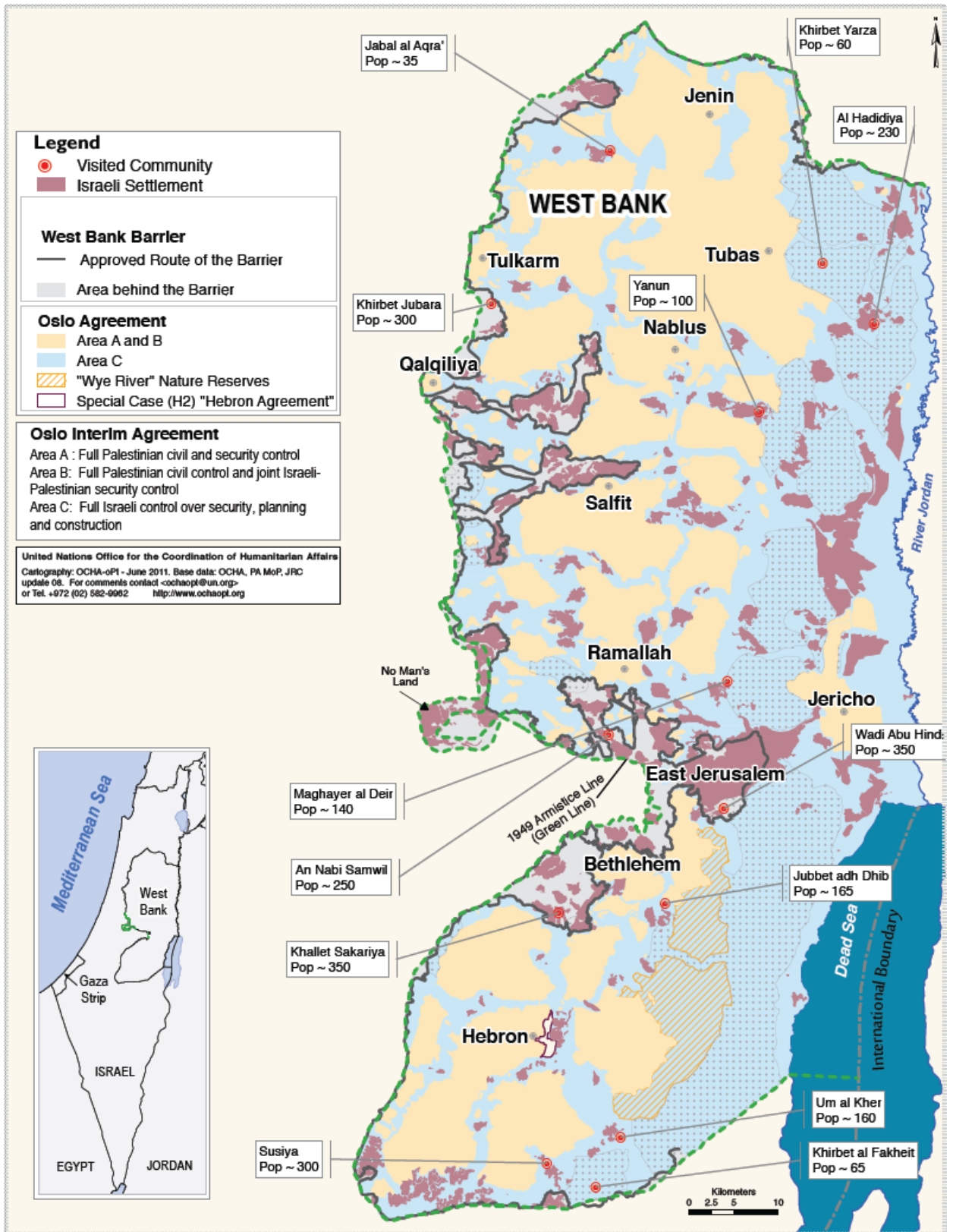
MAPS

1.14 The United Nations Cartographic Section (UNCS) reference map of January 2004:



[2a]

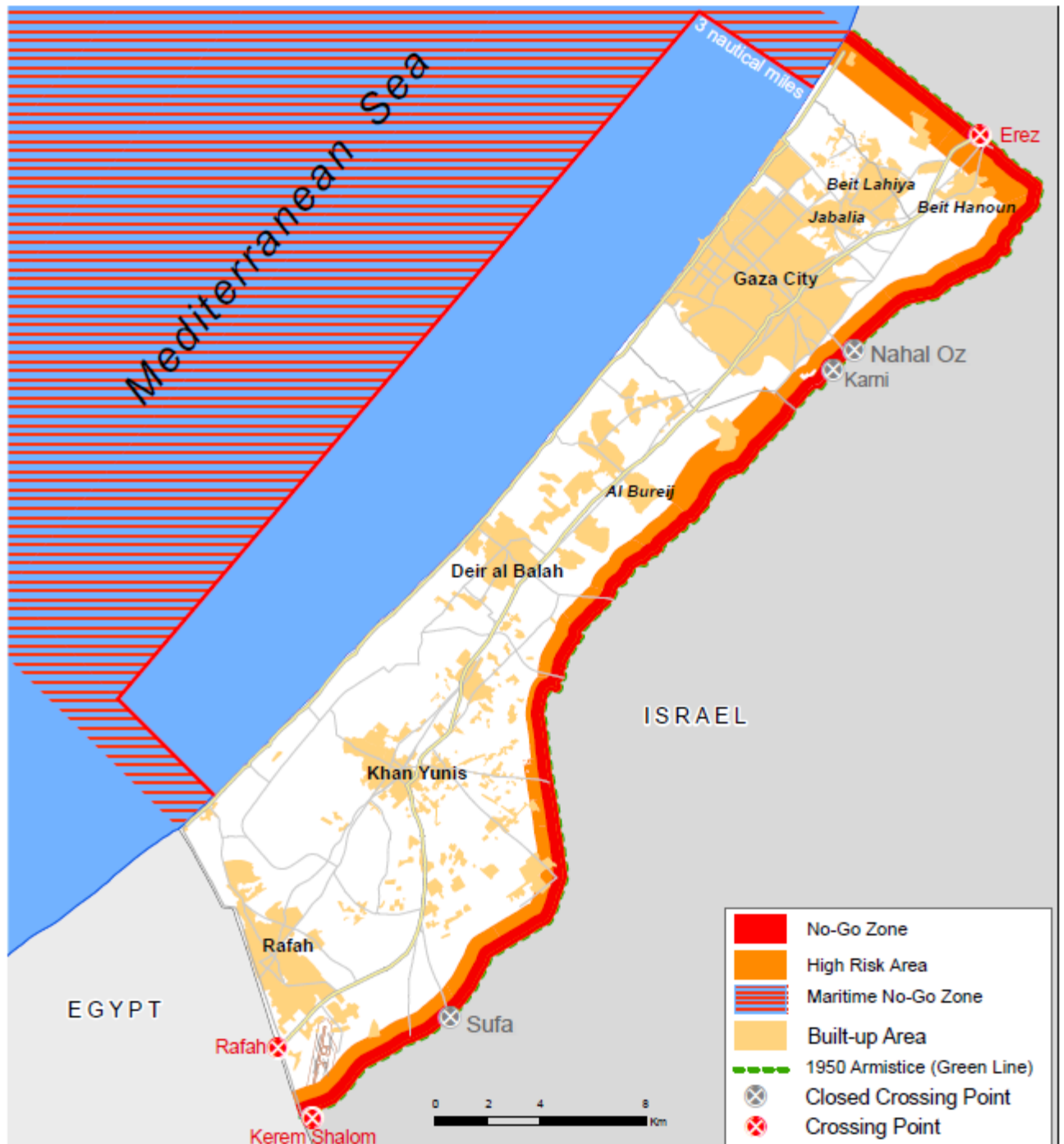
1.15 The UN Office for the Coordination of Humanitarian Affairs' (OCHA) map of the West Bank, dated July 2011, extracted from the August 2011 Special Focus report, Displacement and Insecurity in Area C of the West Bank:



[3a] (p6)

See also [Freedom of movement](#) for OCHA Closure and Access and Restriction maps of July 2010.

- 1.16 OCHA map of the Gaza Strip, dated March 2011, extracted from the March 2011 Special Focus report, Easing the Blockade: Assessing the Humanitarian Impact on the Population of the Gaza Strip:



[3a] (p6)

See also [Freedom of movement](#) for OCHA Gaza Strip: Access and Movement maps of July 2010.

For more maps of the OPTs see:
 OCHA [3] [Map Centre](#); B'Tselem [25] [Maps](#)

2. ECONOMY

- 2.01 The Executive Summary of the World Bank Group's (WBG) April 2011 report, *Building the Palestinian State: Sustaining Growth, Institutions, and Service Delivery*, stated:
- 2.02 The United Nations Conference on Trade and Development (UNCTAD) July 2011 report on its assistance to the Palestinian people stated:

“Real economic growth in WB&G [West Bank and Gaza] is estimated to have reached 9.3 percent in 2010, exceeding the PA's [Palestinian Authority] budget projection of 8 percent. Growth does not, however, appear sustainable. It reflects recovery from the very low base reached during the second intifada and is still mainly confined to the non-tradable sector and primarily donor-driven. Unemployment in WB&G has been amongst the highest in the world this past decade, and though it has declined slightly recently, it remains at 16.9 percent for the West Bank and 37.4 percent for Gaza.” [9b] (p5)

“While the economy of the occupied Palestinian territory (OPT) grew by 7.4 per cent in 2009 and 9.3 per cent in 2010, unemployment remained high, at 30 per cent in both years. The growth was driven by donor support, and reflects an economy recovering from a low base. Economic growth has not altered the reality of worsening long-term development prospects, caused by the ongoing loss of Palestinian land and natural resources, isolation from global markets, and fragmentation. Unemployment, poverty and food insecurity, especially in Gaza, continue to be alarming. The Palestinian Authority's fiscal position remains precarious, despite recent improvements. A large trade deficit and dependence on the Israeli economy persist. New evidence suggests that the trade deficit with Israel is overstated by official data, which mask 'indirect imports'. The tax revenue on such indirect imports, currently lost, could increase Palestinian public revenue by 25 per cent. Meanwhile, the economic ramifications of the severance of East Jerusalem from the rest of the OPT call for serious attention too.” [8a] (p1)

- 2.03 The July 2011 UNCTAD report gave the estimated GDP per capita for 2010 as 1,987\$. [8a] (p4)

For more detail on the state of the economy in the OPTs, refer to the full [Report on UNCTAD assistance to the Palestinian people](#) of July 2011 [8a], the WBG's April 2011 report, [Building the Palestinian State: Sustaining Growth, Institutions, and Service Delivery](#) and the WBG's undated [West Bank & Gaza](#) website. [9a]

For further information on the work of UNCTAD in the OPTs, refer to the July 2011 [Report of the independent evaluator on UNCTAD's programme of assistance to the Palestinian people](#). [8b]

See also [Humanitarian issues](#) and [Employment rights](#)

- 2.04 The Palestinian Central Bureau of Statistic's (PCBS) April 2011, Press Release on The Labour Force Survey 2010, reported the following unemployment rates:

Palestinian Territory (WB&G): 23.7 per cent
Male: 23.1 per cent;

Female: 26.8 per cent
 West Bank: 17.2 per cent
 Male: 16.6 per cent
 Female: 19.7 per cent
 Gaza Strip: 37.8 per cent
 Male: 36.2 per cent
 Female: 47.8 [6c]

2.05 The Department for International Development’s (DFID), Operational Plan 2011-2015 DFID Palestinian Programme, of July 2011 reported:

“There is a marked difference in economic indicators between Gaza and West Bank, with Gaza in a worse situation. Average GDP in the OPTs was \$1,554 in 2009, making it a lower Middle Income Country and the poorest in Middle East and North Africa region, other than Sudan and Yemen. Conflict and movement and access restrictions have led to economic stagnation, eased somewhat in the West Bank since 2007 by PA aid supported reforms. This is reflected in unemployment levels of 17% in the West Bank and 38% in Gaza, and poverty levels of 16% for the West Bank and 33% for Gaza. The PA has had success in reducing its budget deficit, from 26% of GDP in 2009 to 16% in 2010. This is due to fiscal restraint and improvements in tax collection - tax revenues in 2010 were nearly 50% higher than in 2009 (figures from the IMF [International Monetary Fund] and the Palestinian Central Bureau of Statistics). Total aid to the OPTs was estimated by the Local Aid Co-ordination Secretariat to be \$5 – 5.5 billion in 2008 (the level of aid per head is amongst the highest in the world).” [1a] (p2)

2.06 The Foreign and Commonwealth Office Country Profile: Middle East and North Africa – Palestinian Territories (FCO Country Profile), last reviewed 26 March 2012, reported that the currencies used in the OPTs are the New Israeli Shekel (NIS) and, in the West Bank only, the Jordanian Dinar (JD). [5a]

2.07 The PCBS Press Release of April 2011 reported on the nominal daily net wage earned by Palestinian employees in the West Bank, Gaza Strip and Israel/Israeli settlements in 2010:

West Bank	76.9 NIS
Gaza Strip	46.2 NIS
Israel/Israeli settlements	150 NIS

[6c]

See also [Corruption](#) and [Employment rights](#)

EXCHANGE RATE, AS AT 16 MARCH 2012

2.08 US Dollar (USD) and British Pound (GBP) to the New Israeli Shekel (NIS) and the Jordanian Dinar (JD):

USD 1	NIS 3.78844	GBP 1	NIS 5.93732
USD 1	JD 0.71100	GBP 1	JD 1.11429

[46a]

CORRUPTION

- 2.09 The US Department of State's, 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated:

"Palestinian law provides criminal penalties for official corruption. The PA operated a functioning anticorruption commission, special prosecutors, and an anticorruption court consisting of a panel of three judges. PA ministers were subject to financial disclosure laws. The PA attorney general had official responsibility for combating government corruption. Nevertheless, there were allegations of corrupt practices among Fatah officials, particularly in the theft of public funds and international assistance money. Supervisors dismissed anticorruption unit head Fahmi Shabaneh in 2009 after he uncovered a sex scandal relating to one of President Abbas' aides.

"In the Gaza Strip, local observers and NGOs [non governmental organisations] alleged instances of Hamas complicity in corrupt practices, including involvement by the Hamas Executive Force, but access to information and reporting were severely inhibited." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 4)

- 2.10 The Freedom House survey, Freedom in the World 2011: West Bank (Freedom in the World 2011: WB), released 9 June 2011, reported that "Corruption remains a major problem in the West Bank, though Abbas has overseen some improvements. Prime Minister Salam Fayad, appointed by Abbas in 2007, is highly regarded for his commitment to transparent government, and has been credited with significantly reducing corruption at the higher levels of the PA." [38e] (Political Rights and Civil Liberties)
- 2.11 The Freedom House 2011 survey's chapter on the Gaza Strip (Freedom in the World 2011: GS) stated, "The Hamas-led government that took control following the 2006 PLC [Palestinian Legislative Council] elections campaigned on an anticorruption platform. However, humanitarian organizations and donor countries allege that Hamas authorities in Gaza exert almost total control over the distribution of funds and goods, and allocate resources according to political criteria with little or no transparency." [38b] (Political Rights and Civil Liberties)
- 2.12 Transparency International's (TI) undated Focus Countries – Palestine webpage, reported that no score was available for Palestine in the Corruption Perceptions Index. [78a] Nevertheless, TI did report that:

"The majority of Palestinians believe that corruption exists in the Palestinian National Authority (PNA). The percentage of Palestinians who believe there is significant corruption in Palestinian Authority institutions jumped from about 50 per cent in 1996 to more than 80 per cent in 2007, according to an opinion poll regularly conducted by the Palestinian Center for Policy and Survey Research, an independent body.

"A number of surveys conducted by The Coalition for Accountability and Integrity - AMAN, TI's chapter in Palestine, in 2006 and 2007, clearly demonstrate that the general public perceives corruption as one of the main challenges facing the Palestinians. In fact, when evaluating the performance of public sector institutions, Palestinians considered corruption to be the number one problem in addition to the general lack of security and rule of law. Favoritism and nepotism are still perceived to be the most prevailing forms of corruption." [78a]

See also [Political system](#) and [Human rights institutions, organisations and activists](#)

3. HISTORY: 1917 – 2011

This section's purpose is to provide an overview of significant events since 1917 with the focus on more recent developments. The section is not intended to make reference to all the numerous important events that took place during this period. Users are advised to read the source documents to obtain a greater understanding of the historical context of the current situation in the Occupied Palestinian Territories (OPTs).

See also [Annex A – Chronology of major events](#)

THE PALESTINE MANDATE: 1917 – 1947

3.01 The United Nations Department of Public Information (UNDPI) in its April 2008 paper, *The Question of Palestine and the United Nations*, stated that:

“... the territory of Palestine was administered by the United Kingdom of Great Britain and Northern Ireland, under a Mandate received in 1922 from the League of Nations.

“Among the issues that the Mandatory Power had to deal with, particularly after the end of the Second World War, was the question of a proposed Jewish home in Palestine. (In November 1917, the British Government, in the so-called ‘Balfour Declaration’, had declared itself in favour of ‘the establishment in Palestine of a national home for the Jewish people’, on the understanding ‘that nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine’.) Increasing Jewish immigration had been consistently opposed by the Arab inhabitants of Palestine, who in the mid-1940s comprised about two thirds of the territory’s population of 2 million. Faced with escalating violence, the British Government decided, in February 1947, to bring the question of Palestine before the new United Nations.”
 [39a] (p3)

THE CREATION OF ISRAEL: 1948

3.02 The UNDPPI’s April 2008 paper stated the UN General Assembly, “... established the United Nations Special Committee on Palestine (UNSCOP), made up of 11 Member States, to investigate all questions relevant to the problem of Palestine and to recommend solutions to be considered by the General Assembly at its regular session in September 1947.” [39a] (p4) It continued:

“At its second regular session, after an intense two-month-long debate, the General Assembly, on 29 November 1947, adopted resolution 181 (II), approving with minor changes the Plan of Partition with Economic Union as proposed by the majority in the Special Committee on Palestine. The partition plan, a detailed four-part document attached to the resolution, provided for the termination of the Mandate, the progressive withdrawal of British armed forces and the delineation of boundaries between the two States and Jerusalem. The plan included:

- The creation of the Arab and Jewish States, not later than 1 October 1948;

- Division of Palestine into eight parts: three were allotted to the Arab State and three to the Jewish State, with the town of Jaffa forming an Arab enclave within Jewish territory, and
- An international regime for Jerusalem, the eighth division, to be administered by the United Nations Trusteeship Council.” [39a] (p7)

3.03 A summary or précis by Ronald Bleier (September 2010), using the author’s exact words wherever possible, of a 2009 article, The Hebrew Reconquista of Palestine, by Walid Khalidi in the Journal of Palestine Studies, of which he is both founder and secretary, stated:

“In the civil war phase of the first Palestine war, from December 1947 until the declaration of the Israeli state on 14 May 1948, the combined operations of the Haganah [the Yishuv’s (pre-1948 term for Jewish settlement in Palestine) main paramilitary organization later becoming the core of Israel’s armed forces] and the Irgun and Stern paramilitary forces had already destroyed the fabric of Palestinian society, triggered the Palestinian exodus, conquered major Arab towns and scores of Arab villages and established Jewish control over the bulk of the territory allocated to the Jewish state and territories well beyond. The regular war, which began with the entry into the country of units of the regular Arab armies on 15 May 1948, would not have occurred had these events not preceded.” [13a]

ARAB-ISRAELI CONFLICTS AND PALESTINIAN REFUGEES: 1948 – 1967

1948 – 1949 ARAB-ISRAELI WAR

3.04 The UNDPPI paper of 2008 stated, “On 14 May 1948, Britain relinquished its Mandate over Palestine and disengaged its forces. On the same day, the Jewish Agency proclaimed the establishment of the State of Israel on the territory allotted to it by the partition plan. Fierce hostilities immediately broke out between the Arab and Jewish communities.” [39a] (p9)

3.05 The UNDPPI paper of 2008 continued:

“By [July 1948], Israel controlled much of the territory allotted to the Arab State by the partition resolution, including the western part of Jerusalem. Egypt and Jordan respectively controlled the remaining portions of the Gaza district and the West Bank of the Jordan River (which included East Jerusalem, with its walled Old City). ... The hostilities had created a major humanitarian crisis, with almost 750,000 Palestinians being uprooted from their land and becoming refugees. ... Between February and July 1949, under United Nations auspices, armistice agreements were signed between Israel, on the one hand, and Egypt, Jordan, Lebanon and Syria on the other.” [39a] (p10)

For further information refer to the UNDPPI April 2008 paper, [The Question of Palestine and the United Nations](#) [39a]

3.06 B’TSELEM – The Israeli Information Center for Human Rights in the Occupied Territories – in its undated topic, East Jerusalem, stated “Between 1948 and June of 1967, Jerusalem was divided in two: West Jerusalem, which covered an area of about 38 square kilometers was under Israeli control, and East Jerusalem, which contained an area of some 6 sq. km, was ruled by Jordan.” [25d] (Legal Status)

- 3.07 The UN Security Council's (UNSC) Middle East (including Israel/Palestine) Historical Chronology, last updated 11 August 2011, recounted that, in July 1956, the Suez crisis erupted when "Egyptian President Gamal Abdel Nasser nationalised the UK-controlled Suez Canal Company despite British opposition" resulting in an October 1956 Israeli invasion of "the Sinai Peninsula while British and French forces attacked Egypt":

"The matter was referred to the General Assembly which met in emergency special session from 1 to 10 November [1956]. The Assembly called for a ceasefire and the withdrawal of all foreign forces from occupied territories. It also established the first UN Emergency Force (UNEF I) to secure and supervise the cessation of hostilities. Britain and France withdrew from Egypt within a week, replaced by UNEF peacekeepers, and the Israelis left the Sinai in March 1957." [30a] (Entries: 26 July 1956 – 30 October 1956)

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1967 and 1973 Arab-Israeli wars

1967

- 3.08 UNDP's 2008 paper reported "On 5 June 1967, hostilities broke out between Israel and Egypt, Jordan and Syria. By the time a ceasefire called for by the Security Council was accepted by the parties, Israeli military forces had occupied the Egyptian Sinai, the Gaza Strip, the West Bank including East Jerusalem, and part of the Syrian Golan Heights." [39a] (p16)

- 3.09 B'TSELEM, in its undated topic, East Jerusalem, stated "In June 1967, following the 1967 War, Israel annexed some 70 sq. km to the municipal boundaries of West Jerusalem, and imposed Israeli law there." [25a] (Legal Status) B'TSELEM continued:

"Prior to 1967, therefore, most of the area comprising present-day Jerusalem was not part of the city (West or East), but rather part of the West Bank... In setting the borders, the committee's objective was to strengthen Israeli sovereignty over the city by creating a Jewish majority. Thus, demographic considerations were decisive, and planning considerations were only of secondary importance. In order to ensure a significant Jewish majority, the primary consideration was to prevent the inclusion of heavily-populated Palestinian areas within Jerusalem." [25a] (Legal Status)

- 3.10 A Middle East Research and Information Project (MERIP) undated special publication, Primer on Palestine, Israel and the Arab-Israeli Conflict, reported:

"After the 1967 war, the UN Security Council adopted Resolution 242, which notes the 'inadmissibility of the acquisition of territory by force,' and calls for Israeli withdrawal from lands seized in the war and the right of all states in the area to peaceful existence within secure and recognized boundaries. The grammatical construction of the French version of Resolution 242 says Israel should withdraw from 'the territories,' whereas the English version of the text calls for withdrawal from 'territories.' (Both English and French are official languages of the UN.) Israel and the United States use the English version to argue that Israeli withdrawal from some, but not all, the territory occupied in the 1967 war satisfies the requirements of this resolution.

"For many years the Palestinians rejected Resolution 242 because it does not acknowledge their right to national self-determination or to return to their homeland. It

calls only for a just settlement of the refugee problem. By calling for recognition of every state in the area, Resolution 242 entailed unilateral Palestinian recognition of Israel without recognition of Palestinian national rights.” [41a] (The Palestine Liberation Organization)

1973

3.11 The same MERIP undated special publication, Primer on Palestine, Israel and the Arab-Israeli Conflict stated:

“After coming to power in Egypt in late 1970, President Anwar Sadat indicated to UN envoy Gunnar Jarring that he was willing to sign a peace agreement with Israel in exchange for the return of Egyptian territory lost in 1967 (the Sinai Peninsula). When this overture was ignored by Israel and the US, Egypt and Syria decided to act to break the political stalemate. They attacked Israeli forces in the Sinai Peninsula and the Golan Heights in October 1973, on the Jewish holy day of Yom Kippur. The surprise attack caught Israel off guard, and the Arabs achieved some early military victories. This prompted American political intervention, along with sharply increased military aid to Israel. After the war, US Secretary of State Henry Kissinger pursued a diplomatic strategy of limited bilateral agreements to secure partial Israeli withdrawals from the Sinai Peninsula and the Golan Heights while avoiding negotiations on more difficult issues, including the fate of the West Bank and Gaza. By late 1975 these efforts had exhausted their potential, and there was no prospect of achieving a comprehensive Arab-Israeli peace settlement.

“In late 1977, Sadat decided to initiate a separate overture to Israel. His visit to Jerusalem on November 19, 1977 led to the Camp David accords and the signing of an Egyptian-Israeli peace treaty in 1979. ...

“In September 1978, President Jimmy Carter invited Sadat and Israeli Prime Minister Menachem Begin to Camp David, a presidential retreat in Maryland. They worked out two agreements: a framework for peace between Egypt and Israel, and a general framework for resolution of the Middle East crisis, i.e. the Palestinian question.

“The first agreement formed the basis of the Egyptian-Israeli peace treaty signed in 1979. The second agreement proposed to grant autonomy to the Palestinians in the West Bank and the Gaza Strip, and to install a local administration for a five-year interim period, after which the final status of the territories would be negotiated.

“Only the Egyptian-Israeli part of the Camp David accords was implemented. The Palestinians and other Arab states rejected the autonomy concept because it did not guarantee full Israeli withdrawal from areas captured in 1967 or the establishment of an independent Palestinian state. In any case, Israel sabotaged negotiations by continuing to confiscate Palestinian lands and build new settlements in violation of the commitments Menachem Begin made to Jimmy Carter at Camp David.” [41a] (The October 1973 War / Camp David I)

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THE FIRST INTIFADA: 1987 – 1993

3.12 The UNDP/ICF paper of 2008 report stated:

24 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

“In December 1987, after more than 20 years under military occupation, the Gaza Strip and West Bank erupted in a spontaneous popular uprising that became known as the first intifada (an Arabic word for ‘shaking off’ that quickly entered the international political lexicon). Palestinians from all walks of life—youth, merchants, labourers, women and children—staged massive demonstrations, economic boycotts, tax resistance and strikes to protest the military occupation of their land and to demand national independence.

“From the start, Israeli armed forces responded harshly to the protests, which were marked mostly by the involvement of unarmed Palestinian children and youths who threw stones at the occupying forces. Between 1987 and 1993, over 1,000 Palestinians were killed and tens of thousands were injured as unarmed protests across the occupied Palestinian territory were met with force, including the use of live ammunition, beatings and sometimes the lethal use of tear gas. Thousands of Palestinians were detained, thousands were transferred to prisons in Israel and many were deported from the Palestinian territory.” [39a] (p27-28)

For more information refer to the United Nations Study [The Origins and Evolution of the Palestine Problem](#) dated 30 June 1990 [39c]

THE MIDDLE EAST PEACE PROCESS (MEPP): 1991 – 1995

- 3.13 The undated History of the Question of Palestine, based on United Nations documents and sources, accessed on 14 November 2010, reported “A Peace Conference on the Middle East was convened in Madrid on 30 October 1991, with the aim of achieving a just, lasting and comprehensive peace settlement through direct negotiations along 2 tracks: between Israel and the Arab States, and between Israel and the Palestinians, based on Security Council resolutions 242 (1967) and 338 (1973) (the ‘land for peace’ formula).” [4a] (The Peace Process of the 1990s)

For further information refer to the UNDP April 2008 paper, [The Question of Palestine and the United Nations](#). [39a]

- 3.14 The MERIP undated special publication, Primer on Palestine, Israel and the Arab-Israeli Conflict, stated:

“After the Gulf War, the US sought to stabilize its position in the Middle East by promoting a resolution of the Arab-Israeli conflict. Despite their turn against the PLO, Kuwait and Saudi Arabia were anxious to resolve the Arab-Israeli conflict and remove the potential for regional instability it created. The administration of President Bush felt obliged to its Arab allies, and pressed a reluctant Israeli Prime Minister Yitzhak Shamir to open negotiations with the Palestinians and the Arab states at a multilateral conference convened in Madrid, Spain, in October 1991. Shamir’s conditions, which the US accepted, were that the PLO be excluded from the talks and that the Palestinian desires for independence and statehood not be directly addressed.

“In subsequent negotiating sessions held in Washington, DC, Palestinians were represented by a delegation from the occupied territories. Participants in this delegation were subject to Israeli approval, and residents of East Jerusalem were barred on the grounds that the city is part of Israel. Although the PLO was formally excluded from these talks, its leaders regularly consulted with and advised the Palestinian delegation. Although Israeli and Palestinian delegations met many times, little progress was

achieved. Prime Minister Shamir announced after he left office that his strategy was to drag out the Washington negotiations for ten years, by which time the annexation of the West Bank would be an accomplished fact.

“A new Israeli Labor Party government led by Yitzhak Rabin assumed office in June 1992 and promised rapid conclusion of an Israel-Palestinian agreement. Instead, the Washington negotiations became stalemated after December 1992, when Israel expelled over 400 Palestinian residents of the occupied territories who were accused (but not tried or convicted) of being radical Islamist activists. Human rights conditions in the West Bank and the Gaza Strip deteriorated dramatically after Rabin assumed office. This undermined the legitimacy of the Palestinian delegation to the Washington talks and prompted the resignation of several delegates.” [41a] (The Madrid Conference)

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Oslo Accords I & II: September 1993 & September 1995

3.15 The UNDP April 2008 paper stated, “On 10 September 1993, Israel and the PLO [Palestinian Liberation Organisation] exchanged letters of mutual recognition. The PLO recognized Israel’s right to exist, and Israel recognized the PLO as the representative of the Palestinian people. Three days later, on 13 September 1993, ... Israeli and PLO representatives signed the ‘Declaration of Principles on Interim Self Government Arrangements’ (the Oslo Accord).” [39a] (p31)

3.16 The same source continued:

“The Accord stated, among other things:

- “● The aim of the Israeli-Palestinian negotiations was to establish a Palestinian Interim Self-Government Authority, the elected Council for the Palestinian people in the West Bank and Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973);
- “● The issues of Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours, were deferred to a ‘permanent status’ negotiations phase, which should start no later than the beginning of the third year of the interim period.” [39a] (p31-32)

3.17 The UNDP April 2008 paper reported:

“Important progress was made during 1995, when the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip was signed on 28 September in Washington, D.C. The agreement provided for the dissolution of the Israeli civil administration and the withdrawal of the Israeli military government, with a scheduled transfer of powers and responsibilities to the Palestinian Interim-Self-Governing Authority. The new agreement also contained modalities for participation in elections by the Palestinians of the West Bank, Jerusalem and the Gaza Strip, and included provision for international observation of the election process. These agreements represented a significant step forward in the implementation of the Declaration of Principles.” [39a] (p32-33)

- 3.18 Following the September 1995 signing of the Oslo II Accord (the Interim Peace Agreement [IPA]) the West Bank was divided into Areas 'A', 'B' and 'C'. [39b] (Article XI) A July 2011 OCHA map of the West Bank, extracted from the August 2011 Special Focus report: Displacement and Insecurity in Area C of the West Bank, defined these areas:
- Area A – Full Palestinian civil and security control
 Area B – Full Palestinian civil control and joint Israel-Palestinian security control
 Area C – Full Israeli control over security, planning and construction [3a]
- 3.19 Annex I of the IPA detailed, amongst other issues regarding security and freedom of movement, the proposed timescale for redeployment of Israeli forces out of Areas A and B, and the deployment of Palestinian police into those areas. (Appendix 1-3)

For more detailed information consult the [Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip](#). [39b] The agreement and its annexes are also available on the website of the Israeli [Ministry of Foreign Affairs](#). [12a]

See also [Geography](#), including [Maps](#); [Humanitarian issues](#) and [Freedom of movement](#)

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PALESTINIAN NATIONAL AUTHORITY (PNA), THE MEPP, THE SECOND (AL-AQSA) INTIFADA AND ISRAELI DISENGAGEMENT FROM THE GAZA STRIP: 1996 – 2005

- 3.20 The April 2008 UNDP Paper reported:
- “In January 1996, the newly installed Palestinian Authority held its first democratic elections to choose an 88-member Palestinian Legislative Council. Yasser Arafat was elected President of the Palestinian Authority. ...
- “In January 1997, Israel and the PLO signed the Hebron Protocol concerning the redeployment of the Israel Defence Force (IDF) in Hebron. The Protocol also created a timetable for further redeployment of Israeli forces in the West Bank and for the resumption of the permanent status negotiations; in March, Israel approved a plan for further troop redeployments in the West Bank. ...
- “The next two years saw very little progress in negotiations. ... Increasingly concerned at the deteriorating situation, the [UN] General Assembly resumed the emergency special session in March 1998 to discuss ‘illegal Israeli actions in occupied East Jerusalem and the rest of the Palestinian territory’. ...
- “The peace process showed new signs of life in late 1998. After eight days of talks under United States sponsorship in Maryland, Israel and the PLO concluded the Wye River Memorandum in Washington, D.C., on 23 October 1998.” [39a] (p33 & 34)
- 3.21 The Congressional Research Service January 2010 paper, Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy, summarised the period following the signing of the Wye River Memorandum, “President Clinton held a summit with Israeli and Palestinian leaders at Camp David on final status issues that July [2000], but they did not produce an accord. A Palestinian uprising or intifadah began in September. On

February 6, 2001, Ariel Sharon was elected Prime Minister of Israel, and rejected steps taken at Camp David and afterwards.” [31c] (Summary)

For more information on the outbreak of the Second (Al Aqsa) Intifadah, see the US Department of State (USSD) [Sharm El-Sheikh Fact-Finding Committee Report \(Mitchell Report\)](#) of 30 April 2001 [15a] (p4-12) and the UNDP/ April 2008 paper, [The Question of Palestine and the United Nations](#). [39a]

The construction of the security barrier in the West Bank and the ‘end’ of the Al Aqsa Intifada

- 3.22 A UN Special Focus report of July 2011 stated that, “In summer 2002, following a campaign of suicide bombings by Palestinian militants, the Government of Israel approved construction of a Barrier to prevent suicide bombers from entering Israel.” [3s] (p5)
- 3.23 A GlobalSecurity.org undated article on the second or Al-Aqsa Intifada, reported:
- “The Israeli government during 2003 began construction of a security barrier (or fence) to cut off the West Bank from Israel proper. The barrier was originally planned to run along the Green Line (Israel’s pre-1967 border) but under Sharon’s plan, the barrier would encompass some major Israeli settlements within the West Bank. In addition to the security fence plan, Sharon began to advocate for unilateral Israeli disengagement from the Gaza Strip settlements and from some settlements in the West Bank.” [14a]
- See also [Humanitarian issues](#) and [Freedom of Movement](#)
- 3.24 The Congressional Research Service January 2010 paper, Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy, reported:
- “On April 30, 2003, the United States, the U.N., European Union, and Russia (known as the ‘Quartet’) presented a ‘Road Map’ to Palestinian statehood. It has not been implemented. Israel unilaterally disengaged (withdrew) from the Gaza Strip and four small settlements in the West Bank in August 2005. On January 9, 2005, Mahmud Abbas had become President of the PA [following the death of Yasser Arafat in November 2004 [31c] (p13)].” [31c] (Summary)
- 3.25 GlobalSecurity.org’s undated article noted that Mahmoud Abbas and Ariel Sharon met at Sharm-el-Sheikh in February 2005. “Both sides announced an end to the violence. The Israeli parliament approved the disengagement plan during the same month. In March 2005, militant groups agreed to a tahideyah (lull in the fighting). While not a full truce, this was considered major progress and some have argued that it marked the end of the Al-Aqsa Intifada.” [14a]
- 3.26 GlobalSecurity.org further reported that in July 2005 the truce was broken by a suicide bombing in Netanya, which led to raids by the Israeli Defence Force into the West Bank. Hamas responded with rocket fire from the Gaza Strip. [14a] The same source also noted, “The Al-Aqsa Intifada never officially ended and it is debatable whether the events after February 2005 should be considered part of the uprising or as independent events. From September 2000 until February 2005, approximately 3,000-3,300 Palestinians were killed and approximately 950-1010 Israelis were killed.” [14a]

Israeli disengagement from the Gaza Strip

- 28 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

3.27 B'TSELEM observed in its undated Background on the Gaza Strip:

“In September 2005, Israel completed the ‘Gaza disengagement plan,’ which included dismantlement of the settlements in the Gaza Strip, evacuation of the settlers to Israel, and withdrawal of the army from the Strip. After the plan was completed, Israel issued an order declaring the end of the military government in the Gaza Strip and claimed it was no longer responsible for the safety and well-being of the residents there. In doing so, Israel ignored the harsh reality in the Gaza Strip following its prolonged occupation, the closure it had imposed on the area for more than a decade, and the dependence of the Palestinian economy on the Israeli labor market and trade with Israel.

“The army’s withdrawal from the Gaza Strip and dismantlement of the settlements resulted in considerable improvement in the freedom of movement of Palestinians within the Strip. However, Israel continued to control the crossings into Israel and the air and sea space of the Strip, and decisions regarding the movement of persons and goods into and from the Strip remained in its hands.” [25e]

3.28 The September 2009 Report of the Independent International Fact-Finding Mission on the Gaza Conflict (also known as the Goldstone Report) stated,

“From the disengagement until November 2006, the Israeli armed forces fired approximately 15,000 artillery shells and conducted more than 550 air strikes into the Gaza Strip. Israeli military attacks killed approximately 525 people in Gaza. Over the same period, at least 1,700 rockets and mortars were fired into Israel by Palestinian militants, injuring 41 Israelis. The conflict culminated, in 2006, in the Israeli military incursions into Gaza, codenamed ‘Summer Rains’ and ‘Autumn Clouds’, the latter focusing on the north of the Strip around the town of Beit Hanoun...”. [72a] (p51-52, paragraph 195)

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THE POLITICAL RISE OF HAMAS, DISINTEGRATION OF THE PNA AND THE GAZA BLOCKADE: 2006 – 2007

3.29 The Congressional Research Service January 2010 paper, Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy, reported:

“The victory of Hamas, which Israel and the United States consider a terrorist group, in the January 2006 Palestinian parliamentary elections complicated prospects for peace as the United States, Israel, and the Quartet would not deal with a Hamas-led government until it disavowed violence, recognized Israel, and accepted prior Israeli-Palestinian accords. President Abbas’s dissolution of the Hamas-led government in response to the June 2007 Hamas forcible takeover of the Gaza Strip led to resumed international contacts with the PA.” [31c] (Summary)

For information on the events and successive cabinets during the disintegration of the PNA see the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) Fact Sheet, [Palestinian Government Timeline Since January 2006](#), posted 9 November 2010. [21a]

3.30 The September 2009 Report of the Independent International Fact-Finding Mission on the Gaza Conflict noted, “On 19 September 2007, the Government of Israel declared

Gaza 'hostile territory.' This was followed by the imposition of further severe reductions in the transfer of goods and supplies of fuel and electricity to the Strip. Since then, Israel has only sporadically allowed the opening of all the crossings into the Gaza Strip, at times completely closing them." [72a] (p51, paragraph 192)

See also [Humanitarian issues](#)

THE MEPP AND THE GAZA WAR (OPERATION 'CAST LEAD'): 2007-2009

- 3.31 The September 2009 Report of the Independent International Fact-Finding Mission on the Gaza Conflict, stated, "In February 2008, a rocket attack from Gaza hit the Israeli city of Ashkelon causing light injuries. The Israeli armed forces [sic] launched an operation codenamed 'Hot Winter' during which the air force conducted at least 75 air strikes on different targets within the Gaza Strip. As a result of the military operation, more than 100 Palestinians and 2 Israelis were killed in Gaza." [72a] (p52, paragraph 196) Further, "In June 2008, an informal 'period of calm' (Tahdiyah) of six months was agreed through Egypt's mediation." [72a] (p52, paragraph 197) "The ceasefire came into effect on 19 June 2008 at 6 a.m." [72a] (p62, paragraph 224)
- 3.32 The Congressional Research Service January 2010 paper, Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy, reported:

"On November 27 [2008], at an international conference in Annapolis, MD, President Bush read a Joint Understanding in which Abbas and Israeli Prime Minister Ehud Olmert agreed to simultaneously resume bilateral negotiations on core issues and implement the Road Map. ... Later in the year, Israeli and U.S. elections appeared to disrupt negotiations on all tracks and the end of the Israeli-Hamas cease-fire in December and the subsequent outbreak of violence in Gaza led to the official suspension of peace talks." [31c] (Summary)

The Gaza war (Operation 'Cast Lead'): December 2008 – January 2009

- 3.33 The September 2009 Report of the Independent International Fact-Finding Mission on the Gaza Conflict, reported on the numerous infractions of the Tahdiyah by both Palestinian armed groups and Israeli forces, noting "The terms of the ceasefire agreement were not set out in any formal, written document and, according to recent analysis, the Gaza authorities' and Israel's understanding of the terms differed substantially." [72a] (p62-63, paragraph 225)
- 3.34 The same source reported, "On 18 December 2008, the Gaza authorities declared that the truce was at an end and would not be renewed on the grounds that Israel had not abided by its obligations to end the blockade on Gaza." [72a] (p70, paragraph 262)
- 3.35 A Human Rights Watch report, Turning a Blind Eye – Impunity for Laws-of-War Violations during the Gaza War of April 2010, summarised the conflict:
- "Between December 27, 2008 and January 18, 2009, Israel's 'Operation Cast Lead' in Gaza killed several hundred Palestinian civilians and wounded many more, some during Israeli attacks that were indiscriminate, disproportionate or at times seemingly deliberate, in violation of the laws of war. Israeli forces also extensively destroyed civilian objects in Gaza, including homes, agricultural land and factories, without a lawful military reason.

“In Israel, three civilians were killed and dozens wounded by rocket fire from Hamas and other Palestinian armed groups. The absence of Israeli military forces in the areas struck and statements by Hamas leaders supporting the attacks are evidence of an intent to strike Israeli civilians and civilian objects. Even if military objectives had been present, the rockets launched were invariably indiscriminate when fired into populated areas. In addition, Hamas and other armed groups placed Palestinian civilians unnecessarily at risk from Israeli counter-attack by launching rockets from densely populated areas in Gaza.” [22h] (p3)

For further information on the conflict refer to the extensive [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report) of 25 September 2009. [72a]

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THE GAZA BLOCKADE, THE MEPP AND PALESTINIAN POLITICS: 2009 – 2011

- 3.36 The Summary of the CRS paper, Israel’s Blockade of Gaza and the Mavi Marmara Incident, of June 2010 reported that the Gaza war:

“... destroyed much of Gaza’s infrastructure, but Israel has obstructed the delivery of rebuilding materials that it said could also be used to manufacture weapons and for other military purposes. Israel, the U.N., and international non-governmental organizations differ about the severity of the blockade’s effects on the humanitarian situation of Palestinian residents of Gaza. Nonetheless, it is clear that the territory’s economy and people are suffering.” [31d]

See also [Humanitarian issues](#)

- 3.37 The CRS paper, Israel and the Palestinians: Prospects for a Two-State Solution of January 2010, stated:

“During summer 2009, PA Prime Minister Salam Fayyad unveiled a plan to advance the goal of Palestinian self-determination. The plan contemplates achieving de facto statehood within two years by developing self-reliant PA security, political, and economic infrastructure. The PA’s reform and development efforts have been backed by considerable donor help from the United States, the European Union, and other countries, especially since Abbas named Fayyad as prime minister of the caretaker government installed for the West Bank following Hamas’s takeover of Gaza in June 2007. The plan does not discuss if and how Gaza can be involved absent a general opening of the border crossings and a political arrangement accommodating both Hamas and Fatah.” [31b] (p7)

- 3.38 The Summary of the same CRS paper reported:

“In September 2009, Obama convened a trilateral meeting with Israeli Prime Minister Binyamin Netanyahu and PLO Chairman Mahmoud Abbas in New York and addressed the annual opening session of the United Nations General Assembly. He indicated that final-status negotiations should not be delayed further, despite the lack of resolution on preliminary issues such as the possible freeze of Israeli settlement building in the West Bank and East Jerusalem or the possible gradual normalization of ties between Israel and certain Arab states.” [31b]

- 3.39 On 30 November 2009, Reuters reported on the enforcement of a 10-month freeze on new housing projects, announced the previous week by Prime Minister Netanyahu “who pitched it as an attempt to persuade Palestinians to return to U.S.-sponsored peace talks suspended since December [2008].” The article also noted that, “The temporary moratorium does not apply to areas in the West Bank that Israel annexed to its Jerusalem municipality after capturing the territory from Jordan in the 1967 war.” [42a]

See also [1967 and 1973 Arab-Israeli wars](#) and [Humanitarian issues](#)

- 3.40 An April 2010 International Crisis Group (ICG) report, Tipping Point? Palestinians and the Search for a New Strategy remarked upon a hardening in the PLO’s stance toward negotiations during 2009, observing:

“In hindsight, several overlapping developments contributed to this evolution among [President] Abbas and his colleagues: the failure of the Annapolis process that was launched late in the Bush administration, capping a series of missed deadlines; the new, more hardline Israeli government; initial missteps by the Obama administration, in which some Palestinians held such high hopes; deepening divisions and polarisation among the Palestinians, which added to the Ramallah leadership’s political constraints; a looming succession struggle, which narrowed that leadership’s room for manoeuvre; as well as the Palestinian president’s personal setbacks. All these led the leadership to strongly oppose the resumption of talks under their traditional format. Instead, they have variously demanded a definite timeline, a clear delineation of the endgame and a comprehensive settlement freeze. What all these demands have in common is a desire to redress what is perceived as the inherent, structural inequality between the parties.” [66c] (Introduction)

- 3.41 The Executive Summary of Jane’s Information Group’s (Jane’s) Sentinel country risk assessment on the Gaza Strip and the West Bank, updated 30 December 2011, noted:

“Repeated attempts throughout 2008 to reunite the divided factions [of Fatah and Hamas] were unsuccessful. However, in the aftermath of the Israeli campaign in the Gaza Strip, the two sides held their first high level face-to-face meeting in March 2009. Since then, numerous negotiations have taken place under Egyptian auspices to try to reconcile the two sides, with agreement finally reached in September that set elections for June 2010. Fatah signed the accord in early October but Hamas has resisted. In an apparent attempt to force Hamas’ hand, Abbas unilaterally announced elections to be held in January 2010. Hamas reacted angrily to this, stating that it will boycott the polls and not allow the ballot to be organised in Gaza. As a result, the divisions between the two sides have been further entrenched. Abbas subsequently announced that he will not seek re-election as president. The presidential and parliamentary elections were postponed indefinitely and Abbas’s term was extended, also indefinitely, in December 2009.” [28a] (Politics-Political Division)

See also [Political system](#) and [Political affiliation](#)

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The Mavi Marmara incident and subsequent relaxation of the blockade of Gaza: May – June 2010

- 3.42 The Summary of the Congressional Research Service (CRS) paper, Israel's Blockade of Gaza and the Mavi Marmara Incident, of June 2010, reported:

"In May 2010, the pro-Palestinian Free Gaza Movement and the pro-Hamas Turkish Humanitarian Relief Fund organized a six-ship flotilla to deliver humanitarian aid to Gaza and to break Israel's blockade of the territory. The ships refused an Israeli offer to deliver the goods to Ashdod. On May 31, Israeli naval special forces intercepted the convoy in international waters. They took control of five of the ships without resistance. However, some activists on a large Turkish passenger vessel challenged the commandos. The confrontation resulted in eight Turks and one Turkish-American killed, more than 20 passengers injured, and 10 commandos injured.

"Israel considered its actions to be legitimate self-defense. Turkey, whose nationals comprised the largest contingent in the flotilla and among the casualties, considered them to be unjustifiable and in contravention of international law. There was near-universal international condemnation of Israel's actions. The U.N. Security Council in a U.S.-Turkish compromise condemned 'the acts' that resulted in lost lives and called for an impartial inquiry. Several inquiries are underway in Israel, but Turkey will not be satisfied unless there is an international one under U.N. auspices." [31d]

- 3.43 The CRS paper noted "Shortly after the Marmara incident Egypt announced the opening of the Rafah crossing 'indefinitely,' although it only allowed travelers with special permits and continued to restrict potentially dual use goods." [31d] (p12) The same source reported that, following international pressure to end the blockade of Gaza:

"On June 17, Prime Minister Netanyahu's office announced that the Israeli security cabinet had agreed to 'liberalize the system by which civilian goods enter Gaza; expand the inflow of materials for civilian projects that are under international supervision; continue existing security procedures to prevent the inflow of weapons and war materiel; and to decide in the coming days on additional steps to implement this policy.' However, the naval blockade would not be lifted." [31d] (p11)

- 3.44 The August 2010 edition of The Humanitarian Monitor, published by the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported, "While the easing of the Israeli blockade of the Gaza Strip since 20 June has resulted in some economic reactivation of the private sector, the ability of humanitarian agencies to address the enormous needs of the population in the area of housing and services remains severely constrained due to the ongoing restrictions on the import of construction materials." [31] (p1)

See also [Economy](#); [Humanitarian issues](#); [Freedom of movement](#) and [Exit and return](#)

Resumption of the MEPP and Israeli settlement construction: September 2010 – August 2011

- 3.45 The report of the UN Secretary-General to the General Assembly Security Council, Peaceful settlement of the question of Palestine, covering the period September 2010 to August 2011, published 19 September 2011, stated:

"Following the proximity talks, facilitated by the United States since May 2010, Prime Minister Netanyahu and President Abbas met in Washington, D.C., on 1 and 2 September [2010] under the auspices of President Obama and Secretary Clinton to

launch direct Israeli-Palestinian negotiations. A second round of talks was held on 14 and 15 September. Prime Minister Netanyahu affirmed that President Abbas was his partner for peace, while President Abbas stated his desire to see a permanent end to the conflict. Both leaders reaffirmed their commitment to a two-State solution and agreed to seek a solution based on two States for two peoples. They agreed that the negotiations could be completed within a year, and that their aim was to resolve all final status issues, including borders, security, refugees and Jerusalem...

“However, negotiations came to a halt after Israel’s 10-month moratorium on new construction in settlements expired on 26 September. President Abbas indicated that he would not continue direct negotiations unless Israel froze settlement activity. Growing mutual distrust worked against the resumption of direct bilateral talks.” [56a] (p9-10)

3.46 The UN Secretary-General’s report of 19 September 2011 continued:

“The Middle East Quartet regretted the discontinuation of the moratorium and strongly reaffirmed that unilateral actions by either party could not prejudice the outcome of negotiations and would not be recognized by the international community.

“On 9 October [2010], at its summit in Sirte, Libya, the League of Arab States expressed support for President Abbas’ position not to continue negotiations unless Israel froze settlement activity. In the following months, the League held several meetings in support of the Palestinian efforts. The Palestinian leadership launched a diplomatic campaign to secure bilateral recognition of an independent State of Palestine within borders that conform to the ceasefire lines in existence before 4 June 1967. Several States, notably in South America, announced such recognition. The Government of Israel continued to call for a continuation of negotiations, stating that settlements would be resolved as part of a final status agreement.” [56a] (p10)

3.47 At a United Nations press conference of 22 October 2010, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 stated:

“The enormous cumulative effect of prolonged Israeli occupation, accelerated settlement expansion in East Jerusalem and the West Bank, and related policies to destroy homes and revoke residency permits made the vision of an Israeli-Palestinian peace based on a two-State consensus a ‘political impossibility’, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, said today.” [90a]

Refer to the full report of the Special Rapporteur on the [Situation of human rights in the Palestinian territories occupied since 1967](#) of 30 August 2010 for more information. [39d]

3.48 The UN Secretary-General’s report of 19 September 2011 stated:

“The United States continued to engage the parties in indirect talks after it announced in December [2010] the end of its attempts to reinstate the settlement moratorium. In February [2011], Quartet members started diplomatic efforts to engage the parties in separate consultations, giving serious consideration to their views on how to bring about resumed negotiations on all core issues, including borders and security...

“On 19 May [2011], President Obama put forward important principles as a foundation for negotiations, particularly regarding borders, which should be based on the 1967

lines with mutually agreed swaps, and security arrangements, which should be robust enough to prevent a resurgence of terrorism, to stop the infiltration of weapons, and to provide effective border security, and allow a full and phased withdrawal of Israeli military forces coordinated with the assumption of Palestinian security responsibility in a sovereign, non-militarized State...

“In its statement of 20 May, the Quartet appealed to the parties to resume direct bilateral negotiations. The Quartet principals met in Washington, D.C., on 11 July, to discuss how to translate President Obama’s speech into an internationally agreed framework for the resumption of talks. However, in view of the persisting differences between the parties regarding what terms should frame negotiations, Quartet members agreed to work on narrowing that gap before issuing a statement that could help bring both sides back to negotiations. Quartet discussions and efforts continued over the summer in the context of a deteriorating situation on the ground and deepening mistrust between both sides.

“In August [2011], with no political breakthrough and with Israeli settlement activity continuing, the Palestinian leadership, with the support of the Arab Peace Initiative Committee, confirmed its intention to approach the United Nations at the beginning of the new session of the General Assembly to call on Member States to recognize a Palestinian State within the 1967 lines and to apply for full membership in the United Nations. The Government of Israel expressed its strong opposition to such Palestinian action.” [56a] (p10-11)

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Hamas and Fatah’s attempts at reconciliation and pursuit of international recognition of Palestine as an independent state: May to September 2011

3.49 The Congressional Research Service report, “U.S. Foreign Aid to the Palestinians” dated 9 November 2011, stated:

“On May 4, 2011, in Cairo, Egypt, Abbas and Hamas political bureau chief Khaled Meshaal signed a Fatah-Hamas PA consensus agreement brokered by Egypt intended to bridge the Palestinian geographical and factional divide and to clear the way for PA presidential and parliamentary elections in a year’s time. Reports indicate that Fatah and Hamas have agreed in principle to allow a ‘technocratic’ PA government—presumably run by ministers without formal party affiliations—until such time as elections can be held. However, as of early October 2011, Fatah-Hamas disagreement over the possible continuation of Salam Fayyad as PA prime minister (Fatah supports it, Hamas opposes it) has delayed the formation of a consensus government and caused some observers to doubt its likelihood.” [31e] (p2)

3.50 On 4 October 2011, Amnesty International reported that:

“Palestinian President Mahmoud Abbas submitted an application for full UN membership to UN Secretary-General Ban Ki-moon on 23 September 2011. The Secretary-General has presented the application to the UN Security Council, and it is currently being considered by the Council Committee on Admission of New Members, which includes all 15 Council members. In order for the application to be considered by the General Assembly, where a vote on the admission of Palestine as a new member

state would need to be approved by a two-thirds majority, at least nine of the 15 Council members need to recommend admission, with none of the five permanent veto-holding members opposing it. The US administration opposes any upgrade in Palestine's status at the UN and has stated that it will exercise its veto power at the Security Council if the matter comes to a vote. However, it is not clear that the Palestinian application has the support of nine Council members, and the issue could remain within the Committee, which generally operates by consensus and has no effective time limit on its considerations. As Israel and the USA continue to lobby Security Council members not to support the application, while the Quartet and EU representatives push for the resumption of Israeli-Palestinian negotiations, a speedy decision is unlikely." [35c]

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4. RECENT DEVELOPMENTS: OCTOBER 2011 – 14 MAY 2012

For regular updates on developments concerning the OPTs see the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA OPT\)](#) [3] and the International Crisis Group (ICG) monthly update, [Crisiswatch](#). [66a]

- 4.01 On 18 October 2011, the Guardian reported that "Gilad Shalit, the Israeli soldier who was seized in 2006 by Hamas, has been freed in a deal that involves the release of 1,027 Palestinians...More than 450 Palestinians were meanwhile transferred from Israeli prisons to the West Bank and Gaza, where massive celebratory rallies were held." [98c]
- 4.02 On 31 October 2011 Reuters reported that the Palestinians had been granted full membership of the United Nations Educational Scientific and Cultural Organization (UNESCO). The Reuters article of the same date reported that UNESCO was "...the first U.N. agency to welcome the Palestinians as a full member since President Mahmoud Abbas applied for full membership of the United Nations on September 23 [2011]." [42d]
- 4.03 The Guardian reported on 6 February 2012:
- "The rival Palestinian factions Fatah and Hamas have agreed to form a new unity government in the West Bank and Gaza, which will be headed by Mahmoud Abbas, it was announced on Monday [6 February].
- "Reconciliation talks between the two factions have struggled to make progress since an agreement in principle was signed last spring [2011]. A major issue has been who would lead the government. Hamas insisted on the removal of the present prime minister, Salam Fayyad, who has strong western backing for the progress he has made on building the institutions of a future Palestinian state.
- "Abbas and the exiled Hamas leader, Khaled Meshaal, who has been pushing for reconciliation, agreed at a meeting in Qatar on the formation of the new government of independent technocrats, led by Abbas, which will be in place until elections can be held...

“The agreement would be ‘implemented in the shortest time possible’, Abbas said...

“There was no immediate response from Ismail Haniyeh, the de facto Hamas prime minister of Gaza. Over recent months, a rift has opened between the Gaza-based leadership of the Islamist organisation and its external leadership on the group's future strategy.

“Under the reconciliation agreement, elections were due to be held by May [2012] but few observers believe they will take place this year. The Palestinian election commission has said more time is needed to organise polling.” [98d]

- 4.04 On 12 February 2012 Reuters reported that Hamas had rejected Abbas’ call for elections before September 2012, “...underscoring a crippling division among Palestinians.” Moreover, “...a quick solution to the Palestinian divide seemed unlikely and Hamas spokesman Fawzi Barhoum said the Western-backed Abbas, who has served as president since 2005, lacks the legitimacy to make such a call.

“‘Hamas will not take part in this election. We will not give it legitimacy. And we will not recognize the results,’ Barhoum told Reuters.” [42e]

- 4.05 BBC News reported on 13 March 2012:

“A ceasefire is in place between Israel and Palestinian militants in Gaza after four days of deadly clashes...At least 25 Palestinians have been killed in Israeli air strikes since Friday [9 March], reports say. Israel says 35 people were injured in Palestinian rocket attacks...

“Four days of cross-border violence was triggered by an Israeli air strike on Friday that killed a senior leader of the militant group, the Popular Resistance Committees (PRC), who Israel said had been planning an attack.

“Militants in Gaza responded quickly by unleashing a barrage of rockets towards southern Israel, triggering further air strikes.

“Most of those killed in Gaza were militants, but several civilians also died, Palestinian medical sources say.” [100b]

- 4.06 The Guardian reported on 26 March 2012 that, “The Israeli supreme court has rejected the state's [Israel’s] request to postpone dismantling a large, unsanctioned West Bank settler enclave until late 2015...The state submitted the delay petition this month, seeking to bypass the high court's earlier order to dismantle the Migron outpost by 31 March because it was built on privately held Palestinian land.” The article also noted that, although it had rejected Israel’s request, the court had extended the deadline for the evacuation to 1 August 2012. [98e]

- 4.07 On 27 April 2012, BBC News reported:

“The communications minister of the Palestinian Authority has resigned, claiming it was trying to silence its critics and curb freedom of expression. Mashour Abu Daqa said senior officials had ordered several opposition websites to be blocked over the past six months. He said the moves were bad for the image of the PA in the modern world. Security forces have also recently arrested four journalists and an activist who had criticised President Mahmoud Abbas and other officials.” [100f]

5. POLITICAL SYSTEM

- 5.01 The Internal Affairs section, last updated 5 April 2011, of Jane's Information Group's (Jane's) Sentinel country risk assessment on the Gaza Strip and the West Bank observed:

"The Palestinian Liberation Organisation (PLO) and Israel established the Palestinian Authority (PA) in 1994, following the 1993 Declaration of Principles known as the Oslo Accords. The PA is intended to serve as the governing body of the West Bank and Gaza until a final agreement is reached in the peace process. Under the terms of the Accords, its authority has been split according to three zones:

"Area 'A' – the PA has political and security control;

"Area 'B' – the PA holds political control but shares security responsibilities with Israel;

"Area 'C' – Israel has political and security control.

"In practical terms, Israel retains control over the territories' external security, air space, sea lanes and electromagnetic sphere." [28a] (Political System-Constitution)

See [Geography](#), including [Maps](#) and [Freedom of movement](#)

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- 5.02 The US State Department's 2010 Country Report on Human Rights Practices: Israel and the occupied territories, released 8 April 2011, observed in its introduction to the section on the OPTs:

"The Palestinian Authority (PA) had a democratically elected president and legislative council. The PA exercised varying degrees of authority over the Palestinian population in the West Bank and none over Arab residents of East Jerusalem due to the Israel Defense Force's (IDF) continuing presence in the West Bank and Israel's extension of Israeli law and authority in 1967 to East Jerusalem; it had little authority in the Gaza Strip and none over Israeli residents of the West Bank.

"In 2005 Palestine Liberation Organization (PLO) Chairman Mahmoud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In the 2006 Palestinian Legislative Council (PLC) elections, Hamas (a terrorist organization [US designation])-backed candidates won 74 of 132 seats in elections that generally met democratic standards. In 2007 President Abbas dismissed the national unity government after Hamas staged a violent takeover of PA government installations in the Gaza Strip and killed hundreds in the Fatah movement and PA security forces; he appointed a cabinet of independents led by Prime Minister Salam Fayyad that continued to govern the West Bank during the year. Elements of the Hamas government maintained authority in the Gaza Strip, where they selectively applied the laws and legal structures of the PA. West Bank authorities postponed municipal PA elections scheduled to be held in the West Bank in July; however, the Palestinian courts ruled the postponement illegal in November." [15b] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

See also [Political affiliation](#)

5.03 An article in The Economist of 12 August 2010 reported:

“The terms of the PA’s presidency, parliament and municipalities have all now expired. With no date for fresh polls and in constitutionally uncharted waters, officials increasingly rule by fiat. How far, bemoans [head of Palestine’s Central Elections Commission] Mr [Hanna] Nasir, has Palestine fallen from the heights of 2005 and 2006, when he ran elections that international observers hailed as being among the fairest in the Middle East. Instead of building a democratic state, the PA is fast on its way to creating just another Arab autocracy.

“Western governments which bankroll it do not seem unduly worried. Most of them view the PA as a necessary bulwark against an Islamist electoral tide, which in 2006 swept Hamas, an offshoot of the Muslim Brotherhood, into power in the Palestinian territories. Instead of accepting the Islamist victory, Western governments diverted funds from the PA’s democratic institutions into the PA security forces under the control of Mahmoud Abbas, the PA’s previously (and fairly) elected president, whose secular Fatah party Hamas had beaten in the 2006 general election. When, the year after, Hamas chased Fatah out of Gaza, Western governments invested in an unelected emergency government established in the West Bank under Mr Fayyad, a technocrat appointed by Mr Abbas though not in hock to Fatah.” [49a]

5.04 The Executive Summary of Jane’s Sentinel country risk assessment, updated 13 December 2011, noted:

“The Palestinian Territories are effectively divided into two political units: an internationally recognised and accepted Abbas-led West Bank under tight Israeli security control, and a Hamas-led internationally isolated Gaza Strip, in which Israel’s presence is confined to air and land incursions. Attempts are underway to bring the two factions together, although unity talks mediated by Egypt have either been rejected by Hamas or ended without agreement. PA forces, concerned with preventing a Gaza-style takeover in the West Bank, continue to crackdown on Hamas militants and charities while Hamas keeps arresting Fatah activists in Gaza, in tit-for-tat reprisals. Although a Hamas takeover of the West Bank remains a possibility, Israel, whose forces still control large parts of that area, would undoubtedly try to prevent such a development. Repeated attempts throughout 2008 to reunite the divided factions were unsuccessful. However, in the aftermath of the Israeli campaign in the Gaza Strip, the two sides held their first high level face-to-face meeting in March 2009. Since then, numerous negotiations have taken place under Egyptian auspices to try to reconcile the two sides, with agreement finally reached in September that set elections for June 2010. Fatah signed the accord in early October but Hamas has resisted. In an apparent attempt to force Hamas’ hand, Abbas unilaterally announced elections to be held in January 2010. Hamas reacted angrily to this, stating that it will boycott the polls and not allow the ballot to be organised in Gaza. As a result, the divisions between the two sides have been further entrenched. Abbas subsequently announced that he will not seek re-election as president. The presidential and parliamentary elections were postponed indefinitely and Abbas’s term was extended, also indefinitely, in December 2009. The election schedule depends on progress in the implementation of the reconciliation pact that Hamas and Fatah signed in May 2011. This had stalled until November 2011, when the two factions

finally agreed to implement the deal and schedule parliamentary and presidential elections for May 2012. It still remains to be seen though whether these will take place or if the original agreement will be implemented in full.” [28a] (Politics-Political Division)

For information on the events and successive cabinets during the disintegration of the PNA see the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) Fact Sheet, [Palestinian Government Timeline Since January 2006](#), posted 9 November 2010. [21a]

- 5.05 An International Crisis Group (ICG) paper, [Palestinian Reconciliation: Plus Ça Change...](#), of 20 July 2011 reported on the signing of the ‘Palestinian National Conciliation Accord – Cairo 2009’ on 4 May 2011:

“The reconciliation accord signed on 4 May, is several agreements in one: the Egyptian Reconciliation Document, signed by Fatah in October 2009 but rejected by Hamas, which claimed it did not accurately reflect prior discussions; an additional five points, agreed on 27 April – the ‘Understandings’, which reflect many of Hamas’s reservations about the Egyptian Document; and unwritten, informal understandings, some of which undo provisions of the signed agreements. Taken together, they would alter politics in two ways. First, they provide for a single Palestinian government, with limited functions, of technocrats or independents, charged with unifying institutions and preparing for legislative, presidential and Palestine National Council elections in a year. Secondly, they call for a newly constituted, temporary leadership body operating in ambiguous partnership with the Palestine Liberation Organisation (PLO). The key was the decision to delay security reform until after the elections.” [66c] (Executive Summary – pi)

- 5.06 Nevertheless, as reported by the ICG’s September 2011 paper, *Curb Your Enthusiasm: Israel and Palestine after the UN*, the “Reconciliation with Hamas is frozen.” [66e] (p39) A footnote in the same paper expanded:

“The reconciliation process between Hamas and Fatah remains stuck, with no progress on any of the files. ... The same Fatah leader said it might be stuck for now, but at least ‘the train is not going backward. The tracks have been laid, and they only run in one direction’. (Crisis Group interview, Ramallah, July 2011). Speaking about an August [2011] Hamas-Fatah meeting in Cairo, a senior Hamas leader said, ‘the purpose of the meeting is to give the impression that reconciliation is still alive and to maintain hope until the proper conditions obtain to resume forward movement. Each party has its own benefit from maintaining the image that reconciliation is still on’. (Crisis Group interview, Cairo, 7 August 2011.)” [66e] (p24, footnote 154)

See also [Geography](#), [History](#), [Political affiliation](#) and [Freedom of movement](#)

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CORRUPTION

- 5.07 A 2010 Transparency International (TI) report, *The good governance challenge: Egypt, Lebanon, Morocco and Palestine*, noted:

“The Palestinian National Authority (PNA) operates in an environment where most of its territory and resources are under Israeli military occupation, disrupting the PNA’s ability to implement initiatives to strengthen the NIS [National Integrity System] pillars. The

40 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

PNA has not yet developed the ‘institutional capacity to fulfil all of its functions and lacks the expertise needed to fully develop’ the NIS pillars. Further, the conflict among the political leaderships in the West Bank and Gaza Strip prevents the further strengthening and unification of national institutions. The result ‘is that combating corruption has taken a back seat to the issue of national division, which continues to dominate the agenda.’” [78b] (p8)

- 5.08 The same source also reported that, in addition to “certain corrupt practices, such as nepotism, that are deeply embedded in the social and political culture of these countries”:

“Anti-corruption concepts, such as integrity, transparency, and accountability, are poorly understood by public sector officials, private companies and the citizenry alike ... in Palestine where ‘[m]anagers of some institutions understand independence to mean the completely autonomous management of the institution with no oversight whatsoever. To say that controls are needed for independent institutions appears to be a complete contradiction in terms.’” [78b] (p10)

For further information on the issue of corruption in the OPTs see the full [Transparency International \(TI\) 2010 report](#) [78b], and the Coalition for Accountability and Integrity – AMAN report of the [National Integrity System Study | Palestine 2009](#) [79a] to which the TI report extensively refers

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6. PALESTINIAN REFUGEES

See also [History](#) and [Annex A – Chronology of major events](#) for information on the origins of Israel and the Occupied Palestinian Territories (OPTs), which resulted in the creation of the Palestinian refugee population.

- 6.01 The United Nations High Commissioner for Refugees’ (UNHCR) October 2009 Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees, stated that, “UNRWA’s [United Nations Relief and Works Agency for Palestine Refugees] mandate for ‘Palestine refugees’ was established pursuant to UN General Assembly Resolution 302 (IV) of 8 December 1949 and subsequent General Assembly resolutions. The term ‘Palestine refugees’ has never explicitly been defined by the UN General Assembly.” [39f] (footnote 3)

- 6.02 The undated section on the UNRWA website, [Who are Palestine Refugees?](#) accessed 4 January 2012, stated:

“Under UNRWA’s operational definition, Palestine refugees are people whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.

“UNRWA’s services are available to all those living in its area of operations who meet this definition, who are registered with the Agency and who need assistance. The descendants of the original Palestine refugees are also eligible for registration.” [16m]

6.03 UNHCR's Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees sets out how Palestinian refugees registered with UNRWA are viewed under the 1951 UN Convention. The note states that, "This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR) protection or assistance." Further:

"If the person concerned is inside UNRWA's area of operations, he or she should be considered as 'at present receiving from organs or agencies other than [UNHCR] protection and assistance' within the meaning of paragraph 1 of Article 1D, and hence is excluded from the benefits of the 1951 Convention.

"If, however, the person is outside UNRWA's area of operations, he or she is not 'at present receiving from organs or agencies other than [UNHCR] protection and assistance' within the meaning of paragraph 1 of Article 1D, and therefore 'such protection or assistance has ceased' within the meaning of paragraph 2 of Article 1D. The person is 'ipso facto entitled to the benefits of the [1951] Convention', provided of course that Articles 1C, 1E and 1F of the 1951 Convention do not apply. This would be the case even if the person has never resided inside UNRWA's area of operations." [39f]

DIFFERENT 'CATEGORIES' OF REFUGEE

6.04 The BADIL Resource Center for Palestinian Residency & Refugee Rights (BADIL) in its Survey of Palestinian Refugees and IDPs (2008-2009), released January 2010, provided a description of the different refugee categories and divided them into five groups:

"The largest group of displaced Palestinians is made up of those who were forced to leave their homes and country in 1948 (the Nakba) and their descendants. These total approximately 5.7 million, a figure that includes the 4.7 million Palestinian refugees who are registered with and assisted by the UN Relief and Works Agency for Palestine Refugees (UNRWA) (often referred to as 'registered refugees' or 'Palestine refugees'), and a further one million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA.

"The second major group of displaced Palestinians is comprised of those displaced for the first time from their homes and country in the context of the 1967 war and their descendants. 1967 Palestinian refugees number approximately 955,247 persons.

"Internally displaced Palestinians can be divided into two groups. The first is composed of persons displaced in the area that became the state of Israel in 1948. This group includes those who were displaced in the 1948 Nakba, (approximately 335,000 persons) as well as those subsequently displaced by the state of Israel. No authoritative data exists for this second category. ... The second group (approximately 129,000 persons) is composed of Palestinians internally displaced [IDPs] in the OPT since 1967 as a result of Israel's occupation, apartheid and colonization of the area. This figure includes Palestinian refugees who suffered subsequent secondary forced displacement inside the OPT, and whose numbers are estimated to be 37,000 persons at the end of 2008. ...

"[Further] an unknown number of additionally displaced Palestinians who are not 1948 or 1967 refugees, but who have also been displaced outside the area of historical

Palestine (Israel and the OPT) and are also likely to qualify as refugees under international law. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967 as a result of the policies and practices of Israel’s regime combining occupation, apartheid and colonization. They now reside abroad and are unable or unwilling to return to the OPT or Israel owing to a well-founded fear of persecution.” [17a] (Chapter 2; p57)

SIZE OF THE REFUGEE POPULATION

- 6.05 The BADIL Survey (2008-2009) noted, “There is no single authoritative source for the global Palestinian refugee and IDP population. Estimates of the current size of Palestinian refugee and IDP populations are based on available data which is uneven and shifting, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of a uniform definition of a Palestinian refugee.” [17a] (Chapter 2; p56) Further, “The majority of the Palestinian refugee and IDP population is distributed throughout the Middle East, primarily in Arab countries that border Israel and the occupied Palestinian Territory (OPT). Most Palestinian refugees (approximately 81 percent) live outside the 58 UNRWA-serviced camps.” [17a] (Chapter 2; p56)
- 6.06 The BADIL Survey (2008-2009) reported, “By the end of 2008, at least 7.1 million (67 percent) of the entire, worldwide Palestinian population of 10.6 million were forcibly displaced persons. Among them were at least 6.6 million Palestinian refugees and approximately 427,000 IDPs.” [17a] (Chapter 2; p57)
- 6.07 The UNRWA publication, ‘UNRWA in figures’ provided statistical information on the number of Palestinians the organisation supported up to 1 January 2011:

	Jordan	Lebanon	Syrian Arab Rep.	West Bank	Gaza Strip	Total/Ave.
Registered Refugees (RR)	1,999,466	455,373	495,970	848,494	1,167,361	4,966,664
Increase in RRs over previous year (%)	0.8	6.9	5.1	8.9	5.5	4.2
RR as % of total RRs	40.0	9.0	10.0	17.0	24.0	100
Existing camps	10	12	9	19	8	58
RR in camps (RRCs)	350,899	227,718	149,822	206,123	518,147	1,452,709
RRCs as % of RRs	17.7	53.5	31.7	26.5	46.8	30.5

[16h] (General)

- 6.08 The December 2010, Socio-Economic Survey of Palestinian Refugees in Lebanon, produced by the Faculty of Agricultural and Food Sciences, American University of Beirut (FAFS-AUB) and commissioned by UNRWA noted:

“Never was a census taken of Palestine refugees living in Lebanon. Only UNRWA’s registration system gives some data but is inaccurate given the massive emigration of Palestinians. This survey allows for the first time to estimate accurately the total number of refugees living in Lebanon. Of the 425,000 refugees registered with UNRWA since 1948, only 260,000-280,000 currently reside in Lebanon. About a quarter live in Tyre, Saida and Beirut areas, one fifth in the North and 4% in the Beqaa. More than half of the refugee population live in camps (62%) as compared to 38% living in gatherings, mainly in camp vicinity.” [43a] (Executive Summary, page x)

6.09 The FAFS-AUB report of December 2010 also stated:

“Despite their [Palestinian refugees] longstanding presence in Lebanon Palestine refugees remain excluded from key aspects of social, political and economic life in the country. Indeed they are barred from owning property or practicing in more than 30 professions, among which all liberal professions. Recent changes in labor regulations have yet done little to change this. In contrast Palestine refugees residing in Syria and Jordan can work in all professions and own property. In addition the Lebanese army controls access to Palestine refugee camps, restricting refugees’ mobility.” [43a] (Executive Summary; page ix)

6.10 The United Nations, in its 2008 publication, The Question of Palestine and the United Nations, stated:

“The vast majority of Palestine refugees fall under UNRWA’s mandate, but there are also large numbers of Palestinian refugees living in other countries of the region, including the Arab Gulf States, Egypt, Iraq and Yemen, and even further afield in Australia, Europe and the Americas. Those falling outside the UNRWA mandate may qualify as refugees under the 1951 Convention relating to the Status of Refugees, and may be assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR). Most recently, UNHCR has been providing assistance to an estimated 15,000 Palestinian refugees remaining in Iraq, as well as, in coordination with UNRWA, to those who fled from that country to Jordan and Syria. UNHCR has also provided assistance to some destitute Palestinians in Egypt and Libya.” [39a] (p105)

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THE UNITED NATIONS RELIEF AND WORKS AGENCY (UNRWA)

6.11 UNRWA’s website explained in its undated Overview, accessed 4 January 2012, that:

“Following the 1948 Arab-Israeli conflict, UNRWA was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950.

“In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2014.” [16a] (Establishment)

6.12 BADIL’s January 2010 report noted, “UNRWA registers and delivers assistance to 1948 Palestinian refugees in line with its working definition of a ‘Palestine refugee.’” [17a] (Chapter 4; p157) Under UNRWA's operational definition, “Palestine refugees are people

44 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.” (UNRWA, Who are Palestine Refugees? accessed 4 January 2012) [16m]

6.13 UNRWA’s Overview, accessed 4 January 2012, stated:

“Since its establishment, the Agency has delivered its services both in times of relative calm in the Middle East, and in times of hostilities... UNRWA is unique in terms of its long-standing commitment to one group of refugees, and its contributions to the welfare and human development of four generations of Palestine refugees. Originally envisaged as a temporary organisation, the Agency has gradually adjusted its programmes to meet the changing needs of the refugees.” [16a] (UNRWA Services)

UNRWA SERVICES TO PALESTINE REFUGEES

6.14 UNRWA’s website explained in its undated Overview, accessed 4 January 2012, that:

“UNRWA provides education, health, relief and social services to eligible refugees among the 5 million registered Palestine refugees in its five fields of operation [see map below]... More than 1.4 million refugees, around one third of the total, live in 58 recognised camps, and UNRWA's services are located in or near these areas.” [16a] (Where does UNRWA work?)



[16k]

Click on the map for more information on UNRWA’s operations, or use the links below: [Lebanon](#) [16e], [Syria](#) [16f], [Jordan](#) [16d], the [West Bank](#) [16c] and [Gaza Strip](#) [16b].

6.15 UNRWA’s Overview continued:

“Unlike other United Nations organisations that work through local authorities or executing agencies, UNRWA provides its services directly to Palestine refugees. It plans and carries out its own activities and projects, and builds and administers facilities such as schools and clinics.

“The Agency currently operates or sponsors over 900 installations with nearly 30,000 staff across the five fields. Because UNRWA services such as education and healthcare are the type of services normally provided within the public sector, the Agency cooperates closely with governmental authorities in the area of operations, who also provide some services to Palestine refugees.” [16a] (Facilities)

See also [Women](#); [Children](#); [Medical issues](#) and [Humanitarian issues](#).

Additionally, [Annex C – UNRWA camp profiles – West Bank & Gaza Strip](#) for further information on the services provided by UNRWA in the OPTs, including links to the individual camps.

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Human Rights

7. INTRODUCTION

For further information on the human rights situation in the Occupied Palestinian Territories (OPTs) see the country specific pages on the websites of [Human Rights Watch \(HRW\)](#) [22a] and [Amnesty International \(AI\)](#). [35k]

Also the websites of the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA OPT\)](#) [3];

[B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories](#) [25];

The [Palestine Monitor](#) [33];

The [Palestinian Centre for Human Rights \(PCHR\)](#) [44];

The [Independent Commission for Human Rights](#) [71] and

Return to the [Contents](#) page for sections containing detailed human rights information on specific issues and groups.

- 7.01 The Palestinian Centre for Human Rights' (PCHR) Annual Report 2010, released 9 May 2011 and covering the period 1 January to 31 December 2010, noted:

“Political division and conflict in the PNA [Palestinian National Authority] constituted a major motive for human rights violations and the obstruction of democratic reform. Efforts to reach national reconciliation, which PCHR supports and contributes to, have failed to end political division and restore national unity. The political division has been manifested in the emergence of two Palestinian governments, separate police and security services, two judiciaries and a paralyzed PLC [Palestinian Legislative Council]. There has been an escalation in violations of human rights by both the governments in Gaza and Ramallah and their security services. Most of these violations were motivated by the ongoing state of political division, apparently as mutual reactions by each side towards the other one.” [44d] (p23)

- 7.02 The PCHR's Annual Report 2010 further stated:

“The human rights situation in the oPt continued to deteriorate throughout 2010; Israeli forces continued to perpetrate grave breaches of international human rights law and international humanitarian law, and committed more crimes against Palestinian civilians and their property. In this context, Israel continued to impose a tightened closure on the Gaza Strip, and severe restrictions on the movement of Palestinian civilians inside the West Bank. Palestinians were also arrested and detained, and subject to torture and inhuman and degrading treatment. In 2010, Israel escalated settlement activities in the West Bank, including East Jerusalem, and Israeli settlers continued to attack Palestinian civilians and their property. Additionally, Israel continued the illegal construction of the annexation wall inside the territory of the West Bank.” [44d] (p17)

- 7.03 The Foreign and Commonwealth Office's (FCO) Annual Report on Human Rights 2010, released 31 March 2011, stated:

“We welcome the steps that Israel and the Palestinian Authority have taken to protect human rights, but the situation in Israel and the Occupied Palestinian Territories (OPTs) continued to be of concern to the UK in 2010. Israeli actions in East Jerusalem, its

restrictions on Gaza, and the application of a military justice system for all Palestinians were of particular concern in 2010, as was the continued failure of Palestinian militants to renounce violence and the allegations of abuse of detainees in Palestinian Authority prisons. We also continued to be concerned about the human rights record of Hamas in Gaza, including the ongoing threat to Israel's civilian population of indiscriminate rocket fire... Many of our concerns about the human rights situation stem from Israel's occupation of Palestinian territories." [5c] (p225)

7.04 The Amnesty International Report 2011: Israel and the Occupied Palestinian Territories (AI Report 2011: Israel and the OPT) on events in 2010, released 13 May 2011, noted that, "Israel still did not conduct adequate investigations into alleged war crimes and other serious violations of international law by its forces during Operation 'Cast Lead', the 22-day offensive in Gaza in December 2008/January 2009, during which nearly 1,400 Palestinians, including more than 300 children, were killed." [35a]

7.05 The Amnesty International Report 2011: Palestinian Authority (AI Report 2011: PA) on events in 2010, released 13 May 2011 reported:

"The Hamas authorities failed to investigate alleged war crimes and possible crimes against humanity committed by Hamas' military wing and other Palestinian armed groups during Operation 'Cast Lead', the 22-day military offensive launched by Israel that ended on 18 January 2009. In September 2009, the UN Fact Finding Mission's report had recommended that both Israel and the relevant Palestinian authorities be given six months to investigate and prosecute those responsible for war crimes committed during the conflict. The Hamas de facto administration, in a report submitted to the UN in February, denied that Palestinian armed groups had targeted civilians. A committee appointed by Hamas stated in another report published in July that there was no 'credible testimony' to charge individuals with intentionally targeting Israeli civilians." [35b]

For more information on the Gaza conflict/Operation 'Cast Lead', refer to the following reports:

The Center for Strategic and International Studies (CSIS), [The Gaza War - A Strategic Analysis](#), 2 February 2009 [18a]

Human Rights Watch, [Complete coverage of Israel/Gaza: Israel – Gaza Conflict](#), December 2008 – January 2009 [22d]

Congressional Research Service (CRS), [Israel and Hamas: Conflict in Gaza 2008 – 2009](#), 19 February 2009 [31a]

Amnesty International, [Israel/Gaza: Operation 'Cast Lead': 22 days of death and destruction](#), 2 July 2009

United Nations, [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report), 25 September 2009. [72a]

See also [History](#), [Security forces](#) and [Humanitarian issues](#)

7.06 The Human Rights Watch (HRW) World Report 2012 on events in 2011, released 22 January 2012, stated that, "Serious human rights violations continued in 2011 in the Occupied Palestinian Territories (OPT)...Israeli military attacks in Gaza and policing operations in the West Bank resulted in the deaths of at least 37 civilians." [22b]

- 7.07 The Amnesty International Report 2011: Israel and the Occupied Palestinian Territories (AI Report 2011: Israel and the OPTs), covering events in 2010, stated, “The Israeli army maintained draconian controls on the movement of Palestinians in the Occupied Palestinian Territories (OPT), including a blockade on the Gaza Strip that deepened hardship and virtually imprisoned the entire population of 1.5 million.” [35a]
- 7.08 The Committee on the Elimination of Racial Discrimination’s (CERD) Concluding observations of the Committee on the Elimination of Racial Discrimination - Israel, dated 9 March 2012 stated:

“The Committee is extremely concerned at the consequences of policies and practices which amount to de facto segregation, such as the implementation by the State party [Israel] in the Occupied Palestinian Territory of two entirely separate legal systems and sets of institutions for Jewish communities grouped in illegal settlements on the one hand and Palestinian populations living in Palestinian towns and villages on the other hand. The Committee is particularly appalled at the hermetic character of the separation of two groups, who live on the same territory but do not enjoy either equal use of roads and infrastructure or equal access to basic services and water resources. Such separation is concretized by the implementation of a complex combination of movement restrictions consisting of the Wall, roadblocks, the obligation to use separate roads and a permit regime that only impacts the Palestinian population...” [102a] (paragraph 24)

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WEST BANK

Palestinian Authority (PA)

- 7.09 The US Department of State’s 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 11 April 2011, noted, “Principal human rights problems related to the PA included mistreatment in detention, arbitrary and prolonged detention, poor prison conditions, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems.” [15b] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))
- 7.10 The Freedom House survey, Freedom in the World 2011: West Bank (Freedom in the World 2011: WB) covering events in 2010, released 9 June 2011 reported:
- “Although the Palestinian Authority was credited with facilitating economic and security improvements in the West Bank in 2010, President Mahmoud Abbas continued to serve after the 2009 expiration of his elected term, and his appointed government functioned without an elected legislature. No new elections had been scheduled by year’s end [2010]. A short period of direct peace talks between Abbas’s government and Israel ended in late September after Israel refused to extend a moratorium on settlement construction, and the territory suffered from regular, often violent confrontations over land and other issues during the year.” [38e]

See also [Recent Developments](#)

Israeli forces and settlers in the West Bank

- 7.11 The HRW World Report 2012 stated, “In the West Bank, including East Jerusalem, Israel demolished a record number of Palestinian homes under discriminatory practices, imposed severe restrictions on Palestinian freedom of movement, continued to build unlawful settlements, and arbitrarily detained peaceful protesters, including children.” [22b]
- 7.12 The AI Report 2011: Israel and the OPTs noted:
- “Palestinians living in the West Bank, including East Jerusalem, faced such tight restrictions on what they could build that their right to adequate housing was violated. Forced evictions were carried out in the West Bank, including East Jerusalem, on the grounds that the houses had been built without permits; such permits are almost impossible for Palestinians to obtain from the Israeli authorities. Demolition crews, accompanied by security officials, generally arrived without notice and gave families little opportunity to remove their possessions. Under Israeli military law, applied to Palestinians in most of the West Bank, there is no requirement for evicted families to be re-housed or compensated. Palestinians in East Jerusalem fared little better under the Israeli civil authorities. In 2010, Israeli authorities demolished 431 structures in East Jerusalem and the West Bank, a 59 per cent increase over 2009. At least 594 Palestinians – half of them children – were displaced after their homes were demolished by order of the Israeli authorities, while more than 14,000 Palestinians were affected by demolitions of water cisterns, wells and structures relating to their livelihoods.” [35a]
- 7.13 The PCHR Annual Report 2010, released 9 May 2011, stated:
- “In 2010, Israeli forces continued to demolish Palestinian civilian property in the oPt, particularly in Jerusalem. They demolished or destroyed civilian facilities, including houses, industrial and commercial establishments, and destroyed agricultural lands and crops. The suffering of the Palestinian civilian population is aggravated as a consequence of this policy, especially in the Gaza Strip, which has a serious shortage of construction materials required for the reconstruction of destroyed property.” [44d] (p20)
- 7.14 The PCHR report continued:
- “In 2010, the Israeli government intensified settlement activity in all areas of the West Bank, especially East Jerusalem. In spite of the Israeli government’s declaration of a partial suspension of settlement activities and in spite of increasing international criticism, the Israeli government increased its settlement activities, allegedly to meet the needs of ‘natural growth’ in settlements, this was particularly relevant to the last quarter of 2010.
- “In 2010, Israel continued to confiscate Palestinian civilian property for the purpose of settlement expansion, in violation of international humanitarian law, which prohibits changing the nature of an occupied territory without military necessity, a condition not fulfilled in these cases. During the year, Israel confiscated and/or leveled at least 13,149 dunums [1 dunum = 1,000 square metres] of land across the West Bank; this figure includes areas of land annexed by Israeli settlers but does not include closed areas, such as the Jordan Valley in the east of the West Bank, access to which by Palestinians is prohibited by Israeli forces. Additionally, Israeli forces and settlers uprooted or burnt at least 10,346 olive trees in the West Bank.

“In 2010, there was an escalation in house and civilian property demolition notices delivered to Palestinian civilians in East Jerusalem and its suburbs.

“In 2010, the Israeli government approved a law classifying Jerusalem as ‘a priority area’ and puts it among ‘development areas in the fields of housing, education and employment.’ In this context, an Israeli ministerial committee approved the construction of ten thousand settlement units and hotel rooms in Israeli settlements in Jerusalem; Israeli occupation authorities started the construction of 1,200 settlement units.” [44d] (p20-21)

- 7.15 The website of Israeli human rights organization Yesh Din – Volunteers for Human Rights published a joint letter from themselves, the Association of Civil Rights in Israel (ACRI), B’Tselem and Rabbis for Human Rights to senior Israeli military commanders on 28 October 2010, which stated “In the last month there was a large number of incidents in which olives were harvested and stolen and many trees were vandalized and harmed [by Israeli settlers in the West Bank].” [52a] (p1) The letter provided a list of known incidents and continued:

“We have been repeatedly warning of such vandalization of Palestinian property for a long time and repeatedly demanding that the security forces deploy accordingly, at least in the known trouble spots, to fulfill your duty of protecting the law and security in the area, as well as protecting the rights of the protected residents of the occupied area. ... The negligence of the military commander in fulfilling his duty to protect the sources of livelihood of the protected [Palestinian] citizens is a direct and severe violation of their rights to live in dignity, to property and to maintain their lifestyles, their culture and their honor. The violation of those rights indirectly impacts on their ability to exercise other basic rights.” [52a] (para 6 & 7)

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GAZA STRIP

Hamas

- 7.16 The USSD Report 2010, released 11 April 2011, stated:

“Residents of the Gaza Strip under Hamas had no right to political participation or to choose their government. Other human rights problems in the Gaza Strip included reports that Hamas security forces continued to kill, torture, kidnap, arbitrarily detain, and harass Fatah members and other Palestinians with impunity. There were reports of abuse of prisoners and failure to provide fair trials to those accused. Hamas also strictly restricted the freedom of speech, religion, and movement of the Gaza Strip residents. Corruption reportedly was a problem. Hamas promoted gender discrimination against women. Domestic violence against women also remained a problem. Hamas and other Palestinian factions in the Gaza Strip launched rockets and mortars against civilian targets in Israel.” [15b] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

- 7.17 The HRW World Report 2012, released 22 January 2012, noted, “Hamas authorities carried out three judicial executions in 2011 after unfair military trials, and allegedly tortured scores of detainees, some of whom died in custody.” [22b]

Israeli forces

- 7.18 The HRW World Report 2012 stated that “Israel continued to block exports from, and many imports to, the Gaza Strip, hindering the rebuilding of Gaza’s devastated economy.” [22b]
- 7.19 HRW’s World Report 2012 further noted:
- “There were no further convictions for laws of war violations during ‘Operation Cast Lead,’ which ended in January 2009, despite individual IDF soldiers having allegedly intentionally killed civilians and the widespread, wanton destruction of civilian property. Israel previously convicted only three soldiers for crimes during the conflict, and only one received a prison sentence, for stealing a credit card. Hamas has prosecuted no one for indiscriminate attacks on Israel.” [22b] (Gaza Strip - Israel)
- 7.20 The Freedom House survey, Freedom in the World 2011: Gaza Strip released 9 June 2011, reported:
- “During the conflict [Operation Cast Lead], Israeli forces damaged or destroyed large portions of Gaza’s military, government, and civilian infrastructure. According to the United Nations, some 50,000 homes, 800 industrial properties, 200 schools, and 39 mosques or churches were damaged or destroyed. For its part, Hamas launched over 700 rockets and mortars into Israeli civilian areas, often from civilian areas in Gaza. Tens of thousands of Gazans were left homeless by the fighting, and shortages of water, food, and medicine were acute.” [38b]
- 7.21 The AI Report 2011: Israel and the OPTs noted, “Israel still did not conduct adequate investigations into alleged war crimes and other serious violations of international law by its forces during Operation ‘Cast Lead’, the 22-day offensive in Gaza in December 2008/January 2009, during which nearly 1,400 Palestinians, including more than 300 children, were killed.” [35a] Furthermore, ‘By the end of 2010, only three Israeli soldiers had been convicted in connection with Operation ‘Cast Lead’. Two of them were found guilty of ‘unauthorized conduct’ for ordering a nine-year-old Palestinian boy, Majed R., to act as a ‘human shield’ by opening bags they believed were booby-trapped. In November [2010], they were demoted and given suspended three-month prison sentences.” [35a]
- 7.22 The AI Report 2011: Israel and the OPTs further stated:
- “The Israeli authorities rejected or delayed applications for permits to leave Gaza submitted by hundreds of Palestinians requiring specialist medical treatment; a few died as a result. Most of Gaza’s inhabitants depended on international aid, which was severely hampered by the blockade. In May [2010], Israeli forces killed nine men aboard an aid flotilla in international waters that was aiming to breach the blockade.” [35a]

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8. SECURITY SITUATION

For further information on the security situation in the Occupied Palestinian Territories (OPTs), see the country specific pages on the websites of [Human Rights Watch \(HRW\)](#) [22a], [Amnesty International \(AI\)](#) [35k] and the International Crisis Group (ICG) monthly update, [Crisiswatch](#). [66a]

Also the websites of the [United Nations \(UN\) Office for the Coordination of Humanitarian Affairs \(OCHA OPT\)](#) [3];

[B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories](#) [25];

The [Palestine Monitor](#) [33];

The [Palestinian Centre for Human Rights \(PCHR\)](#) [44a] and

The [Independent Commission for Human Rights](#) [71]

- 8.01 The International Crisis Group (ICG) report, Squaring the Circle: Palestinian Security Reform under Occupation of September 2010, stated:

“Security reform was high on President Abbas’s agenda from the moment he assumed office in January 2005. Israeli uncooperativeness, resistance from Palestinian security chiefs and, a year later, Hamas’s triumph in legislative elections got in the way. But conditions changed after the Islamists’ June 2007 takeover of Gaza. Ramallah, Israel and the donor community alike all saw great urgency in bolstering Palestinian security forces (PSF). Their reasons overlapped: the PA sought to achieve a monopoly on the use of force and, importantly, pre-empt any potential Hamas challenge to its West Bank rule; Israel was intent on dismantling militant groups; and the West saw an opportunity to shore up its Palestinian allies and strike a blow against their Islamist foes. Unsurprisingly, the first phase of reform focused mainly on checking Hamas, but also on restraining Fatah militants and restoring order.” [66b] (pi)

See also [History](#); [Recent developments](#); [Political system](#); [Security forces](#) and [Political affiliation](#)

WEST BANK

- 8.02 The Internal Affairs section, last updated 5 April 2011, of Jane’s Information Group’s (Jane’s) Sentinel country risk assessments, Gaza and the West Bank reported “[Prime Minister Salam] Fayyad’s government, ... has worked hard on a Reform and Development Plan that it brought to international donors, securing a record USD7.7 billion pledge in December 2007. The PA has also worked to impose law and order in the West Bank with some success.” [28a] (Divided polity)

- 8.03 The ICG’s September 2010 report, Squaring the Circle: Palestinian Security Reform under Occupation, noted:

“In the past few years, the Palestinian Authority (PA) largely has restored order and a sense of personal safety in the West Bank, something unthinkable during the second intifada. Militias no longer roam streets, uniformed security forces are back, Palestinians mostly seem pleased; even Israel – with reason to be sceptical and despite recent attacks on West Bank settlers – is encouraged. Initial steps, long overdue, have been taken to reorganise an unwieldy security sector, where overlapping, unaccountable branches had become fiefdoms of powerful chiefs. West Bankers applaud the changes

but are far less comfortable with their accompaniment: unparalleled security cooperation with Israel and crackdown on opposition groups – notably but not exclusively Hamas – affecting civil society broadly. Without serious progress toward ending the occupation and intra-Palestinian divisions, support for the security measures risks diminishing, PA legitimacy could further shrivel, and ordinary Palestinians’ patience – without which none of this can be sustained – will wear thin.” [66b] (pii)

- 8.04 An article, dated 1 September 2010, in the London-based Asharq Alawsat, reported, “Palestinian security forces arrested more than 150 Hamas members in an overnight sweep throughout the West Bank after the Islamic militant group claimed responsibility for shooting dead four Israelis on the eve of new Mideast peace talks.” [67c]
- 8.05 The report of the United Nations (UN) Secretary-General to the General Assembly Security Council, Peaceful settlement of the question of Palestine, published 19 September 2011, reported that “The Palestinian Authority continued to make commendable efforts to maintain law and order in areas under its control and to strengthen its security capacity. The sixth and seventh battalions of Palestinian National Security Forces were trained in Jordan and deployed in the West Bank during the reporting period.” [56a] (p12)

See also [Security forces](#); [Arrest and detention – legal rights](#) and [Political affiliation](#)

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Israeli impact

- 8.06 The UN Office for the Coordination of Humanitarian Affairs’ (OCHA) Humanitarian Monitor for December 2011 stated:
- “During December [2011], one Palestinian was killed and 177, including 27 children, were injured in the West Bank in Israeli-Palestinian conflict incidents. The contextual distribution of these casualties follows a common pattern observed throughout 2011.
- “Roughly two thirds of the Palestinian casualties (deaths and injuries) in direct conflict incidents were either directly or indirectly related to settler violence or other settlement activities. Half of those killed (three of six) and some 21 percent of those injured were children. These incidents included settler attacks, as well as clashes with Israeli forces during demonstrations protesting settlement takeover of land and water resources, or access restrictions aimed at protecting settlements or allowing for their expansion.” [3ak] (p4)

Israeli settlers

- 8.07 The US Department of State’s 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 11 April 2011, reported:
- “Israeli civilians committed violent acts against Palestinian civilians and their property with reportedly little or no intervention and no subsequent investigation by Israeli officials. Some settlers reportedly used violence against Palestinians to keep them away from settlements and land that settlers sought to expropriate. The Palestine Center estimated that between 2009 and mid-year, settlers committed approximately 1,000 acts of violence against Palestinians and their property... A November 2009 UNOCHA

report cited settler violence as ‘a key factor undermining the physical security and livelihoods of Palestinians in many areas throughout the West Bank.’” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)

8.08 The USSD Report 2010 also stated:

“According to Israeli and Palestinian NGO and press reports, the IDF [Israeli Defence Force] was insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians. The Association for Civil Rights in Israel (ACRI) stated that Israeli security and justice officials operating in predominantly Arab East Jerusalem displayed bias against Arab residents in investigating incidents involving Arab and Israeli actors. Palestinian residents, in several cases, sought to press charges against Israeli settlers or their security guards, but many complaints went uninvestigated despite the availability of evidence.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

8.09 The Human Rights Watch World Report 2012: Israel/Occupied Palestinian Territories, covering events in 2011, published 22 January 2012, reported:

“The Israeli government generally took no action against Israeli settlers who destroyed or damaged mosques, homes, olive trees, cars, and other Palestinian property, or physically assaulted Palestinians. In January [2011] a settler shot and killed a 15-year-old boy near the Palestinian village of Safa; in September a settler killed an 8-year-old Palestinian boy in a hit-and-run incident near Hebron. As of October 31 the UN reported 377 attacks by settlers that damaged Palestinian property, including almost 10,000 olive trees, and injured 167 Palestinians. On average Israeli authorities indict only nine percent of the settlers whom police investigate for attacking Palestinians or damaging Palestinian property, according to the Israeli rights group Yesh Din.” [22b] (West Bank – Israel)

8.10 The Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, published 13 September 2011, stated:

“There has been a serious increase in settler violence in 2011...According to UNRWA [United Nations Relief and Works Agency], those injured in settler violence in just the first half of 2011 included 12 children. These specific injuries resulted from stonethrowing, assaults and shootings by Israeli settlers. Yet these incidents only tell part of the story. There are almost daily accounts of settler vandalism against Palestinian agricultural land and villages, with several incidents videotaped by individuals working with B’Tselem, the highly regarded Israeli human rights organization. There have been numerous reports of agricultural land and olive groves being burned, especially in the villages around Nablus. Also part of this disturbing set of developments is a pattern of passive support for settler activities exhibited by Israeli security forces and border police. It often takes the form of shooting tear gas and stun grenades at Palestinians while doing nothing to stop settler violence and vandalism, and has also been documented by B’Tselem video cameras.” [101a] (p12)

8.11 An OCHA Fact Sheet, Israeli Settler Violence in the West Bank, dated November 2011 with data updated to the end of December 2011, provided the following statistics:

- “The number of settler attacks resulting in Palestinian casualties and property damage has increased by 32% in 2011 compared to 2010, and by over 144%

compared to 2009. [OCHA recorded 411 settler incidents during 2011 resulting in either Palestinian casualties or damage to their property. [3ak] (p4)]

- In 2011, three Palestinians were killed and 183 injured by Israeli settlers. In addition, one Palestinian was killed, and 125 others injured, by Israeli soldiers during clashes between Israeli settlers and Palestinians.
- Eight Israeli settlers were killed and 37 others injured by Palestinians in 2011, compared to five killed and 50 injured in 2010.
- In 2011, about 10,000 Palestinian-owned trees, primarily olive trees, were damaged or destroyed by Israeli settlers, significantly undermining the livelihoods of hundreds of families.
- In 2011, 139 Palestinians were displaced due to settler attacks, with some affected families moving to Area A and B.
- Over 90% of monitored complaints regarding settler violence filed by Palestinians with the Israeli police in recent years have been closed without indictment.
- OCHA has identified over 80 communities with a combined population of nearly 250,000 Palestinians vulnerable to settler violence, including 76,000 who are at high-risk.” [3aj]

See also [Humanitarian issues](#) and section on [Children](#) for details of violence against children by settlers

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GAZA STRIP

8.12 The OCHA August 2009 Special Focus report, Locked In: The humanitarian impact of two years of blockade on the Gaza Strip, stated “At least 360 people were killed since 15 May 2007 (one month before the Hamas take over) in the context of inter-factional violence. Individuals suspected of affiliation with opposition factions have allegedly been the victims of arbitrary arrests, torture and extra-judiciary executions.” [3h] (p3)
 A 22 September 2010 article in the London-based Asharq Alawsat noted, “Hamas’ initial crackdowns were political, targeting Fatah supporters but eventually the net widened, absorbing lawless tribes, human rights groups and extremist Muslims opposed to Hamas’ rule.” [67a]

8.13 The Internal Affairs section, last updated 5 April 2011, of Jane’s Sentinel country risk assessments, Gaza and the West Bank reported:

“Hamas has maintained its control over the Gaza Strip, presiding over an ever more impoverished territory suffering a total blockade by Israel. However, it has improved security conditions and its defiant stance towards Israel and the international community, as well as its daring in breaching the border to Egypt in January 2008, has proven popular with Palestinians. While Hamas is unable to break the siege imposed on Gaza, it has also proven that it cannot be ignored.” [28a] (Divided polity)

See also [Security forces](#); [Arrest and detention – legal rights](#) and [Political affiliation](#)

Israeli impact

- 8.14 An update issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering the period January to December 2011, reported that:
- “In 2011, at least 44 Palestinian civilians, not taking part in hostilities, were killed (including 12 children and two women) and 406 were injured (including 119 children and 28 women) in the Gaza Strip as a result of Israeli military activity. Almost half of these casualties occurred in the ARA [access restricted area]: 21 were killed (including seven children and two women) and 213 were injured (including 68 children and 6 women). [61a] (Update on figures for 2011 – casualties and damages)
- 8.15 The OCHA Protection of Civilians Weekly Report covering the period from 7 to 13 March 2012, reported:
- “On 9 March [2012], the Israeli Air Force (IAF) targeted and killed two senior members of the Palestinian Popular Resistance Committees (PRC), triggering a new round of hostilities that lasted until 12 March.
- “In the course of this escalation, the IAF launched multiple air strikes (firing approximately 40 missiles), targeting military training bases, rocket launch sites, houses, vehicles carrying armed Palestinians, and tunnels under the Gaza-Egypt border. Overall, 24 Palestinians, including 20 members of armed factions and four civilians were killed as a result of these air strikes...
- “At least 70 other Palestinians, the majority of whom were civilians (62, including 21 children, aged between 18 months and 17 years, and 11 women), were injured.” [30] (p2)
- See also [Recent Developments](#) and the [OCHA website](#) for Protection of Civilians Weekly Report updates. [3]

Enforcement of access restrictions

- 8.16 An update issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) covering the period January to December 2011, stated:
- “Israeli authorities have continued to impose an illegal blockade on the Gaza Strip, placing physical and administrative restrictions on the movement of people and goods. This includes imposing a ‘buffer zone’, or an access restricted area (ARA) on land and sea. Restricted land includes the ‘no-go’ zone, which covers the area between 0 - 500 metres from the Israeli fence where access is totally prohibited, and the ‘high risk’ zone, which covers the area from 500 - 1,500 metres up to the fence. Along most of Gaza’s coast, the restricted area begins at three nautical miles (NM) from shore.
- “It is estimated that the ARA covers approximately 62.6 square kilometres - approximately 35% of Gaza’s cultivable land and 85% of Gaza’s maritime area – making these areas totally or partially inaccessible to Palestinians. Various forms of violence continue to be used by Israeli Forces to enforce these restrictions including: airstrikes, incursions, land levelling operations, firing of warning shots and the targeting with live ammunition Palestinian civilians living and working in these areas. In addition, Palestinian armed groups use the ARA for carrying out various military activities against Israeli targets. The overall situation in the ARA continues to have a negative impact on Palestinian civilian life and property in the Gaza Strip and is limiting the provision and access to essential services such as education, health, shelter, water and sanitation.” [61a] (Overview of the situation)

See also [Freedom of movement](#) and [Humanitarian issues](#)

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9. SECURITY FORCES

- 9.01 Amnesty International's Report 2011: the Palestinian Authority (AI Report 2011: PA), released 13 May 2011, noted:

"The West Bank, including East Jerusalem, and the Gaza Strip remained under Israeli occupation, although two separate non-state Palestinian authorities operated with limited powers – the Fatah-led caretaker PA government in the West Bank headed by Prime Minister Salam Fayyad; and the Hamas de facto administration in Gaza headed by former PA Prime Minister Isma'il Haniyeh. Tension between Fatah and Hamas remained high." [35b]

- 9.02 The US Department of State's 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 11 April 2011, stated:

"Six PA security forces operated in the West Bank. The PA Civil Police has primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the Civil Police. The Military Intelligence agency, a subunit of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The General Intelligence service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for these matters internally. The Presidential Guard protects facilities and provides dignitary protection. The Civil Defense service provides emergency services. PA security services are under the operational control of the minister of the interior. Military Intelligence is responsible for investigations into allegations of abuse and corruption involving PA security forces and can refer cases to court.

"In the Gaza Strip, forces under Hamas control maintained security. Press and NGO [non-governmental organisation] reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity, such as the operation of smuggling tunnels.

"Israeli authorities maintained their West Bank security presence through the IDF [Israeli Defence Force], Shin Bet, the Israeli National Police, and the Border Police. Israeli authorities in some instances investigated and punished abuse and corruption, but there were several reports of failure to take disciplinary action in cases of abuse." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

- 9.03 The USSD Report 2010 also noted:

"In West Bank Palestinian population centers, mostly 'Area A' as defined by the Oslo-era agreements, the PA has formal responsibility for security and civil control; however, Israeli security forces since 2002 have conducted regular security operations in Area A cities without coordinating with PA security forces. In 'Area B' territory in the West Bank, composed mostly of small Palestinian villages and farmland, the PA has civil control--

including civil policing--but Israel retains responsibility for security control. In 'Area C,' which contains Israeli settlements, military installations, some small Palestinian villages and farmland, and open countryside, Israel retains full civil and security control." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

See also [Geography](#); [History](#); [Security situation](#) and [Political affiliation](#)

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WEST BANK – SECURITY FORCES UNDER THE CONTROL OF THE PALESTINIAN AUTHORITY (PA)

- 9.04 The International Crisis Group's (ICG) September 2010 paper, Squaring the Circle: Palestinian Security Reform under Occupation, noted Abbas' attempt, with his Presidential Decree Concerning the Unification of Security Forces of 14 April 2005, to reorganise the Palestinian security services into three branches: "internal, under interior ministry control (Civil Police, Preventive Security and Civil Defence); national (National Security Forces, Military Intelligence, Naval Police, Military Liaison and Presidential Security); and General Intelligence" [66b] (p2) In a footnote, the ICG paper noted that "The reorganisation also included the dismantling of branches (for instance, Force 17, which had served as Arafat's private protection force, was merged with the Presidential Guard)...". [66b] (p2, footnote 14)
- 9.05 The USSD Report 2010 stated:
- "Six PA security forces operated in the West Bank. The PA Civil Police has primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the Civil Police. The Military Intelligence agency, a subunit of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The General Intelligence service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for these matters internally. The Presidential Guard protects facilities and provides dignitary protection. The Civil Defense service provides emergency services. PA security services are under the operational control of the minister of the interior. Military Intelligence is responsible for investigations into allegations of abuse and corruption involving PA security forces and can refer cases to court." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)
- 9.06 A footnote in the ICG paper of September 2010 reported, "Palestinian security personnel in the West Bank total some 29,500. The PA continues to pay around 36,500 security personnel in Gaza, inactive since Hamas's takeover in June 2007." [66b] (p3, Footnote 15)

Palestinian Civil Police (PCP)

- 9.07 The ICG's September 2010 paper stated, "... the Palestinian Civil Police (8,000 officers) is responsible for internal crime prevention, including daily policing, traffic control and ordinary crime." [66b] (p2, footnote 15)
- 9.08 The Security and Foreign Forces section of Jane's Sentinel country risk assessment, posted 11 January 2012, reported:

“The Palestinian Civil Police (Al-Shurta) is the lead law enforcement agency in the West Bank. It is reported to have a strength of about 8,500 personnel. The PCP deals with routine policing matters, traffic control, non-political crime and the maintenance of public order. The force includes the Special Police Force (SPF), a rapid deployment force comprising nine units trained to deal with emergencies. The designated roles of the SPF, which has a strength of about 1,300, include anti-riot and crowd control operations. Training has been provided to the SPF by instructors from the Compagnies Républicaines de Sécurité (CRS) of the French National Police.

“The investigative sectors of the PCP include the Crime Investigation Department (CID); Anti-Narcotics General Administration (ANGA) and Investigation Section (IS). Other elements of the PCP include the Tourist Police, and the Correction and Rehabilitation Centres Department, which runs the prisons. The Judicial Police (JP), which has responsibility for serving court orders, transporting prisoners, enforcing court judgements and liaising with prosecutors, is formally part of the PCP. In addition, part of the JP's role is to protect judges and judicial facilities, and JP personnel have received training in VIP protection.” [28a] (Security forces under the control of the Palestinian Authority (West Bank)

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National Security Force (NSF)

9.09 The ICG's September 2010 paper reported that “The National Security Forces (NSF) (some 7,000 personnel) is a gendarmerie-style civilian police with some military skills, but in the Palestinian context is the closest to a national army. It functions as a strategic backup for other forces, especially at demonstrations.” [66b] (p2, footnote 15)

9.10 The Security and Foreign Forces section of Jane's Sentinel country risk assessment posted 11 January 2012 reported:

“The National Security Force (Al-Amn al-Watani) is a lightly-armed, uniformed gendarmerie-type force, with the role of supporting the civil police, combating terrorism and delivering law and order. The National Security Force (NSF) is also referred to as the ‘army’ or ‘National Guard’ of the PA. Its members were mainly drawn from Palestinian Liberation Army (PLA) forces that had been based in Jordan, Egypt and other Arab countries...

“By the latter part of 2011, it was estimated that about 4,000 NSF personnel, organised into eight battalions, had received training in Jordan. Battalions were deployed in a range of locations, including Jenin, Hebron, Nablus, Jericho and Bethlehem. The ultimate goal of the programme is to have 10 special battalions, each with a strength of about 500. Major General Diab el-Ali (also known as ‘Abu Fatah’) is the commander of the NSF.” [28a] (Security forces under the control of the Palestinian Authority (West Bank))

Military Intelligence

9.11 The ICG's September 2010 paper reported that, “Military Intelligence (2,000) is responsible for countering threats to the PA from within the security apparatus.” [66b] (p3, footnote 15)

- 9.12 The Security and Foreign Forces section of Jane's Sentinel country risk assessment posted 11 January 2012, reported:
- "Like other security branches, the role of Military Intelligence includes the arrest and interrogation of opposition activists seen as a threat to security. In addition, the unit also investigates alleged illegal activity by other PA intelligence and security units. Military Intelligence is thought to have a strength of a few hundred. The Military Intelligence service has been accused of some of the most severe cases of human rights violations." [28a] (Security forces under the control of the Palestinian Authority (West Bank))

General Intelligence Service (GIS)

- 9.13 The ICG's September 2010 paper reported that, "General Intelligence (4,000) theoretically focuses on intelligence-collection outside the West Bank, conducts counter-espionage and liaises with intelligence agencies of other countries, but in practice, it largely overlaps with Preventive Security." [66b] (p2-3, footnote 15)
- 9.14 An Independent Commission for Human Rights (ICHR) report, The Palestinian General Intelligence Services according to the Provisions of the Law, of September 2010 stated:
- "The General Palestinian Intelligence Service is a regular security agency subordinate to the President. It is to perform its functions and commence its jurisdictions pursuant to the provisions of the law under the Presidency and command of its head, who issues the decisions necessary for the management of its work and the regulation of all its affairs. The General Intelligence takes all measures necessary to prevent any actions which jeopardize the security and safety of Palestine, and it takes necessary measures against the perpetrators of such actions. It also reveals the external dangers which threaten the national security of Palestine in terms of espionage, collusion, sabotage or any other actions that threaten the unity, security, independence and resources of the homeland." [71b] (p5-6)
- The [report](#) went on to list the duties and jurisdiction of the GIS, and acts that are prohibited for members of the GIS. [71b] (p7-10)

Preventive Security Organisation (Al-'amn al-wiqa'i, Preventive Security Service, Preventive Security Force (PSF), Preventive Security and Preventive Intelligence)

- 9.15 The ICG's September 2010 paper reported that, "Preventive Security (4,000, including paid informants) is charged with internal counter-terrorism and monitors and polices opposition groups." [66b] (p2, footnote 15)
- 9.16 An Immigration and Refugee Board (IRB) of Canada information request response of July 2009, which draws from a number of sources, stated that the PA's Preventive Security (PSF) "is responsible for monitoring opposition groups and gathering intelligence." [45a]
- 9.17 The IRB response continued:
- "Sources report that it [PSF] is a plainclothes force with separate units in the West Bank and Gaza and is the largest of the PA's intelligence organizations ... According to the Defense and Foreign Affairs Handbook, it has defence agreements with Israel to counter Islamic militants ... Media sources describe the Preventive Security in Gaza as

an 'elite' pro-Fatah force ... [and] indicate that the Preventive Security has a history of opposing Hamas dating back to the mid-1990s ...

"Estimates of the size of the Preventive Security force vary among sources: Defense and Foreign Affairs Handbook estimates that there are 3,500 members in the Preventive Security ... other sources estimate 5,000 members in the West Bank and Gaza ... while Associated Press (AP) estimates 5,000 members in Gaza alone ...". [45a]

See also [Annex B – Political organisations and armed groups](#)

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HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES UNDER THE CONTROL OF THE PA

- 9.18 The Human Rights Watch (HRW) World Report 2012 on events in 2011, released 22 January 2012, reported "The PA's security services, and men in civilian clothes whom witnesses identified as security employees, arbitrarily prevented or violently dispersed numerous nonviolent protests during the year and assaulted and arbitrarily detained journalists covering the incidents." [22b] (West Bank – Palestinian authority)

See also [History](#); [Security situation](#) and [Political affiliation](#)

Arbitrary arrest and detention

- 9.19 The US Department of State's 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated:

"Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA [Palestinian Authority] failed to charge detainees promptly and regularly held detainees for months without trial. Hamas also charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation.

"Reportedly Hamas practiced widespread arbitrary detention in the Gaza Strip." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

- 9.20 The AI Report 2011: PA noted:

"PA security forces in the West Bank arbitrarily arrested and detained suspected Hamas supporters, and Hamas security forces in Gaza arbitrarily arrested and detained suspected Fatah supporters. In both areas, the authorities gave the security forces wide powers of discretion, including to arrest and detain suspects in breach of the law and to torture and otherwise ill-treat them with impunity. The Independent Commission for Human Rights (ICHR) reported receiving complaints of more than 1,400 arbitrary arrests in the West Bank and more than 300 in Gaza." [35b]

- 9.21 The USSD Report 2010 stated, "There were few reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict, largely due to improved security conditions in the West Bank." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1b) The same source also noted, "Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA failed to charge detainees promptly and regularly held detainees for months without trial. Hamas also charged that the PA detained individuals during the year solely

on the basis of their Hamas affiliation.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

9.22 The HRW World Report 2012 stated that during 2011, “The Palestinian Authority's (PA) security services arbitrarily detained hundreds of Hamas supporters as well as politically unaffiliated protesters who supported the pro-democracy Arab Spring movements and reconciliation between Hamas and Fatah.” [22b]

9.23 The ICHR report, The Palestinian General Intelligence Services according to the Provisions of the Law, of September 2010, stated:

“According to the Palestinian Basic Law and Penal Procedural Law, carrying out detention, search, investigation or gathering of information is the full responsibility of the Public Prosecutor; it is not the jurisdiction of the General Intelligence [GIS]. Members of the General Intelligence should be sufficiently aware of this jurisdiction and their actions compatible with the relevant Palestinian legislation.

“In practice however, the General Intelligence does carry out search, detention and gathering of information although it is difficult to anticipate their purposes and the way they are carried out. In addition, the General Intelligence runs detention centers in all the governorates of the West Bank. It has about 12 centers which the ICHR regularly visits. These exist despite the fact that detention is within the jurisdiction of the Public Prosecution.” [71b] (p16)

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Torture

9.24 The USSD Report 2010 stated:

“The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that torture remained a problem. Following allegations of abuse in the deaths of four prisoners in PA custody in 2009 ... Prime Minister Fayyad dismissed a number of PA security officials and issued a directive against prisoner mistreatment, abuse, or torture, with a corresponding order for Palestinian prison and detention center monitoring. As a result the PA provided all security forces with written guidelines for interrogation and detention that remained in effect during the year, including a section on prisoners' rights. Nevertheless, according to HRW [Human Rights Watch], reports of mistreatment were common during the year, and the PA was lax in prosecuting security officials for detainee mistreatment. Palestinian detainees registered 163 complaints of torture with the ICHR during the year. Reported abuse by PA authorities in the West Bank included forcing prisoners to sit in a painful position for long periods, beating, punching, flogging, intimidation, and psychological pressure. International observers noted that abuse was not systematic or routinely practiced in PA prisons, although some prisoners experienced abuse during arrest or interrogation.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)

9.25 The AI Report 2010: PA stated, “Torture and other ill-treatment of detainees by security and police forces were reported – by the PA's Preventive Security force and the General Intelligence Service in the West Bank; and by Internal Security in Gaza.” [35b]

- 9.26 The Freedom House survey, Freedom in the World 2011: West Bank, (Freedom in the World 2010: WB), released 9 June 2011, noted that, “According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured. These practices are not prohibited under Palestinian law.” [38e]
- 9.27 The Human Rights Watch World Report 2012 stated that “Credible allegations of torture by the PA’s security services continued.” [22b]

Extra-judicial killings

- 9.28 The USSD Report 2010 noted, “There were no reports that the PA committed political killings; however, PA forces killed at least one civilian during the year.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

See also [History](#); [Security situation](#) and [Political affiliation](#)

AVENUES OF COMPLAINT

- 9.29 The AI Report 2011: PA stated:

“The ICHR said it had received over 150 complaints of torture or other ill-treatment by the PA in the West Bank and over 200 by Hamas in Gaza. New reports emerged of cases from 2009.

“In both areas, torture and other ill-treatment were committed with impunity. In a rare prosecution, five members of the PA’s General Intelligence Service were tried during 2010 in connection with the death in custody of Haitham Amr in June 2009, but were acquitted by a military court.” [35b]

- 9.30 The HRW World Report 2012 noted:

“Complaints of torture committed by West Bank PA security services decreased slightly compared to the same period last year, with the ICHR receiving 91 complaints as of September [2011]. PA courts have not found any security officers responsible for torture, arbitrary detention, or prior cases of unlawful deaths in custody. The ICHR received 479 complaints of arbitrary arrests by PA security forces. In a positive development, PA military courts implemented a January decision to stop exercising jurisdiction over civilians.” [22b] (West Bank – Palestinian Authority)

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GAZA STRIP – SECURITY FORCES UNDER THE CONTROL OF HAMAS

- 9.31 The Security and Foreign Forces section of Jane’s Sentinel country risk assessment, posted on 11 January 2012, reported:

“In Gaza, which is governed by Hamas, security forces come under the control of the Ministry of Interior, also referred to as the Ministry of Interior and National Security (MoINS), which is seen as one of the elements spearheading the 'Islamisation' of Gaza society. The main forces are the Civil Police; Security and Protection; Internal Security Service and National Security. There is a Marine Police force, or Coast Guard. Also under the MoINS are other bodies such as Civil Defence (emergency services); a

Reform and Rehabilitation Centres department, which runs the prison service, and a General Directorate for Training. Under the MoINS there is a Political and Moral Guidance Commission, whose role includes the promotion of Islamic values among police and security personnel.” [28a] (Security forces under the control of Hamas (Gaza Strip))

Civil Police

9.32 The Security and Foreign Forces section of Jane’s Sentinel country risk assessment, posted on 11 January 2012, reported:

“This force’s role includes routine policing duties. It incorporates elements of the police established by the Palestinian Authority that had operated in Gaza prior to the Hamas election victory in 2006, and the Executive Force, the organisation formed by Hamas in 2006, and comprising members of the Hamas military wing and Hamas supporters. The Executive Force was subsequently merged with the police. In late 2010 the head of the police force was Brigadier General Abu Obeida al-Jarah. The force is the biggest of the security units in the Gaza Strip, with estimates of strength ranging from 8,500 to 9,200.

“Under the aegis of the MoINS, the police force is organised on the basis of various territorial departments - Rafah province, Gaza province and Central province. There is also a Municipal Police department with a particular focus on supervising markets on behalf of local authorities as well as a Traffic Police department. There are various directorates, one of the more important being the General Directorate of Investigation Service (GDIS). In addition to the investigation of crimes such as tax evasion, embezzlement and forgery, the GDIS has a role in the protection of ‘public morals’, the keeping of criminal records, the issuing of firearms licences and exercising border controls over the arrival and departure of foreigners. In regard to the latter function, there is also a General Administration of Borders and Crossings, which operates border controls and monitors arrivals into the Gaza Strip, and departures. The Directorate of Anti-Drugs Service combats drugs trafficking. The Department of the Intervention Forces and the Maintenance of Order has the role of maintaining public order and deploys personnel equipped for riot control; it also has the role of protecting VIPs. Among other departments under the authority of the police force is the General Department of Women Police. In addition there are specialist units, including a police engineering unit, specialising in bomb disposal. There is a police intelligence unit, known as the General Intelligence Department (GID), headed in 2011 by Colonel Mohammed Abu Zayed. GID roles include the investigation of serious crime and organised crime, as well as money laundering.” [28a] (Security forces under the control of Hamas (Gaza Strip))

Internal Security Service (ISS) (Internal Security Apparatus, Internal Security Force)

9.33 The IRB information request response of July 2009 stated:

“Sources report that even though Hamas won the January 2006 parliamentary elections, Preventive Security, along with some of the other security forces, remained loyal to Fatah and continued to resist Hamas in Gaza in 2007 ... Immediately following the Hamas takeover of Gaza, media sources report that some Preventive Security members fled to Egypt ... escaped to the West Bank ... or went into ‘hiding’ ...

“According to an official of Hamas’ Interior Ministry, as reported by the Jerusalem Post, the PA’s Preventive Security service in Gaza was dismantled and replaced with Hamas’ Internal Security Apparatus [also known as Internal Security Force ...]; former Preventive Security personnel were permitted to join the new force ... However, HRW reports that Hamas’ new Internal Security Apparatus was mainly staffed with members of Hamas’ Qassam Brigades ... Amnesty International (AI) and HRW report that the PA forbade all former security force personnel in Gaza from working for Hamas and continued to pay them for not going to work...”. [45a]

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National Security

9.34 The Security and Foreign Forces section of Jane’s Sentinel country risk assessment, posted on 11 January 2012, reported:

“National Security is the lightly-armed military force of the Hamas government, which has been given the role of protecting the state from 'foreign aggression'. According to Hamas, National Security is organised on the basis of three battalions. The First Battalion is said to be deployed to secure sensitive zones adjacent to Israeli-held territory, such as the Erez crossing point in the north of the territory and the Karni crossing point in the east. The roles of this battalion include border security and providing early warning of any Israeli incursion into the Gaza Strip. The Second Battalion’s role includes the protection of military installations within the Gaza Strip. The role of the Third Battalion includes patrolling the borders of the Gaza Strip and the prevention of drug smuggling. Other elements of National Security include the Military Police; Military Security, the role of which includes overseeing the security of military facilities and barracks, ensuring the loyalty of officers and other ranks and liaising with the Military Police; and a logistics branch known as Technical Affairs, with responsibility for procuring and maintaining weaponry and other equipment. A Military Medical Service forms part of National Security. Estimates of the strength of National Security have ranged from 800 to 1,200.” [28a] (Security forces under the control of Hamas (Gaza Strip))

See also [Annex B – Political organisations and armed groups](#)

HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES UNDER THE CONTROL OF HAMAS

9.35 The HRW World Report 2012 noted that “Palestinian armed groups launched 316 rockets at Israeli population centers in 2011, as of November 8 [2011], up from 236 rockets in all of 2010.” [22b] (Gaza Strip – Hamas) The International Committee of the Red Cross (ICRC) report, Israel and the occupied territories: another year without change, published 6 February 2012 also noted that “Indiscriminate rocket attacks continued to be launched from Gaza into civilian areas in Israel, where people lived in constant fear of further rocket fire.” [70c]

See also [History](#); [Security situation](#) and [Political affiliation](#)

Arbitrary arrest and detention

9.36 The HRW April 2009 report, Under Cover of War – Hamas Political Violence in Gaza, stated “According to the ICHR [Independent Commission for Human Rights], from December 27, 2008, to the end of January, 2009, Hamas police ordered the house

66 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

arrest of more than 150 Fatah members or supporters. The PCHR said it had documented 'hundreds of cases' in which Hamas authorities have imposed house arrest on Fatah activists and persons suspected of having committed a criminal offense." [22c] (p18)

- 9.37 The AI Report 2011: PA noted, "In the West Bank, the security forces of the Fatah-controlled Palestinian Authority (PA) arbitrarily detained people connected with Hamas, while in the Gaza Strip the Hamas de facto administration arbitrarily detained people connected with Fatah." [35b]
- 9.38 The USSD Report 2010 stated, "Reportedly Hamas practiced widespread arbitrary detention in the Gaza Strip." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d) Further, "In the Gaza Strip, Hamas security operatives carried out extrajudicial detentions based on political affiliation during the year; information concerning the whereabouts and welfare of those detained was not consistently or reliably available, nor were those detained offered due process or access to family and legal counsel." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1b)
- 9.39 The HRW World Report 2012 stated that, during 2011, "The ICHR received 163 complaints of arbitrary arrest by Hamas security forces... Hamas police and internal security forces assaulted, arbitrarily detained, and allegedly tortured civil society activists and peaceful protesters who had sought to demonstrate in solidarity with Egyptian and Syrian protesters and had called for an end to the political split between Hamas and its rival, Fatah." [22b] (Gaza Strip – Hamas)

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Torture

- 9.40 The USSD Report 2010 stated:
- "Torture carried out by the Gaza Strip Hamas Executive Force was not restricted to security detainees but also included persons associated with the Fatah political party, those held on suspicion of 'collaboration' with Israel, or those considered to engage in immoral activity. There were reports that Hamas deployed undercover officers to attack, beat, and (in some cases) detain these persons, usually without intent to kill. Hamas took no action to investigate reports of torture, and documentation of abuses was limited, due in part to fear of retribution by victims and, in part, to PA officials and NGOs lacking access to Gaza Strip prisoners. The ICHR [Independent Commission for Human Rights] reported that complaints of abuse included being forced to stand in an [sic] uncomfortable stress positions, flogging, hand binding, suspension, blindfolding, punching, and beatings with clubs or hoses." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)
- 9.41 The AI Report 2011: PA reported:
- "Torture and other ill-treatment of detainees by security and police forces were reported – by the PA's Preventive Security force and the General Intelligence Service in the West Bank; and by Internal Security in Gaza. The ICHR said it had received over 150 complaints of torture or other ill-treatment by the PA in the West Bank and over 200 by Hamas in Gaza. New reports emerged of cases from 2009.

“In both areas, torture and other ill-treatment were committed with impunity...

“Mohammed Baraka Abdel-Aziz Abu-Moailek was reported to have been tortured by Internal Security officials in Gaza. He was held incommunicado for more than 50 days after his arrest in April 2009 on suspicion of ‘collaboration’ with Israel. He said he was tortured with electric shocks, beaten on the soles of his feet (the falaqa method), burned with cigarettes and threatened with death to force him to confess. He remained on trial and in detention at the end of 2010.” [35b]

- 9.42 The same report also stated, “Detainees held in the West Bank and Gaza were frequently beaten, subjected to sleep deprivation, and forced to spend long periods handcuffed in painful stress positions (shabeh) during the interrogation period.” [35b]
- 9.43 The HRW World Report 2012 covering events in 2011, released 22 January 2012, stated that “The internal security service of the Interior Ministry and Hamas police in Gaza allegedly tortured 102 people as of September [2011], according to complaints received by the Independent Commission for Human Rights (ICHR), a Palestinian rights body. In April Hamas authorities arrested Adel Razeq, 52, without a warrant, denied his family access to him in detention, and allegedly tortured him to death.” [22b] (Gaza Strip – Hamas)
- 9.44 The same source also reported:
- “On October 18 [2011] Hamas released Israeli soldier Gilad Shalit in exchange for 477 Palestinian prisoners, many of whom had been convicted for attacks on Israeli civilians, and another 550 prisoners whom Israel released in December. Hamas had subjected Shalit to cruel and inhuman treatment that may amount to torture by having refused to allow him to communicate with his family or receive visits by the International Committee of the Red Cross.” [22b] (Gaza Strip – Hamas)

Extra-judicial killings

- 9.45 The AI Report 2011: PA noted that in 2010, “One death in custody following an assault by police was reported in Gaza.” [35b]
- 9.46 The USSD Report 2010 reported that:
- “In the Gaza Strip, according to local media and the ICHR, masked gunmen affiliated with Hamas unlawfully executed at least 32 persons during the year [2010]. By law the PA president must ratify the death penalty, but Hamas did not contact the PA regarding the executions. In some cases, such as that of Mohammed Ismail and Nasser Abu Freh on April 15, the executions were based on allegations that the victims collaborated with Israel.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)
- 9.47 The HRW World Report 2012 stated that, “In April [2011] Hamas’s armed wing claimed responsibility for an attack, which Israel said involved an antitank missile, on an Israeli school bus, fatally injuring a 16-year-old boy. In August armed groups launched scores of rocket attacks that seriously injured at least five people and killed a man in Beer Sheva. An Ashkelon man was killed by shrapnel from a rocket in October.” [22b] (Gaza Strip – Hamas)

See also [History](#); [Security situation](#); [Death penalty](#) and [Political affiliation](#)

AVENUES OF COMPLAINT

- 9.48 The AI Report 2011: PA noted that in both the West Bank and Gaza, "... torture and other ill-treatment were committed with impunity." [35b]
- 9.49 The HRW World Report 2012, covering events in 2011, noted that following the end of "Operation Cast Lead" in January 2009, " Hamas has prosecuted no one for indiscriminate attacks on Israel." [22b] (Gaza Strip – Israel) On 19 January 2012, HRW reported that, "Human Rights Watch is aware of a handful of cases in which Hamas authorities penalized police officials for abuses against civilians in Gaza. But it has found no cases of such prosecutions against members of armed groups or Hamas's internal security service, which has been accused of torturing detainees and of deaths in custody due to abuse." [22j]

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HUMAN RIGHTS VIOLATIONS BY MEMBERS OF THE ISRAELI FORCES

- 9.50 The AI Report 2011: Israel and the OPTs stated "Israeli security forces used excessive force against Palestinian civilians, including non-violent demonstrators in the West Bank and Gaza, as well as farmers, fishermen and others working in the Israeli-declared 'exclusion zone' inside Gaza or its coastal waters." [35a] The HRW World Report 2012 also noted that "Israeli forces regularly shot at Gaza residents up to 1.5 kilometers from the armistice line between Gaza and Israel, creating a 'no-go' zone that comprises 35 percent of Gaza's agricultural land, according to the UN. The Israeli navy shot at and confiscated Palestinian fishing boats that sailed more than two nautical miles from the coast, prohibiting access to some 85 percent of Gaza's maritime area." [22b] (Gaza Strip – "No-Go" Zone)
- 9.51 The HRW World Report 2012 continued:
 "Israeli forces in the West Bank killed at least five Palestinian civilians as of October [2011]. After the end of an arrest operation, soldiers fatally shot two men while they were standing with a group of demonstrators who were throwing stones, B'Tselem reported. In another case, a soldier shot and killed an unarmed resident of Qusra who was protesting against settler incursions on village lands. Soldiers shot and killed an unarmed 66-year-old man in his bed after mistakenly entering his home in search of a suspected Hamas member, according to Palestinian rights groups and international media reports." [22b] (West Bank - Israel)
- 9.52 An AI Mezan Center for Human Rights Press Release of 10 March 2012 reported:
 "On Friday 9 March 2012, Israeli aircraft extrajudicially killed the Secretary-General of the Palestinian Popular Resistance Committees, Abu Ibrahim Al Qaisi, as he was travelling in a car in the Tal Al Hawa neighborhood of Gaza City. The situation was calm in the Gaza Strip. No military clashes or resistance operations had taken place recently, with the exception of the IOF's continuous attacks on Palestinian farmers and fishermen in the Israeli-imposed restricted access areas on land and in the sea. The AI Mezan Center for Human Rights is concerned about the extrajudicial killing of Al Qaisi and subsequent Israeli shelling and bombing, which has resulted in the killing of 14 persons and the injury of 11." [62d]

Arbitrary arrest and detention

- 9.53 The AI Report 2011: Israel and the OPTs noted, “Israel continued to impose a system of administrative detention whereby Palestinians are held for prolonged periods without charge or trial. At least 264 Palestinians were subject to administrative detention orders in 2010. Some had been held for more than two years.” [35a]
- 9.54 The HRW World Report 2012 covering events in 2011, stated that “Israeli military justice authorities arbitrarily detained Palestinians who advocated non-violent protest against Israeli settlements and the route of the separation barrier. In January a military appeals court increased the prison sentence of Abdallah Abu Rahme, from the village of Bil’in, to 16 months in prison on charges of inciting violence and organizing illegal demonstrations, largely on the basis of coerced statements of children.” [22b] (West Bank – Arbitrary Detention and Detention of Children)
- 9.55 The same HRW report also noted that “As of September 31 [sic] [2011] Israel detained 164 Palestinian children under 18-years-old, and also held 272 Palestinians in administrative detention without charge; Israel released at least 9 administrative detainees, but no children, in the prisoner exchange [for Israeli soldier Gilad Shalit in October 2011].” [22b] (West Bank – Arbitrary Detention and Detention of Children) The B’Tselem website, accessed 8 February 2012, stated “As of Dec. 2011, Israel is holding about 300 Palestinians in administrative detention in facilities run by the Israel Prison Service (IPS).” [25k]
- 9.56 The USSD Report 2010 reported:
- “Israeli law prohibits arbitrary arrest and detention, but Israeli security services did not always abide by these prohibitions. ... Throughout the year there were reports that Israeli security forces in East Jerusalem and in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those participating in antibarrier demonstrations. Israeli authorities generally provided Palestinians held in Israeli military custody inside Israel access to their lawyers, but impediments to movement on West Bank roads or at crossings often made consultation difficult and postponed trials and hearings. The government frequently delayed notification to foreign government officials after detaining their citizens in the occupied territories.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)
- 9.57 The World Bank report, Checkpoints and Barriers: Searching for Livelihoods in the West Bank and Gaza, Gender Dimensions of Economic Collapse, dated February, 2010, stated that the detention process of Palestinians by the Israeli authorities, “... from initial arrest to imprisonment is fraught with overt violence, including raids on homes in predawn hours, damage to property, and physical abuse of detainees.” [9c] (p47) Furthermore, “Arrests and mistreatment such as beatings” take place at checkpoints. [9c] (p49)
- 9.58 The Addameer Prisoner Support and Human Rights Association report, Violations against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers 2010, published 2011, concurred, stating:
- “Arrests often take place late at night, with the IOF raiding Palestinian homes, intimidating, insulting and beating family members, and often damaging property, notably by destroying religious books, pictures of martyrs and national flags. Every year, hundreds of Palestinians are also arrested at military checkpoints and roadblocks

erected by the IOF at the entrances of Palestinian towns. These arrests can be extremely violent and over the years, 74 Palestinians have been killed during arrest operations.” [75c] (p19)

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Torture

9.59 The UN Committee Against Torture (UN CAT) reported in its June 2009 concluding observations on Israel that “The Committee is concerned that there are numerous, ongoing and consistent allegations of the use of methods by Israeli security officials that were prohibited by the September 1999 ruling [on the prohibition on torture (p2)] of the Israeli Supreme Court, and that are alleged to take place before, during and after interrogations.” [91a] (p5, paragraph 19)

9.60 The 2011 Addameer Prisoner Support and Human Rights Association report included “... a number of case studies of Palestinian detainees, particularly minors, who were subjected to some form of torture, cruel, inhuman or degrading treatment during their arrest or detention in 2010.” [75c] (p19) The Addameer report further stated:

“The sworn statements of Palestinian detainees, as well as reports from numerous local and international organizations, clearly reveal that various methods of physical and psychological torture are used in order to extract forced confessions from Palestinians, leading to their conviction and imprisonment...

“Interrogation can last for several weeks in a row, during which time detainees are often deprived of sleep, held in complete solitary confinement, and shackled and blindfolded for long periods of time. During this time, detainees are also frequently denied any contact with the outside world, including family and lawyer visits.” [75c] (p14)

See the Addameer Prisoner Support and Human Rights Association report, [Violations against Palestinian Prisoners and Detainees in Israeli Prisons and Detention Centers 2010](#) for more detailed information on specific cases. [75c]

9.61 The AI Report 2011 noted: “Consistent allegations of torture and other ill-treatment, including of children, were frequently reported. Among the most commonly cited methods were beatings, threats to the detainee or their family, sleep deprivation, and being subjected to painful stress positions for long periods. Confessions allegedly obtained under duress were accepted as evidence in Israeli military and civilian courts.” [35a]

9.62 The USSD Report 2010 reported:

“Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows ‘moderate physical pressure’ against detainees considered to possess information about an imminent terrorist attack. The decision also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution. Human rights organizations reported that ‘moderate physical pressure’ in practice included beatings, requiring an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. Israeli NGOs continued to criticize what they termed abusive Israeli detention practices, including isolation, sleep deprivation, protracted handcuffing,

shackling, and psychological abuse, such as threats to interrogate elderly parents or demolish family homes.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)

West Bank

9.63 The HRW World Report 2012 noted that:

“Israeli forces in the West Bank killed at least five Palestinian civilians as of October [2011]. After the end of an arrest operation, soldiers fatally shot two men while they were standing with a group of demonstrators who were throwing stones, B’Tselem reported. In another case, a soldier shot and killed an unarmed resident of Qusra who was protesting against settler incursions on village lands. Soldiers shot and killed an unarmed 66-year-old man in his bed after mistakenly entering his home in search of a suspected Hamas member, according to Palestinian rights groups and international media reports.” [22b] (West Bank – Israel)

9.64 The HRW World Report 2012 continued:

“As of November 1 [2011], Israeli authorities had demolished 467 Palestinian homes and other buildings in the West Bank (including East Jerusalem), displacing 869 people, a rate that means Israel will have forcibly displaced more West Bank Palestinians in 2011 than during any year since the UN started collecting cumulative figures in 2006.

“Israel usually carries out demolitions on the grounds that the structures were built without permits, but in practice such permits are almost impossible for Palestinians to obtain in Israeli-controlled areas, whereas a separate planning process available only to settlers grants new construction permits much more readily.

“The Israeli NGO Peace Now reported that from October 2010, when Israel ended its temporary settlement ‘building freeze,’ to July 2011 construction began on 2,598 new settlement homes, and another 2,149 new homes were completed.

“Settlers also continued to take over Palestinian homes in East Jerusalem, based in part on laws that recognize Jewish ownership claims there from before 1948 but bar Palestinian ownership claims from that period in West Jerusalem.” [22b] (West Bank – Settlement Building, Discriminatory Home Demolitions and Evacuations)

9.65 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Protection of Civilians Weekly Report: 7 – 13 March 2012 noted that, in the West Bank, there had been 11 Palestinian casualties caused by Israeli forces in 2011 and two so far in 2012. [30] (p1)

The OCHA [Protection of Civilians Weekly Reports](#) on the OCHA website provide updated information on civilian casualties.

See also [Security situation](#)

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Gaza Strip

9.66 The HRW World Report 2012 stated:

72 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

“Israel Defense Forces (IDF) conducted attacks on Gaza, including against smuggling tunnels and in response to rocket attacks, that killed 32 Palestinian civilians as of October, the Israeli rights group B’Tselem reported. The cases included civilians killed during aerial and artillery attacks, as well as IDF shootings of Palestinian civilians in the ‘no-go’ zone along Gaza’s northern and eastern borders. In April [2011] one Israeli aerial attack apparently targeted a Palestinian ambulance, while another aerial attack killed a mother and daughter in an area where no members of armed groups were present. In August an Israeli aerial attack on a sports club that witnesses said was not used for military purposes killed two civilians.” [22b]

- 9.67 An update issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering the period January to December 2011, reported that:

“In 2011, at least 44 Palestinian civilians, not taking part in hostilities, were killed (including 12 children and two women) and 406 were injured (including 119 children and 28 women) in the Gaza Strip as a result of Israeli military activity. Almost half of these casualties occurred in the ARA [access restricted area]: 21 were killed (including seven children and two women) and 213 were injured (including 68 children and 6 women)...

“During 2011, there were at least 69 recorded incursions and land levelling operations by Israeli Forces, with at least six recorded cases of damage to homes, civilian facilities and fishing equipment. At least three schools in the ARA were affected as a result of the on-going violence and there were at least three recorded incidents of damage to water and sanitation facilities (WASH), including a municipality storage unit (sewage truck and spare parts), a water reservoir and a newly built sewage pump station.

“Since January 2011, at least 72 incidents by Israeli Forces targeting Palestinian fishermen were recorded, with at least 36 recorded cases of damage to fishing equipment. Forty-three fishermen were arbitrarily detained and subjected to harsh interrogation by Israeli Forces, 17 of whom were detained and later released in November. In all cases, Palestinian fishermen were given no explanation why they were detained and later released. Their fishing boats were confiscated by Israeli authorities resulting in heavy financial losses to several fishermen.” [61a] (Update on figures for 2011 – casualties and damages)

See also [Security situation](#)

‘Operation Cast Lead’: December 2008 – January 2009

- 9.68 The Summary of the Congressional Research Service (CRS), Israel and Hamas: Conflict in Gaza 2008 – 2009, of February 2009 stated:

“On December 27, 2008, Israel launched a major military campaign dubbed “Operation Cast Lead” against Hamas in the Gaza Strip. The Israeli offensive came in response to markedly increased Palestinian rocket fire following the expiration of a six-month cease-fire on December 19. On January 3, 2009, Israel began a ground offensive into Gaza. Despite international pressure to halt the fighting (including the passage of U.N. Security Council Resolution 1860 on January 8), the conflict continued until January 18, when Israel unilaterally ceased fire and Hamas followed suit shortly thereafter. Israel’s technological superiority and reliance on heavy armor and firepower contributed to a wide disparity in casualties—approximately 1,440 Palestinians have died (with some

organizations estimating that at least half of the dead are civilians), compared with 13 dead (including four civilians) on the Israeli side.” [31a]

9.69 The AI Report 2011: Israel and the OPTs noted:

“Although some Israeli military investigations into specific incidents were ongoing, the Israeli authorities still failed to conduct independent investigations into alleged war crimes and other serious violations of international law by Israeli forces during Operation ‘Cast Lead’ that conform with international standards. The UN-mandated Fact-Finding Mission on the conflict (the Goldstone report) found in 2009 that Israeli forces and Palestinian armed groups had both committed war crimes and possibly crimes against humanity.

“By the end of 2010, only three Israeli soldiers had been convicted in connection with Operation ‘Cast Lead’. Two of them were found guilty of ‘unauthorized conduct’ for ordering a nine-year-old Palestinian boy, Majed R., to act as a ‘human shield’ by opening bags they believed were booby-trapped. In November, they were demoted and given suspended three-month prison sentences.” [35a]

9.70 The HRW World Report 2012 stated that, during ‘Operation Cast Lead’, “There were no further convictions for laws of war violations during ‘Operation Cast Lead’, which ended in January 2009, despite individual IDF soldiers having allegedly intentionally killed civilians and the widespread, wanton destruction of civilian property. Israel previously convicted only three soldiers for crimes during the conflict, and only one received a prison sentence, for stealing a credit card.” [22b] (Gaza Strip – Israel)

9.71 On 11 February 2011, the UN High Commissioner for Human Rights, on her first visit to the OPTs and Israel, remarked that “Many Gazans still feel the tragic impact of Operation Cast Lead on their daily lives. Accountability for war crimes and crimes against humanity committed during the conflict remain to be addressed by all parties.” [61b] The OHCHR update covering the period January to December 2011, noted that, “Since the end of Operation Cast Lead in 2009 until the end of 2011, the total number of civilians injured and killed by UXOs [unexploded ordinances] in the ARA is at least 18, including five killed.” [61a] (Update on figures for 2011 – casualties and damages)

For more information on the Gaza conflict/Operation ‘Cast Lead’ refer to the following reports:

The Center for Strategic and International Studies (CSIS), [The Gaza War - A Strategic Analysis](#), 2 February 2009 [18a]

Human Rights Watch, [Complete coverage of Israel/Gaza: Israel – Gaza Conflict](#), December 2008 – January 2009 [22d]

Congressional Research Service (CRS), [Israel and Hamas: Conflict in Gaza 2008 – 2009](#), 19 February 2009 [31a]

Amnesty International, [Israel/Gaza: Operation ‘Cast Lead’: 22 days of death and destruction](#), 2 July 2009

United Nations, [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report), 25 September 2009. [72a]

See also [History](#), [Human Rights: Introduction](#) and [Humanitarian issues](#)

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AVENUES OF COMPLAINT

9.72 The AI Report 2011: Israel and the OPTs noted:

“Israeli soldiers, members of the security forces and settlers continued to enjoy impunity for human rights abuses committed against Palestinians, including unlawful killings. Settler violence included shooting at Palestinians and destruction of Palestinian property. In only extremely rare cases were the perpetrators held to account for their actions.

“According to a detailed report on impunity published by the Israeli human rights organization B'Tselem in October, the Israeli military killed 1,510 Palestinians in 2006-09, excluding those killed during Operation ‘Cast Lead’. of [sic] these, 617, including 104 children aged under 18, were not taking part in any hostilities when they were killed. B'Tselem called for an investigation into 288 of the killings committed in 148 incidents, most in the Gaza Strip; investigations were opened in only 22 incidents, most in the West Bank. B'Tselem reported that only four investigations were opened within a month of the incident. In two investigations, the case was closed without any prosecution of the soldiers involved.” [35a]

9.73 The USSD Report 2010 observed:

“In 2008, according to the NGO the Public Committee Against Torture in Israel (PCATI), the Israeli Security Agency (known as the Shin Bet or ISA) arrested Jalal Sawafta and interrogated him and his parents. The Shin Bet interrogator allegedly threatened to demolish the family home if Sawafta's parents did not convince Sawafta to confess to complicity in rigging a car bomb. PCATI reported that Sawafta's complaint about the incident was closed at year's end, but the State Attorney's Office provided no detailed explanation for its decision to close the complaint, and there had been no investigation...

“PCATI reported that approximately 650 prisoner complaints of mistreatment in Shin Bet facilities were not forwarded to police for criminal investigation between 2001 and November 2010.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

9.74 The Freedom House survey, Freedom in the World 2011 - West Bank, published 9 June 2011 stated:

“Israeli soldiers accused of harassing or assaulting Palestinian civilians are subject to Israeli military law. In 2010, a number of soldiers posted photographs and videos of themselves apparently abusing Palestinian detainees on the internet, prompting an IDF investigation. A September report by B'Tselem accused the IDF of failing to adequately investigate and prosecute cases of civilian deaths in the West Bank, citing only 23 criminal investigations out of the 148 recommended by the group between 2006 and 2009. Nevertheless, several soldiers were prosecuted in 2010. However, because most soldiers are investigated and tried internally, a low percentage of them are prosecuted and convicted, and most receive relatively light sentences. In April, a military court reprimanded three officers and demoted one for their roles in a violent clash with protesters near Iraq-Burin in which four civilians were killed. In August, a Jerusalem court found the Israeli border police responsible for the death of a 10-year-old

Palestinian girl who was struck by a rubber bullet in 2007, ordering the state to pay compensation to her family.” [38e]

- 9.75 The Defence for Children International – Palestine Section (DCI/PS) report, In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system, dated 21 January 2012, stated:

“Many Palestinian families refuse to file complaints alleging mistreatment against Israeli authorities for fear of retaliation, or simply because they do not believe the system is fair or impartial. There is evidence to support this last concern:

“(i) Between January 2001 and late 2010, 645 complaints were filed against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture of Palestinian detainees. No criminal investigations were conducted.

“(ii) Between 2000 and 2010, a complaint lodged by a Palestinian against an Israeli soldier had a 96.5 percent chance of being dismissed without an indictment being filed.

“(iii) On 27 January 2011, an Israeli military court refused to imprison Lt. Col. Omri Burberg who was convicted of shooting a bound and blindfolded Palestinian detainee at close range in the foot with a rubber coated steel bullet. The court declined to impose a custodial sentence even though this was recommended by the prosecution.

“In the words of one Israeli organisation: “The chances of a criminal offense carried out by an IDF soldier against a Palestinian successfully navigating the obstacle course of the complaint procedure [...] are almost nil.” [26f] (p19-20)

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 The Non-State Armed Groups section, posted on 25 November 2011, of Jane’s Information Group’s (Jane’s) Sentinel country risk assessment on the Gaza Strip and the West Bank listed the following armed groups as active in the Occupied Palestinian Territories (OPTs):

Democratic Front for the Liberation of Palestine (DFLP)

Hamas

Palestinian Islamic Jihad (PIJ)

Popular Front for the Liberation of Palestine (PFLP)

Popular Front for the Liberation of Palestine-General Command (PLFP-GC) [28a]

See also [Annex B – Political organisations and armed groups](#)

- 10.02 The Human Rights Watch (HRW) World Report 2012: Israel/Occupied Palestinian Territories, covering events in 2011, published 22 January 2012, stated:

“Palestinian armed groups in Gaza launched hundreds of rocket attacks at Israeli population centers in 2011, killing two civilians and seriously injuring at least nine

others; indiscriminate mortar attacks seriously injured at least four civilians in Israel. Another attack fatally injured an Israeli youth in a school bus. Egyptian attackers whom Israel claimed operated in coordination with armed groups in Gaza crossed the Egyptian border and killed six Israeli civilians.” [22b]

- 10.03 The US Department of State 2010 Country Reports on Human Rights Practices (USSD Report 2010), released 8 April 2011, stated “There were multiple reports that Palestinian terrorist groups, including Hamas, committed unlawful killings.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)
- 10.04 The same report also stated, “Civilian Palestinian factional violence during the year, including fights, family disputes, and manslaughter, resulted in 35 Palestinian fatalities in the West Bank and the Gaza Strip, according to the quasi-governmental Independent Commission for Human Rights (ICHR). The PA was not responsible for these fatalities.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)
- 10.05 The Amnesty International Report 2011: Israel and the Occupied Palestinian Territories, covering events in 2010 and published 13 May 2011 noted:

“Palestinian armed groups associated with Fatah, Islamic Jihad and the Popular Front for the Liberation of Palestine fired indiscriminate rockets and mortars into southern Israel, killing one civilian, a migrant worker from Thailand, on 18 March [2010], and endangering the lives of others. The scale of rocket fire was much reduced compared to previous years. Israeli forces launched attacks on those they held responsible.

“In May and June, unidentified Palestinian gunmen burned facilities in Gaza used by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for its summer games programme for children.

“In the West Bank, four Israelis, including a pregnant woman, were killed on 31 August near the Kiryat Arba Israeli settlement as new US-sponsored negotiations between Israel and the PA were about to begin. The following day, two other Israelis were shot and wounded near another settlement, Kochav Hashachar. The Izz al-Din al-Qassam brigades, the military wing of Hamas, claimed responsibility for both attacks.” [35b]

For further information on the conflict between Israel and Palestinian armed groups, see Chapter 2. Country Report: Middle East and North Africa Overview of the [USSD Country Report on Terrorism 2010](#), released on 18 August 2011. [15c] (Israel, West Bank, and Gaza)

See also [Israeli forces and settlers in the West Bank](#) and [Annex B – Political organisations and armed groups](#)

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11. JUDICIARY

WEST BANK

Organisation

- 11.01 The Freedom House survey Freedom in the World 2011: West Bank (Freedom in the World 2011: WB), released 9 June 2011, stated:

“Laws in effect in the West Bank derive from Ottoman, British Mandate, Jordanian, Israeli, and PA [Palestinian Authority] legislation, as well as Israeli military orders. The High Judicial Council handles most legal proceedings. Israel’s Supreme Court hears petitions from non-Israeli residents of the West Bank regarding home demolitions, land confiscations, road closures, and IDF [Israel Defence Force] tactics. Decisions in favor of Palestinian petitioners, while rare, have increased in recent years. Though most applications have been rejected, the Israeli Supreme Court has repeatedly ordered changes to the route of the West Bank security barrier after hearing petitions from NGOs and Palestinians. By the end of 2010, the Ministry of Defense had altered or pledged to alter the route in response to four of six such rulings.” [38e]

- 11.02 The Internal Affairs section, last updated 5 April 2011, of Jane’s Information Group’s (Jane’s) Sentinel country risk assessments, Gaza and the West Bank reported:

“Ramallah Appeal and High Court is the only appeal court in the northern West Bank and also hears cases for the High Court, while Magistrates Courts and Courts of First Instance deal with other judicial matters. Restriction of movement and disruption of public transport and lack of PA control over the occupied territories have severely affected the running of the Palestinian judicial system which requires the presence of three justices, a prosecutor, a defence lawyer and a clerk for trials to be legal.

“Serious judicial reforms are needed, however, to fortify the chain of justice in the eyes of ordinary Palestinians, with decree issuing and arrest making backed up by legitimate trials with an independent judiciary, issuing sentences that will actually be carried out. The judiciary has been powerless to stem lawlessness and lacks credibility in the eyes of the Palestinian public.” [28a] (Judiciary)

Independence

- 11.03 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated that “The 2002 Palestinian Basic Law, amended in 2005, provides for an independent judiciary. In practice the PA generally respected judicial independence and the autonomy of the High Judicial Council, maintained authority over most court operations in the West Bank.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

- 11.04 The Freedom in the World 2011: WB survey of 9 June 2011 stated “The PA judicial system is only somewhat independent in practice, and Palestinian judges lack proper training and experience.” [38e]

Fair trial

- 11.05 The USSD Report 2010 noted:

“PA law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used. Trials are public, except when the court determines privacy is required by PA security,

78 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

foreign relations, a party's or witness's right to privacy, or protection of a victim of a sexual offense or an 'honor' crime. Defendants have the right to be present and to consult with an attorney in a timely matter during the trial, although during the investigation phase, the defendant only has the right to observe. The law provides for legal representation, at public expense if needed, in felony cases, but only during the trial phase. Defendants can confront or question witnesses against them or present witnesses and evidence during the trial, but not during the investigation phase; defendants may also review government-held evidence and have the right to appeal. Authorities generally observed these rights in practice." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

11.06 The USSD Report 2010 further noted:

"PA courts operated more efficiently than in previous years, demonstrating improvements in several procedural capacities, including case management, organization, transparency, evidence collection, and recordkeeping. Case backlogs were largely related to restrictions on movement imposed by Israeli authorities ... Additionally, PA-affiliated prosecutors and judges stated that these prohibitions hampered their ability to dispense justice, including restrictions on their ability to transport detainees and collect witnesses. The PA increased financial allocations to the courts to fund additional court administrative staff, in response to an existing lack of personnel. Efforts to expand reforms continued at year's end [2010]. In some cases involving investigations by PA intelligence services in the West Bank, civilian defendants appeared before the PA's military court system, which has jurisdiction over security personnel and crimes by civilians against security forces. Palestinian NGOs criticized the practice of trying civilian defendants in military courts, while the PA defended the practice based on the security nature of the crimes involved." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

11.07 Amnesty International's Annual Report 2011: Palestinian Authority (AI Report 2011: PA), covering 2010 and released 13 May 2011 noted, "In the West Bank, the security authorities failed to comply with many court orders to release detainees. The PA continued to prohibit former members of the judiciary and police from working for the Hamas de facto administration in Gaza." [35b]

11.08 The Freedom in the World 2011: WB survey of 9 June 2011 stated:

"The PA also features a military court system, which lacks almost all due process rights. These courts are used to try detainees suspected of a range of security offenses, collaborating with Israel, and drug trafficking. There are reportedly hundreds of administrative detainees currently in Palestinian jails. According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured. These practices are not prohibited under Palestinian law. Defendants in military courts are not granted the right to appeal sentences; trials are often summary and occasionally result in death sentences." [38e]

See also [Security forces](#)

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GAZA STRIP

Organisation

11.09 The USSD Report 2010 stated:

“In 2007 Hamas appointees replaced PA-appointed prosecutors and judges in the Gaza Strip. The PA declared the action illegal; however, courts operated by Hamas appointees continued functioning in the Gaza Strip throughout the year [2010]...

“ Hamas authorities in the Gaza Strip follow the same criminal procedure law as the PA in the West Bank. However, Hamas does not use the same penal code as the PA in the West Bank, following instead the 1936 penal code enacted by the British during the mandate period.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

Independence

11.10 The Freedom House survey, Freedom in the World 2011: Gaza Strip, released 9 June 2011, stated:

“Laws governing Palestinians in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Islamic law, as well as Israeli military orders. The judicial system is not independent, and Palestinian judges lack proper training and experience. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008.” [38b] (Political Rights and Civil Liberties)

11.11 The USSD Report 2010 reported, “Gaza Strip residents may file civil suits, including those related to human rights violations. Unofficial anecdotal reports claimed that Gaza Strip courts operated independently of the Hamas government and were, at times, impartial. There were reports that enforcement of court orders improved.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

Fair trial

11.12 The AI Report 2011: PA noted, “The PA continued to prohibit former members of the judiciary and police from working for the Hamas de facto administration in Gaza. In Gaza, the Hamas administration continued to use alternative prosecutors and judges who lacked appropriate training, qualifications and independence.” [35b]

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ISRAELI COURTS’ TREATMENT OF PALESTINIANS

11.13 The USSD Report 2010 stated:

“Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF [Israeli Defence Force] tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts. Israeli law defines security offenses to include a variety of different charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on

appeal. Israeli civil law applied to Palestinian residents of East Jerusalem, and Israeli civil courts generally tended to rule against Palestinians.

“Several NGOs claimed that Israeli military courts, which processed approximately 7,000 Palestinians in the West Bank during the year [2010], were not equipped to adjudicate each case properly.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

11.14 Amnesty International’s Report 2011: Israel and the Occupied Palestinian Territories (AI Report 2011: Israel and the OPTs), released 13 May 2011, reported “Palestinians in the OPT subject to Israel’s military justice system continued to face a wide range of abuses of their right to a fair trial. They are routinely interrogated without a lawyer and, although they are civilians, are tried before military not ordinary courts.” [35a]

11.15 In November 2009, the Addameer Prisoner Support and Human Rights Association released the report, Presumed Guilty – Failures of the Israeli Military Court System, which stated:

“The Israeli military court system has operated since its 1967 inception with frightening impunity. As an Occupying Power, Israel has the right under international humanitarian law to establish military courts in the OPT. However, applicable international human rights and humanitarian law restrict the jurisdiction of such courts, and guarantee certain fundamental fair trial rights. Moreover, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law to a trial before an independent and impartial tribunal.” [75b] (p5)

Refer to the full [Addameer report](#) for further information on the Israeli military court system, including jurisdiction and fair trial guarantees. [75b]

The Defence for Children International (DCI/PS) June 2009 report, [Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities](#), also provided information on the Israeli military court system, both in general and specific to the treatment of juveniles. [26b] A more recent report by the DCI/PS, [In their own words: a report on the situation facing Palestinian children detained in the Israeli military court system](#), dated 21 January 2012 and covering the period 1 July to 31 December 2011, provided information on the treatment of Palestinian children, including children’s testimonies. [26f]

11.16 The USSD Report 2010 also noted:

“Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF, but a 2002 law denies Palestinians the possibility of obtaining compensation in most cases for human rights abuses or injuries resulting from illegal acts by Israeli security forces. Amendments in 2005, which the High Court in 2006 partially overturned, added obstacles to Palestinian plaintiffs seeking compensation.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

See also Human rights violations by members of the Israeli forces, [Avenues of complaint](#) and [Humanitarian issues](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

PALESTINIAN LAW

- 12.01 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated:

“PA [Palestinian Authority] law provides for prompt judicial determination of the legality of detention, and this provision was largely - but not uniformly - observed in practice. PA law allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days; it requires that a trial must start within six months or the detainee must be released. In several reported cases, PA security forces detained persons without warrants and without bringing them before judicial authorities within the required timeframe; however, PA judicial officials claimed no detentions extended beyond the time limit without trial. Bail and conditional release were available upon discretion of judicial authorities. Authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation...

“As in 2009 the PA sought military judicial review and court orders for detaining civilians suspected of terrorist activity. In several such cases, the PA disregarded civilian court orders requiring the release of these suspects, citing countervailing military court orders. In most of these incidents, the PA was unwilling to provide evidence required by the civilian court system, and the military courts provided a more efficient system to deal with any shortcomings in providing evidence...

“In the Gaza Strip, Hamas reportedly detained a large but unverifiable number of persons during the year, largely without recourse to legal counsel, judicial review, or bail. Many of these detentions were apparently politically based, targeting former PA officials, Fatah party members, and those suspected of ties to Israel.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

- 12.02 The Independent Commission for Human Rights (ICHR) September 2010 report, The Palestinian General Intelligence Services according to the Provisions of the Law, provided the following information on “Arrestees’ Legal Guarantees”:

“Once the accused is arrested, the members of the Judicial Police should hear him immediately after receiving him. If they find his affidavit is not convincing, they are to send him to the competent Public Prosecutor within 24 hours. The Public Prosecutor should interrogate him and then order his detention or release. The Public Prosecution is allowed to order detention of the accused for no more than 48 hours.” [71b] (p13)

- 12.03 The same report also found, however, that:

“The measures of the PNA [Palestinian National Authority] fail to provide any guarantee that the General Intelligence will abide by the law in terms of the jurisdiction of its members as the Judicial Police. Its practices of arrest, detention, gathering of information and supervision of its detention centers are still not subject to the overseeing or management of the civil Public Prosecution. The gap in overseeing the activities of the General Intelligence allows it to interpret the law as it deems fit.” [71b] (p18)

- 12.04 The ICHR’s September 2010 report, The Palestinian General Intelligence Services according to the Provisions of the Law, provided a definition of employees regarded as

Judicial Police, which included “Police officers and non-commissioned officers, each within his sphere of jurisdiction”, “employees of the Palestinian Intelligence Department”, “officers and non-commissioned officers of the Preventive Security Agency”, “Health Department inspectors”, “Environment Department inspectors” and “childhood protection guides”. [71b] (p11)

- 12.05 The ICHR report continued, “In regard to jurisdiction, the employees referred to in Article (21) of the Palestinian Penal Procedural Law are permitted to perform the functions of the Judicial Police, each within their respective spheres of jurisdiction according to the law. These functions include, among other responsibilities, investigating crimes, gathering evidence, capturing the perpetrators and exercising the powers bestowed on them by their special laws.” [71b] (p12)

The ICHR [report](#) provided further information of the powers of arrest and detention, and the powers of search and obtaining of evidence, according to Palestinian law. [71b] (p12-15)

See also [Human rights violations by security forces under the control of the PA](#) and [Human rights violations by security forces under the control of Hamas](#)

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ISRAELI LAW

- 12.06 Information on the B'Tselem website (The Israeli Information Center for Human Rights in the Occupied Territories) accessed 8 February 2012, noted that:

“Over the years, Israel has held thousands of Palestinians in administrative detention, for periods ranging from several months to several years...

“Three pieces of legislation enable Israel to hold Palestinians in administrative detention:

“The Administrative Detention Order, which is part of the military legislation in the West Bank. Most administrative detainees are held under individual detention orders issued pursuant to this order. A similar order regarding the Gaza Strip was repealed upon implementation of the ‘disengagement’ plan, in September 2005.

“The Emergency Powers (Detentions) Law, which applies in Israel and replaced the administrative-detention arrangement established in the Emergency Regulations of the Mandate period. It is rare for residents of the Occupied Territories to be administratively detained under this law.

“The Internment of Unlawful Combatants Law, which came into force in 2002. Originally, the law was intended to enable the holding of Lebanese citizens who were being held in Israel at the time as ‘bargaining chips’ for the return of captives and bodies. Now, Israel uses the law to detain Palestinian residents of the Gaza Strip without trial.” [25k]

- 12.07 Statistics on the B'Tselem website, accessed 13 March 2012, indicated that at the end of 2011, Israel was holding “... about 300 Palestinians in administrative detention in facilities run by the Israel Prison Service (IPS).” [25k]

12.08 The USSD Report 2010 stated:

“Palestinian security detainees were under the jurisdiction of military law, which permits 10 days' detention without access to a lawyer or appearing before a court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks...

“Israeli authorities operate under military and legal codes in the occupied territories (see also Israel, section 1.d., Arrest Procedures and Treatment While in Detention [in the USSD report]). By law detainees can be held for up to 90 days without access to a lawyer. Israeli authorities stated that their policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days, effectively holding detainees incommunicado. A military commander may request that a judge extend this period indefinitely.

“Persons detained on security grounds fall under one or more of several legal regimes, which allow for the transfer of administrative detainees from the West Bank to detention in Israel. As a general practice, Arabs without Israeli citizenship detained for security violations were not granted bail.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

12.09 The Defence for Children International (DCI/PS) June 2009 report, Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities, provided a pre-trial detention comparison between Israeli domestic law and the military orders applied to Palestinians in the West Bank and, in some cases, to those living in occupied East Jerusalem:

Event	Israeli domestic law	Military orders applied to Palestinians
Detention until brought before a judge	24 hours	8 days
Total period of detention before indictment (charge)	30 days (up to 75 days on the authority of the Attorney General)	180 days (up to 90 days on the authority of a judge of the Military Court and a further 90 days on the authority of the Military Court of Appeals)
Detention from the end of investigation until indictment	5 days	10 days
Detention from filing indictment until arraignment (entering of a plea of guilty or not guilty)	30 days	2 years
Detention from arraignment until end of proceedings	9 months	
Judge's approval of extension of detention if proceedings have not concluded	3 months (Supreme Court judge)	6 months (judge of the Military Court of Appeals)

[26b] (p17)

The DCI/PS June 2009 report, [Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities](#), also provided information on the process of arrest, transfer and interrogation by Israel, specifically regarding the treatment of juveniles. [26b]

See also [Human rights violations by members of the Israeli forces](#) and [Humanitarian issues](#)

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13. PRISON CONDITIONS

- 13.01 The Annual Report 2010: Israel and the occupied territories of the International Committee of the Red Cross (ICRC), released in May 2011, stated:

“In the course of regular visits to Palestinians detained by Israel, the ICRC checked that their treatment and living conditions were in line with internationally recognized standards. The ICRC family visits programme enabled detainees to exchange news with and receive visits from family members, although the Israeli authorities continued to prevent family visits from the Gaza Strip. The ICRC also visited people held by Hamas in the Gaza Strip and by the Palestinian Authority in the West Bank. After all visits, the ICRC provided the authorities with confidential feedback.” [70b] (p435)

- 13.02 The ICRC publication, Israel and the occupied territories: another year without change of 6 February 2012 reported:

“In 2011, the ICRC regularly visited detainees both in Israeli and in Palestinian places of detention to monitor the conditions in which they were being held and the treatment they received. In Israeli places of detention, it monitored the overall situation of some 8,000 Palestinian detainees, especially those who were under interrogation, in prolonged solitary confinement or minors. The ICRC also monitored the situation of approximately 2,500 migrants detained in Israel...

“Since 2007, Gazans have been prevented by Israel from visiting relatives held in Israeli prisons. The ICRC has expressed its concerns, both publicly and directly to the Israeli authorities.” [70c]

WEST BANK

- 13.03 The US Department of State 2010 Country Reports on Human Rights – Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated:

“PA [Palestinian Authority] prison conditions improved in recent years, although the PA prison system remained significantly inadequate for the prison population it served. PA civil police prisons, which held nonsecurity prisoners, remained severely overcrowded. Space and capacity issues also reduced the availability of medical care and vocational or other programs for inmates in civil police prisons.

“Unlike in the previous year [2009], there were no deaths reported in PA civil police prisons from adverse conditions.

“In December [2010] there were approximately 1,050 prisoners in the seven PA civil police prisons; women and male juveniles each constituted approximately 2 percent of the prison population, according to PA statistics. Male juveniles were at times housed with adult male prisoners. PA intelligence services held several hundred security detainees separately from the general population. PA authorities undertook prison improvement efforts at various facilities.

“All PA civil police prisons allowed visitations on a weekly basis, religious observance, a procedure for submitting complaints, and an investigation process for complaints. During the year the PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions. Preliminary, unpublished accounts by human rights groups, humanitarian organizations, and lawyers indicated that, as in previous years, there were some difficulties gaining access to specific detainees, depending on which security organization managed the facility.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

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GAZA STRIP

13.04 The USSD Report 2010 reported:

“In the Gaza Strip prison conditions were reportedly poor, and little information was available. Detention facilities were unofficially reported below international legal or humanitarian standards. Hamas authorities announced an inquiry into the 2008 death of Taleb Mohammed Abu Sitta, who died of injuries following Hamas police detention. As a result Hamas suspended several police officers from duty, but there were no reports that any were tried, according to AI [Amnesty International].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

ISRAELI PRISONS AND DETENTION CENTRES

13.05 The Addameer Prisoner Support and Human Rights Association November 2009 report, Presumed Guilty – Failures of the Israeli Military Court System, reported:

“Palestinian detainees from the West Bank are usually taken to one of eight interrogation and detention centers after arrest: Huwwara (near Nablus), Etzion (near Bethlehem), Salem (near Jenin), Ofer (near Ramallah), Ashkelon (inside Israel), Kishon (inside Israel), Moskobiyyeh (West Jerusalem, Israel), and Petah Tikva (inside Israel). Palestinians from East Jerusalem are typically taken to one of the above locations, or to Moskobiyyeh, depending on the location of the alleged offense. Detainees from the Gaza Strip are taken to Ashkelon or Ketziot, both of which are inside Israel.” [75b] (p6)

13.06 The USSD Report 2010 stated:

“IDF detention centers were less likely than Israeli civilian prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. In November B'Tselem and Hamoked reported unsatisfactory conditions in Shin Bet's Petah Tikva Prison, including poor hygienic conditions. Prisoners also continued to claim inadequate medical care. According to the Israeli Ministry of Justice, the IDF continued to ameliorate living conditions in two

detention centers in the West Bank. Also, in November 2009 Israel began building a new detention complex next to the Ofer Camp military courts.

“According to Israeli official figures, approximately 5,935 Palestinians were held in Israeli civilian prisons in December. Palestinian minors arrested in the West Bank were subject to the Israeli military courts system, which recognizes persons 16 years of age or older as adults; all minors between the ages of 16 and 18 were held in pretrial or posttrial detention with adults. Israeli minors between the ages of 16 and 18 arrested in the West Bank were subject to Israeli criminal and civil courts.

“PCATI [Public Committee Against Torture in Israel] reported that approximately 650 prisoner complaints of mistreatment in Shin Bet facilities were not forwarded to police for criminal investigation between 2001 and November 2010.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

- 13.07 The Defence for Children International – Palestine Section (DCI/PS) Briefing paper to the European Parliament Sub-Committee on Human Rights, Hearing on Situation in Prisons in Israel and Palestine, of October 2010 reported:

“The conditions of detention for Palestinian detainees in IPS facilities are regulated by Israeli domestic law and general IPS regulations as well as regulations specific to ‘security detainees.’ Specific regulations apply to various aspects of the conditions of detention, including: physical conditions; medical care; personal hygiene; possession of personal belongings; food; daily exercise; use of telephones; family visits; letters; religion; restraint and disciplinary measures. These regulations are modified in respect of ‘security detainees’ as follows:

- The right to a daily walk at the place of detention does not apply to security detainees;
- The right to use a telephone does not apply to security detainees; and
- Security detainees are entitled to visits every two weeks, but only from first degree relatives.” [26e] (p7)

- 13.08 Amnesty International’s Report 2011: Israel and the Occupied Palestinian Territories (AI Report 2011: Israel and the OPTs), released 13 May 2011, reported “Around 680 Palestinian prisoners continued to be denied family visits, some for a third year, because Palestinians in Gaza remained barred from travelling into Israel, where the prisoners are held, since the imposition of the Gaza blockade.” [35a]

See also [Humanitarian issues](#) and [Exit and return](#)

- 13.09 The USSD Report 2010 reported:

“Israel permitted the ICRC to monitor prison conditions. The Israeli Bar Association and NGOs sent representatives to meet with prisoners and inspect conditions in prisons, detention centers, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of imprisoned Palestinians, particularly Gazans, to visit.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

- 13.10 Statistics on the DCI/PS website, accessed 13 March 2012, provided details of Palestinian children held in Israeli detention from 2008 to January 2012. These

indicated that in January 2012 there were 170 Palestinian children in Israeli detention. [26g]

See also [Children](#)

13.11 A 2011 UN Women report, *Suspended Lives: Palestinian female prisoners in Israeli prisons*, produced as part of the “Palestinian Female Prisoners in Israeli Prisons” project started in 2007, reported that, “At the start of the project, the number of Palestinian female prisoners in Israeli prisons and detention centres was 110. At the beginning of 2011, the number stands at 36.” [48a]

13.12 The same UN Women report continued:

“Although Israeli detention conditions can differ from prison to prison, they all fail in meeting the gender-specific needs of women prisoners.

“Palestinian female prisoners have reported that their health care needs have gone unaddressed and curable medical conditions have gone untreated. Poor quality of food and lack of essential nutrients cause weight loss, general weakness, anemia and iron deficiency in Palestinian women prisoners and detainees. Lack of fresh air and sunlight, moisture in the winter and heat in the summer; overcrowded cells infested with insects; combined with stress, compounded by isolation from families, contribute to menstruation disorders. To date, there are no specialized gynaecological services available for Palestinian women, despite the continuous requests from the prisoners, their families, as well as human rights and international organizations.” [48a]

13.13 Amnesty International reported on 17 April 2012 that, on that day, “...more than a thousand prisoners began an open-ended hunger strike to mark Palestinian Prisoners’ Day and protest against the practice of administrative detention, denial of family visits, and conditions of detention.” [35i]

13.14 On 26 April 2012, the Guardian reported:

“The number of Palestinian prisoners on hunger strike in Israeli jails has grown to 2,000, with more preparing to join the protest next week, according to human rights groups in the West Bank.

“The Israeli prison service is taking punitive measures against hunger strikers, including solitary confinement, the confiscation of personal belongings, transfers and denial of family visits, say Palestinian organisations.

“Seven prisoners have been transferred to a prison medical centre, including Tha'er Halahleh, 34, and Bilal Diab, 27, who by Thursday had been on hunger strike for 58 days. Their appeals against imprisonment without charge – known as administrative detention – were dismissed by a military court earlier this week.

“The men's condition is rapidly deteriorating, according to Addameer, a prisoners' rights group. It expressed ‘grave concern that these hunger strikers are not receiving adequate healthcare ... and that independent doctors are still being denied visits to them’”. [98f]

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14. DEATH PENALTY

- 14.01 Amnesty International's Annual Report 2011: Palestinian Authority (AI Report 2011: PA), covering 2010 and released 13 May 2011 stated that the death penalty is retained by the PA. [35b]

WEST BANK

- 14.02 The Jerusalem Post reported in September 2010:

"The Palestinian Authority on Sunday [19 September] reaffirmed the death penalty for any Palestinian found guilty of selling land to Israelis. The decision came in response to a ruling by a Palestinian court according to which such acts were only a 'minor offense.' PA Prosecutor-General Ahmed al-Mughni appealed against the ruling to a higher court, arguing that the sale of land to Israelis was a 'major offence' punishable by death. The appeal was accepted. ...

"Although the PA has thus far refrained from executing those convicted of selling land to Jews, there have been many extrajudicial killings of Palestinian suspects over the past decades." [69a]

- 14.03 A B'Tselem document dated 1 January 2011 stated that, in the West Bank, "Since Abbas took office, in January 2005, no executions have been carried out by the Palestinian Authority." [26m]

GAZA STRIP

- 14.04 A September 2010 article by Ynetnews.com reported:

" Hamas approved a law permitting the death sentence for drug dealers and up to seven years behind bars for drug users, thereby stepping up its war on drugs in the Gaza Strip. Ministry of the Interior spokesman Ihab al-Rasin said that Hamas had in fact adopted an Egyptian law. ...

" Hamas Justice Minister Muhammad Faraj al-Ghoul said the Hamas government uses religion and the Koran to keep people away from drugs, and that in addition to deterrent sentencing, rehabilitation programs will be set up in detention centers." [68a]

- 14.05 The AI Report 2011: PA reported that the first executions since 2005 were carried out in Gaza during 2010. [35b] The undated Hands off Cain 2011 Report - The most important facts of 2010 (and the first six months of 2011) also reported that executions had resumed in Gaza in 2010, noting that five executions were carried out. [53a]
- 14.06 The AI Report 2011: PA elaborated, "In Gaza, military and criminal courts sentenced at least 11 people to death. Five men were executed after trials that failed to meet international fair trial standards – two in April who had been convicted of 'collaboration' with Israel; and three in May who had been convicted of murder." [35b]
- 14.07 The Human Rights Watch World Report 2012: Israel/Occupied Palestinian Territories, covering events in 2011, published 22 January 2012, stated that "The Hamas Interior Ministry carried out three judicial death sentences. Hamas executed, by hanging, a

father and son convicted of murder and collaboration with Israel. Abd al-Karim Shrair was executed by firing squad, following an unfair military court trial for collaboration that did not address evidence that security forces had tortured him.” [22b] (Gaza Strip – Hamas)

- 14.08 On 20 April 2012, the UN News Centre reported that the Office of the UN High Commissioner for Human Rights (OHCHR) had “...expressed serious concern that the de facto authorities in Gaza continue to issue death sentences and carry out executions, especially since many of the sentences are handed down by military courts against civilians.” The UN News report continued:

“According to OHCHR, since the beginning of this year [2012], the de facto authorities have delivered or upheld six death sentences, one of which was delivered in absentia. Three men were hanged earlier this month and at least one other faces imminent execution by firing squad.

“Information gathered by OHCHR indicates that defendants in Gaza are routinely not granted regular access to their lawyers, and the military courts often rely on confessions made under duress and/or torture.” [90c]

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories, released 8 April 2011, reported “The PA [Palestinian Authority] Basic Law provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2a)

- 15.02 Freedom House’s Freedom in the World 2011: West Bank (Freedom in the World 2011: WB), released 9 June 2011, reported:

“The PA president is elected to four-year terms. The prime minister is nominated by the president but requires the support of the unicameral, 132-seat Palestinian Legislative Council (PLC), which also serves four-year terms. Voting in the West Bank during the 2005 presidential and 2006 PLC elections was deemed largely free and fair by international observers. However, there were credible reports of PA resources being used to benefit Fatah candidates in 2006, and some voters said they had difficulty reaching polling stations because of Israeli roadblocks.” [38e]

- 15.03 The same source continued:

“After the bifurcation of the PA in 2007, elected officials on both sides were prevented from holding office and performing their duties. President Mahmoud Abbas appointed a new cabinet in the West Bank that lacked the PLC’s approval. In 2008, PA security forces aligned with Abbas arrested hundreds of Hamas members and supporters. The

rift, combined with Israel's detention of many Palestinian lawmakers, prevented the PLC from functioning, and its term expired in 2010.

"Abbas's term as president expired in 2009. However, because presidential and legislative elections were tentatively scheduled for 2010, PA officials in the West Bank contended that he was entitled to serve another year under the PA's Basic Law, and the PLO indefinitely extended his term in December 2009. The January election date was subsequently canceled, and no new date had been set by the end of 2010." [38e]

See also [History](#); [Recent Developments](#), [Political System](#) and [Security forces](#)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

- 15.04 The USSD Report 2010 stated, "Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, and authorities rarely denied them. However, there was at least one example of PA forces disrupting a meeting during the year." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)
- 15.05 Freedom House's Freedom in the World 2011: WB reported that "Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. There are no laws in the PA-ruled areas to protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law." [38e]

Palestinian Authority (PA) in the West Bank

- 15.06 The USSD Report 2010 noted, "In the West Bank, the PA law allowed for freedom of association, but it was sometimes limited in practice." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 2b) Freedom House's Freedom in the World 2011: WB reported, "The PA requires permits for demonstrations and prohibits violence and racist sloganeering, though the latter are routinely on display during anti-Israel protests. Protests against PA policies are generally disallowed and forcibly dispersed, and Hamas has been effectively banned from holding demonstrations in the West Bank." [38e]
- 15.07 A Middle East Research and Information Project (MERIP) Middle East Report Online (MERO) article of 2 September 2010 reported:
- "In 2007, following Hamas' rout of his security forces in Gaza, Abbas dissolved the government of [Hamas leader, Isma'il] Haniyya and appointed Salam Fayyad in his stead. A relentless three-year campaign of measures then aimed at diluting the clout that propelled Hamas to win the 2006 elections in the West Bank as well as Gaza. Fayyad's government has taken over scores of Hamas-run welfare institutions, detained hundreds of Hamas cadres and suspended the Palestinian Legislative Council, the Palestinian parliament that was intended to hold the Palestinian Authority executive to account.

"After three years of hiding below the parapets, Hamas's political leaders in the West Bank had looked to intra-Palestinian reconciliation to deliver a respite from the political

onslaught. Their parliamentarians tiptoed back into mainstream politics by joining Fatah counterparts in negotiating a joint program for establishing a Palestinian state within the pre-June 1967 borders. To circumvent a ban on demonstrations, Hamas supporters joined weekly protests of ‘popular resistance,’ Palestinian parlance for civil disobedience, against continued Israeli expropriation of West Bank land for settlement building.” [76a] (West Bank Next?)

- 15.08 The MERO September 2010 article, when discussing eroding confidence not only in a future peace deal with Israel but also in the Palestinian leadership itself, continued:

“To maintain stability [in the West Bank], the president’s men have resorted to an increasingly oppressive hand. The PA’s security forces suppress not only Islamist unrest but general dissent -- in late August [2010] disrupting a meeting called to protest the resumption of negotiations. Detainees emerge from prisons testifying to interrogators drilling through kneecaps. For all of Fayyad’s claims to have built institutions, in his bid to maintain power and prevent a vote of no confidence, he has neutered the most important, the Palestinian Legislative Council, Palestine’s prime expression of sovereignty. Local elections, designed to showcase the West Bank as the more democratic half of the Palestinian polity, were annulled after its main faction, Fatah, lost confidence in its ability to win, even though Hamas had declared a boycott.” [76a] (West Bank Next?)

- 15.09 The US Department of State 2010 Country Reports on Human Rights Practices (USSD Report 2010), released 8 April 2011, reported:

“Hamas charged that the PA detained individuals during the year [2010] solely on the basis of their Hamas affiliation, but the PA presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes. For example, Hamas stated that the PA unnecessarily targeted and in some cases carried out wave arrests of Hamas affiliates after PA officers detained seven members of an armed Hamas cell in the West Bank suspected of killing Israelis in shootings in Hebron and Ramallah on August 31 and September 2 [2010], respectively. Similarly, on December 9, PA authorities arrested 28 suspected Hamas supporters within 24 hours in Hebron, Nablus, Bethlehem, Tulkarem, Qalqilia, Salfit, and Jenin.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

See also [Security forces](#) and [Freedom of speech and media](#)

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Hamas in the Gaza Strip

- 15.10 The USSD Report 2010 stated, “Following the 2007 Fatah-Hamas clashes in the Gaza Strip, Hamas banned rallies and impeded freedom of assembly for Fatah members. In 2008 Hamas decreed that any public assembly or celebration in the Gaza Strip required prior permission, in contradiction to the PA basic law.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)
- 15.11 An April 2009 Human Rights Watch (HRW) report, Under Cover of War – Hamas Political Violence in Gaza, noted:

“After Israel began its major military offensive in Gaza on December 27, 2008, Hamas authorities in the territory took extraordinary steps to control, intimidate, punish, and at times eliminate their internal political rivals and those suspected of collaboration with Israel. ... Hamas security forces have also used violence against known Fatah members, especially those who had worked in the Fatah-run security services of the Palestinian Authority (PA). Of particular concern is the widespread practice of maiming people by shooting them in the legs, which Hamas first used in June 2007, when it seized control inside Gaza from Fatah.” [22c] (p1)

“According to the Independent Commission for Human Rights (ICHR), the human rights ombudsman organization of the Palestinian Authority, unidentified gunmen in masks deliberately inflicted bullet wounds to the legs of at least 49 people between December 28, 2008 and January 31, 2009.” [22c] (p1)

- 15.12 Freedom House’s Freedom in the World 2011: Gaza Strip released 9 June 2011 reported:

“Since 2008, Hamas has significantly restricted freedoms of assembly and association, with security forces dispersing public gatherings of Fatah and other groups and killing a number of people. In October 2010, tens of thousands of Gazans rallied in support of Islamic Jihad—an Islamist militant group occasionally at odds with Hamas—and called for the destruction of Israel. In December, another large rally of tens of thousands of Gazans was held in Gaza City to mark the twenty-third anniversary of Hamas.” [38b]

- 15.13 The HRW World Report 2012, published 22 January 2012, noted that “Hamas’s Interior Ministry closed several NGOs in Gaza, including the Sharek Youth Forum.” [22b] (Gaza Strip – Hamas)

Israeli forces in the West Bank and Gaza Strip

- 15.14 Freedom House’s Freedom in the World 2011: WB, released 9 June 2011 reported:

“The IDF [Israeli Defence Force] sometimes respects freedom of assembly, though permission is required and demonstrations are routinely broken up with force. In 2010, Israeli authorities renewed the use of Military Order 101, which requires an IDF permit for all ‘political’ demonstrations of more than 10 people. Israeli forces continued to restrict and break up frequent and sometimes violent demonstrations in opposition to the security barrier, especially those near the towns of Bil’in and Nil’in. In March, Israeli authorities barred foreigners and Israelis from the towns and declared the nearby protest areas to be closed military zones every Friday for six months. The IDF—which cited over 100 injuries to its personnel—regularly used rubber-coated bullets, stun grenades, and tear gas against the protesters, and has repeatedly been accused by human rights groups of using live fire, a charge it denies. In October, an Israeli military court sentenced Abdallah Abu Ramah, a protest leader from Bil’in, to one year in prison for ‘incitement and riot’ and protesting without a legal permit. Arrested in December 2009, Abu Ramah had already served 10 months of his sentence, which was condemned by human rights groups as well as the EU; he was released in December 2010.” [38e]

- 15.15 The USSD Report 2010 stated, “Israel maintained prohibitions on at least seven prominent East Jerusalem-based Palestinian institutions--the Orient House, the de facto PLO office in Jerusalem, the East Jerusalem Chamber of Commerce, the Higher Arab

Council for Tourism, the Palestine Research Center, the Palestinian Prisoners Club, and the Social Research Office--claiming that the groups violated the Oslo Accords by operating on behalf of the PA in Jerusalem.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)

15.16 The same report also noted:

“Israeli security forces used force against Palestinians and others involved in demonstrations in the West Bank and East Jerusalem, killing two West Bank protesters and one antibarrier demonstrator during the year. The IDF used force particularly against protests by the Popular Resistance Committee against the construction of the separation barrier.

“On January 15, the Jerusalem District Police arrested 17 demonstrators during a nonviolent protest in Jerusalem, including Hagai El-Ad, ACRI's [Association of Civil Rights in Israel] executive director. The demonstrators claimed authorities detained them for 36 hours, then released them without condition after the Jerusalem Magistrate Court ruled that there was no legal cause for their arrest. ACRI stated the arrests exemplified what it described as a growing trend by the police to disperse demonstrators unlawfully and conduct arbitrary arrests to intimidate demonstrators.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)

15.17 The Human Rights Watch (HRW) World Report 2012 on events in 2011, released 22 January 2012 reported:

“After the end of an arrest operation, soldiers fatally shot two men while they were standing with a group of demonstrators who were throwing stones, B'Tselem reported. In another case, a soldier shot and killed an unarmed resident of Qusra who was protesting against settler incursions on village lands. Soldiers shot and killed an unarmed 66-year-old man in his bed after mistakenly entering his home in search of a suspected Hamas member, according to Palestinian rights groups and international media reports.” [22b] (West Bank – Israel)

Treatment of members of the Palestinian Legislative Council (PLC)

15.18 The Addameer Prisoner Support and Human Rights Association Quarterly Update on Palestinian Prisoners from 15 January to 15 April 2011 reported that 13 members of the PLC were in detention as of 31 March 2011, although it did not record the political affiliation of those members. [75a] (p1) The USSD Report 2010 stated that “Ten Palestinians held by Israel were members of the PLC.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 1e)

The Addameer [Quarterly Update on Palestinian Prisoners](#) also provided other detailed information on the arrest, detention and treatment of members of the PLC during the period 15 January to 15 April 2011. [75a] (p2-3)

15.19 The United Nations (UN) News Service reported on 23 January 2012 that:

“Mohammed Totah, a member of the Palestinian Legislative Council (PLC), and Khaled Abu Arafah, the former minister for Jerusalem Affairs, were arrested today by the Israeli police inside the premises of the International Committee of the Red Cross (ICRC) in Jerusalem.

“A family member of one of the two men present at the time of arrest was also arrested.

“Together with Ahmed Attoun, a PLC member who was arrested in September 2011, Mr Abu Arafah and Mr Totah had been staging a sit-in on the premises of the ICRC since 1 July 2010 to protest against a decision taken by the Israeli authorities to deport them.”
[90b]

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16. FREEDOM OF SPEECH AND MEDIA

For further information on the situation regarding freedom of speech and the media in the Occupied Palestinian Territories (OPTs) see the website of the [Palestinian Center for Development and Media Freedoms \(MADA\)](#) [77] and the country specific pages on the websites of [Reporters sans Frontières](#) [51a] and the [Committee to Protect Journalists](#) [58b]

16.01 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, noted:

“The PA [Palestinian Authority] Basic Law provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws specifically providing for freedom of press; however, PA institutions applied aspects of an unratified 1995 press law as de facto law. In practice, however, the PA security forces in the West Bank and members of the Hamas security apparatus in the Gaza Strip continued to restrict freedom of speech and press. Self-censorship continued as a result of political and social pressures.

“Although there is no PA law prohibiting criticism of the government, there were reports that the government was not fully tolerant of criticism. The PA prohibits calls for violence, displays of arms, and racist slogans but rarely enforced these provisions.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.02 The Freedom House report, Freedom of the Press 2011: Israel-Occupied Territories and Palestinian Authority, covering events in 2010, released 23 September 2011, noted that “The Palestinian basic law and the 1995 Press and Publication Law provide for freedom of the press and freedom to establish media outlets, and state that there should be no censorship. However, restrictions are allowed if press activity threatens ‘national unity’ and ‘Palestinian values.’ This vague terminology gives authorities ample leeway to impede journalistic activity.” [38d]

16.03 Amnesty International’s Report 2011: Palestinian Authority (AI Report 2011: PA), released 13 May 2011, reported “Both the PA in the West Bank and the Hamas de facto administration in Gaza maintained tight controls on freedom of expression, and harassed and prosecuted journalists, bloggers and other critics.” [35b]

16.04 Freedom House’s Freedom of the Press 2011 reported:

“Press freedom in the Palestinian territories is restricted by ongoing violence, as well as abuses by three governing authorities: the Palestinian Authority (PA) in the West Bank, controlled by the Fatah faction; the Gaza Strip government led by the Islamist group Hamas; and the Israeli military, which occupies parts of the West Bank and is at war with Hamas in Gaza. Journalists faced harassment, detentions, assaults, and restrictions on their freedom to report throughout 2010.” [38d]

16.05 A further report by RSF, dated 6 August 2010, noted:

“There has been a new wave of harassment and violence against journalists in the occupied Palestinian Territories as the political tension between Hamas and Fatah continues to take its toll on the media. In one of the latest cases, Ahmed Fayadh of the Aljazeera.net news website was beaten by police yesterday in Khan Yunis, in the southern Gaza Strip.

“‘The climate is becoming more and more unbearable for the media,’ Reporters Without Borders said. ‘Not a week goes by without flagrant press freedom violations in the Gaza Strip or the West Bank. It is becoming increasingly common for journalists to be made to pay for the political rivalry between Hamas and Fatah. We urge the leaders of the Palestinian Authority and the Hamas government to act responsibly.’” [51d]

16.06 The USSD Report 2010 stated, “Israeli authorities placed limits on certain forms of expression in the occupied territories. For instance, in East Jerusalem, displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and of support for terrorist groups.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.07 The Committee to Protect Journalists’ (CPJ) Attacks on the Press 2010: Israel and the Occupied Palestinian Territory, published 15 February 2011, reported that “The press operated in a highly polarized environment as Israeli, Hamas, and Fatah officials, all intent on controlling international news coverage, subjected journalists to harassment, detentions, censorship, and severe restrictions on their movements.” [58a]

16.08 The CPJ report Attacks on the Press in 2011: Israel and the Occupied Palestinian Territory, published 22 February 2012, provided the following overview of events in 2011:

“Hamas forces in Gaza cracked down on journalists covering March [2011] demonstrations that called for Palestinian unity. Local journalists were attacked, media bureaus raided, and journalistic material confiscated. In April, three photographers were assaulted in the West Bank while covering skirmishes between Palestinians and Israeli settlers in a village south of Nablus. In May, an Israeli soldier shot and seriously wounded Palestinian photographer Mohammed Othman, who was covering clashes between the Israeli military and Palestinians near the Erez Crossing. New legal restrictions were introduced: In July, the Israeli parliament passed an ‘anti-boycott’ law making it a civil offense to support any boycott, divestment, or sanction campaign aimed at Israel based on its Palestinian policies. Journalists could face legal action for even insinuating support of a boycott. Hamas, meanwhile, adopted a new requirement that international journalists obtain Interior Ministry permission before entering Gaza, news reports said. Israeli authorities were holding four Palestinian journalists without charge in late year; Hamas was imprisoning three others, also without charge.” [58c]

See the 2011 [CPJ report](#) for further detailed information on the above events. [58c]

- 16.09 In its Annual Report 2012: Violations of Media Freedoms in the Occupied Palestinian Territories, the Palestinian Center for Development and Media Freedoms (MADA) reported that:

“Overall, the Palestinian territories witnessed a slight improvement media freedoms during 2011, however journalists and Palestinian media as a whole still suffer the tyranny of the Israeli Occupation Forces (IOF) and settlers with their continued attacks against journalists and media institutions, in addition to violations committed by Palestinian security forces in the West Bank and Gaza Strip...

“The Palestinian Center for Development and Media Freedoms (MADA) identified a total of 206 violations against media freedoms in the occupied Palestinian territories during 2011, changing little from MADA’s total violations count of 218 in 2010. Although the numbers show a decrease of 12 in the total number of violations compared with 2010, these number[s] cannot be considered a qualitative improvement in media freedoms considering the seriousness and brutality of a number of the violations that occurred in 2011.

“The most serious and heinous violation seen in 2011 was the crime of killing Italian journalist Vittorio Arrigoni by an armed group in Gaza.” [77a] (Summary)

- 16.10 MADA’s 2012 report continued:

“One of the most striking new trends found in 2011 is the outnumbering of IOF violations by Palestinian violations, albeit by a small margin, with 106 violations committed by Palestinian security services in the West Bank and Gaza Strip and 100 violations committed by Israeli occupation forces and settlers - compared to 79 Palestinian security service violations and 139 Israeli military and settler violations in 2010.

“It is worth noting two important issues in this regard however, firstly that although the total number of Israeli violations were smaller than the year 2010, those committed constituted a greater threat to the health and wellbeing of the journalists targeted with the excessive and inappropriate use for example of crowd control weaponry such as rubber coated steel bullets, tear gas, concussion grenades and the recently introduced Long Range Acoustic Device (LRAD), coined ‘The Scream’. Secondly, that in cases of non-violent abuses, such as restriction of movement, prohibition from travel or prevention from covering an event, many journalists do not report the incident. In addition, it is also important to note the different Palestinian security service trends seen in the two divided Palestinian territories, with 2011 seeing 62 violation in the Gaza Strip and 44 in the West Bank.” [77a] (Summary)

- 16.11 A MADA report on attacks on the freedom of the press in the occupied Palestinian territories (oPts) during the first six months of 2011 stated:

“Analysis has shown that the increase in Palestinian Security Service violations is proportionate to the increased number of youth rallies, demanding an end to the internal Palestinian political divisions, and their coverage by journalists, which began and have continued since 15 March 2011. 30 violations committed by Palestinian Security Services against journalists were committed in March alone, with the majority occurring in the Gaza Strip.” [77c]

See MADA's [Annual Report 2012: Violations of Media Freedoms in the Occupied Palestinian Territories](#) for more detailed information on specific cases of media violations during 2011.

- 16.12 CPJ wrote a letter to Israeli Prime Minister Benjamin Netanyahu in January 2012, "...expressing alarm over the deterioration of press freedom in Israel, which included ongoing attacks on and detention of journalists in the Occupied Palestinian Territories." (CPJ, 29 February 2012) [58d]
- 16.13 The RSF World Press Freedom Index 2012 rated the Palestinian Territories at number 153 in the world, down three places from the previous year, noting that, "The Palestinian Territories fell three places because of attacks on journalists during demonstrations by Palestinians calling for an end to the war between Fatah and Hamas, and because of an illegal takeover by Hamas supporters of the journalists' union in Gaza City." [51f]

See also [Political affiliation](#), [Human rights institutions, organisations and activists](#) and [Recent Developments](#)

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PRINT MEDIA

- 16.14 The USSD Report 2010 noted, "Across the occupied territories, three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids were published...Violence between Hamas and Fatah resulted in polarization of the Palestinian press. International news outlets continued to maintain offices and stringers in the Gaza Strip." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.15 Freedom House's Freedom of the Press 2011 reported:
- "There are three daily West Bank Palestinian newspapers—Al-Hayat al-Jadidah, which is completely funded by the Fatah-controlled PA; Al-Ayyam, which is partially funded by the PA; and Al-Quds, a privately owned paper based in Jerusalem that is subject to Israeli military censorship. Distribution of these papers in Gaza was banned by the Hamas government in July 2008, and although the bans on all but Al-Hayat al-Jadidah were subsequently lifted, Israel began blocking their distribution in Gaza that year as part of its broader sanctions on Hamas. In July 2010, Israel lifted its ban on shipments of the papers, but according to CPJ, Gaza authorities again prevented their distribution, allegedly demanding that the editors agree not to criticize Hamas. Meanwhile, a June 2007 ban on the Hamas-affiliated newspapers Felesteen and Al-Resaleh in the West Bank remains in place." [38d]
- 16.16 The USSD Report 2010 stated, "The PA maintained a distribution ban in the West Bank on the twice-weekly pro-Hamas al-Risala and the Filistin daily, both Gaza-based publications." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.17 Reporting on the distribution ban of PA newspapers in Gaza, the CPJ report Attacks on the Press 2010: Israel and the Occupied Palestinian Territory, published 15 February 2011, stated:

“The multifaceted standoff in Gaza between Israeli authorities, Fatah, and Hamas created surreal restrictions on the press. For example, as part of Israel's sanctions against Gaza, enacted in 2008, authorities restricted the entry into Gaza of newspapers printed in the West Bank. In July 2010, Israeli authorities announced they would allow three daily papers, Al-Hayat al-Jadida, Al-Ayyam, and Al-Quds, to enter Gaza. The following day, Hamas security forces blocked distributors in Gaza from picking up the papers at the Erez Crossing, according to news reports and CPJ interviews. The newspapers, considered pro-Fatah, were directed to sign an agreement stating that they would not criticize Hamas in order to enter the strip, according to Abdel Nasser al-Najjar, chairman of the Palestinian Journalists Syndicate and editorial director of Al-Ayyam. A Hamas spokesman contacted by CPJ denied that Hamas had requested such a promise.” [58a]

- 16.18 The USSD Report 2010 noted that the “[Israeli] Authorities reviewed Arabic publications for material perceived as a security threat; this review pertained to all Jerusalem-based publications, but al-Quds was the only newspaper in the occupied territories subjected to regular Israeli censorship.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

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RADIO AND TELEVISION

- 16.19 The USSD Report 2010 noted:

“During the year [2010] the PA ministries of information, interior, and telecommunications established and enforced the registration and licensing of local Palestinian television and radio stations. Registration fees ranged from 3,500 to 25,000 Jordanian dinars (approximately \$5,000 to \$35,000). During the year a number of smaller local radio and television stations were forced to close, at least temporarily, as they raised funds to cover the registration and annual licensing fees.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

- 16.20 The Freedom House Freedom in the World 2011 report noted, “In the West Bank, the PA Ministry of Information regulates all television and radio station licenses.” [38d]

- 16.21 The same source also reported:

“There are approximately 45 privately owned television stations, and the PA funds the official Palestinian Broadcasting Corporation (PBC), which is under the direct control of Abbas. The PA has closed down Al-Aqsa television offices in the West Bank towns of Ramallah, Jenin, and Tulkarm. PBC transmissions have been blocked in Gaza since the Hamas takeover in 2007, while the Voice of the People radio station, operated by the Popular Front for the Liberation of Palestine, is generally allowed to operate but occasionally blocked. The Israeli military has utilized coercive tactics to restrict broadcasting by stations deemed to be advocating terrorism.” [38d]

- 16.22 The USSD Report 2010 stated:

“Since 2007 only pro-Hamas broadcast media and the Voice of the People, a radio outlet affiliated with the terrorist organization Popular Front for the Liberation of Palestine, operated in the Gaza Strip. Hamas maintained the closure of all Fatah-

affiliated television and radio broadcast outlets in the Gaza Strip. The Fatah-allied Palestinian television and Voice of Palestine radio continued operating in Ramallah after relocating there from the Gaza Strip in 2007. Two other Fatah-affiliated radio stations in the Gaza Strip, al-Hurriyah and al-Shabab, remained off the air during the year [2010].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

- 16.23 On 29 February 2012, the CPJ reported an early morning raid that day by Israeli soldiers on two private Palestinian television stations in Ramallah:

“About 30 Israeli soldiers raided the offices of Wattan TV, the privately owned news broadcaster, and confiscated the station's transmitters, computers, and other equipment, the broadcaster and several news outlets reported. Israeli soldiers also raided the Ramallah-based Al-Quds Educational Television, a project of Al-Quds University, and confiscated the station's transmitters and other equipment, according to news reports. The station broadcasts children's educational programs, news reports said.” [58d]

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INTERNET

- 16.24 The USSD Report 2010 noted:

“According to a report issued by the Palestinian Central Bureau of Statistics in 2009, 32.3 percent of Palestinians had access to the Internet. There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

“On October 31 [2010], PA authorities arrested Walid Husayin, a 26-year-old barber from Qalqilya, and charged him with insulting Islam after he posted provocative comments about atheism on his blog and on social media. At year's end he had not been granted a trial and remained in prison.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

- 16.25 Freedom House's Freedom of the Press 2011 report stated, “About 37 percent of the population in the Palestinian territories used the internet in 2010, and its use is not subject to restriction.” [38d]

JOURNALISTS

- 16.26 Information on RSF's website, accessed on 20 February 2012, stated:

“Journalists have been paying dearly in the power struggle between Fatah and Hamas in the Palestinian Territories since Hamas seized power in the Gaza Strip in June 2007. The media is sharply divided between those linked to the Palestinian Authority and those in Hamas-ruled Gaza. Arresting journalists has become a way to settle scores. Nobody is spared and the lack of agreement between the two movements on holding parliamentary and presidential elections in 2010 has aggravated the situation. In the West Bank, the Palestinian Authority's security forces and intelligence service controlled by President Mahmoud Abbas made many arbitrary arrests of pro-Hamas journalists in 2010, including about 40 journalists working mainly for the Hamas-funded Al-Aqsa TV

100 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

who were questioned about their work, source of funding and links with Hamas government officials.” [51c]

- 16.27 Regarding the situation in Gaza, further information on RSF’s website, accessed on 20 February 2012, stated:

“Threats, physical violence and arbitrary arrest and detention by Hamas [sic] security forces are common. A score of journalists were arrested or roughed up during 2010 by the Hamas interior ministry’s security service. Such measures oblige Palestinian journalists to censor themselves. Security forces have harshly broken up meetings since mid-March 2011 in the centre of Gaza City organised by the ‘March 15 Coalition’ calling for reconciliation between Hamas and Fatah, and have arrested and beaten journalists, including about 20 on 15 March [2011]. Security forces raided many local and foreign media offices on 19 March looking for photos of the crackdown.” [51e]

- 16.28 CPJ’s Attacks on the Press 2010 reported, “Journalists operating in the Palestinian territories were subjected to harassment and censorship by Hamas officials in Gaza and by Palestinian Authority officials in the West Bank. Each party maintained a ban on the distribution of publications they perceived as partisan, and they each obstructed the work of journalists perceived as favoring the other side.” [58a] Further, “In October [2010], the Hamas Internal Security agency shuttered the office of the Palestinian Journalists Syndicate in Gaza. The syndicate had been holding workshops aimed at uniting journalists across the West Bank and Gaza. The International Federation of Journalists accused Hamas of ‘targeting journalists who wish to promote solidarity and unity within the Palestinian community.’ Hamas offered no explanation for the move.” [58a]

- 16.29 The CPJ’s 2010 report also noted:

“Journalists attempting to operate in the West Bank also faced restrictions from the Israel Defense Forces (IDF). A troubling series of press freedom violations in the West Bank, including detentions, censorship, and physical attacks by Israeli soldiers, prompted CPJ in March [2010] to call on Israeli authorities to end the harassment of journalists and bring the IDF’s practices in line with international standards of press freedom, which allow journalists to conduct their work without deliberate interference.” [58a]

- 16.30 The Human Rights Watch (HRW) report, No News is Good News: Abuses against Journalists by Palestinian Security Forces, published April 2011, reported that:

“Security forces of the Palestinian Authority (PA) have arbitrarily detained scores of West Bank journalists since 2009, and in some cases abused them during interrogation in a manner that amounted to torture. Like other Palestinian victims of abuse by the PA’s security services, these journalists confront a virtual wall of impunity when they try to hold their abusers accountable, leaving the victims feeling vulnerable to further harassment and abuse. The combination of abuse and impunity has, according to some journalists, produced an intended ‘chilling effect’ on free expression and led to increasing self-censorship...

“Journalists in the Gaza Strip have also faced arbitrary detention, assault, and other forms of harassment from the Hamas authorities there. The focus of this [HRW] report is on PA abuses in the West Bank, but that focus is not meant to imply an absence of abuses by Hamas in Gaza. Although reported abuses against journalists have been

less frequent in Gaza, Human Rights Watch continues to monitor the situation there closely and includes in this report two cases of abuse by Hamas authorities to demonstrate that problems do exist.

“Human Rights Watch cannot point to instructions from PA leaders to the security services that they commit these violations, but the utter failure of the PA leadership to address the prevailing culture of impunity for such abuses suggests that they reflect government policy.” [22e] (Summary)

See the April 2011 [HRW report](#) directly for more detailed information on the treatment of journalists, including case studies.

See also [History](#); [Political system](#); [Security forces](#) and [Political affiliation](#)

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Israeli forces in the West Bank and Gaza Strip

16.31 The USSD Report 2010 noted:

“As a general rule, Israeli media were able to cover the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs... Israel revoked the press credentials of the majority of Palestinian journalists during the Second Intifada in 2000, with the exception of a few Palestinian journalists who worked as stringers for prominent international media outlets. As a result most Palestinian journalists were unable to cover stories outside the Palestinian-controlled areas of the West Bank.

“There were reports of Israeli authorities detaining or assaulting journalists during the year.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.32 The April 2011 HRW report noted that, “The Israel Defense Forces (IDF) have reportedly assaulted, arbitrarily detained, and otherwise harassed Palestinian journalists working for local and international media in the occupied territories on numerous occasions since 2009. In 2009, MADA reported 79 such violations by Israeli forces in the occupied territories. In 2010, the number rose to 139.” [22e] (p4)

16.33 CPJ’s Attacks on the Press 2010 reported:

“Tensions peaked in June [2010], when Israeli troops stormed a convoy of ships carrying aid to the Gaza Strip, which was under an Israeli blockade, killing nine passengers and injuring dozens, detaining numerous accompanying reporters, and seizing journalistic material. Israeli authorities accused the organizers of the convoy of subterfuge, while pro-Palestinian activists attempted to use the episode to highlight what they viewed as repressive Israeli policies toward Gaza residents.

“The Israeli military detained hundreds of people during the operation, including at least 18 journalists from Australia, Brazil, Bulgaria, Jordan, South Africa, the United Arab Emirates, Pakistan, Turkey, Morocco, and Italy. Many were held for days before being released or deported. Firsthand accounts indicated that Israeli authorities harassed the

detained journalists, at least six of whom had their equipment either confiscated or destroyed.” [58a]

- 16.34 The RSF Country Report – Israel/Occupied Palestinian Territory, released 1 November 2011 (RSF Country Report 2011), stated “...the Israeli army is responsible for numerous abuses against media workers in the Palestinian Territories, where its policies are virtually arbitrary in nature...Journalists of Israeli nationality have been barred from the Palestinian Territories for almost five years. Only Amira Hass of Haaretz has defied the ban by living in Ramallah.” [51b] The same report also noted that:

“Palestinian journalists are among the main targets of the Israeli military. The photojournalist Mohamed Othman was shot and seriously wounded by an Israel soldier near the Erez border crossing between Israel and the Gaza Strip on 15 May this year [2011]. He was covering clashes between Palestinian youths and Israeli soldiers during Nakba, the day when Palestinians commemorate the displacement that followed the declaration of the state of Israel in 1948. Wounded in the chest, he is handicapped for life.” [51b]

- 16.35 The Freedom House Freedom of the Press 2011 reported:

“Israeli security services continued to harass and detain reporters during the year, and were repeatedly accused by local and international press freedom organizations of targeting journalists for assault and arbitrary detention. Soldiers fired tear gas, rubber bullets, and stun grenades at journalists covering events throughout the West Bank, particularly those from Palestinian news organizations and from Al-Jazeera. Soldiers also confiscated journalists’ equipment on a number of occasions in 2010. Freedom of movement is restricted by the Israeli checkpoint system, which requires military permission for passage into Israeli territory and often hinders travel within the West Bank. In addition, the IDF has increasingly restricted coverage of the regular protests near the Israeli security barrier in the West Bank by declaring such areas ‘closed military zones.’” [38d]

- 16.36 Additionally, the same Freedom House report stated:

“Israeli security policies and military activities also continued to restrict Palestinian media freedom in 2010. Israeli journalists have been prohibited from entering the Gaza Strip since 2006 under a military decree that cites journalists’ personal safety. This ban was extended to all foreign journalists from November 2008 to late January 2009, when a ceasefire ended an Israeli incursion into Gaza. However, Israeli journalists are still barred from entering. In June 2010, Israeli commandos arrested and detained 18 international journalists during a raid on a Gaza-bound activist flotilla that was attempting to bring goods into the territory to protest an Israeli naval blockade; nine people were killed and dozens injured during the operation. Many of the journalists were detained in Israeli jails and released after a few days, in some cases without their possessions or travel documents.” [38d]

- 16.37 Commenting on the flotilla incident, the RSF Country Report 2011 noted that “The Israeli authorities temporarily banned the publication of any information about the casualties, who were transported to hospitals inside Israel. More than 60 journalists were arrested or expelled. Many are still waiting for the return of equipment seized at the time.” [51b]

For further information on the treatment of journalists by Israeli forces, refer to the Palestinian Centre for Human Rights (PCHR) [Silencing the Press Report on Israeli Attacks against Journalists](#) of September 2009. [44g]

See also [History](#) and [Security situation](#)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

This section should be read in conjunction with [Non-Governmental Organisations providing humanitarian aid](#)

PALESTINIAN AUTHORITY (PA) IN THE WEST BANK

17.01 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated:

“Palestinian human rights groups and several international organizations generally operated without PA [Palestinian Authority] restriction, and officials cooperated with their efforts to monitor the PA's human rights practices.

“PA officials generally cooperated with and permitted visits by UN representatives or other organizations, such as the ICRC [International Committee of the Red Cross]. Several PA security agencies, including the General Intelligence Service and the Civil Police, appointed official liaisons with human rights groups.

“The quasi-governmental ICHR [Independent Commission on Human Rights] continued serving as the PA's ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas; the ICHR also issued formal recommendations to the PA.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

17.02 On 19 January 2012, Human Rights Watch (HRW) reported that:

“In the West Bank, a member of the Palestinian Authority's Preventive Security agency beat Yazan Sawafta, a lawyer and researcher for the Independent Commission for Human Rights on January 9, according to a statement by the group. Sawafta had been covering a demonstration by relatives of prisoners detained by the PA...

“The rights ombudsman's office said it had identified the Preventive Security officer who attacked Sawafta and confiscated his identity documents and camera, which have not been returned, and complained to the PA about the attack.” [22j]

HAMAS IN THE GAZA STRIP

17.03 Freedom House's report Freedom in the World 2011: Gaza Strip released 9 June 2011 reported that, in Gaza:

“There is a broad range of Palestinian NGOs and civic groups, and Hamas itself operates a large network that provides social services to certain Palestinians. However, following the 2009 conflict between Hamas and Israel, Hamas restricted the activities of aid organizations that would not submit to its regulations or coordinate with its relief efforts. Many civic associations have been shut down for political reasons since the 2007 split in the PA.” [38b]

17.04 The USSD Report 2010 stated:

“In the Gaza Strip, Hamas authorities pressed international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas-controlled ‘Ministry of Social Affairs.’ Several Gaza-based NGOs reported that Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to assure compliance and summoned NGO representatives to police stations for questioning. On May 24, Hamas authorities prevented the ICHR from holding a press conference to release its annual human rights report.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

17.05 At a press conference in Jerusalem on 11 February 2011, the UN High Commissioner for Human Rights, Navi Pállay, remarked:

“I commend Gaza human rights defenders and civil society organizations for their courageous efforts to promote human rights, accountability and the respect for the rule of law. In particular, I wish to salute the many organizations devoted to the rights of women in Gaza. Their work is absolutely essential. Recent crackdowns by the de-facto authorities, including forced closures of NGOs as well as efforts to limit the independence and unity of the Independent Commission for Human Rights, are unacceptable. One human rights defender told me that civilians were in the ‘eye of the storm between Fatah and Hamas.’” [61b]

17.06 On 18 and 19 January 2012 Amnesty International (AI) [35g] and Human Rights Watch (HRW) [22j] reported multiple attacks on a human rights activist in Gaza and both organisations called for independent investigations into the attacks. HRW reported:

“In Gaza, Mahmud Abu Rahma, the international relations director for Al Mezan Center for Human Rights, a Palestinian rights group, was stabbed repeatedly on the night of January 13, 2012, by masked assailants, after being beaten by a group of unidentified men on January 3. The attacks followed his public criticism of Hamas and the impunity of armed groups in Gaza. Al Mezan had previously informed Hamas of death threats against him.” [22j]

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ISRAELI FORCES

17.07 The Palestinian Center for Human Rights’ (PCHR) Annual Report 2010, published 9 May 2011, stated:

“... Israeli forces have continued to impose severe restrictions on the activities of Palestinian NGOs in Jerusalem, claiming that they are linked with the Palestinian Liberation Organization (PLO) and/or the PNA [Palestinian Nationality Authority], even

though the identity and activities of those NGOs are clear. Measures by Israeli forces included raiding the offices of NGOs and prohibiting or closing down official and public meetings, including those of a social nature, claiming that such activities are linked with the PLO or the PNA.” [44d] (p21-22)

17.08 The USSD Report 2010 stated:

“Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although restrictions on freedom of movement in the West Bank, fighting, and access restrictions in the Gaza Strip made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences; it provided the ICRC with access to most detainees.

“On January 31 [2010], several NGOs including B'Tselem, Gisha, Yesh Din, and PHR-Israel, submitted a complaint to Israel's president and prime minister regarding the government's obstruction of their work in the occupied territories. They claimed that Shin Bet had summoned demonstrators and human rights activists for investigation and, in some cases, warned activists that they must refrain from political activity. The NGOs claimed that Israeli military authorities placed severe restrictions on organizations working in the occupied territories to provide medical care, accompany residents to their agricultural work and children to school, and help residents file complaints of violence by Israeli security forces or settlers.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

17.09 Addameer prisoners' support and human rights organisation reported on 11 October 2011 that Israel had imposed “...a six month ban on entry into the West Bank (as defined by Israel) on the Chairman of its Board of Directors, Abdullatif Ghaith. Mr. Ghaith, a 70-year-old East Jerusalem resident, is one of the founders of Addameer and has been serving on the Board for the past twenty years, in addition to his other activities in the field of human rights in East Jerusalem and the West Bank.” [75d]

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18. FREEDOM OF RELIGION

18.01 The Demography section, last updated 24 June 2011, of Jane's Information Group (Jane's) Sentinel country risk assessments, Gaza and the West Bank, reported, “Islam is the dominant religion in the Gaza Strip, with 99 per cent of the population predominantly following the Sunni faith. The rest is Christian. In the West Bank 75 per cent of the population is Muslim. Of the remainder, 17 per cent are Jewish and eight per cent Christian.” [28a] (Religion)

18.02 The Minority Rights Group International (MRG) report, State of the World's Minorities and Indigenous Peoples 2011 - Israel and the Occupied Palestinian Territory (OPT), published 6 July 2011, stated that, “According to the international news agency Reuters, around 17,000 Catholics live in the West Bank. The number has shrunk as people have left in search of a better quality of life, members of the community have reported.” [63a]

18.03 The Guardian reported on 23 December 2010 that:

106 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

“About 3,500 Christians live in Gaza among 1.5 million Muslims. Relations have traditionally been good, though there has been sporadic violence since the Islamist Hamas movement wrested control three years ago...

“During the Hamas takeover vandals ransacked a Roman Catholic convent and an adjacent school, breaking crosses and smashing the face of a ceramic Jesus. In the following months, unidentified assailants detonated a bomb outside a Christian school, firebombed a Christian bookshop, and killed a Christian who worked at one. Hamas says it is committed to protecting the Christian minority, but no arrests have been made in any of the incidents. Christians comprise less than 2% of the West Bank and Gaza, compared with 15% in 1950. Like many other Christian communities across the Middle East, many have moved abroad to flee political tensions or in search of economic opportunity.” [98a]

- 18.04 The US Department of State’s 2010 Report on International Religious Freedom: Israel and the occupied territories (USSD IRF 2010) released 13 September 2011, covering the period 1 July to 31 December 2010, stated:

“The Palestinian Authority (PA) does not have a constitution, but has stated that the Palestinian Basic Law functions as its temporary constitution. The Basic Law provides for freedom of belief, worship, and the performance of religious rites, unless such practices violate public order or morality. In practice, the government generally enforced these protections. PA government policy contributed to the generally free practice of religion, although problems persisted during the reporting period. The Basic Law states that Islam is the official religion and the principles of Sharia (Islamic law) shall be the main source of legislation. The Basic Law also proscribes discrimination based on religion and stipulates that all citizens are equal before the law and that basic human rights are liberties that shall be protected.” [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority)

- 18.05 A Human Rights Watch document dated 5 December 2010 stated that:

“Offending religious belief is a crime under the civilian and military penal codes applied by the PA in the West Bank. Article 278 of the Jordanian (civil) Penal Code of 1964, in force in the West Bank, criminalizes the publication of a text, drawing, or symbol that ‘insults religious feeling or belief’ and imposes a prison sentence of up to three months and a fine; article 330 of the Palestine Liberation Organization (military) Revolutionary Penal Code of 1979 contains virtually the same crime and punishment.” [22g]

- 18.06 Freedom House’s survey Freedom in the World 2011: West Bank (Freedom in the World 2011: WB), released 9 June 2011, reported:

“The PA generally respects freedom of religion, though no law specifically protects religious expression. The Basic Law declares Islam to be the official religion of Palestine and also states that ‘respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained.’ Personal status law, which governs marriage and divorce, is based on religious law; for Muslims it is derived from Sharia (Islamic law), and for Christians it is governed by ecclesiastical courts.” [38e]

- 18.07 The March 2010 Freedom House Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories) (Freedom House Women’s Rights 2010 report) stated:

“Marriages between Christian and Muslim Palestinians are uncommon, although they do occur. They are generally frowned upon, and Christian women have been killed under the pretext of protecting family honor as a result of such marriages. Christian men must convert to Islam if they wish to marry Muslim women. While Christian women marrying Muslim men are not obliged to convert, law prevents Christian wives from inheriting from their husbands.” [38c] (Autonomy, Security, and Freedom of the Person)

18.08 The USSD IRF 2010 report noted that:

“In the Gaza Strip, the PA was unable to curb Hamas' enforcement of conservative Islamic law, prevent Hamas' harassment of non-Muslims and religious restrictions on women, or promote religious freedom...

“There was no change in the status of respect for religious freedom by the PA during the reporting period. In the Gaza Strip, where Hamas maintained control, the regime's level of respect for religious freedom in law and in practice remained problematic during the reporting period [1 July – 31 December 2010].

“There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Christians and Muslims generally enjoyed good relations during the reporting period in the Occupied Territories and in Jerusalem. However, societal tensions remained high among Jewish communities, and between Jews and non-Jews; continuing violence heightened those tensions.” [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority) - Section II)

For further details, including information on the attitude of Palestinian society to religious freedom in the OPTs, refer to the [USSD IRF 2010 report](#). [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

18.09 Freedom House's survey Freedom in the World 2011: WB, released 9 June 2011, reported that, “Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials. In late October [2010], blogger Waleed Hasayin was arrested on charges of defaming Islam and the Koran and violating the PA's blasphemy laws; Hasayin was still being detained at year's end [2010] while the PA investigated the allegations.” [38e]

18.10 On 5 December 2010, Human Rights Watch called for Waleed Hasayin's release and reported that “Hasayin has been investigated by the military judiciary but has not been charged with any crime.” [22g] Agence France Presse (AFP) reported on 6 December 2010 that, according to security sources, Hasayin was being kept in prison for his own safety: “It is impossible to release him because we are afraid he will be killed by his family,’ a security source in Qalqilya told AFP, adding that relatives had disowned Hussein after his arrest.” [97a]

18.11 The MRG report published 6 July 2011 reported that in the Gaza Strip, “MRG has noted that over the last decade, the area has become subject to increasing religious radicalization. Many Christians have fled the area's political tensions in the last decade.” [63a]

18.12 The Guardian reported on 23 December 2010 that more than 500 Christians had been allowed by Israel to cross the blockade and visit Bethlehem for Christmas that year. The same article also reported:

“The Rev David Neuhaus, Roman Catholic vicar for the tiny Hebrew-speaking Christian population in the Holy Land, said violence against Gaza Christians was largely ‘Islamic fundamental vigilante justice’ and not the Hamas regime. Nonetheless, he said, life was extremely difficult. ‘They are not targeted by authorities, but life is not simple when you live minute by minute according to the mores of a different religion. The Islamic lifestyle that is being imposed is foreign to how Christians lead their lives.’” [98a]

- 18.13 The USSD IRF 2010 report noted that “Hamas largely tolerated the small Christian presence in Gaza and did not force Christians to abide by Islamic law, although they were indirectly affected by Hamas’ religious ideology, according to church leaders. Due to Hamas’ continued control of Gaza, the PA was unable to investigate and prosecute Gaza-based cases of religious discrimination.” [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

See also [Geography](#); [Security forces](#); [Political affiliation](#); [Ethnic groups](#) and [Women](#)

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ISRAELI IMPACT

- 18.14 The USSD IRF 2010 report noted:

“The Israeli government generally enforced existing legal restrictions on religious freedom within the Occupied Territories during the reporting period [1 July – 31 December 2010]. The strict closure policies and the separation barrier constructed by the Israeli government severely restricted the ability of Palestinian Muslims and Christians to reach places of worship and to practice their religious rites, particularly in Jerusalem. Israeli security authorities at times restricted Muslim and Christian worship within Jerusalem. Israeli policies also limited the ability of Israeli Jews to reach places of worship in areas under Palestinian control.” [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

- 18.15 Freedom House’s survey Freedom in the World 2011: WB stated:

“Israel generally recognizes the right to freedom of worship and religion in the West Bank. On a few occasions following clashes in 2010, Israeli forces restricted Muslim men under age 50 from praying at the Temple Mount/Haram al-Sharif compound in Jerusalem. Also during the year, Jewish settler militants attacked and desecrated mosques in Beit Fajjar, Lubban al-Sharqiya, and Hawara. In November, local Palestinians alleged that Israeli authorities demolished a mosque near the village of Khirbet Yarza, though the IDF claimed that the building was temporary and built in a military free-fire zone.” [38e]

- 18.16 The New York Times reported on 4 October 2010:

“Arsonists suspected of being radical Israeli settlers damaged part of a Palestinian mosque early on Monday in a village near the West Bank city of Hebron, setting fire to rugs and copies of the Koran and scrawling the word ‘revenge’ in Hebrew on a wall, police officials and witnesses said...

“Monday’s attack on Al Fajjar mosque, the third in the West Bank in the past 10 months, is suspected to be part of a campaign known as ‘price tag,’ in which militant settlers

respond to attempts by the Israeli military to curb their building or actions with attacks on Palestinians.” [99b]

- 18.17 The Concluding observations of the Committee on the Elimination of Racial Discrimination’s (CERD), dated 9 March 2012, stated:

“The Committee is concerned about the increase in racist violence and acts of vandalism on the part of Jewish settlers in the Occupied Palestinian Territory targeting non-Jews, including Muslims and Christians and their holy places, and about information according to which 90 per cent of Israeli police investigations into settler-related violence carried out between 2005 and 2010 were closed without prosecution. The Committee is particularly alarmed by reports of impunity of terrorist groups such as Price Tag, which reportedly enjoy political and legal support from certain sections of the Israeli political establishment.” [102a] (paragraph 28)

For more information on the Israeli impact on religious freedom in the OPTs, refer to the [USSD IRF 2010 report](#). [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

See also [Geography](#); [History](#); [Human Rights – Introduction](#); [Security situation](#); [Freedom of religion](#); [Humanitarian issues](#) and [Freedom of movement](#)

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19. ETHNIC GROUPS

- 19.01 The CIA World Factbook, last updated 8 February 2012, noted that, in the West Bank, 83% of the population was “Palestinian Arab and other” with 17% Jewish. [60a] The same source described the ethnicity of the population in the Gaza Strip as “Palestinian Arab”. [60b]
- 19.02 The Minority Rights Group International (MRG) report, State of the World's Minorities and Indigenous Peoples 2011 - Israel and the Occupied Palestinian Territory (OPT), published 6 July 2011, noted that, “Aside from the Muslim Palestinian majority, the people of the West Bank include Bedouin, Jews (primarily Israeli settlers), Christian Palestinians and around 400 Samaritans.” [63a]

See also [Geography](#); [History](#); [Human Rights – Introduction](#); [Security situation](#); [Freedom of religion](#); [Humanitarian issues](#) and [Freedom of movement](#)

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20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 20.01 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011, stated,
- 110 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

“Palestinian law, based on the 1960 Jordanian penal code, prohibits homosexual activity, although in practice the PA [Palestinian Authority] did not prosecute individuals suspected of such activity. Cultural and religious traditions rejected homosexuality, and some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 6)

- 20.02 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) May 2011 report, *State-sponsored Homophobia – A world survey of laws prohibiting same sex activity between consenting adults* reported that “...in the West Bank, however, the Jordanian Penal Code of 1951, largely modified in 1960 is in force, having no prohibition on sexual acts between persons of the same sex.” [29a] (p37) Nevertheless, ILGA reported that, in the Gaza Strip, male to male sex was illegal with a penalty of up to 10 years imprisonment, although female to female sex was legal. [29a] (p37)
- 20.03 The undated Palestine page of the website GlobalGayz.com, accessed 20 February 2012, stated that, “Male homosexuality is illegal in Gaza, with laws dating to the British Criminal Code Ordinance of 1936, and it is reported to be legal in the West Bank but there are conflicting reports. Palestine has no civil right laws that protect LGBT people from discrimination or harassment.” [32a] Further, “Recently, a handful of LGBT-organizations have arisen to aid LGBT Arabs and Palestinians, all of which are headquartered in Israel: Jerusalem Open House, Black Laundry, Aswat (‘Voices’) for women. Same-sex marriages, civil unions or domestic partnerships are not remotely given legal recognition in Gaza or the West Bank.” [32a]
- 20.04 An updated 2011 version of the book by former Guardian Middle East editor, Brian Whitaker, *Unspeakable love: Gay and lesbian life in the Middle East*, initially published in 2006, noted, “For Palestinians who face persecution in the West Bank and Gaza, the usual escape route is to Israel, where sexual relations between men have long been legal.” [27a] (Chapter 1, p39) Further, “Estimates of the number of gay Palestinians who have quietly – and usually illegally – taken refuge in Israel range from 300 to 600.” [27a] (Chapter 1, p 41)

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

West Bank and Gaza

- 20.05 A 2006 article published in *The Jewish Quarterly* by former Guardian Middle East editor, Brian Whitaker, stated that, “The penalty for same-sex acts under Palestinian law is not entirely clear, though in practice this is less significant than the extra-judicial punishments reportedly meted out by the authorities and the threats that gay men face from relatives intent on preserving family ‘honour’.” [11a]
- 20.06 The same article also noted that “key ingredients” in “published accounts given by gay fugitives from the West Bank and Gaza” are “... a violent family reaction, entrapment and blackmail by the police coupled with degrading improvised punishments.” [11a] Furthermore,

“For gay Palestinians who feel persecuted at home, the obvious escape route is to Israel, but because of the political conflict this can be fraught with difficulties. As far as most Palestinians are concerned, fleeing into Israel is a betrayal of their cause, while gay men who remain in the Palestinian territories also come under suspicion.

“‘In the West Bank and Gaza, it is common knowledge that if you are homosexual you are necessarily a collaborator with Israel,’ said Shaul Gonen, of the Israeli Society for the Protection of Personal Rights (“‘Death Threat” to Palestinian Gays’, BBC, 3 March 2003). Bassim Eid, of the Palestinian Human Rights Monitoring Group, explained:

“‘In the Arab mindset, a person who has committed a moral offence is often assumed to be guilty of others, and it radiates out to the family and community. As homosexuality is seen as a crime against nature, it is not hard to link it to collaboration – a crime against nation’ (‘Palestinian Gay Runaways Survive on Israeli Streets’, Reuters, 17 September 2003)’...

“Equating homosexuality with collaboration makes it extremely dangerous for Palestinians to return home after fleeing to Israel.” [11a]

20.07 The updated 2011 version of the book, ‘Unspeakable love: Gay and lesbian life in the Middle East’, stated that some gay Palestinians...are coerced into undercover work for the Palestinian authorities, and one nineteen-year-old runaway stated in an interview with Israeli television that he had been pressurised by the al-Aqsa Martyrs Brigade to become a suicide bomber in order to ‘purge his moral guilt’, though he had refused.” [27a] (Chapter 1, p41)

20.08 The undated Palestine page on the website GlobalGayz.com, accessed 21 February 2012, stated, “The Palestinian political organizations, both secular and fundamentalist, tend to avoid the issue of LGBT-rights.” [32a]

20.09 The USSD Report 2010 stated:

“Cultural and religious traditions rejected homosexuality, and some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

“Israeli press reported that Majed Koka, a gay Palestinian man from the West Bank who immigrated illegally to Israel, was continued [sic] to await a response from the Israeli Interior Ministry regarding his petition for legal residency on humanitarian grounds. Koka in September [2010] stated that he could not safely live in Nablus, his hometown, as an openly gay man.

“In the Gaza Strip, an unidentified 19-year-old man remained in prison without trial because of his homosexual orientation, according to HRW [Human Rights Watch].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 6)

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Israel

20.10 The updated 2011 version of the book, Unspeakable love: Gay and lesbian life in the Middle East stated, “Although Israel is a signatory to the 1951 Refugee Convention and recognises same- sex partnerships for immigration purposes, it does not welcome gay Palestinians – mainly because of security fears. This often leaves them in an administrative no-man’s land with little hope of finding a proper job in Israel and constantly at risk of being arrested and deported.” [27a] (Chapter 1, p41-42)

20.11 The same source also noted that “There is little doubt that some – though by no means all – gay Palestinians are indeed forced by their precarious existence to work for Israeli intelligence in exchange for money or administrative favours such as the right to live in Israel; both [Bassam] Eid [of the Palestinian Human Rights Monitoring Group] and [Shaul] Gonen [of the Israeli Society for the Protection of Personal Rights] said they knew of several.” [27a] (Chapter 1, p41)

SOCIETAL TREATMENT AND ATTITUDES

20.12 The undated Palestine page of the website GlobalGayz.com, accessed 20 February 2012 reported, “The topic of LGBT rights in Palestine remains one of the more taboo issues in the region. ... Gay Palestinians frequently seek refuge in Israel fearing for their lives, especially fearing death from members of their own families.” [32a]

20.13 In his 2006 article in The Jewish Quarterly, Brian Whitaker noted that, “The hostility of families is a predictable response from those who regard homosexuality as a betrayal of ‘traditional’ Arab-Islamic values. This attitude is by no means unique to the Palestinians, but while it may be possible in some Arab countries to take refuge in the anonymity of big cities, the Palestinian territories are small, with mainly close-knit communities where it is difficult to hide.” [11a]

20.14 In its Strategic Plan 2009-2010 Al-Qaws for Sexual & Gender Diversity in Palestinian Society [Al-Qaws] described itself as “... a national, community-based and grass roots organization that works with Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Palestinians throughout Israel and the Palestinian occupied territories.” [10a] The Al-Qaws Strategic Plan 2009-2010 also stated that:

“Discussion of sexuality-related issues—and especially homosexuality and gender-variant expressions—is a total taboo in Palestinian society. And on those rare occasions when such issues are discussed, the dominant language whether among professionals, the media, students, or civil society organizations, is negative, judgmental, and at times, violent.” [10a] (Section E)

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21. WOMEN

OVERVIEW

21.01 The March 2010 Freedom House report, Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories) (Freedom House Women’s Rights 2010), reported, “Palestinian women currently face two major types of obstacles to their rights: those arising from within their own culture and society, and those imposed as the result of occupation, war, and civil unrest.” Further, “Ongoing political tensions between Fatah and Hamas — coupled with Israeli restrictions and incursions — have seriously affected women’s health, employment opportunities, access to education, and political and civil liberties throughout the Palestinian territories.” (Freedom House Women’s Rights 2010) [38c] (Introduction)

21.02 The same source also noted that, “The increased number of checkpoints over the last five years and the construction of a West Bank separation wall, which is over 50 percent complete, have worsened social and economic conditions for all Palestinians. In particular, women now experience further separation from their families, farmlands, water resources, schools, and hospitals.” [38c] (Introduction)

See also [Freedom of movement](#)

21.03 The UN Secretary-General’s report, Situation of and assistance to Palestinian women, published 10 December 2010 (UN Secretary-General’s Report 2010), observed that:

“The overall environment of occupation and conflict, movement restrictions and violence continued to be cross-cutting issues that permeated every aspect of Palestinian women’s lives. Despite some positive developments, the overall humanitarian needs in parts of the Occupied Palestinian Territory remained acute. Limits to women’s movement affect their access to health care, education and socio-economic opportunities and their ability to participate in decision-making processes as well as their caregiving and domestic work.” [55a] (p9)

21.04 The Freedom House Women’s Rights 2010 report stated, “President Abbas signed the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in March 2009, but it is unclear what effect this move will have on Palestinian laws, and whether it is legally valid given the PA’s [Palestinian Authority] lack of full statehood and other impediments. [38c] (Nondiscrimination and Access to Justice)

For additional information from the United Nations (UN), refer to the UN Economic and Social Commission for Western Asia (UN ESCWA) report, [Social and Economic Situation of Palestinian Women 2009-2011](#), published 21 April 2011 [23a]

LEGAL RIGHTS

21.05 The Freedom House Women’s Rights 2010 report noted:

“The supreme law of Palestine is the Basic Law, ratified in 2002 and amended in 2003 and 2005. It acts as a temporary constitution until the establishment of a Palestinian state, after which the latest draft constitution will take force. Under Article 9 of the Basic Law, Palestinians are ‘equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views or disability.’ ... Article 4, however, stipulates that Shari’a (Islamic law) is a main source of legislation, opening the door to discriminatory provisions based on conservative interpretations of Islamic principles.

“Despite the Basic Law’s guarantees, many laws currently in force do not penalize gender discrimination, while those that do are difficult to enforce due to weak institutional mechanisms for handling such cases. Four different sets of laws control the lives of Palestinians: those of the PA, Israel, Egypt, and Jordan. This creates confusion and makes it more difficult for women’s rights activists to focus their advocacy efforts.” [38c] (Nondiscrimination and Access to Justice)

21.06 The Geneva Centre for the Democratic Control of Armed Forces (DCAF) 2010 report, Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure, concurred:

“Palestinian law is not unified as it is a mixture of Ottoman, British Mandate, Jordanian, Egyptian and Israeli military laws. Marriage and family issues in the West Bank and the Gaza Strip are governed by two different legal systems, the Jordanian Law of Personal Status of 1976 and the Egyptian Law of Family Rights of 1954, respectively. The personal status laws affect women and girls disproportionately because they encompass issues related to marriage, polygamy, divorce, child custody, inheritance, and, in some cases, murder in the name of honour. The legal system is perceived by women as unfair with regard to women’s rights and legal recourse.” [74a] (p47)

- 21.07 Freedom House’s Women’s Rights 2010 report highlighted that the Egyptian and Jordanian laws applied in the OPTs have not necessarily been updated in tandem with the laws of those countries. [38c] (Nondiscrimination and Access to Justice) Additionally:

“... Hamas drafted a ‘unified penal code’ in 2008 that would incorporate hudud, a seventh-century Islamic penal code featuring punishments such as amputation, whipping, and stoning. Persons found to have committed adultery would be subject to execution by stoning under this system. The third reading of the law has not passed, and women’s organizations in Gaza believe that the issue has been put to rest. However, even the consideration of such a legal regime indicates a trend of growing conservatism in Gaza that may seriously affect women in the future.” [38c] (Nondiscrimination and Access to Justice)

- 21.08 The same report also noted, “Some of the laws drafted in recent years are more sensitive to gender issues, often specifying that gender-neutral terms refer to both men and women.” [38c] (Nondiscrimination and Access to Justice) Further:

“In 2008, a more progressive personal status law was drafted by the National Campaign for the Family Law. If approved, it would raise the age of marriage to 18 for both men and women and place restrictions on polygamy, requiring the approval of the first wife for a second marriage. However, the draft has not been discussed in the PLC [Palestinian Legislative Council] to date. Until the council members currently incarcerated by Israel are released and the rift between Gaza and the West Bank is repaired, the PLC will remain relatively ineffective and many personal status rights will continue to be regulated by legislation enacted prior to the 1967 occupation.” [38c] (Autonomy, Security, and Freedom of the Person)

At the time of writing this report no evidence was found to indicate that any progress had been made on the new draft personal status law.

- 21.09 The UN Secretary-General’s report 2010, observed that:

“The current legal framework in the Occupied Palestinian Territory is a significant obstacle to gender equality. While the Palestinian Basic Law, which is the main source of legislation, establishes that Palestinians shall be equal before the law and the judiciary without distinction based upon sex, gender-based discrimination persists in law in a range of areas, including the penal code and laws on marriage, divorce, custody of children and inheritance. For example, in the West Bank, the law provides for a reduced sentence with respect to an offence in a ‘state of great fury’. Laws in force in both the West Bank and the Gaza Strip relieve rapists who marry their victim of any criminal responsibility. None of the existing laws cover marital rape. In addition, weaknesses in the judicial systems have led to an increase in the use of customary law, at times to the detriment of women’s rights.” [55a] (p7)

21.10 The Freedom House Women's Rights 2010 report noted:

“As a practical matter, access to justice is limited for Palestinian men and women, particularly since the start of the second intifada against Israeli occupation in 2000. Women face unique challenges in light of the male-dominated and sometimes discriminatory law enforcement structure, which further weakens the already inadequate legal framework for women's rights. At a basic level, women are not recognized as full persons before the Shari'a courts, where the testimony of two women is equal to the testimony of one man in matters related to marriage, divorce, and custody of children. However, in all other matters, the testimonies of men and women are regarded as equal. Women are sometimes reluctant to seek help from courts or law enforcement agencies, in part because the overwhelming majority of lawyers and judges are men, and women are only marginally represented among police officers. Moreover, Israel's actions, combined with the volatile political situation, have often undermined the efficacy and credibility of PA institutions. In response, there has been a resurgence of informal justice through tribal and customary laws that are often biased against women, and marital and family disputes are left to the meddling of elders or the intervention of local notables. So-called 'honor killings,' which typically involve the murder of women by relatives as punishment for extramarital sex, have also escalated.” [38c] (Nondiscrimination and Access to Justice)

21.11 The UN ESCWA report of 21 April 2011 observed that, “Informal justice mechanisms, in the form of tribal and customary law, seek to ensure the well-being of the clan and are perceived as negatively impacting the rights of women and girls.” [23a] (p4)

21.12 The Freedom House Women's Rights 2010 report stated, “Palestinian women do not have the same citizenship rights as men.” [38c] (Nondiscrimination and Access to Justice)

21.13 The UN ESCWA report of 21 April 2011 stated:

“The 2009 West Bank-based Government continues to express its commitment to empowering women and securing their rights, and has called upon Governmental and non-governmental institutions to assist in building an independent Palestinian State that ensures gender equality. To that end, in June 2009, the Council of Ministers requested that all Governmental departments prepare gender-sensitive annual budgets. Palestinian women are able to obtain passports, open bank accounts without the permission of a male guardian, and pass on their nationality to their children.” [23a] (p27)

For further information on citizenship and residency rights of persons married to Israeli citizens, or permanent residents of Israel, see [Citizenship and nationality](#).

See also [Social and economic rights](#) and [Violence against women](#) below.

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POLITICAL RIGHTS

21.14 The Freedom House Women's Rights 2010 report stated, “Equal voting rights are guaranteed under Article 26(3) of the Basic Law, which establishes universal suffrage and states that all Palestinians may vote, nominate candidates, and run for elections. Women living under the PA first exercised these rights in 1996, when the first PLC

elections were held. Five female candidates were elected that year.” [38c] (Political Rights and Civic Voice)

21.15 The UN ESCWA report of 21 April 2011 noted:

“Political participation of women in the local and national legislative and executive bodies has increased pursuant to the introduction of a hard-earned quota for women for the 2006 elections. The Minister of Women’s Affairs supported women’s NGOs in lobbying the Cabinet and the PLC to impose a quota, as an interim positive discrimination affirmative measure, to promote the best interests of the Palestinian people. The introduction of a quota for women improved their political representation, raised gender-awareness and reduced gender-bias in elections.” [23a] (p22-23)

21.16 The UN Secretary-General’s report of December 2010 stated:

“Palestinian women participate in both formal and informal realms of political life. In 2009, women represented 20 per cent of the ministers of the Palestinian Authority. Women’s informal participation in political parties has been significant, at least in terms of visibility and effectiveness, if not in terms of numbers. With the factional split and the freeze of the Palestinian Legislative Council in 2006, efforts to promote women’s political participation drastically decreased, including with regard to women’s active role in peacebuilding and negotiation. Though women were in leadership roles within the Palestinian Authority and the de facto authority, they were often excluded from strategic meetings and decision-making processes, absent from the internal political reconciliation process and did not participate in permanent status negotiations.” [55a] (p8)

For more information on the political rights of women in the OPTs, see the Freedom House [Women’s Rights Report 2010](#). [38c] (Political Rights and Civic Voice) and the UN Economic and Social Commission for Western Asia’s (UN ESCWA) report, [Social and Economic Situation of Palestinian Women 2009-2011](#), [23a] (III. Political Representation and Rights of Palestinian Women)

See also [Political system](#) and [Political affiliation](#)

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SOCIAL AND ECONOMIC RIGHTS

21.17 The Freedom House Women’s Rights 2010 report stated:

“The autonomy, security, and freedom of Palestinian women have been regularly threatened in recent years. The personal status laws discriminate against women in their freedom of movement and their rights in marriage, divorce, and child custody. Their situation is worsened by Israeli barriers and the West Bank separation wall. At a basic legal level, women’s security is poorly protected by the penal code, and domestic violence is not outlawed.” [38c] (Autonomy, Security, and Freedom of the Person)

21.18 The same report noted, “The separation wall in particular has made women the ‘most isolated social group’ in Palestine, as families prefer to let men rather than women request travel permits to work on the opposite side of the wall.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.19 Information on the UNRWA website under Programmes in Gaza stated that “Severely reduced social, economic and recreational opportunities, and increased domestic violence, have left women in Gaza socially isolated.” [16b]
- See also [Violence against women](#) and [Freedom of movement](#)
- 21.20 The DCAF 2010 report *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure* reported, “Control of the Gaza Strip by Hamas has reportedly contributed to increasing social pressure on women living there. Following a particular dress code, primarily wearing the hijab or jilbab (veil or long coat), is perceived to be a protective factor for women and girls on the streets of the Gaza Strip.” [74a] (p21)
- 21.21 The Freedom House Women’s Rights 2010 report concurred, “The new, more conservative social order imposed by Hamas has led to greater restrictions on women’s rights in Gaza. ... Women in the West Bank, by contrast, have continued to enjoy a more liberal environment.” [38c] (Introduction)
- 21.22 Additionally, the DCAF 2010 report noted:
- “Tribal law features prominently in Palestinian life, both within the family and within the community. Many women and girls mentioned the mukhtar, or clan head, as a resource for mediating family disputes. They believe that resorting to these tribal conflict-resolution mechanisms is dictated by religion. ... [Also] Keeping problems within the family, by utilising family resources, was mentioned as a preferable way for women and girls to resolve familial issues. However, recourse within the family was mentioned for the sake of keeping the peace and not causing scandals, rather than because women and girls believed justice would be served.” [74a] (p48)
- 21.23 The Palestinian Central Bureau of Statistics’ (PCBS) report, *Women and Men in Palestine: Issues and Statistics, 2011*, published in December 2011 noted that, “The proportion of female-headed households in the Palestinian Territory rose from 8.8 in 2007 to 9.7 in 2010. The percentage is higher in the West Bank than in the Gaza Strip: 10.8 percent and 7.7 percent respectively in 2010.” [6a] (p23)
- 21.24 A June 2008 report, *Trafficking and Forced Prostitution of Palestinian Women and Girls: Forms of Modern Day Slavery* released in December 2009, by the Palestinian organization SAWA – All Women Together Today and Tomorrow noted, “Gauging the level of trafficking and prostitution in the oPt with precision is difficult since it is not visible but rather an underground problem. Not only are these considered immoral activities but both are regarded as illegal under Palestinian and Israeli laws.” [73a] (p10)
- The report continued:
- “Despite the fact that trafficking and prostitution constitute illegal activities in the oPt, reality shows that they exist and that they appear to operate informally on a small-scale basis rather than as a sophisticated and organized activity. Based on the cases identified by this study, girls and women are being facilitated through escort services, brothels in hotels, rented houses, private apartments and even house cleaning companies. There exist many of these locations though they differ in modus operandi, structure and management.” [73a] (p10)
- 21.25 The Freedom House Women’s Rights 2010 report stated:

“Although Article 20 of the Basic Law guarantees freedom of residence and movement within the limits of the law, there are legal and practical restrictions on women’s freedom of movement. The principle of ‘house of obedience,’ an archaic provision derived from Egyptian and Jordanian family laws, enables husbands to force their wives to return to the marital home, although it is rarely invoked or enforced in courts. The same principle entitles men to bar their wives from leaving the country with a court order. In addition, government officials often demand proof that a male ‘guardian has given his permission to a woman before she can obtain a passport. This requirement was legally abolished in 1996, thanks to lobbying by the WATC [Women’s Affairs Technical Committee], but the political disorder of subsequent years allowed the practice to return without consequences.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.26 Further, on checkpoints, roadblocks and closure of crossings in the West Bank and Gaza Strip, Freedom House stated that “Such restrictions on free movement have prevented some women from reaching hospitals and health care centers in time to give birth; as a result, several have died in transit at checkpoints.” [38c] (Autonomy, Security, and Freedom of the Person)

See also [Medical issues](#), [Humanitarian issues](#) and [Freedom of movement](#)

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Education and employment

- 21.27 The Freedom House survey, Freedom in the World 2011: West Bank released 9 June 2011 reported that “While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have full access to universities and to many professions.” [38e] The Freedom House Women’s Rights 2010 report stated:

“The rights of Palestine’s female workforce are governed by one of the most advanced labor laws in the region. While economic participation among women remains low due to socioeconomic, cultural, and political factors, the rate of participation increased from 2005 to 2007, particularly in the West Bank. In addition, the PA’s new scholastic curriculum, introduced in 2002, reflects a greater degree of gender equality, and a growing number of young women are enrolling in colleges and universities. As with other rights, a more politically stable situation and open borders will be crucial to advancing women’s economic and academic rights in the future.” [38c] (Economic Rights and Equal Opportunity)

Education

- 21.28 Freedom House’s Women’s Rights 2010 report stated:

“The literacy rate among women reached 89.8 percent in 2006, a nearly six-point increase from 2000, though a gender gap still exists. The literacy rate among men increased from 94.4 percent to 97.1 percent during the same period. The more rapid growth in female literacy is a result of the efforts of the Ministry of Education and civil society organizations to advocate females’ right to education, as well as an increased societal awareness of the importance of female education. Men now prefer educated wives who are able to help them earn a living, especially in light of the worsening economic situation. Significantly more women than men attend the 20 universities and colleges that offer undergraduate degrees in the Palestinian territories; families with

means tend to send their male children abroad for higher education.” [38c] (Economic Rights and Equal Opportunity)

See also [Children](#)

Employment

21.29 The Freedom House Women’s Rights 2010 report noted, “Women are legally free to choose their profession, but they face social pressure, particularly from their family, to pursue work that is related to their future roles as mothers and caretakers. The Palestinian security forces have recently started to recruit women, but their numbers remain low.” [38c] (Economic Rights and Equal Opportunity)

21.30 The Palestinian Central Bureau of Statistic’s (PCBS) April 2011 Press Release on The Labour Force Survey 2010, indicated that “...the labour force participation rate was 41.1% in 2010 compared with 41.6% in 2009; 66.8% for males in 2010 compared with 67.0% in 2009, 14.7% for females in 2010 compared with 15.5% in 2009.” [6c]

21.31 With regard to type of employment, the PCBS April 2011 Press Release stated “The main field of employment for females was Services Sector; about 61.8% of employed women work in services. Agriculture provides job opportunities to about 21.4% of females in the Palestinian Territory.” [6c]

The PCBS report [Women and Men in Palestine: Issues and Statistics, 2011](#), published in December 2011 provides more detailed statistics on the participation of men and women in the workforce. [6a]

See also [Economy](#)

21.32 The Freedom House Women’s Rights 2010 report stated, “Gender-based discrimination within employment is specifically prohibited under Article 100 of the Palestinian Labor Law (No. 7 of 2000). Article 25 of the Basic Law guarantees all citizens the right to work, allows for the creation of labor unions, and grants the right to conduct strikes within the limits of the law. Despite these guarantees, the comparatively progressive labor law retains discriminatory provisions.” [38c] (Economic Rights and Equal Opportunity) Further, “The labor law provides a variety of gender-based protections for women, though cultural norms and delays in the establishment of planned labor courts restrict their practical benefits.” [38c] (Economic Rights and Equal Opportunity)

21.33 Moreover, “There are no specific legal protections from sexual harassment in the workplace, despite calls for such a law by women’s rights organizations like the Palestinian Working Woman Society for Development (PWWSD) and the WCLAC. Accusations of sexual harassment are seldom made public because female victims are often stigmatized as a result.” [38c] (Economic Rights and Equal Opportunity)

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Marriage, divorce, child custody, inheritance and economic independence

21.34 The UN ESCWA report of 21 April 2011 stated:

“In Palestinian society, marriage is not only a family event, but also a family investment. In 2008, the number of contracts of registered marriages in Palestine reached 33,774, of which 19,006 were in the West Bank and 14,768 were in the Gaza Strip. A total of 28 per cent of married women were married to their first cousin and another 17 per cent were married to someone within their hamula, or clan. A greater proportion of consanguineous marriages among females took place in the Gaza Strip, 32 per cent, versus the West Bank, 26 per cent. Such marriages within the wider family are seen as protecting women against violence from outside and within the family due to close ties, though others warn that it limits a woman’s autonomy and regards her as some kind of property.” [23a] (p7)

21.35 Regarding divorce, the same UN ESCWA report noted that statistics compiled in 2010 indicated that:

“Registered divorces totalled 4,399, of which 2,803 were in the West Bank and 1,596 were in the Gaza Strip. Proportionally, women comprise 81.8 per cent of all divorced persons in Palestine, which shows that the vast majority of divorced women do not remarry while men usually get married again after divorce. However, when compared with other societies in the ESCWA region, very few Palestinian women, 1.2 per cent, are divorced at all, while even fewer, 0.2 per cent, are separated. There is a great amount of stigma attached to divorce for women in Palestine. A divorced woman is subjected to a significant amount of judgement regarding her moral character and her ability to raise her children. Divorce may also result in a woman losing her children to her ex-husband or his family. Recent interviews indicate that women and girls would rather endure an abusive or polygamous marriage than face divorce.” [23a] (p8)

21.36 The Freedom House Women’s Rights 2010 report stated:

“The right to adequate housing is assured to all Palestinians under Article 23 of the Basic Law. However, most houses are registered in the name of the man, even if husband and wife worked together to purchase or build it. Recently, as a growing number of women move into cities to seek greater income-generating opportunities, more houses and apartments have been purchased or rented by single, divorced, or widowed women, and it has become more socially acceptable for such women to live on their own. However, social norms that favor male ownership of housing and female habitation with husbands or male relatives still prevail. Male ownership perpetuates women’s economic dependence, since it is more difficult to obtain loans without property as collateral.” [38c] (Social and Cultural Rights)

21.37 The same report also noted, “Women often lack control over their income and rarely enter into business contracts and activities. This is mainly due to the customary belief that men, as the traditional family breadwinners, are in charge of financial decisions, even those involving the income and assets of their female family members.” [38c] (Economic Rights and Equal Opportunity) Further:

“Poverty affects more women than men in part because of discriminatory laws and traditions that limit women’s access to employment, property through inheritance, and financial compensation upon divorce. Women must deal with a labor market and legal system that favor men and are often unable to afford the childcare that would allow them to pursue careers. Women also suffer greater health effects from poverty in households headed by men, as the health of the male breadwinner and the children

takes precedence over that of the financially dependent mother.” [38c] (Social and Cultural Rights)

21.38 The UN ESCWA report of 21 April 2011 noted:

“Palestinian women have a legal right to own and exercise control over their land, yet very few do. Justifications for this practice revolve around the tradition of male retention of property within families. Similarly, females also have a legal right to an inheritance, albeit to a disproportionately lesser share than their male family members. Yet, custom dictates that women surrender their share to a male family member for ‘safe keeping’, to avoid shaming the family in the eyes of the community.” [23a] (p26)

21.39 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported “It is a common cultural practice for Palestinian women to not claim their share of an inheritance, regardless of their religion; it is often left to their brother for ‘safe keeping.’ This practice is commonly based on the fear of money or property leaving the family’s possession since when women wed they become a part of their husband’s family.” [74a] (p37) The UN ESCWA report of 21 April 2011 stated “Women and girls assert that a number of females have been killed in recent years due to inheritance issues rather than for the sake of honour...” [23a] (p26)

See also [Children](#) for information on the legal age for marriage in the West Bank and Gaza Strip

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Muslims

21.40 The USSD Report 2010 noted, “For Muslims in the West Bank and the Gaza Strip, personal status law is derived from Sharia (Islamic law), which includes inheritance and marriage laws.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

21.41 However, Freedom House’s Women’s Rights 2010 report stated:

“Muslim women in the West Bank are subject to the Jordanian personal status law of 1976, which is based on the Hanafi school of Islamic jurisprudence, while those in the Gaza Strip are subject to the unmodified Egyptian family law of 1954. Although Jordan, Egypt, and other neighboring countries have made certain progressive changes to their personal status laws in recent decades, the laws applied in Palestine remain essentially unaltered.

“Palestinian women lack the freedom to negotiate their equal marital rights. According to the concept of qawama, women of all ages must obtain the consent of their closest relative from their father’s side. A woman’s male guardian, or wali, executes the marriage contract on her behalf, while men are free to act independently. In the absence of a wali, a judge may act as the guardian. To be valid, a marriage contract must have at least one male witness or two female witnesses. The local interpretation of Shari’a allows women to make stipulations within their marital contracts, such as the right to finish their education or work outside the home. However, as a practical matter, prevailing customs discourage women from taking advantage of this right. For instance, men are reluctant to marry a woman who has the right to divorce, and families

discourage women from adding conditions that may drive away potential husbands.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.42 The same report continued, “Polygamy is legal for Muslims but rarely practiced; although men may take up to four wives at one time, less than 4 percent exercise this right.” [38c] (Autonomy, Security, and Freedom of the Person) The USSD Report 2010 concurred, “Men may take more than one wife, although they rarely did in urban areas (the practice was more common in small villages).” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)
- 21.43 On divorce, the Freedom House Women’s Rights 2010 report stated:
- “Men and women have grossly unequal divorce rights. A Muslim husband may unilaterally divorce his wife without judicial certification by declaring ‘I divorce you’ three times, a practice known as talaq. By contrast, a Muslim woman can only divorce under Jordanian law if she is able to establish harm based on authorized grounds: impiety; incurable skin or sexual disease; mental disease; desertion for more than one year; inability to pay the mahr, or dowry; inability to provide financial maintenance; or inability of the wife to live with the husband. Articles 103 to 107 provide for a mechanism known as khula whereby a couple agrees to divorce and the woman surrenders her dowry and any claim to financial maintenance. However, unlike the current, reformed laws in Egypt and Jordan, the laws applicable in Palestine offer no option that allows women to undergo khula when their husbands do not consent.” [38c] (Autonomy, Security, and Freedom of the Person)
- 21.44 The same source continued, “Divorced women are entitled to custody over their children until girls reach the age of 12 and boys reach the age of 10. However, with a judicial decree, she may retain custody until the boy turns 18 or until the girl gets married. A divorced mother loses custody of her children upon remarriage.” [38c] (Autonomy, Security, and Freedom of the Person) The USSD Report 2010 noted, “Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Muslim women were generally discouraged from including divorce arrangements in a marriage contract as a result of societal pressure.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)
- 21.45 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported:
- “If divorced, a Palestinian woman would need to return to her natal family or to the home of her brother. The stigma surrounding divorce for women is so great that it is often very difficult for a divorced woman to remarry since she is no longer a virgin and especially if she has children. ... Moreover, women are often unaware of their legal rights. The common interpretation of Shari’a law in the Palestinian Territories allows brides and grooms to agree upon the distribution of income between them. Their mutual agreement should be enshrined in their marriage settlement. However, in many cases, women are not aware of the Shari’a precepts, and marriage settlements do not reflect the financial rights women are entitled to under Shari’a law.” [74a] (p36)
- 21.46 The USSD Report 2010 also stated, “[Muslim] Women can inherit, but not as much as men.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6) The DCAF 2010 report expanded upon this, noting “Women mentioned that even though they know they are legally entitled to inherit from their

parents (Muslim women are granted half the share of their brothers), they are traditionally discouraged from claiming this right.” [74a] (p37)

Christians

21.47 The USSD Report 2010 noted, “Christians may seek official separations or divorces, depending on the denomination, through ecclesiastical courts.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

21.48 The Freedom House Women’s Rights 2010 report stated:

“Palestinian Christian women are governed by the laws established by their respective churches. In general, the Orthodox Church permits divorce if a woman is found to be unfaithful, refrains from getting pregnant, is found not to be a virgin upon marriage, or refuses to obey her husband in a dispute for a period of three years after being instructed to do so by the Church. The Catholic Church and its ecclesiastical courts offer no possibility for divorce, but annulment is possible if the marriage was contracted with legal flaws; men and women enjoy exactly the same rights in this respect. Because the Catholic Church allows only a separation when spouses have an irreconcilable dispute, whereas the Orthodox Church has granted divorces in such cases, some Catholics have converted to Orthodoxy to obtain a divorce. Protestant church law allows a divorce if one of the spouses is found to be adulterous and the husband and wife do not engage in sex after the adultery is revealed. Other possible grounds include abandonment for two years, eloping with another, or attempted murder. When a marriage is ended in this way, either of the spouses is able to marry again.” [38c] (Autonomy, Security, and Freedom of the Person)

See also [Freedom of Religion](#) for information on Christian women marrying Muslim men.

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Health and reproductive rights

21.49 The Freedom House Women’s Rights 2010 report stated:

“Problems including a high—though declining—fertility rate, early marriages, and poverty persist in society, particularly in Gaza. Women’s health is affected by the lack of adequate local facilities and limited access to health care across the Israeli border. The health status of women is further compromised by continuing Israeli incursions and prevailing laws and customs that restrict women’s ability to make free decisions regarding their reproductive rights.” [38c] (Social and Cultural Rights)

21.50 Further:

“Sociopolitical, cultural, and economic factors encourage women to bear multiple children. The pressure to get pregnant—preferably with male children—begins as soon as women get married. Multiple births are valued as a means of compensating for deaths related to armed conflict, and more children are traditionally perceived as bringing strength to the family. They are also seen as a means of discouraging polygamy.” [38c] (Social and Cultural Rights)

21.51 The USSD Report 2010 stated, “High workload, poor compensation, and resource shortages continued to affect skilled attendance during labor and postpartum care, much of which was provided by midwives. There was no reliable data on figures of maternal mortality in the occupied territories.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6) The Freedom House report also noted, “Beyond the limitations to their reproductive rights, women are generally able to make their own decisions regarding health care. Although they do not need permission from a husband or guardian to undergo medical procedures, economic factors limit their access to health care as a practical matter.” [38c] (Social and Cultural Rights)

21.52 The UN ESCWA report of 21 April 2011, covering 2009 to 2010, observed:

“Pregnant Palestinian women continue to experience difficulties in accessing maternal health care facilities, including delays at Israeli checkpoints. Full closure of checkpoints was the second most frequent obstacle, experienced by 4.3 per cent of West Bank women and 7.9 per cent of women in the Jerusalem area. Although the rate of checkpoint births has slightly waned over the years, they continue with detrimental effects. While no single organization is tasked with documenting the phenomenon, cases do emerge (box 5 [in UN ESCWA report]). It is estimated that 2,500 births per year face difficulties en route to a delivery facility to ensure assistance of a medical professional. Thus, there has been an increase of 8.2 per cent in the number of home deliveries and caesarean section rates have reached 15 per cent, with the highest rate in the Jericho Governorate.” [23a] (p12)

See also [Medical issues](#)

Abortion

21.53 The UN Economic and Social Commission for Western Asia (UN ESCWA) report, Social and Economic Situation of Palestinian Women 2009-2011, published 21 April 2011, stated that “Abortion is a criminal offence in Palestine unless the physical health of the mother is threatened. There are no exceptions for instances of rape or incest, seriously compromising an already difficult situation for women or girls. Despite this prohibition, women’s non-governmental organizations (NGOs) assist victims of rape and incest to end unwanted pregnancies.” [23a] (p14)

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VIOLENCE AGAINST WOMEN

21.54 The Palestinian Central Bureau of Statistics (PCBS) in its Domestic Violence Survey – (December 2005-January 2006) Summary of Main Findings, released June 2006, reported “61.7% of ever married women in the Palestinian Territory were exposed to psychological violence, 23.3% exposed to physical violence, and 10.9% exposed to sexual violence at least once by husband during the year 2005.” [6d] (p6 of English section) Further, “25.0% of unmarried females (aged 18 and over) in the Palestinian Territory were exposed to physical violence compared with 52.7% exposed to psychological violence at least once by one of the household members during the year 2005.” [6d] (p7 of English section)

21.55 The report of the UN Secretary-General, dated 10 December 2010, covering the period 1 September 2009 to 30 September 2010, stated:

“Palestinian women continued to be exposed to different forms of violence, including those related to the ongoing Israeli occupation and factional tensions, as well as domestic violence, so-called ‘honour’ killings and trafficking. During the reporting period, out of a total of 68 Palestinians killed by Israeli forces and settlers one was a woman, and among 215 injured persons 90 were women...

“Data on violence against women remains scarce. Women and girls are reluctant to resort to women’s and human rights organizations, the police and courts for a number of reasons, including the lack of awareness of the availability of assistance mechanisms and the strong stigma attached to reporting abuse. According to non-governmental organizations, forensic clinic data confirmed 499 cases of rape; 13 women had been killed in so-called ‘honour’ killings in 2009 (nine in the West Bank and four in Gaza); and 126 women had left their homes due to sexual harassment, rape or physical abuse by a family member...

“A draft national strategy to combat violence against women has been developed, but not yet finalized. It promotes a legal framework and institutional mechanisms to protect women from violence and also promotes improved social protection and health services for women victims of violence. In the field of law enforcement, the Palestinian Cabinet requested in February 2010 that the President suspend legal provisions on ‘family honour’.” [55a] (p7)

- 21.56 The Freedom House survey, *Freedom in the World 2011: West Bank*, reported that “Rape, domestic abuse, and ‘honor killings,’ in which women are murdered by relatives for perceived sexual or moral transgressions, are not uncommon. These murders often go unpunished.” [38e] The same organisation’s *Women’s Rights 2010* report noted, “Violence against women has escalated in the past five years, and this trend has included a rise in the number of unpunished honor crimes.” [38c] (**Autonomy, Security, and Freedom of the Person**)
- 21.57 The USSD Report 2010 stated, “PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. A woman must provide two eyewitnesses (who are not relatives) to initiate divorce on the grounds of spousal abuse.” [15b] (**The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6**)
- 21.58 A report by the UN Relief and Works Agency (UNRWA) for Palestine Refugees in the Near East, *Community of Practice in Building Referral Systems for Women Victims of Violence*, dated July 2010, noted that “Current Palestinian laws do not offer adequate protection for women’s rights and there is no law to protect women from domestic violence. There is no formal referral system, and there is a lack of institutions and services for women in need, such as shelters and safe homes.” [16i] (p6) The same source also reported that there are “nascent efforts to establish a referral system in Palestine”, which are being led by Non-Governmental Organisations (NGOs). [16i] (p3)
- 21.59 The July 2010 UNRWA report also stated that:
- “The [UNRWA’s] Community Mental Health Programme in the West Bank is acutely aware of the need for a referral system in order to ensure health, psychological, social and emotional care of women victims of violence, and for protection and safety for women. As an indicator of the extent of VAW [violence against women], in 2009, it recorded 164 cases of VAW in the Nablus area, 320 in Hebron area, and 263 in East Jerusalem.” [16i] (p18)

See also [‘Honour’ crimes](#) and [Assistance available](#) below

- 21.60 The DCAF report of 2010, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported:

“Women and girls described Palestinian society’s tacit acceptance of physical violence against them within the family circle as eliciting feelings of powerlessness. It is an unwritten rule that speaking out against this type of violence will cause more problems, as women and girls will likely be stigmatised by their families and by their communities. The stigma of asking for help outside of the family, coupled with a lack of confidentiality among response mechanisms, leaves women feeling re-victimised and suspicious. The very real fears of losing one’s children, or facing divorce, increased abuse or even murder, cause women to employ the strategy of keeping quiet.” [74a] (p31)

Treatment by Israeli forces and settlers

- 21.61 The UN ESCWA report of 21 April 2011 stated that “Women and girls in the West Bank have expressed frustration over the presence of Israeli settlers who harass and assault them. The Women’s Centre for Legal Aid and Counselling (WCLAC) documented 58 cases where women were affected by violence from Israeli settlers and Israeli State actors, causing them severe anxiety and fear [2010 study].” [23a] (p14)

- 21.62 The World Bank study *Checkpoints and Barriers: Searching for Livelihoods in the West Bank and Gaza, Gender Dimensions of Economic Collapse*, published February 2010, stated:

“Although men are subjected to more stringent controls, for women, checkpoints represent spaces of humiliation and present both physical and moral danger with gendered consequences. The invasive search procedures (such as being asked to strip, or going through a full-body X-ray machine) and the long waits in tight spaces with large numbers of men, all present a potential risk to a woman’s honor. Interviewees for this study highlighted that young women are often singled out for physical searches, rather than old women, which they perceived as a heightened form of humiliation and an affront to a woman’s honor.” [9c] (p49)

- 21.63 The World Bank study continued “The sense of humiliation and degree of affront to a woman’s reputation is so great that families in Areas B and C even limit their girls’ education rather than subject them to the perceived moral dangers of the checkpoints.” [9c] (p50)

For detailed information on the impact of Israeli restrictions on Palestinian women and men and their domestic relationships see the [World Bank report](#) directly. [9c]

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Rape

- 21.64 The USSD Report 2010 stated, “Rape is illegal under PA law, but the legal definition does not address spousal rape. Punishment for rape is five to 15 years in prison.” [15b] **(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)**

21.65 The UN Secretary-General's report 2010, observed that, "Laws in force in both the West Bank and the Gaza Strip relieve rapists who marry their victim of any criminal responsibility. None of the existing laws cover marital rape. In addition, weaknesses in the judicial systems have led to an increase in the use of customary law, at times to the detriment of women's rights." [55a] (p7)

21.66 The DCAF report of 2010, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, stated:

"As in most societies, the issue of sexual violence in general, and within the family specifically, is highly sensitive in Palestinian society. When discussing family sexual violence, women mentioned cultural taboos as an important motivation for not speaking out about abuse, as the fear of scandal compels women to remain silent. Women frequently perceived the consequences of denouncing the abuse as more severe than the abuse itself. Many, thus, believe that there is no way of fighting sexual violence perpetrated by family members." [74a] (p34)

'Honour' crimes

21.67 The UN ESCWA report of 21 April 2011 observed:

"Women's and human rights organizations have noted a surge in so-called 'honour killings' since the start of the second Intifada in 2000. However, there are no reliable data, largely due to the failure of law enforcement authorities to investigate such crimes and the fact that few families called for such crimes to be investigated. From January to August 2009, it was reported that at least 10 women had been killed in 'honour-related crimes' and, in 2010 the murder of nine women was documented in the Gaza Strip and the West Bank for various reasons." [23a] (p25-26)

21.68 However, the Independent Commission for Human Rights' (ICHR) *The Status of Human Rights in Palestine – The Sixteenth Annual Report: 1 January-31 December 2010* noted, "During 2010, ICHR did not record any murder case with a background of the so-called 'family honor' reasoning either in the West Bank or Gaza Strip, compared with (4) deaths with that background in 2009." [71a] (p62) The same report also noted, however, "ICHR has recorded in its monthly reports one case of murder with a background of so-called family honor in 2010. It became clear later during the investigation of the Public Prosecution that the girl had been killed on a criminal basis after being raped by a family member (incest) in order to hide the effects of the crime under the pretext of so-called 'family honor.'" [71a] (p62)

21.69 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported:

"Murder in the name of honour, also referred to as femicide, has captured the attention of many Palestinian women and girls, despite the lack of a clear sense on the prevalence of the practice. Mentioned during focus groups sessions and in-depth interviews, discussion of murder in the name of honour tended to revolve around women's fears more than actual cases, with a few exceptions. Women perceive the issue of femicide as a real danger. If their behaviour is viewed as a threat to the family's honour and reputation, they feared being subjected to this kind of violence. Rumours might grow out of proportion, affecting the woman's family, and ultimately putting her own life at risk. The prevalent feeling is that the whole community places female

behaviour under scrutiny and that there is no recourse for women whose conduct is deemed unacceptable.” [74a] (p37)

- 21.70 The UN ESCWA report of 21 April 2011 noted that “In a survey conducted in 2009, when asked how respondents would deal with a ‘wayward’ female, the vast majority chose ‘check her story’, ‘advise her’ and ‘punish her financially’; while nearly 10 per cent of respondents chose the option ‘kill her’.” [23a] (p25-26)
- 21.71 The DCAF 2010 report noted, “Sometimes femicide is used to cover up other types of familial disputes, most often concerning inheritance and other economic issues. One of the main reasons for this is the likelihood that murders in the name of honour are less severely punished than other types of murder.” [74a] (p38)
- 21.72 The Freedom House Women’s Rights 2010 report, citing a 2008 Arabic-language Al-Hal article on ‘honour’ crimes, reported, “The article claimed that political parties have not addressed the issue of amending the penal code to eliminate tolerance of honor killings for fear of losing their support among men. By offering a weak legal framework and poor enforcement mechanisms, the PA has failed to uphold its duty to protect women from violence and has left them without redress or justice.” [38c] (Autonomy, Security, and Freedom of the Person)
- 21.73 On 14 June 2011, the Middle East Media Research Institute (MEMRI) reported that “On May 15, 2011, Palestinian Authority President Mahmoud Abbas signed a presidential decree amending the penal law for ‘family honor’ murders. The murder of women under circumstances of family honor violations will henceforth be considered a murder like any other.” [57a] However, information on the Stop Honour Killings website, dated 11 June 2011, noted that “The presidential decree has still not been officially published and is therefore not yet in effect. But as far as most of the public is concerned, it is already a fact on the ground.” [59a] The same source further noted that, “Both the repeal and the change will have to be ratified by the Palestinian Legislative Council when it resumes its sessions, whenever that may be.” [59a]

At the time of writing this report no information had been found to indicate whether or not the amendment to the penal law had been ratified.

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Assistance available

- 21.74 The Freedom House Women’s Rights 2010 report stated:

“Women are theoretically able to press ordinary assault and battery charges against their abusers, but several factors keep domestic violence victims from doing so. Social norms shame women who report abuse to the police and encourage them to remain silent for the sake of their children. Moreover, women often have no alternative place to live. There is a lack of private or government-sponsored shelters, with only three shelters operating in the West Bank and none in Gaza. Women who are reluctant or unable to file domestic violence or sexual violence complaints on their own have little recourse, since the law allows only close relatives to file such complaints on their behalf, and most of these crimes are perpetrated by close relatives.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.75 Further, the DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, noted “Although the police are tasked with protecting the community, young women and girls actually see them as perpetrators, having warded off their sexual and verbal harassment in the streets ...” and “Similar to perceptions of the police’s role in protecting women and girls, accessing the courts system is seen as bringing shame and scandal upon the family.” [74a] (p42)
- 21.76 With regard to medical staff in hospitals, the DCAF report stated, “Women mentioned verbal abuse by hospital staff and an overall insensitivity to their situation as chronic problems when accessing medical services for abuse. Reaching out for assistance in hospitals did not appear to be an option for women; in fact, abuse experienced by women was commonly denied, taunted and effectively erased from medical reports.” [74a] (p44)
- 21.77 The USSD Report 2010 noted that in response to violence against them, “In some cases women approached village or religious leaders for assistance.” [15b] (*The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6*)
- 21.78 The USSD Report 2010 also noted, “During the year [2010] the UNRWA [United Nations Relief and Works Agency] initiated a referral mechanism for refugee women who are victims of violence in the West Bank and the Gaza Strip.” The July 2010 UNRWA report on efforts to build a referral system noted, however, that there are no formal systems in the West Bank and Gaza, although “elements of a referral system that can be built upon are in place through services largely provided by NGOs.” [16i] (p3)
- 21.79 The July 2010 UNRWA report further noted that the “WCLAC [Women’s Centre for Legal Aid and Counselling] provides social and legal services to women victims of violence in a context where there is no formal referral system in place in the West Bank. Cases may be referred to WCLAC by a number of sources - courts, police, other NGOs.” [16i] (p25)
- 21.80 Regarding counselling services, the July 2010 UNRWA report observed that:
- “The Palestinian Counselling Centre provides clinical services to women victims of violence. Its experience indicates that the drivers of violence fall into four categories: women who are physically abused by their husbands, daughters abused by fathers/mothers, political violence endured by female prisoners/ex-prisoners, and psychological terror perpetrated by ‘religious’ brothers on their sisters.
- “The Centre is aware of its limitations in that it does not have an efficient mechanism of outreach to detect violent environments and to protect potential victims, but is dependent on women self-referring themselves for help. It primarily works with women victims and is acutely aware that women are at risk when they return home to the same environment. However, it points out that in the absence of a legal framework to counter VAW or to encourage the perpetrator to receive help, counselling may be one of the few options open to women to assist them in coping.” [16i] (p19-20)
- See the July 2010 UNRWA report, [Community of Practice in Building referral Systems for Women Victims of Violence](#), for more detailed information on efforts to build a referral system and the challenges faced in doing so.
- 21.81 The UN ESCWA report of 21 April 2011 stated:

“It should be noted that there are only two functioning shelters for women and girls fleeing violence, and that both are located in the West Bank. One serves as a transitional shelter, while the other, called Mehwar (the core), functions on a long-term basis. Established in 2007, Mehwar operates under the auspices of the Ministry of Social Affairs and is capable of housing an average of 30 women and their children. It provides multiple services to survivors of gender-based violence, including counselling and psychological and legal support, in addition to vocational training and educational opportunities.” [23a] (p27)

- 21.82 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, stated “Women and girls, for the most part, were unaware of any shelter services in the Palestinian Territories. In fact, some denied that such an institution could exist. ... Women who had heard of the shelters mentioned them in a way that implied their existence was ‘rumoured.’ ... Or they expressed scepticism that the shelters have any power to protect women from their families or provide empowering services”. [74a] (p44-45) Further:

“Women’s organisations and human rights organisations are plentiful in the Palestinian Territories ... Women and girls, the very individuals they are meant to benefit, do not feel the presence of such organisations. A 2008 [Arab World for Research & Development (AWRAD)] survey revealed that nearly 74% of female and male respondents did not know of any women’s or human rights organisations that defend women’s rights. ... In light of this, many women and girls were unable to even identify a single women’s or human rights organisation that provides services”. [74a] (p45)

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22. CHILDREN

OVERVIEW

- 22.01 The Interagency Psychosocial Evaluation Project, Final Report, published by the United Nations Children’s Fund (UNICEF) in August 2011 noted:

“Children in the occupied Palestinian territory (oPt) have been born into one of the most complicated and protracted conflicts in the world, encompassing over 60 years of conflict and 42 years of military occupation. As they grow up, they are exposed to military incursions, political violence, home demolitions, displacement and home searches. With their access to normal routines and activities often restricted, such as school and play, children must learn to navigate a complex system of permits, barriers and checkpoints.” [34h] (Executive Summary)

- 22.02 The Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, published 13 September 2011, observed:

“The very fact of prolonged occupation exerts a constraining burden on civilians. Yet this impact is heavier on children, whose development is deformed by pervasive deprivations affecting health, education and overall security. The insecurity of Palestinian children is aggravated in the West Bank, including East Jerusalem, by settler violence and night-time raids by Israeli occupation forces, house demolitions,

threatened expulsions and a host of other practices, and in Gaza by the blockade and by traumatizing periodic violent incursions and sonic booms resulting from airplane overflights, as well as the still unrepaired destruction of refugee camps, residential communities and public buildings by Israeli forces during Operation 'Cast Lead';

“The available evidence suggests a pattern of increasing abuse, not just by the continued hardships of occupation, but by specific policies that entail more serious and systematic violations of the rights of children guaranteed by the norms of international humanitarian law.” [101a] (p13-14)

22.03 The August 2011 UNICEF report stated:

“Children in the oPt are growing up within a population that is predominantly youthful and which is growing quickly at a combined growth rate of 3.3 per cent. Of the estimated four million people who live in the oPt, an estimated 49 per cent are under the age of one, and 45.7 per cent are under the age of 15. Between the West Bank (including East Jerusalem) and Gaza, approximately two million children and adolescents live in the oPt.” [34h] (Situation background: the occupied Palestinian territory)

For recent information from UNICEF, refer to the organisation’s [Occupied Palestinian Territory](#) undated webpage. [34a]

Basic legal information

22.04 The March 2010 Freedom House Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories) (Freedom House Women’s Rights 2010) report noted, “The age of legal capacity for marriage in the West Bank is 15 for girls and 16 for boys, according to Article 5 of the 1976 Jordanian personal status law. In Gaza it is 17 years for girls and 18 for boys, as stipulated in Article 6 of the 1954 Egyptian law and relevant judicial rulings.” [38c] (Autonomy, Security, and Freedom of the Person) The UN Economic and Social Commission for Western Asia (UN ESCWA) report, Social and Economic Situation of Palestinian Women 2009-2011, published 21 April 2011 observed that, “... in the case of females, a qadi, or Islamic judge, may permit a younger girl to marry if she is deemed ‘mature’ enough.” [23a] (p8)

22.05 The Defence for Children International - Palestine Section (DCI/PS) report, In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system, published 21 January 2012, stated:

“A military juvenile court was established in September 2009, following mounting criticism relating to the prosecution of children as young as 12 years in the same military courts used to prosecute adults. Military juvenile court judges have been appointed from the ranks of existing military court judges to hear cases involving children. However, bail applications and appeals can still be heard by adult military courts, where the judges have not necessarily received training to handle cases involving children.

“In practice, the military juvenile courts use the same facilities and court staff as the adult military court.” [26f] (p6)

Identity documents

- 22.06 An April 2010 letter to the UK Border Agency from the Palestinian General Delegation Office (PGDO) in London, UK explained:

“Children under 16 do not have to carry a separate ID card but are listed on their parents’ cards. They are still however given their own unique identity number and this is included on the child’s birth certificate. If a child is born to Palestinian parents from the OPT with ID number but he has never lived in Palestine and has not been registered there, they may not be issued with an ID card without entering the OPT using his birth certificate.” [94a] (p1)

See also [Freedom of movement](#); [Citizenship and status](#) and [Exit and return](#)

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LEGAL RIGHTS

- 22.07 The 2010 UNICEF report, The Situation of Palestinian Children in The Occupied Palestinian Territory, Jordan, Syria and Lebanon, stated:

“The Palestinian Authority is not an internationally recognised State and therefore has not been in a position to ratify the CRC [Convention on the Rights of the Child] as a State party. The occupying power, Israel, ratified the CRC on 3 October 1991 and has also ratified both of the Optional Protocols – on children in armed conflict in 2005 and on sexual exploitation of children in 2008. However, Israel has rejected requests by the Committee on the Rights of the Child to supplement its CRC State reports with information on children within The Occupied Palestinian Territory on the grounds that it had transferred (some) powers and responsibilities to the Palestinian Authority and thus ‘could not provide’ such information...

“This lacuna leaves 2 million Palestinian children – already stateless and nearly half of them refugees – without the measure of internationally recognized protection and recourse that the CRC is designed to impart.” [34g] (p9)

- 22.08 The Palestinian National Authority (PNA) Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory, drafted in conjunction with the Palestinian Central Bureau of Statistics and Save the Children, published December 2010, stated:

“Due to numerous occupations, the OPT legal system contains a myriad of laws adopted from various periods including the Ottoman Empire, the British Mandate period, Jordanian Laws (specifically relating to the West Bank), Egyptian Laws (specifically relating to Gaza), Israeli military orders, and PNA laws that are still in effect. These outdated, mostly ‘non-rights’ based laws undermine the ability to adjudicate child’s rights which leads to violations of some children’s rights when they come into contact with the judicial system. This is most notable regarding juvenile justice which is legislated through a 1954 Jordanian law. The current legal system is further complicated by the presence of the Family Law/ Personal Status Law which is under the jurisdiction of Islamic or Christian religious courts and handles some issues relevant to children (custody, inheritance, orphans.) However, the Amended Palestinian Basic Law and the Palestinian Child Law of 2004 override all preceding decrees.” [82a] (p15)

22.09 The same report also acknowledged that “The Palestinian legal system has a number of constraints and weaknesses which undermine the ability to adjudicate child’s rights and which lead to violations of children’s rights at any point in which children should or do come into contact with the judicial system. The lack of specialized courts, judges, and lawyers specifically trained on children’s issues and procedures is a key weakness that needs to be addressed.” [82a] (p16)

See the [The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory](#) for more detailed information on the legal system relating to children. [82a]

Israeli military courts

22.10 Regarding the prosecution of children under Israeli law, the January 2012 DCI/PS report on Palestinian children detained in the Israeli military court system reported that, “Each year approximately 500-700 Palestinian children from the occupied West Bank are prosecuted in Israeli military courts after being arrested, interrogated and detained by the Israeli army, police and security agents.” [26f] (p4)

22.11 The DCI/PS Annual Report 2010 reported that:

“The most notable development in the Israeli military court system was the creation of the juvenile courts through Military Order 1644, issued at the end of July 2009 and entered into force on October 1st, 2009.

“Although the Israeli military leadership has acknowledged the need to establish a juvenile justice system, the military court system still presents multiple shortcomings, mainly the lack of minimum guarantees of a fair trial. Palestinian children are still interrogated without the presence of a lawyer or a family member. The majority of Palestinian children report being ill- treated or tortured and being forced to confess during coercive interrogations...

“Furthermore, Military Order 1644 is not mandatory in its language. The text says that ‘the juvenile military court’ must be held in a separate room (as much as possible) and children should not appear before the court or be detained with adults (as much as possible). This reflects on little change on the ground. The Israeli military courts continue to ignore the basic requirements of a fair trial and the general principles of juvenile justice.” [26a] (p50)

22.12 The DCI/PS report *In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system, covering the period 1 July to 21 December 2011, published January 2012*, reported:

“On 27 September 2011, Military Order 1676 was issued raising the age of majority in the military courts from 16 to 18 years. After 44 years of military rule, this amendment brings Israeli military law in line with international and Israeli civilian law. The new military order also makes provision for the notification of a child’s parents of the arrest and informing the child that he/she has the right to consult with a lawyer, but without stipulating when this consultation should occur. These developments are positive, but DCI-Palestine remains concerned that children continue to be questioned in the absence of their parents; generally do not meet with a lawyer until after the conclusion

of their interrogations; and children are still not being effectively informed of their right to silence.

“At the time of writing, Military Order 1676 has not been published in Arabic and made available to DCI-Palestine lawyers appearing in the military courts. According to Article 65 of the Fourth Geneva Convention, Military Order 1676 has no legal force until it has been published in Arabic and brought to the attention of the local population.” [26f] (p7)

- 22.13 The Human Rights Watch (HRW) World Report 2012 on events in 2011, released 22 January 2012, also reported on Military Order 1676, stating that:

“In a positive development, in September the Israeli military issued an order raising the age of majority for Palestinians to 18 years; previously 16 and 17-year-olds had been treated as adults under the security regime. Human rights groups reported, however, that Israeli authorities continued to sentence Palestinians according to their age at the time of sentencing even if they were children at the time of the offense, and documented cases in which Israeli authorities arrested children in their homes at night, at gunpoint, questioned them without a family member or a lawyer, and coerced them to sign confessions in Hebrew, which they did not understand.

“As of September 31 [sic] Israel detained 164 Palestinian children under 18-years-old, and also held 272 Palestinians in administrative detention without charge; Israel released at least 9 administrative detainees, but no children, in the prisoner exchange [for Israeli soldier Gilad Shalit in October 2011].” [22b] (West Bank – Arbitrary Detention and Detention of Children)

- 22.14 The January 2012 DCI/PS report on the Israeli military court system noted that “Recent amendments to the military orders relating to children have had little impact whatsoever on their treatment during the critical first 48 hours, where most of the ill-treatment occurs, at the hands of soldiers, policemen and interrogators.” [26f] (p21)

The January 2012 DCI/PS report [In their own words: a report on the situation facing Palestinian children detained in the Israeli military court system](#) provides further detailed information on the Israeli military court system and the treatment of children within it. [26f]

See also [Judiciary](#) and [Prison conditions](#)

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VIOLENCE AGAINST CHILDREN

- 22.15 The PNA’s Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory, drafted in conjunction with the Palestinian Central Bureau of Statistics and Save the Children, published December 2010, stated:

“Use of corporal punishment is still viewed as an acceptable and appropriate means of discipline within society. Although the Amended Basic Law 2003 and the PCL prohibit the use of any forms of violence, abuse, physical punishment, or degrading actions against children, the Jordanian Penal Code of 1960 (Article 62) still allows for ‘forms of discipline inflicted on children by their parents, as permitted by general custom.’ In East

Jerusalem, Israeli law prohibits the use of corporal punishment. Although execution of this law in East Jerusalem is poor.

“Despite laws protecting children, violence against children in the home and within schools occurs. PCBS Domestic Violence Survey [conducted in 2005] reported that 9 out of 10 children reported that they had been hit, beaten, or abused. The primary perpetrator of such action was usually identified as a family member (mother, father, or relative), followed by being hit at school (by other students and/or teachers), and within the community. Parents and caregivers condone the use of corporal punishment and 50% of mothers interviewed in the survey reported using corporal punishment to discipline their children.” [82a] (p68)

- 22.16 The DCI/PS report *In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system*, covering the period 1 July to 31 December 2011, published January 2012, stated:

“Reports of torture and ill-treatment in the Israeli military detention system are not new and have been well publicised for many years. The testimonies collected by DCI-Palestine during the reporting period indicate that Palestinian children held in Israeli military detention continue to be systematically ill-treated. Further, the cumulative effect of the ill-treatment experienced by all of the children must also be considered when assessing its gravity. In some cases this cumulative effect, coupled with the child’s age, may result in the treatment being properly categorised as torture.” [26f] (p20)

- 22.17 The DCI/PS January 2012 report concluded that, based on the 36 testimonies collected, “...the establishment of a military juvenile court, recent amendments to the military orders raising the age of majority and improved notification requirements upon arrest, have had only a marginal impact on the situation facing Palestinian children prosecuted under Israeli military law. These developments have made no discernable impact on the treatment of children at the point of arrest, transfer or interrogation.” [26f] (p3) Further,

“The testimonies collected by DCI-Palestine in the past six months reveal that children continue to be systematically ill-treated during their arrest, transfer and interrogation. This treatment consists of both physical and verbal abuse, as well as threats and intimidation. Further, the cumulative effect of the ill-treatment each child is subjected to, may in some cases, amount to torture.” [26f] (p3)

See the DCI/PS report [In their own Words: A report on the situation facing Palestinian children detained in the Israeli military court system](#), dated January 2012 for details of common complaints and specific areas of concern raised by the children’s testimonies. [26f]

- 22.18 UNICEF-led Children Affected by Armed Conflict (CAAC) Bulletins are published on a bi-monthly basis. The CAAC Bulletin covering the period September-October 2011 noted that these bulletins highlight “trends and patterns in grave violations against children” in the context of the Israel-Palestine conflict. [34c] The Bulletin reported that “Since the beginning of the year [2011] 19 Palestinian children have been killed and 403 injured. This represents an increase in the number of children killed and injured compared to the same period last year (9 Palestinian children killed and 308 Palestinian children injured).” [34c]

22.19 The same source also reported on the numbers of children arrested and detained as at September 2011 and stated that in relation to those cases, "... twenty cases of ill-treatment and acts tantamount to torture of Palestinian boys aged 14 to 17 years were documented out of a sample of twenty sworn affidavits." [34c] Further, "The cases involved the use of handties (20 instances), beatings (16), blindfolding (14), threats of violence (13), kicking (11), and stripping of clothes (9). In all instances where affidavits were taken children reported ill-treatment or acts tantamount to torture by the Israeli army and police." [34c]

See also [Security forces](#)

22.20 A B'Tselem report, No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone Throwing, published in July 2011 also reported on the treatment of Palestinian children arrested by the Israeli authorities for stone throwing, stating, "...the present report indicates that the rights of minors are severely violated, that military law almost completely fails to protect their rights, and that the few rights granted by the law are not implemented." [25I] (p65)

22.21 The B'Tselem report continued:

"The violation of the rights of Palestinian minors suspected of stone throwing begins when they are arrested and continues during their interrogation. It is not uncommon for minors to be arrested in the middle of the night and taken alone, without being accompanied by their parents, to interrogation, without allowing them to consult with an attorney and while subjecting them to violence. It continues during their encounters with the judges, who, in the vast majority of cases, remand them until the end of the proceedings. The military justice system views incarceration as the primary means for penalizing the minors, and forces plea bargains rather than an orderly investigation of the accusations against them. When minors are incarcerated, their fundamental rights to education and to maintain ties with their family are not properly protected.

"This report describes the events from the moment the name of a minor is raised in an interrogation as being involved in stone throwing, to the moment of his release from custody. All the relevant officials – police officers, judges, and soldiers serving in the Occupied Territories – are well aware of the reality described in the report. Nevertheless, in practice, other than assertions by a few judges on the need to apply the provisions of Israeli law in the Occupied Territories and their discomfort with a particular behavior of the police or the army, no substantive action has been taken to end the infringement of minors' rights. The amendments to the military legislation are marginal and have failed to bring about meaningful change in the military system's treatment of minors." [25I] (p65)

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CHILDCARE AND PROTECTION

22.22 A UNICEF Monthly Update of October 2011, reported that "The environment in which two million Palestinian children live has a direct impact on their psycho-social well-being. Many children have been exposed to continuous stress and violence in Gaza and the West Bank, including East Jerusalem." [34e]

22.23 UNICEF's Monthly Update of October 2010 focused on psychosocial care, providing the following information:

"In 2004 and 2005, in order to improve the quality, accessibility, timeliness of psychosocial support targeting children and their caregivers, UNICEF integrated psychosocial support into its child protection programme, and together with partners, developed 16 psychosocial teams in the West Bank and Gaza (11 in West Bank and 5 in Gaza). The programme includes group counselling sessions; individual counselling; emergency interventions; non-formal education and recreational activities.

"In addition in 2009, and in partnership with community based organizations, UNICEF supported 20 family centres that are implemented by Save the Children - Sweden, Ma'an Development Centre and Tamer Institute for Community Education. The centres provide a one-stop shop for families working to rebuild their lives – a place where children and their caregivers can come together for psychosocial care and support; a place where children can improve their mathematics, reading and writing skills; and a place where they can learn critical life skills ranging from how to avoid drugs and other risky behaviour, to how they can participate positively, in their communities." [34d] (p1)

22.24 The October 2011 UNICEF update stated:

"In the first six months of 2011:

- Nearly 1,500 children in the West Bank and more than 900 children in Gaza received group counselling sessions to help them develop coping mechanisms; children in need of individual counselling were indentified.
- 631 children in Gaza received individual counselling, half of whom displayed behavioural disorders.
- 72 children in Gaza received psychosocial counseling through a toll free line." [34e]

See also Mental health below, and [Medical issues](#)

Adoption

22.25 The undated website Adopt.com, accessed 15 March 2012, provided the following information on Palestinian adoption procedures, according to the United States Consulate in Jerusalem:

Christian Adoption:

"Prospective adoptive parents can obtain an adoption decree from the ecclesiastical court of their community (e.g. Latin, Greek, Armenian, etc). On the basis of the adoption decree issued by the court of the respective church, a Palestinian Birth Certificate can be issued and subsequently a Palestinian Passport (please note that there are sometimes difficulties in receiving civil documents from the Palestinian Authority). Children may be located for adoption from the Orphanage in Bethlehem ...

"The orphanage can only grant a child for adoption if the child is known to have been born to a Christian mother, as a child from another religion will not be given to a Christian family for adoption.

“Muslim Adoption:

“The Palestinian Authority opposes adoption by foreign parents, because, according to an unnamed source, Palestinian children must remain in Palestine. Additionally, Islamic Shari’a Law does not allow for adoption as it is recognized in the United States; rather, they allow for ‘guardianship’ [kafala].” [92a]

22.26 An undated article by Christine Huda Dodge, M.Ed, on the About.com website, accessed 15 March 2012, explained the principles of Kafala:

“In essence, it describes more of a foster-parent relationship. Some of the rules in Islam surrounding this relationship:

- “● An adopted child retains his or her own biological family name (surname) and does not change his or her name to match that of the adoptive family.
- “● An adopted child inherits from his or her biological parents, not automatically from the adoptive parents.
- “● When the child is grown, members of the adoptive family are not considered blood relatives, and are therefore not muhrim to him or her. ‘Muhrim’ refers to a specific legal relationship that regulates marriage and other aspects of life. Essentially, members of the adoptive family would be permissible as possible marriage partners, and rules of modesty exist between the grown child and adoptive family members of the opposite sex.
- “● If the child is provided with property/wealth from the biological family, adoptive parents are commanded to take care and not intermingle that property/wealth with their own. They serve merely as trustees.

“These Islamic rules emphasize to the adoptive family that they are not taking the place of the biological family – they are trustees and caretakers of someone else’s child. Their role is very clearly defined, but nevertheless very valued and important.” [93a]

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EDUCATION

22.27 The March 2010 Freedom House report Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories) (Women’s Rights 2010) stated, “Article 24 of the Basic Law mandates that public education be free to all citizens and compulsory through the basic level (up to the age of 12 or 13). As a practical matter, access to education for all Palestinians is restricted by the ongoing armed conflict and by the construction of the separation wall. The wall has negatively affected access to education for 48.4 percent of households located on its eastern side.” [38c] (Economic Rights and Equal Opportunity)

22.28 The WHO Country Profile on Palestine, last updated August 2010, provided the following statistical information on literacy:

“Adult literacy rate 15+ years, total (%)	71	2006
“Adult literacy rate 15+ years, males (%)	78	2006
“Adult literacy rate 15+ years, females (%)”	63	2006”
[20c] (Socioeconomic indicators)		

- 22.29 Freedom House's June 2011 survey, Freedom in the World 2011: West Bank, reported:
- "The PA has authority over all levels of education. Israeli military closures, curfews, and the West Bank security barrier restrict access to Palestinian academic institutions. Schools have sometimes been damaged during military actions, and student travel between the West Bank and the Gaza Strip has been limited. Israeli academic institutions in the West Bank are increasingly subject to international boycotts. In August 2010, over 150 Israeli academics announced their refusal to lecture or work at such institutions. According to the Association for Civil Rights in Israel (ACRI), East Jerusalem's schools are badly underfunded compared with schools in West Jerusalem." [38e]
- 22.30 UNICEF's Monthly Update of May 2011 focused on education and noted that since the Palestinian Ministry of Education and Higher Education (MoEHE) inherited the education system from the Israeli Civil Administration in 1994, the MoEHE has "...established the first unified Palestinian curriculum; developed a new five-year education strategic plan for 2008-2012; built approximately 900 schools to accommodate the increase in student population; improved the education management information system and built the capacity of teachers, principals, supervisors and other ministry staff." [34f]
- 22.31 The UNICEF May 2011 update continued:
- "During 2010/2011 scholastic year, there were 1,140,157 students attending 2,647 schools across the occupied Palestinian territory (1971 schools in West Bank / 676 schools in Gaza). There are 967,300 students enrolled in basic education and 149,691 enrolled in secondary education. More than 64 per cent of the total number of basic education students attend government-run schools; 27 per cent attend UNRWA [United Nations Relief and Works Agency] schools and 8.6 per cent attend private schools.
- "However, despite these achievements, the ministry still faces many challenges. The primary school net-enrolment ratio dropped from 91.7 per cent in 2001 to 83.9 per cent in 2007, and the primary school net-attendance ratio is 92 and 91 per cent for girls and boys respectively...
- "During the 2009/2010 scholastic year in the West Bank (including East Jerusalem), 22 per cent of children were not enrolled in secondary education. This amounts to 25,544 children, 75 per cent of whom are males and 25 per cent females. Reasons for not being enrolled in the education system or for dropping out of school include early marriage, poor scholastic achievement, and/or joining the labour force." [34f]
- 22.32 The Al Mezan Centre for Human Rights' Factsheet: Children Access to Education in the Gaza Strip, published December 2011, reported that:
- "Access to quality education in Gaza is continually denied due to the continuing Israeli-imposed siege on Gaza and regular military attacks and incursions from the IOF as well as attacks from Palestinian armed groups. Schools have been the direct target of airstrikes and shelling and have sustained damage from indirect attacks. Surroundings and routes to and from schools have also been attacked by the IOF. In addition, the Israeli-imposed siege on the Gaza Strip, which prevents the import of building materials, has had a serious negative impact on the quality of schooling available. School buildings which are damaged (often due to military attack) cannot be repaired meaning

children are taught in unsafe and unsuitable surroundings. Overcrowding is a serious problem because new schools cannot be built. In order to accommodate the large number of students in many school buildings operate on a double shift in order to accommodate more students.” [62b] (p2)

22.33 The Al Mezan Centre’s Factsheet of December 2011 continued:

“Children’s access to education in the Gaza Strip took a massive hit during Israel’s offensive on Gaza (codenamed Operation Cast Lead), the most recent large scale Israeli offensive which took place from 27 December [2008] to 18 January [2009]. During the 22 days of intense attack, 280 schools sustained damage (including 36 UNRWA schools), of which 18 were completed [sic] destroyed by military attack. Of the total 1,409 Palestinians who were killed, 250 were documented as students and 15 were teachers, an additional 856 students and 19 teachers were injured (out of a total of 5,380 Palestinians). 441,452 students were unable to attend school during the offensive.” [62b] (p7-8)

22.34 The UNICEF-led CAAC Bulletin on the period September to October 2011 reported that, “Since the beginning of 2011, 39 attacks against schools were reported affecting 6,587 students - 21 in the West Bank, 13 in Gaza and five in Israel. Three attacks were perpetrated by Israeli Settlers, 29 by Israeli Security Forces and 7 by Palestinian Armed Groups. This marks an 85 per cent increase compared to the same period of 2010, when 21 incidents were reported.” [34c]

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HEALTH AND WELFARE

22.35 The WHO Country Profile on Palestine last updated August 2010, provided the following statistical information:

“Population with sustainable access to improved water source (%)	94	2006
“Population with access to improved sanitation (%)	94	2006...
“Newborns with low birth weight (%)	6.0	2009
“Children underweight (%)	7.5	2008
“Perinatal mortality rate per 1000 total births	3.5	2009
“Neonatal mortality rate	7.2	2008
“Infant mortality rate (per 1000 live births)	17.0	2008
“Under five mortality rate (per 1000 live births)	21.8	2008”

[20c] (Demographic indicators, Socioeconomic indicators (concluded) & Health status indicators)

22.36 The WHO Country Profile on Palestine also provided the following statistical information regarding one-year-olds immunised in 2008:

Bacille Calmette-Guerin – BCG (%)	100
Three doses of combined diphtheria–pertussis–tetanus vaccine – DPT3 (%)	86
Three doses of oral poliovaccine, not including supplemental immunization doses – OPV3 (%)	86
Measles vaccine (%)	95
Three doses of hepatitis 3 vaccine – HBV3 (%)	86
Pregnant women immunized with two or more doses of tetanus toxoid (%)	77

[20c] (Coverage with primary health care services indicators (concluded))

22.37 The DCI/PS September 2009 report, [Bearing the Brunt Again – Child Rights Violations during Operation Cast Lead](#), reported on the impact of the December 2008-January 2009 Gaza war on the child population of Gaza, not only in terms of deaths and injuries, [26c] (p28-50) but also the destruction of civilian homes, and the water and sanitation infrastructure. [26c] (p80-100) On the health situation, the report concluded:

“The two-year siege, coupled with the destruction inflicted on the water and sanitation sector during Operation Cast Lead continues to seriously affect the health and threaten the lives of Gaza’s children. ... Gazan medical personnel and facilities, already at breaking point due to the siege, do not have the capacity to comprehensively monitor the impact of this grave public health situation on Gaza’s children. It is therefore not known how many children may have already died, or suffered debilitating diseases as a result. It is, however, certain that the lives of Gaza’s youngest residents are seriously at risk; a risk that is entirely man-made and can be averted if the State of Israel ends its siege on Gaza.” [26c] (p99 &100)

22.38 The Al Mezan Centre for Human Rights report, *Children in the Gaza Strip’s Access to Medical Care*, published 19 December 2011, stated:

“Children in the Gaza Strip are often unable to obtain adequate medical care because of the four-year Israeli-imposed closure of the border and Israel’s complete control over the movement of people and goods. The severe lack of medicines and equipment coupled with the prevention of medical personal to travel to develop their skills and knowledge has created a situation where injured and ill patients often have to seek specialized treatment outside of the Gaza Strip...

“Children seeking treatment in Israel, the West Bank (including East Jerusalem), or Jordan need a special permit to leave Gaza via Erez Crossing. This permit is issued by the Israeli security authorities and people are never allowed to cross Erez crossing without it. To obtain this permit, patients, including those with life-threatening illnesses, must go through a complex and lengthy bureaucratic process, which often leads to missed hospital appointments putting children’s lives at risk.

“Many children have been denied permits to access medical treatment because their condition is not considered life-threatening; it only affects their ‘quality of life.’ Children’s relatives who accompany them to hospitals outside the Gaza Strip have also been forced to collaborate and inform on family, friends and neighbours in exchange for a permit...

“Israel also breaches children’s right to access medical care by denying ambulances access to certain areas of the Gaza Strip to treat those in need. Children in or near the Buffer Zone close to the border fence face the constant risk of being hurt by shrapnel from rockets or artillery fire, or being shot at by Israeli military. However, Palestinian ambulances need prior coordination and approval from Israeli military authorities to enter. These delays have resulted in the deaths of many children.” [62c] (p2)

22.39 The UNICEF-led CAAC Bulletin, covering the period September to October 2011, reported that, “Children in need of specialized medical care outside of Gaza continue to face delays and denials of access to health services. In September and October 2011, the Israeli District Liaison Office approved 654 out of 655 applications for children to cross Erez for medical treatment outside of Gaza. 26 applications were delayed and one denied.” [34c]

22.40 The UNICEF-led CAAC Bulletin also observed that:

“In September and October [2011], Israeli authorities demolished 85 Palestinian structures across the West Bank, including 31 homes. As a result 132 people lost their homes, including 78 children. Another 1,344 people, including 630 children, were otherwise affected by the demolitions, which caused community displacement and threats to livelihood.

“The total number of people displaced due to demolitions and settler violence in 2011 has surpassed the 1,000 mark. In one instance, on 31 October, Israeli forces carried out demolitions in two communities in the eastern Jerusalem periphery. As a result, 32 people, including 22 children, lost their homes and 31 people, including 19 children, were affected. This was the first demolition in the Jerusalem periphery in 2011.” [34c]

22.41 The undated website of the Middle East Children’s Alliance (MECA), accessed 7 March 2012, reported:

“In the West Bank and Gaza, the Israeli Occupation systematically denies Palestinian[s] adequate quality and quantities of water. Palestinian communities inside the state of Israel have less access to water than their Jewish counterparts, as well. Water is diverted from Palestinian resources [in] the West Bank (and previously in Gaza) to illegal Israeli settlements and into Israel. Israel denies materials, fuel, and permits to sustain and expand water systems. Military attacks predictably—and often deliberately—destroy wells, water tanks, pipes, treatment plants, and sewage systems. Widespread poverty prevents people from purchasing clean water or repairing their wells and plumbing. The health and well being of virtually every Palestinian child and adult is affected by the shortage of clean, safe water.” [50b] (The Maia Project)

22.42 The MECA website further stated:

“In September 2009, the Middle East Children’s Alliance (MECA) launched the Maia Project (Arabic for ‘water’) to provide Palestinian children with clean, safe drinking water... MECA is working in partnership with community organizations in Gaza to build water purification and desalination units in schools throughout the Gaza Strip. We have provided clean water to 14 large UN schools in Palestinian refugee camps and to 13 kindergartens in refugee camps, towns, and villages.” [50b] (The Maia Project)

See also [Humanitarian issues](#)

Mental health

22.43 The Interagency Psychosocial Evaluation Project, Final Report, published by the United Nations Childrens Fund (UNICEF) in August 2011 reported:

“The impact of continued fighting, the expansion of illegal settlements in the West Bank, settler violence against children and their families, military incursions, increasing demolitions of homes, the continuing Israeli blockade of the Gaza Strip and the increasing restrictions on movement have had severe impacts on the psychosocial well-being, development, education and health of children. The number of children requiring support is increasing whilst parents and other caregivers who are also affected by the effects of the on-going conflict find it difficult to support their children and seek the

support they themselves need. Acute levels of stress and insecurity are evident in children and their caregivers.” [34h] (The psychosocial situation of children and families in the oPt)

22.44 An Integrated Regional Information Networks (IRIN) publication of 26 July 2011 reported:

“The number of children with post-traumatic stress disorder (PTSD) and other anxiety disorders including depression has increased in the occupied Palestinian territory where conflict continues with Israel, according to Médecins Sans Frontières (MSF) and Palestinian NGOs specializing in mental health...

“MSF recently increased its number of clinics and staff training in developmental psychology to meet the growing needs of Palestinian children. Fifty-four percent of mental health patients at MSF clinics in the Gaza Strip were under 12 in 2010, it said. Over a third of the cases MSF treats in Gaza and over half in Nablus in the West Bank are severe, and affect the functioning of a person in daily life.

“More than half of consultations in Gaza and in Nablus are for children under 18 years old, so far in 2011,’ said Hélène Thomas, psychological coordinator at MSF-France in Jerusalem.

“Children and adolescents have particular symptoms of psychological distress, like bedwetting, nightmares, learning difficulties [reading and speech], concentration and memory problems and therefore academic failure, or even aggressive behaviour,’ said Thomas.

“MSF provided 6,099 psychological consultations and treated 702 new patients in 2010 at their six centres in Gaza and one in Nablus, compared to 4,912 consultations in 2009.

“Nearly half of MSF patients under 15 years old in Gaza were treated for PTSD and nearly a third were treated for other anxiety disorders in 2010,’ said Thomas, and ‘about a fifth of patients under 15 years old in Nablus were treated for PTSD” [87b]

22.45 The IRIN publication continued:

“Mental health professionals from the Palestinian NGO Treatment and Rehabilitation Center for Victims of Torture (TRC), which provides comprehensive treatment and rehabilitation services to survivors of torture and organized violence across the West Bank, also reports that children seeking mental health care overwhelmingly suffer from PTSD and other anxiety disorders.

“TRC treated 3,800 patients across the West Bank in 2010, about 15 percent of them children, and is partnered with Palestinian NGO Gaza Community Mental Health Programme in Gaza (GCMHP).” [87b]

22.46 Information on the Middle East Children’s Alliance (MECA) website commented on the legacy of the attacks on Gaza by Israel during Operation Cast Lead between 27 December 2008 and 18 January 2009:

“Just after these attacks, the Gaza Community Health Programme estimated that half Gaza’s children—around 350,000—will develop some form of post-traumatic stress disorder. And as recently as February 2010, the UN Office for the Coordination of

144 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

Humanitarian Affairs found that 73% of Gaza children are still suffering from psychological and behavioural disorders, including psychological trauma, nightmares, involuntary urination, high blood pressure and diabetes.” [50a] ([Let The Children Play and Heal](#))

- 22.47 The undated MECA website, accessed 7 March 2012, reported on the Afaq Jadeeda (New Horizons) project, ‘Let the Children Play and Heal’ in Gaza: “The Afaq Jadeeda team is continuing its very successful activities at schools and community centers throughout Gaza. A psychologist is offering an expanded training for mothers, social workers, and teachers in Gaza on how to identify signs of trauma in children and support them in recovering.” [50a] ([Let The Children Play and Heal](#))

See also [History](#); [Women](#) and [Medical issues](#)

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23. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 23.01 The World Health Organisation’s (WHO) report, Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan - Report by the Secretariat, dated 16 May 2011 stated:

“The occupied Palestinian territory has a well-developed, though fragmented, health-care system which provides a full range of primary, secondary and tertiary services, including the option of referring patients for specialty care in neighbouring countries if the relevant expertise is not available locally. The main providers are the Palestinian Ministry of Health (referred to hereafter as the Ministry of Health), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Palestinian nongovernmental organizations and the private sector.” [20f] (p1)

- 23.02 The Fact-Finding Report on the Health and economic situation in the occupied Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan, which is the annex to the WHO’s, Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan – Report by the Secretariat of 16 May 2011 stated:

“The Ministry of Health, UNRWA, nongovernmental organizations and private, commercial organizations constitute the four main health providers of health services. The Ministry of Health runs 59 primary health care centres in the Gaza Strip and 381 in the West Bank. UNRWA operates 18 primary health care centres in eight refugee camps in the Gaza Strip and 41 centres in the West Bank. The nongovernmental organization sector manages 194 primary health care centres and general clinics (57 in the Gaza Strip, 137 in the West Bank).

“There are 75 hospitals in the occupied Palestinian territory (50 in the West Bank, 25 in the Gaza Strip), with a total of 5058 beds in government and nongovernment hospitals. Almost three quarters of them are general beds, 16.0% specialized beds, 3.8% beds for rehabilitation and 7.5% maternity beds. Overall, there are 12.9 beds per 10 000 population (12.7 beds in the West Bank and 13.5 beds in the Gaza Strip).” [20f] (p9)

For the most recent WHO information, refer to the [WHO West Bank & Gaza Office: Occupied Palestinian Territory](#) website. [20a]

- 23.03 A UN Office for the Coordination of Humanitarian Affairs (OCHA) Special Focus report, The Impact of Barrier on Health of July 2010 reported:

“The [West Bank Separation] Barrier has ... adversely affected the access of the entire population to urban areas, in particular East Jerusalem, whose six non-government hospitals are the main providers of routine, emergency, secondary and tertiary care for Palestinian[s] from the West Bank and Gaza Strip. ...

“East Jerusalem, with its six hospitals, is the main provider of specialized care to the population of the oPt [Occupied Palestinian territories]. The hospitals have 624 beds, 12.4 percent of the total available in the oPt and provide a range of specialized treatment unavailable elsewhere in the West Bank and Gaza Strip: dialysis and oncology at Augusta Victoria hospital; open-heart surgery at Maqassed Hospital; neurosurgery at St. Joseph Hospital; neonatal intensive care at the Red Crescent and Maqassed Hospital, eye surgery at St. John Hospital and rehabilitation for handicapped children at Princess Basma Hospital.” [3d] (p4, 9)

The July 2010 [OCHA Special Focus report](#) also provided details on the permit application process and other difficulties accessing health services due to the Barrier in the West Bank. [3d] (p9) See also section on [The Separation Barrier](#) below and [Freedom of movement](#)

West Bank

- 23.04 The WHO Fact-finding report annex of May 2011 reported:

“The Ministry of Health, with the support of donors, has continued to develop the scope and range of public health services in the West Bank. The hospital sector in particular has benefited from significant investment in infrastructure and equipment with several hospitals being rehabilitated and services developed. The Ministry of Health has also sought to strengthen its institutional and governance capacity, not least by further efforts to improve the planning process. However, the Palestinian health-care system continues to face many challenges. These include restriction of movement and access to health services. Movement within the West Bank has become a little easier over the past year as a result of the removal of some of the checkpoints, but many checkpoints and closures still remain. There are particular difficulties of access to east Jerusalem, where the main tertiary health services are provided. Administrative restrictions also have an impact on the provision of health care in rural areas classified as ‘Area C’ under the Oslo Accords.” [20f] (p9, paragraph 15)

- 23.05 The WHO Fact-finding report annex of May 2011 reported that 3399 patients from the West Bank were referred for medical treatment outside the oPT in 2009. [20f] (p10, paragraph 17)

The Separation Barrier

- 23.06 The July 2010 OCHA Special Focus report asserted:

“As the single largest obstacle to Palestinian movement within the West Bank, including to and from East Jerusalem, the Barrier constrains Palestinians from accessing health

facilities and health providers from servicing the Palestinian population. The Barrier, with its associated permit and gate/checkpoint regime directly infringes the right to health of the Palestinian population as a whole, as it isolates East Jerusalem from the remainder of the oPt.” [3d] (p13)

- 23.07 The July 2010 OCHA Special Focus report stated, “In the northern West Bank, since October 2003, Palestinians have been obliged to obtain ‘visitor’ permits to access their farming land between the Barrier and the Green Line, which was declared a ‘closed military area’ or ‘Seam Zone’.” [3d] (p5) Further:

“The requirement for ‘visitor permits’ to enter the ‘Seam Zone’ generally prevents doctors from providing house calls, ambulances from collecting patients and mobile teams providing health services. ... If the Barrier is completed as planned, approximately 33,000 West Bank Palestinians will reside between the Barrier and the Green Line, in addition to the majority of the Palestinian residents of East Jerusalem. ... Some health facilities are available within these communities: level 1 clinics in Al Jaba’a and Husan, level 2 in Fukin and level 3 in Nahhalin and Batir. Al Walaja however – which will be completely surrounded by the Barrier and separated from these other communities – is only served by a mobile medical team every two weeks. Specialized medical care for all of these communities is located in Bethlehem, to which access will be restricted.” [3d] (p7)

For further information on access to medical care in the West Bank refer to the paper [Accessibility to Health Services in the West Bank, Occupied Palestinian Territory, 2010](#) by Lina Eklund of Lund University. [81a]

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GAZA STRIP

See also [Annex C](#) for information on services offered by UNWRA in Gaza

- 23.08 Médecins Sans Frontières (MSF) reported on 17 November 2011 that “The Israeli embargo of the Gaza Strip, which began in 2007, together with years of financial crisis within the Palestinian Authority in Ramallah and the chronic lack of cooperation between the Palestinian Authority and Gaza authorities, have caused harm and threaten Gaza's health system and its patients.” [86c]
- 23.09 The WHO Gaza Health Fact Sheet of January 2010 reported that the Israeli military strike known as Operation ‘Cast Lead’ in December 2008-January 2009, damaged the Gaza Strip’s health services infrastructure as follows:
- 15 of 27 Gaza’s hospitals
 - 43 of its 110 Primary Health Care services
 - 29 of its 148 ambulances [20d] (p4)
- 23.10 The same source also noted that, “The lack of building materials is affecting essential health facilities: the new surgical wing in Gaza’s main Shifa hospital has remained unfinished since 2006. Hospitals and primary care facilities, damaged during operation ‘Cast Lead’, have not been rebuilt because construction materials are not allowed into Gaza.” [20d] (p4)

- 23.11 The Al Mezan Centre for Human Rights report, Children in the Gaza Strip's Access to Medical Care, published 19 December 2011, stated:

“The Israeli-imposed closure of the Gaza Strip since 2007 has created a shortage of drugs and medical equipment in its hospitals and clinics. These items cannot enter because they are forbidden or their import is made difficult by Israel. Sporadic electricity cuts and restrictions on fuel and electricity supplies have also put hospitals under huge pressure to maintain the functioning of medical equipment and ability to carry out procedures. Medical professionals cannot leave Gaza for advanced training and therefore lack the skills to do many operations. All of this has created a situation where patients who require specialised treatment have to be transferred to medical facilities outside the Gaza Strip where their treatment is available.” [62c] (p6)

- 23.12 The WHO's January 2010 Fact Sheet also commented on the position for medical staff: “Health professionals in Gaza have been cut off from the outside world. Since 2000, very few doctors, nurses or technicians have been able to leave the Strip for training eg to update their clinical skills or to learn about new medical technology. This is severely undermining their ability to provide quality health care. An effective health care system cannot be sustained in isolation from the international community.” [20d] (p3)

- 23.13 The WHO Fact-finding report annex of May 2011 reported:

“In the Gaza Strip, the provision of adequate health services to the population continues to be severely affected both by the Israeli blockade and Palestinian internal political divisions between the West Bank and the Gaza Strip. While the hospitals and primary care clinics in the Gaza Strip continue to function, they face multiple challenges. For example, there have been growing shortages of essential drugs and consumables: 38% of essential drugs were out of stock at central store level at the beginning of January 2011. Recurrent power cuts and an unstable power supply have adversely affected medical care: sensitive medical equipment is damaged, supportive services have had to be suspended, treatments can be interrupted or need to be postponed. The functionality of medical equipment has also been deteriorating because of inadequate maintenance capacity and lack of spare parts (although a programme supported by the Government of Italy and WHO has been seeking to address this). Many qualified health staff are not working because of the factional divide. It is also difficult to maintain or upgrade the professional knowledge and clinical skills of health staff because the Israeli restrictions on the movement of people in and out of the Gaza Strip prevent access to appropriate and up-to-date education and training. The closure of the Gaza Strip is undermining the functioning of the health-care system, hampering the provision of medical supplies and the training of health staff and preventing patients with serious medical conditions receiving timely specialized treatment outside the Gaza Strip.” [20f] (p9-10, paragraph 16)

- 23.14 The Annual Report of the Department of Health 2010, published by UNRWA on 20 May 2011, stated that, in the Gaza Strip:

“UNRWA provides primary health care through a network of 18 health centres and two sub-centres. With many people no longer able to pay the nominal consultation fees at NGO or Palestinian Authority (PA) clinics, the demand for UNRWA health services has escalated. There was an increase of over 6% in the total number of consultations at UNRWA facilities between 2009 and 2010. The quality of functioning medical services in the Gaza Strip is generally in decline due to the blockade and the internal divide between Gaza city and Ramallah. As a result of the blockade, the PA was unable to

replenish medicines and supplies at its clinics, thus necessitating patients to seek essential care at UNRWA facilities.

“The persistent restrictions on importation of medical supplies and equipment, and on the movement of health staff between West Bank and the Gaza Strip, hinder the provision of quality health services. Supplies of electricity, fuel and other consumables for the maintenance of the basic health infrastructure have not significantly improved since the adjustment to the blockade. Hospital treatment is increasingly curtailed because of the inability of hospitals to run procedures when they have limited access to electricity supplies, spare parts and equipment.

“Referrals for specialized care also remain a challenge. Despite an improvement in the flow of patients able to exit through Egypt following the flotilla incident, permits to access specialist treatment outside the Gaza Strip continue to be bureaucratically and often arbitrarily administered. In 2010, 650 (5.6%) requests to cross Erez were refused as opposed to 149 (2%) in 2009.” [16g] (p94)

23.15 The Al Mezan Centre for Human Rights report of 19 December 2011 stated:

“Research by Physicians for Human Rights – Israel (PHR-I) shows that following the imposition of a full siege on the Gaza Strip by Israel, after Hamas came to power in 2007, stricter criteria for permits to cross Erez for medical treatment were enacted on political grounds by Israel. PHR-I’s success rate at reversing denied permits for patients crossing at Erez before 2007 was above 75%, but dropped to only 35% in 2009 and in 2011 until time of writing, the success rate is only 50%. PHR-I also noticed that during this period distinction was being made between life threatening cases and cases affecting quality of life, with higher rejection rates for the latter. Cases affecting quality of life, that is, cases which are not life threatening include patients who stand to lose vision or limbs.” [62c] (p7)

The [Al Mezan Centre for Human Rights report](#) of 19 December 2011 also includes information on the process for obtaining a referral for treatment outside of Gaza. [62c]

23.16 The WHO Fact-finding report annex of May 2011 reported that 4762 patients from the Gaza Strip were referred for treatment outside the oPTs in 2009. [20f] (p10, paragraph 17)

23.17 The MSF Activity Report 2010, released 20 July 2011, reported:

“In 2010, despite having been partially lifted, the blockade was still affecting healthcare, restricting availability, provision for people with special needs, and the general quality of care. One of MSF’s main objectives is to transfer expertise to local Palestinian staff, who are unable to leave the territory for professional training. MSF is also filling specific gaps in medical care, providing specialised surgery (reconstructive and orthopaedic) and rehabilitation for trauma patients, as well as medical and psychosocial assistance to help patients cope after experiencing trauma. In 2010, more than 180 surgical operations were performed and mental health staff held almost 3,400 consultations. The rehabilitation team carried out more than 33,000 physiotherapy sessions.” [86b] (p96)

23.18 The MSF publication dated 17 November 2011 reported that, in Gaza:

“Last spring, drug companies stopped supplying the Palestinian Authority. The situation, which had been worsening steadily for several years, deteriorated further in 2011 and has reached an alarming level...

“Thirty six percent of essential medicines are lacking. Stock-outs represent a real threat to patient health. In late September 2011, 164 essential drugs – 36 percent of necessary supplies, compared to 25 percent in 2010 – were completely unavailable. Only 260 of the 900 required medical supply items (specifically, single-use items) were supplied.

“For now, UNRWA clinics, run by the UN relief agency for Palestinian refugees, provide patients with chronic illnesses access to treatment.

“The medical areas most affected are:

- Surgery
- Intensive care (certain anesthetics are lacking altogether)
- Hemodialysis
- Treatments to prevent organ transplant rejection
- Oncology
- Hematology (no coagulants)
- Psychiatric medications (only 33 of the 46 essential psychiatric drugs are available)
- Ophthalmology (all eye surgeries have been halted)
- Maternity
- Pediatrics
- Catheterisation laboratory procedures for the diagnosis and treatment of heart disease

“The five medical centers that treat kidney disease in Gaza will face drug shortages within a few weeks and their patients' lives will then be in grave danger.” [86c]

23.19 The International Committee of the Red Cross (ICRC) report Israel and the occupied territories: another year without change, published 6 February 2012, reported that:

“Gaza health-care facilities somehow managed to function in 2011 despite facing chronic shortages of drugs and disposables and lacking reliable sources of electricity and fuel. The recent financial crisis and insufficient cooperation between the health ministry in Ramallah and the authorities in Gaza had an impact on the supply of drugs and disposables...

“An average of between 20 and 30 per cent of essential drugs and disposables were out of stock in Gaza in 2011. Although basic services were available, the chronic shortages forced patients to be referred abroad.” [70c]

23.20 The UNOCHA Humanitarian Monitor for December 2011 reported:

“According the Ministry of Health (MoH) in Gaza, on average in any given month in 2011, 32 percent of essential drugs and 22 percent of essential medical disposables were at zero stock levels, indicating a crisis in provision of medical supplies. By the end of the year [2011], 148 of 480 essential drugs (31 percent) and 123 of 700 medical disposables (17.5 percent) were at zero stock in Gaza.

“In December [2011], the MoH appealed directly to the World Health Organisation (WHO), the International Committee of the Red Cross (ICRC) and other international organizations to intervene to solve the shortages problem. Supplies needed for decalcifying and disinfecting Hemodialysis machines, which are needed to maintain treatment for 450 chronic kidney patients, were at critical levels, with supply sufficient only until 7 January, 2012. Other drugs at zero stock include those needed for infections (20 percent), chemotherapy (13.5 percent), urology and kidney dialysis (10 percent), ophthalmological preparations (5.5 percent), psychotherapeutics (7 percent), and cardiovascular treatment (4 percent).” [3ak] (p6)

See also section on [Children, Health and Welfare](#)

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

23.21 The National Composite Policy Index (NCPI), dated 11 June 2010, submitted by the Palestinian Authorities (PA) in Ramallah to UNAIDS reported that the Occupied Palestinian Territories had “a policy of free services” for HIV prevention services, antiretroviral treatment and HIV-related care and support interventions. [88a] (p28) The report listed the following HIV treatment, care, and support services as accessible to the “majority of people in need”:

- Antiretroviral therapy
- Paediatric AIDS treatment
- Sexually transmitted infection management
- Psychosocial support for people living with HIV and their families
- HIV testing and counselling for TB patients
- TB screening for HIV-infected people
- TB preventive therapy for HIV-infected people
- TB infection control in HIV treatment and care facilities
- Cotrimoxazole prophylaxis in HIV-infected people
- Post-exposure prophylaxis (e.g. occupational exposures to HIV, rape)
- HIV treatment services in the workplace or treatment referral systems through the workplace [88a] (p19)

23.22 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), published 8 April 2011, stated, “The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was common.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6) The same report also noted, “While governmental authorities and community and international NGOs operated HIV/AIDS education, prevention, and screening programs, limited information was available about the equality of services provided for women.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

23.23 The WHO report of 16 May 2011 reported that, “For HIV/AIDS, WHO conducted a biobehavioural survey among injecting drug users in east Jerusalem – a first of its kind – to understand the epidemiological pattern in this low-prevalence setting. A special clinic for HIV/AIDS has been established in the Ramallah Governorate which is

integrated within the primary health care services. Two of its medical doctors received training from a WHO medical expert.” [20f] (p3, paragraph 13)

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CANCER TREATMENT

- 23.24 The WHO Fact-finding report annex of May 2009 noted, “Among women, breast cancer is the most prevalent cancer (7.5 deaths per 100 000), while lung cancer is the most common cancer among males (5.2 deaths per 100 000). Cancers of the trachea, bronchus and lung constitute 14.3% of overall cancer mortality.” [20f] (p9, paragraph 23)
- 23.25 Gaza: One year after the war, an MSF article of January 2010, reported, “‘Chemotherapy, which often combines three drugs although only two are available in Gaza, is partially available,’ Lambert says. ‘And while 30% of the cancers in Gaza are breast cancers, we cannot import the chemical used for the X-rays required for mammography.’” [86a] A United Nations Integrated Regional Information Networks (IRIN) article of August 2009 reported, “‘The largest number of deaths due to the siege is among cancer patients,’ Gaza deputy health minister Hassan Halifa said. ‘Radiotherapy for cancer patients is not available due to the lack of equipment, and chemotherapy is generally not available due to the lack of drugs.’” [87a]
- 23.26 The October 2010 Humanitarian Monitor published by OCHA reported, “Each month about 10 percent of referrals are patients suffering from cancer; most of them have to leave Gaza as cancer treatment is almost completely unavailable.” [3n] (p10) The ICRC report Israel and the occupied territories: another year without change, published 6 February 2012, stated that “...a cancer patient in Gaza can only expect to find half of the drugs required by chemotherapy protocols.” [70c]

MENTAL HEALTH

- 23.27 An article by psychologists working in the Gaza Community Mental Health Programme (GCMHP), Mental health needs in Palestine, published in the Humanitarian Exchange magazine in November 2004, noted that:
- “Mental health disorders constitute one of the largest – and least acknowledged – health problems in the occupied Palestinian territory (OPT). Around a third of Palestinians are in need of mental health interventions, yet mental health services are among the most under-resourced areas of health provision.” [83a]
- 23.28 An OCHA Fact Sheet, Demolitions and Forced Displacement in the Occupied West Bank, dated January 2012 noted the impact of the destruction of homes and other property by Israeli forces in the West Bank, including East Jerusalem, stating that, “The impact on families’ psychosocial well-being can be devastating. Women often feel a loss of control over domestic matters and a heightened sense of insecurity while men experience increased stress and anxiety. For many children, the demolition, along with the disruption to education and increased tension in the home, results in depression, anxiety and symptoms of post-traumatic stress disorder.” [3an]
- 23.29 The November 2004 GCMHP article reported:

“Mental health care is provided by the government, and by the non-governmental sector. Government provision is offered through the Bethlehem Psychiatric Hospital in the West Bank, which has a bed capacity of 320 patients, of whom 30% are chronic epileptic patients. Gaza Hospital, established in 1979 and rehabilitated in 1994, has 40 beds. Both hospitals use a traditional biological approach, with conventional pharmacological therapies and, at Bethlehem, electroshock therapy. However, patients and their families tend to lack confidence in mental hospitals, which are usually seen as custodial institutions in which troublesome and frightening people are sequestered.” [83a]

- 23.30 Also commenting on psychiatric hospitals, a Palestine Monitor article of October 2010, *Mental Health Treatment in Palestine: Electroshocks and Out-dated Medicine*, stated, “Currently two mental hospitals are operational, the Bethlehem Psychiatric Hospital in the West Bank, founded 12 years ago, and the Gaza Hospital. Both institutions employ a worryingly old-fashioned approach, based around conventional pharmacological therapies and electroshock therapy.” [33a]
- 23.31 The article provided details of the level and type of care available at Bethlehem Psychiatric Hospital, noting, “Inadequately trained staff, resource shortages and an attachment to old-fashioned treatments mean that the most vulnerable members of Palestinian society receive appalling care.” [33a]
- 23.32 The Palestine Monitor article of October 2010 reported, “Psychiatrists are limited to diagnoses and prescribing medication. In Bethlehem Psychiatric Hospital, 75% of patients have been declared schizophrenic. Jorge Castro, psychologist, believes that the hospital staff frequently label people as schizophrenic without the necessary evidence. Consequently patients are given incorrect medicines. No equipment for more sophisticated treatment is available.” [33a]
- 23.33 The WHO’s most recent comprehensive publication on mental health care provision in the OPTs is the 2006 WHO AIMS (Assessment Instrument for Mental Health Systems) report, *Mental Health System in West Bank and Gaza*, which stated, “The mental health policy (MH Services Organization Plan) for West Bank and Gaza was formulated in 2002 – 2003, and officially adopted by the Palestinian Ministry of Health (MoH) in 2004. ... Essential medicines and an essential drug list, including psychotropic drugs, are available. These include 1) antipsychotic, 2) anxiolytic, 3) antidepressants, and mood stabilizers.” [20b] (p5)
- 23.34 A more recent WHO publication of February 2011, however, noted that, in Gaza, there were shortages of essential drugs. [20e] An MSF publication of 17 November 2011 reported that the situation had worsened during 2011 with psychiatric medications being one of the most affected areas; only 33 of the 46 essential psychiatric drugs were available. [86c]
- 23.35 The 2006 WHO AIMS report noted that, “There are 42 outpatient mental health facilities available in the West Bank and Gaza. [20b] (p5) Further:
- “In terms of affordability of mental health services, the population has free access to services and to essential psychotropic medicines. For those that have to pay for their medicines out of pocket, the cost of antipsychotic medication is two USD per day (23% of daily minimum wage), and the cost of antidepressant medication is USD 1.33 per day (15% of daily minimum wage). All mental disorders are covered in social insurance schemes.” [20b] (p12)

23.36 The Gaza Community Mental Health Programme (GCMHP) was established in 1990 and is part funded by the US-based Gaza Mental Health Foundation, whose website, accessed 8 March 2012, stated:

“The GCMHP now has hundreds of paid staff, a main facility in Gaza City, a research center, and community mental health clinics in Gaza City, Khan Younis, the Deir el-Balah refugee camp, and the Jabalya refugee camp. It has also established the Rachel Corrie Women's Empowerment Project as well as crisis intervention programs, a rehabilitation program for drug abusers, a Children's Project, and a Training and Education Department that offers a postgraduate diploma in Community Mental Health and Human Rights and courses for teachers and nurses.

“It has given individual psychiatric and family therapy to tens of thousands of people. Through its crisis interventions, trainings, hospital, school and prison visits, and public awareness campaigns, it has reached one in ten persons in the Gaza Strip.” [85a] (About Gaza Mental Health Foundation)

23.37 The GCMHP published an [Annual Report 2009](#) on its activities during 2009; including its work with children and women [84a] (p11-16 & 23-28), and in the fields of human rights and institutional capacity building. [84a] (p17-22 & 29-34) Other GCMHP research reports may also be accessed via their [website](#). [84]

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23.38 The Annual Report of the Department of Health 2010, published 20 May 2011 by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), stated:

“The objective of the Community Mental Health Programme is to promote and deliver a range of integrated community interventions aimed at improving the psychological and social wellbeing of Palestinian refugees consistent with the MDGs [Millennium Development Goals] (specifically 3, 4 and 5), the Convention on the Rights of the Child (CRC) (specifically article 19, inter-alia) and the WHO Mental Health Policy and Service Guidance Package (WHO, 2003)...

“Palestine refugees are among the most disadvantaged population groups. Since 1948 they have been suffering from the trauma of displacement and the present experience of conflict and violence only adds to the many wounds and scars marked in their psyche...

“The Mental Health programme started in 2002 as a psychosocial support project and involved the recruitment of a number of counsellors in the Gaza Strip and the West Bank. As the programme's perspective widened, an international expert was recruited in 2005 and it was re-named the 'Community Mental Health Programme' (CMHP).

“The programme in Gaza Field relies on 189 counsellors supervised by six assistant supervisors and administered by the training coordinator, administrative officer and three other supervisors. In the West Bank the programme is run by 110 counsellors supervised by six assistant supervisors and administered by three supervisors, a programme manager, a training coordinator and an administrative officer. Throughout 2010 the Community Mental Health Programme has offered frontline counselling and group interventions with the aim of improving the mental health and social wellbeing of

beneficiaries. Specifically it has offered school, community and clinic based activities for children, parents, individuals, families and groups.” [16g] (p63-64)

- 23.39 The Annual Report of the Department of Health 2010, published on 20 May 2011, continued:

“The year 2010 continued to be another difficult year for refugees in the Gaza Strip with the devastating effects of the chronic siege-like conditions which has led to an increased need for psychosocial support, especially among children.

“A total of 165,019 persons benefited from the Community Mental Health Programme (CMHP) activities at the three main departments of UNRWA (Health, Education, Relief and Social Services) in the Gaza Strip in 2010. Counselling and awareness were the major activities carried out by counsellors...

“The distress experienced by refugees in the West Bank has been further heightened by on-going protection and human rights violations, including forced displacement from homes and lands. This has contributed to a prevailing sense of insecurity and anxiety for many refugees. Finally, socioeconomic impoverishment and daily hardship has contributed to a deepening sense of dissatisfaction and hopelessness which manifests as depression and other forms of psychological distress. The Community Mental Health programme in the West Bank, implements its activities in coordination with other two programmes of the Agency: Education and Relief & Social Services.” [16g] (p64-65)

- 23.40 The same report further stated that, during 2010, “In the oPt over 15,000 refugees benefited from individual mental health counselling sessions, almost 30,000 from group counselling and over 4,000 received home visits from UNRWA mental health staff.” [16g] (p2)

- 23.41 The MSF Activity Report 2010, stated:

“The conflict with Israel and the inter-Palestinian conflict within the Occupied Palestinian Territory continued to traumatise the population in 2010. Economic, social and political pressures are all making an already poor health situation far worse. The demand for psychological care is high, but capacity is limited because of a significant shortage of trained medical staff. It can be difficult for people in need of mental healthcare to find help.” [86b] (p96)

- 23.42 Regarding its provision of health services in the West Bank, MSF’s Activity Report 2010 released in July 2011 reported, “In the city of Nablus, MSF is running a medical and psychosocial programme for people suffering from trauma because of the conflicts...The team in Nablus extended its activities to Qalqilya, to the west of the city, and more than 2,700 psychological consultations were held in 2010.” [86b] (p96) Further, “In 2010, MSF staff carried out 1,000 individual mental health consultations, more than 350 group counselling sessions and nearly 300 medical consultations in Hebron and East Jerusalem.” [86b] (p96)

- 23.43 A July 2010 Aljazeera article noted:

“Although the GCMHP has embarked on a public programme to raise awareness about mental health issues – which [a psychologist at the GCMHP, Dr. Hasan] Zeyada refers to as ‘normal reactions to the abnormal situation here in Gaza’ – a cultural taboo against

discussing them remains. Those in chronic pain seek out not psychologists but physicians, who then prescribe painkillers. Habituation and drug abuse start from there.

“Operation Cast Lead exacerbated the effects of the siege and continues to take its toll on the mental health of Gazans. Approximately 13 per cent of the population now suffers from post-traumatic stress disorder – a condition characterised by severe anxiety, flashbacks, and sleep disturbances, amongst other symptoms.” [37b]
(Psychological toll)

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24. HUMANITARIAN ISSUES

- 24.01 The Annual Report of the Department of Health 2010, published on 20 May 2011 by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), stated:

“In the decade since the start of the Al Aqsa Intifada [September 2000], the West Bank and the Gaza Strip have been in the grip of a protracted humanitarian crisis. The occupied Palestinian territories (oPt) have suffered recurrent episodes of violent conflict, repeated destruction of homes and infrastructure and longstanding restrictions on movement. These conditions have eroded coping mechanisms and driven hundreds of thousands of Palestinians into poverty. 2010 saw a decrease in violence and conflict-related casualties in Gaza compared with the escalations of 2009. However, in the absence of a just and lasting peace and an end to Israeli occupation, Palestinians remain extremely vulnerable.” [16g] (p93)

- 24.02 On 25 January 2012 an appeal for humanitarian aid was launched by the United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA):

“The appeal seeks USD 416 million to respond to the humanitarian needs generated by the ongoing violations of basic human rights in the oPt. This crisis in the oPt has left communities vulnerable to human rights abuses and rendered 1.8 million Palestinians in need of humanitarian assistance...

“The occupation is taking a toll on every aspect of life. 1.43 million people are currently food insecure and require assistance from the Agriculture, Cash For Work and Food Sectors. More than 2 million people face problems with the quality or quantity of water they receive. Gaza alone is estimated to need 186 new schools, while more than 300,000 people in the West Bank have limited access to essential health care. Settler violence continued in 2011, with a 40% rise in the number of attacks recorded. Displacement due to demolitions also rose significantly in 2011, more than 1,000 people were displaced due to home demolitions and tens of thousands of Palestinians remain at imminent risk of displacement, most notably in the Jerusalem periphery, the Jordan Valley and within East Jerusalem.” [3a]

The [UN Office for the Coordination of Humanitarian Affairs](#) (OCHA) reports regularly on the humanitarian situation in the Occupied Palestinian Territories (OPTs). [3] OCHA’s OPT Consilated Appeal 2012 also includes recent, detailed information on the humanitarian situation. [3ap]

- 24.03 The UN World Food Programme's (WFP) undated overview on their OPTs webpage, accessed 14 March 2012, reported:

"Palestinians are experiencing a dramatic decline in their living standards and a regression of the economy due to internal and external movement restrictions. The civilian population in the occupied Palestinian territory continues to bear the brunt of the ongoing conflict which resulted in serious humanitarian consequences.

"The closure regime applied in the West Bank, combined with the blockade of the Gaza Strip, continues to seriously hamper access and movement of goods, services and people throughout the occupied Palestinian territory. These restrictions affect Palestinians' access to local and international markets and to employment as well as their control over natural resources. The West Bank barrier isolates thousands of people from their land, communities and basic services.

"In 2010, there has been a slight decline in the overall food insecurity levels. This can be attributed to localized economic improvement in some West Bank governorates following changes in the closure regime and the current Palestinian Authority reforms that are supported by a substantial amount of external financial assistance. The second Socio-Economic and Food Security survey, carried out by WFP and the UN Food and Agriculture Organization (FAO) in the West Bank and the Gaza Strip in 2010, estimates that food insecurity still affects 22 percent of households in the West Bank and more than half the population (52 percent) in the Gaza Strip. High levels of food insecurity remain a direct consequence of income poverty and livelihoods erosion, leading to difficulties in accessing sufficient quantities of quality food." [7a]

- 24.04 The UN Conference on Trade and Development (UNCTAD) Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory, dated 15 July 2011, reported:

"Despite GDP growth in 2010, poverty and food insecurity decreased only slightly – remaining high throughout the OPT, not just in the Gaza Strip. The latest PCBS [Palestinian Central Bureau of Statistics] data indicate that poverty remains a serious problem. Using the consumption-based definition of poverty, 26 per cent of the Palestinians in the OPT lived in poverty in 2009 and 2010. The poverty rate was 18 per cent in the West Bank, but was much higher in Gaza at 38 per cent. Were it not for the significant social assistance extended to Palestinian households, the poverty rate in the OPT in 2010 would have been 31 per cent (PCBS, 2011).

"According to the World Food Programme (WFP) (2011), 50 per cent of Palestinian households in the OPT were impacted by food insecurity – 33 per cent were classified as food-insecure, and nearly 17 per cent were classified as vulnerable to food insecurity. In Gaza, 65 per cent were impacted by food insecurity, with 52 per cent classified as foodinsecure and a further 13 per cent vulnerable to food insecurity. The fact that 33 per cent of agricultural land in Gaza is inaccessible to farmers and some 85 per cent of Palestinian maritime space is off-limits to fishermen has contributed to food insecurity." [8a] (p5)

- 24.05 Regarding access to water, the OCHA Humanitarian Monitor of October 2011 stated:

"The Israeli demolition of water infrastructure in the West Bank has been of ongoing concern. From the beginning of 2009 to date, 48 rainwater cisterns and 38 wells have

been demolished, half of which were recorded this year alone (24 cisterns and 19 wells in 2011) affecting more than 14,000 people, over half of whom are children. The demolition of cisterns in these areas means the loss of their primary coping mechanism, especially in times of water scarcity...

“The demolitions occurred within the context of long-standing discriminatory allocation of water resources in the West Bank is made clear given the preferential water resource distribution provided to Israeli settlements located in the same areas. While Israeli settlements receive an average 280 liters per day per capita, the Palestinian population is allocated an average of 60 liters per day per capita, well below the recommended 100 liters as recommended by the World Health Organization (WHO).” [3am] (p5)

- 24.06 The undated Middle East Children’s Alliance (MECA) website, accessed 7 March 2012, also provided the following background information to the water crisis in Gaza:

“Numerous military attacks on the Gaza Strip have devastated Gaza’s water infrastructure. ... As a result of all these assaults, the water in Gaza is polluted with untreated sewage, agricultural chemicals, and it is brackish from seawater. Gaza’s water contains high levels of nitrates, chloride and fluoride, and other pollutants that cause significant health problems, including parasitic infections, kidney disease, heart disease, damage to the nervous system, cancers, weakened bones and teeth and a life-threatening type of anemia.

“After six decades of pressure on a limited water source, diversion of the water for Israeli use, the blockade on supplies to repair and maintain water systems, and military attacks, the quantity of water in Gaza is inadequate and the quality is dangerous.” [50b] (The Maia Project)

For further information on restricted access to water in the OPTs refer to the following:

Amnesty International: [Demand Dignity: Troubled waters – Palestinians denied fair access to water](#), 27 October 2009 [35e]; [Thirsting for justice: Palestinian access to water restricted \(Demand Dignity campaign digest\)](#), 27 October 2009. [35f]

See also [Economy](#)

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WEST BANK

- 24.07 WFP’s overview, accessed 14 March 2012, noted that, “In the West Bank, restrictions on freedom of movement, land and water access and working permits continue to hamper livelihood opportunities, particularly in Area C and the Seam Zone. Among Bedouin and herder communities living in Area C, food insecurity is estimated as high as 55 percent.” [7a]

See also [Women](#); [Children](#) and [Medical issues](#)

Settlements, evictions and demolitions

- 24.08 The AI Report 2011: Israel and the OPTs noted:

158 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

“Palestinians living in the West Bank, including East Jerusalem, faced such tight restrictions on what they could build that their right to adequate housing was violated. Forced evictions were carried out in the West Bank, including East Jerusalem, on the grounds that the houses had been built without permits; such permits are almost impossible for Palestinians to obtain from the Israeli authorities. Demolition crews, accompanied by security officials, generally arrived without notice and gave families little opportunity to remove their possessions. Under Israeli military law, applied to Palestinians in most of the West Bank, there is no requirement for evicted families to be re-housed or compensated. Palestinians in East Jerusalem fared little better under the Israeli civil authorities. In 2010, Israeli authorities demolished 431 structures in East Jerusalem and the West Bank, a 59 per cent increase over 2009. At least 594 Palestinians – half of them children – were displaced after their homes were demolished by order of the Israeli authorities, while more than 14,000 Palestinians were affected by demolitions of water cisterns, wells and structures relating to their livelihoods.” [35a]

- 24.09 An OCHA Fact Sheet, Demolitions and Forced Displacement in the Occupied West Bank, dated January 2012, provided information and statistics on such events in 2011, including:

“The forced displacement of Palestinian families and the destruction of civilian homes and other property by Israeli forces in the West Bank, including East Jerusalem, have a serious humanitarian impact. Demolitions deprive people of their homes, often their main source of physical and economic security. They also disrupt their livelihoods, reducing their standard of living and undermining their access to basic services, such as water and sanitation, education and health care.” [3an]

See the January 2012 [OCHA Fact Sheet](#) for further information and detailed statistics on demolitions and forced displacement of Palestinians in the West Bank during 2011. [3an]

See also [Security situation](#), [Mental Health](#) and [Recent Developments](#)

For further information on planning, settlement and demolitions refer to the following:

OCHA Special Focus: [Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank](#), December 2009 [3g]; [Shrinking Space: Urban Contraction and Rural Fragmentation of Bethlehem Governorate](#), May 2009 [3i] and [The Planning Crisis in East Jerusalem](#), April 2009. [3j]

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories: [East Jerusalem](#), undated [25d] and [By Hook and by Crook – Israeli Settlement Policy in the West Bank](#), July 2010 [25i].

Amnesty International: [As safe as houses? Israel's demolition of Palestinian homes](#), 16 June 2010 [35d]

Checkpoints, roadblocks and the Separation Wall

- 24.10 At a press conference in Jerusalem on 11 February 2011, the UN High Commissioner for Human Rights observed that:

“The International Court of Justice, in its 2004 advisory opinion, stated that establishing the Wall, or barrier, inside occupied territory is prohibited under international law. Some 85 percent of the wall, when it is completed, will be located inside occupied territory,

and therefore illegal. It will also have effectively sequestered around 9.5 percent of West Bank territory.

“The combined effects of the illegal settlements and the Wall, that has been diverted illegally to protect them, have been devastating on the social, economic and cultural rights of many thousands of Palestinians. Families are divided from each other and from their neighbours, from their agricultural land and other sources of income, from their water sources and from other important infrastructure and services, including schools, health clinics and hospitals. Their new neighbours, the illegal settlers, often treat them with contempt, hostility and even physical violence. The settlers receive massive protection from Israeli security forces, but hardly any protection is being provided to the Palestinians living next door.” [61b]

24.11 The Freedom House survey, Freedom in the World 2011: West Bank (Freedom in the World 2011: WB), released 9 June 2011, reported:

“The easing of checkpoints and roadblocks and the wider deployment of PA security forces contributed to improved economic conditions in the West Bank in 2010, particularly in Nablus, Ramallah, and Jenin. However, as of August the IDF maintained 59 permanent checkpoints and over 400 roadblocks within the territory. These impose extensive delays on local travel, stunt internal and external trade, and restrict Palestinian access to jobs, hospitals, and schools. Israel's security barrier has also cut off many Palestinians from their farms and other parts of the West Bank. While most roads are open to both Israelis and Palestinians, about 10 are open only to drivers with Israeli documents, ostensibly for security reasons. In May 2010, the IDF opened the controversial Highway 443 to Palestinian traffic following a 2009 Israeli Supreme Court ruling to that effect; Palestinians still cannot access Ramallah or East Jerusalem from the road.” [38e]

See also [Medical issues](#) and [Freedom of movement](#)

For further information on the impact of checkpoints, roadblocks and the Separation Wall refer to the following:

OCHA Special Focus: [The Impact of Barrier on Health](#), July 2010 [3d]; [West Bank Movement and Access Update](#), August 2011 [3e] and [Reported Access Incidents of Humanitarian Organizations](#), May 2009 to May 2010 [3k]
B'Tselem: [Restrictions on Movement](#), undated [25f]

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GAZA STRIP

24.12 WFP's overview, accessed 14 March 2012, noted that, “In the Gaza Strip, food insecurity levels have slightly declined since its peak following the December 2008/January 2009 Israeli military operation but the root causes remain: the continuous blockade resulting in a high unemployment rates [sic] and a moribund private sector.

160 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

Food-insecure households continue to face economic constraints to cover their basic needs.” [7a]

- 24.13 The OCHA Fact Sheet, Humanitarian Situation in the Gaza Strip, dated October 2011, noted that “38% of Gazans live in poverty” and “54% of Gazans are food insecure and over 75% are aid recipients.” [3a0]

See the [OCHA Fact Sheet](#) of October 2011 for further information and statistics. [3a0]

See also [History](#); [Security situation](#) ; [Security forces](#) and [Freedom of movement](#)

Blockade

- 24.14 The OCHA Fact Sheet of October 2011 stated:

“The Gaza blockade (through the land, air and sea) is a denial of basic human rights in contravention of international law and amounts to collective punishment. It severely restricts imports and exports, as well as the movement of people in and out of Gaza, and access to agricultural land and fishing waters. Gazans are unable to provide for their families and the quality of infrastructure and vital services has deteriorated.

“Despite measures taken to ease the blockade in June 2010 the humanitarian situation has remained extremely fragile. While imports have increased, they are still at less than 40% of the pre-2007 levels. Exports remain tightly restricted and are limited to agricultural produce to Europe, and Gazan businesses cannot access their traditional markets in Israel and the West Bank. Access to land and sea remains highly restricted.” [3a0]

- 24.15 The Human Rights Watch (HRW) World Report 2012 on events in 2011, released 22 January 2012, reported:

“Israel's punitive closure of the Gaza Strip, tightened after Hamas's takeover of Gaza in June 2007, continued to have severe humanitarian and economic consequences for the civilian population.

“Gaza's economy grew rapidly, but the World Bank said the growth depended on international assistance. The economy had not returned to pre-closure levels; daily wages, for instance, had declined 23 percent since 2007. Israel's near-total restrictions on exports from Gaza hindered economic recovery...

“Israel continued to bar construction materials, like cement, which it said had ‘dual use’ civilian and military applications. Israel allowed shipments of construction materials for projects operated by international organizations, but as of September [2011] Gaza still had an estimated shortage of some 250 schools and 100,000 homes.” [22b] (**Gaza Strip – Blockade**)

- 24.16 Amnesty International's Report 2011: Israel and the Occupied Palestinian Territories, released 13 May 2011, stated:

“The blockade of the Gaza Strip, in force since June 2007, suffocated the economy and drove people there further into poverty. Amid continuing health and sanitation problems, poverty and malnutrition, some 80 per cent of Gazans were forced to depend on

international humanitarian aid, the flow of which was impeded by the blockade. Severe shortages fuelled high prices. Most UN reconstruction projects to provide clinics and schools had to be delayed; as a result, some 40,000 Palestinian children eligible to enrol in UN schools in September had to be turned away.

“Virtually all Gazans were effectively trapped in the small enclave, including seriously ill patients who needed treatment elsewhere and many students and workers wishing to study or take up jobs abroad. Only relatively few were allowed to exit Gaza.

“In May [2010], Israeli troops forcibly intercepted an international aid flotilla aiming to break the blockade. They killed nine of those aboard and injured more than 50, some seriously. Several Israeli soldiers were injured. Several inquiries were established into the attack, including two by the UN. In September, the investigative body appointed by the UN Human Rights Council concluded that ‘lethal force was employed by the Israeli soldiers in a widespread and arbitrary manner which caused an unnecessarily large number of persons to be killed or seriously injured.’ An Israeli government-appointed commission of inquiry lacked independence and transparency.

“Following international criticism of the attack, the government announced a partial easing of the blockade, although insufficient to markedly improve conditions in Gaza. Israel continued to ban all export of goods from Gaza until 8 December, and the announced easing of restrictions on exports had not been implemented by the end of the year [2010].” [35a]

- 24.17 The UN Conference on Trade and Development (UNCTAD) Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory, dated 15 July 2011, reported that “In Gaza, a modest relaxation of the Israeli blockade over the last 18 months (Government of Israel, 2011) has enabled an improvement in economic activity. This has been concentrated in the non-tradable goods sector, mainly construction, whose output doubled in 2010.” Nevertheless, the report further noted that “Humanitarian conditions in Gaza remain dire, and the Israeli blockade imposed since 2007 is still largely in place.” [8a] (p3)

See also [Economy](#); [History](#); [Children](#); [Medical issues](#); [Freedom of movement](#) and [Exit and return](#)

For further information on the impact of the Blockade refer to:

OCHA’s [Gaza Crossings Online Database](#) [3q]

OCHA Special Focus: [Between the Fence and the Hard Place – The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip](#), August 2010 [3c] and [Locked In: The humanitarian impact of two years of blockade on the Gaza Strip](#), August 2009 [3h]

World Health Organisation (WHO): [Gaza Health Fact Sheet](#), 20 January 2010 [20d]

Palestinian Centre for Human Rights (PCHR): [Closure Updates](#) [44c] and [Position Paper on the Easing of the Closure of the Gaza Strip](#), 1 July 2010 [44i]

International Committee of the Red Cross: [GAZA 1.5 million people trapped in despair](#), June 2009. [70a]

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NON-GOVERNMENTAL ORGANISATIONS (NGOs) PROVIDING HUMANITARIAN AID

- 24.18 The Palestinian Centre for Human Rights' (PCHR) Annual Report 2010, published 9 May 2011 covering the period 1 January to 31 December 2010, stated:

"The political crisis in the PNA and the conflict between the two Palestinian governments in Gaza and Ramallah have negatively impacted the already deteriorated economic and social conditions of the Palestinian population in the Gaza Strip...

"...expansive measures taken by the two governments against dozens of charities and NGOs in the West Bank and the Gaza Strip have impacted the rights of thousands of individuals who used to benefit from their services. The two governments in Ramallah and Gaza closed dozens of charities and NGOs in the West Bank and the Gaza Strip under various pretexts, preventing them from providing health, agricultural, relief and development services." [44d] (p108]

- 24.19 A May 2010 Special Focus report by the UN Office for the Coordination of Humanitarian Affairs (OCHA), *Impeding Assistance: Challenges to Meeting the Humanitarian Needs of Palestinians*, reported, "Since the Hamas takeover of the Gaza Strip in 2007, a number of issues arising from the political rift between the PA in Ramallah and the Hamas authorities in the Gaza Strip have made humanitarian operations more difficult. Most of these issues concern competing attempts by the parties to exercise control over certain operations or functions in the Gaza Strip." [3f] (p15)

For more detailed information on the impediments to humanitarian assistance in the OPTs, including the bureaucratic and political issues as well as physical barriers to the movement of goods and staff, see the full [OCHA Special Focus May 2010](#) report. [3f]

- 24.20 The May 2010 OCHA Special Focus report noted, "At times over the course of the past two years, community-based organizations allegedly affiliated with Hamas in the West Bank have been the target of raids by both Israeli and Palestinian security forces. Some of the organizations had property confiscated, while others were closed, impacting in some cases, thousands of beneficiaries." [3f] (p15)

- 24.21 The [Internal Displacement Monitoring Centre's \(IDMC\) webpage](#) on the OPTs compiles information on IDPs from various sources. The IDMC's *Overview: No end to internal displacement*, last updated 5 July 2011, stated that "Humanitarian agencies face a number of obstacles to the provision of assistance..." "In mid-2011, a grouping of international NGOs highlighted the impact of Israeli restrictions in compromising the reach and quality of humanitarian and development interventions, and estimated their annual cost to international donors at \$4.5 million (AIDA, June 2011)." [19b] (Humanitarian access)

- 24.22 OCHA's OPT Consolidated Appeal 2012 reported that, "Humanitarian agencies face significant obstacles regarding staff movement and day-to-day operations in the oPt, hampering the provision of aid and undermining the effectiveness of assistance to vulnerable Palestinians. Most of these challenges are a result of Israeli policies in the oPt, particularly regarding movement and access, and planning and zoning." [3ap] (p17)

West Bank

- 24.23 The May 2010 OCHA Special Focus report stated:

“In the West Bank, humanitarian organizations face ongoing restrictions on movement and access. Policies include a permit regime required for staff from the West Bank to enter East Jerusalem, and continued access difficulties stemming from the deployment of hundreds of closure obstacles, among others. In particular, agencies mandated with service provision are limited in doing so in Area C, due to the restrictive planning regime applied by Israel and restrictions to obtaining building permits and difficulties accessing certain areas.” [3f] (p2)

- 24.24 OCHA’s OPT Consilated Appeal 2012 noted that “...humanitarian personnel continued to face problems entering EJ [East Jerusalem]. Complex coordination requirements led to restrictions on ambulance movements to respond to needs in EJ, especially during violent incidents. The gradual handover of Jerusalem periphery checkpoints to the Israeli Crossing Points Administration, which imposes stricter policies, is expected significantly to affect humanitarian access.” [3ap] (p17)

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Gaza Strip

- 24.25 On the Gaza war, also referred to as Operation ‘Cast Lead’, the Amnesty International report, *Israel/Gaza, Operation ‘Cast Lead’: 22 days of death and destruction*, published July 2009 reported:

“Israel not only failed to adequately supply the population of Gaza, it also deliberately blocked and otherwise impeded emergency relief and humanitarian assistance, launching several attacks on vehicles carrying humanitarian assistance, in violation of international humanitarian law. On 8 January 2009, for example, a UN aid convoy was attacked in the north of Gaza, killing one UN-contracted employee and injuring two others. The UN said that it had coordinated the convoy’s movements in advance with Israeli officials. In addition the attacks on convoys and aid distribution centres, on paramedics and ambulances resulted in UNRWA and the ICRC strictly limiting their operations in Gaza during the fighting.” [35h] (p52)

For further information on the impact of the Gaza conflict/Operation ‘Cast Lead’ of December 2008 – January 2009 refer to the following sources:

OCHA: [The Humanitarian Monitor](#), January 2009 [3r]

Amnesty International, [Israel/Gaza, Operation ‘Cast Lead’: 22 days of death and destruction](#), July 2009

The Internal Displacement Monitoring Centre (IDMC): [No end to internal displacement](#), 5 July 2011 [19b]

World Health Organisation (WHO): [Gaza Health Fact Sheet](#), 20 January 2010 [20d]

Human Rights Watch (HRW): [“I Lost Everything” – Israel’s Unlawful Destruction of Property during Operation Cast Lead](#), 13 May 2010. [22i]

United Nations: [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report), 25 September 2009. [72a]

- 24.26 The OCHA May 2010 Special Focus report noted, “The situation in the Gaza Strip, in particular, presents severe impediments to humanitarian operations. Sweeping import restrictions imposed by Israel since June 2007 have either prevented the

implementation of planned humanitarian projects or resulted in significant delays.” [3f] (p2) Further:

“... the ‘no contact’ policy of some donors, prohibiting contact with the Hamas authorities, continues to affect some humanitarian organizations, while Hamas’s requests for compliance with its administrative procedures from UN agencies and NGOs have intensified. This ‘two-way’ tension is narrowing the operational independence of some organizations and, at times, restricts on-going humanitarian operations.” [3f] (p2)

“National NGOs and community-based organizations and associations have come under a range of pressures, requiring considerable follow-up by humanitarian agencies. In July/August 2008, up to 200 local organizations were ‘raided’ by the authorities and many of them had property, including administrative files, confiscated. Although subsequently, many re-opened and resumed activities, some had to change board members and/or activities and control and oversight over them remains high. Those known to, or perceived to be, linked to Fatah, have had a particularly difficult time. Also local organizations working for INGOs [international non-governmental organisations] were increasingly pressured throughout 2009 to share beneficiary lists with the authorities. A few of those who did not share the requested information were closed and/or had members taken in for questioning.

“There have also been a range of ongoing requests for information about the activities of local and international NGOs and concern expressed over specific activities or practices, among other issues raised.” [3f] (p14)

24.27 The IDMC’s Overview of 5 July 2011 also noted that, “Humanitarian agencies have also had to tread a careful line in respecting the policy of no contact with Hamas insisted upon by the international community and the organisation’s role in coordinating aid delivery... Hamas itself has also impeded the humanitarian response, seized humanitarian shipments and suspended some programmes...” [19b] (Humanitarian access)

24.28 OCHA’s OPT Consilated Appeal 2012 reported:

“The situation for international non-governmental organisations (INGOs) operating in Gaza was further complicated by national anti-terrorism legislations and related no-contact policies with Hamas. Such policies create challenges for many organizations in dealing directly with the de facto authorities in Gaza. The most recent example of this occurred when Hamas introduced new regulations relating to auditing and residency requirements that affected several organizations in Gaza.” [3ap] (p17)

See also [Political affiliation](#)

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25. FREEDOM OF MOVEMENT

The [UN Office for the Coordination of Humanitarian Affairs](#) (OCHA) reports regularly on the impediments to freedom of movement in the Occupied Palestinian Territories (OPTs). [3] Annex 1, Article IX of the [Israeli-Palestinian Interim Agreement on the West](#)

Bank and the Gaza Strip, 28 September 1995, refers to movement into, within and outside the West Bank and the Gaza Strip. [12a]

- 25.01 An Amnesty International publication of 4 October 2011 noted that “Israel controls the passage of people and goods into and out of both parts of the OPT [West Bank and Gaza Strip], which are considered as one territory under the Oslo Accords and international humanitarian law.” [35c]
- 25.02 A British Broadcasting Corporation (BBC) article dated 24 February 2012 reported:
- “Since 2007, Hamas has been in power in Gaza with Fatah left to govern the West Bank. So, Palestinians face not only a political divide, but also a geographical one...
- “At its narrowest point the distance between the West Bank and Gaza is just 40km. But that short stretch of land is across Israel, and Palestinians cannot pass without Israeli permission. Since the outbreak of the second intifada in 2000, Israel has severely restricted the movement of Palestinians between Gaza and the West Bank.
- “The Palestinian population registry is controlled by Israel...A Palestinian with an ID card that registers them as living in Gaza cannot easily move to the West Bank.” [100e]
- 25.03 Regarding the situation in the West Bank and Gaza Strip, the US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories (USSD Report 2010), released 8 April 2011 reported:
- “The Basic Law provides for freedom of movement, and the PA [Palestinian Authority] generally did not restrict freedom of movement. The Basic Law does not specify regulations regarding foreign travel, emigration, or repatriation.
- “Hamas authorities in the Gaza Strip enforced movement restrictions on Gazans attempting to exit to Israel via the Erez Crossing and maintained more relaxed restrictions on transfer to Egypt via the Rafah Crossing; Hamas authorities did not appear to enforce routine restrictions on internal movement within the Gaza Strip, although there were some ‘no go’ areas to which Hamas prohibited access.” [15b] (**The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority – Section 2d)**)
- 25.04 The Human Rights Watch (HRW) World Report 2012: Israel/Occupied Palestinian Territories, covering events in 2011, published 22 January 2012 stated:
- “Egypt shared responsibility for the closure of Gaza by restricting the movement of goods and people at the Rafah crossing on Gaza's southern border. In late May Egypt announced it would allow up to 400 Gaza residents to enter Egypt per day. By August more than 920 people per day crossed Rafah in both directions, compared to 1,320 people per day when the crossing was last fully operational in 2006. However, Egyptian border authorities continued to require Palestinians to present official identification cards, which cannot be issued without Israeli approval, even for Gaza residents.” [22b] (**Gaza Strip – Blockade**)
- 25.05 The OCHA West Bank Movement and Access Update, August 2011, reported:
- “The period between July 2010 and June 2011 was characterized by the absence of significant changes in the system of movement restrictions implemented by the Israeli authorities within the West Bank territory to address security concerns. This system has

continued to hinder the access of the Palestinian population to livelihoods and basic services, including health, education and water supply.

“In a comprehensive survey completed by the end of this period, OCHA documented and mapped a total of 522 obstacles (roadblocks, checkpoints, etc) obstructing Palestinian movement within the West Bank, a four percent increase from the equivalent figure recorded in July 2010 (503). Similarly, almost no changes were observed in the other components of the system of movement restrictions, including the Barrier, the permit and ‘prior coordination’ regimes to access the ‘Seam Zone’ or settlement areas, and the closure of areas for military training.

“Regarding access to and from the main towns and cities (excluding East Jerusalem), the lack of improvement observed during this period contrasts with the previous two years. Between July 2008 - June 2010 the Israeli authorities implemented a relatively large number of relaxation measures, which contributed to reducing travel time and resulted in less friction between Palestinians and Israeli soldiers at checkpoints.” [3e] (p2)

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TRAVEL PERMITS AND ID CARDS

25.06 The paper, Identity and movement control in the OPT, in the Forced Migration Review issue 26 (FMR 26) Palestinian displacement: a case apart? of August 2006 reported:

“Since it occupied the OPT in 1967 – and regardless of the Oslo process – Israel has reserved exclusive power of civil registration and issuing of IDs for Palestinians. ... In September 1967 Israel conducted a snap census in the territories it had just occupied. Anyone not registered had their residency rights revoked. Tens of thousands of Palestinians who were studying, working or travelling abroad immediately lost any entitlement to residency and today have no official identity. ...

“As a result of the Oslo Accords the act of issuing identity cards passed to the Palestinian Authority [PA]. Nonetheless, because Israel retained – and continues to retain – control over the Palestinian population registry, it is Israel that determines the rights and status of all Palestinians living on occupied land. The PA has no power to intervene on behalf of its people. Information on the name, age, date and place of birth, political affiliation and security record of all individuals are stored on a computer database accessed by Israeli officials at checkpoints and border crossings.” [36a] (p24)

See also [History](#); [Palestinian refugees](#); [Citizenship and status](#) and [Exit and return](#)

25.07 The August 2006 FMR 26 article, Identity and movement control in the OPT, noted:

“Today, ID-holding residents of the West Bank and Gaza are entitled to change the colour of their ID cards to green, the colour of ID cards issued by the PA, though some still carry the older Civil Administration versions [West Bank residents had orange cards, those in the Gaza Strip had maroon]. East Jerusalemites still hold blue ID cards. The PA-issued ID cards contain a photograph and relevant personal information. While they appear to be identity documents issued by a sovereign authority, in fact they are still directly linked to the Israeli-controlled population registry and corresponding information

database. The information printed on the cards appears in Hebrew, Arabic and English.” [36a] (p24)

The Open Society Archives’ (OSA) [The Divide](#), 15 June – 29 August 2004 noted that the cover of the ID cards were different colours. [54a]

See also [Annex D – Identity \(ID\) cards](#)

25.08 An April 2010 letter from the Palestinian General Delegation Office (PGDO), London, UK to the UK Border Agency stated, “Every Palestinian who has an ID number (those residing in OPT) should know it or be able to confirm it via extended families/contacts in Palestine.” [94a]

25.09 A September 2008 position paper by B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories – illustrated that Israeli control over the Palestinian population register applied to both the West Bank and Gaza Strip, regardless of Israeli ‘disengagement’ in 2005 from the latter:

“As of November 2007, a resident of the Gaza Strip who is present in the West Bank is required to hold a ‘permit to remain in Judea and Samaria’, and the permit is designed for this purpose only.’ This was stated in an official letter from the Spokesperson for the Coordinator of Government Activities in the Territories. The permit must be obtained from the military and is valid for three months only. Receiving such a permit is conditional upon the applicant’s proving that he or she has been present in the West Bank for the past eight years continuously; the applicant must also be married and have children; he or she must have security and police clearance; and he or she must provide ‘humanitarian’ grounds for granting the application. Even if an applicant meets all the abovementioned conditions, the military may still refuse the application.” [25g] (p2)

A footnote in the same document stated, “The letter also states that family ties (including marriage) to Palestinians whose registered address is in the West Bank do not constitute, in and of themselves, humanitarian grounds justifying approval of the application.” [25g] (p2)

25.10 The September 2008 B’Tselem position paper continued:

“According to Article 28 of Annex III of the Interim Agreement (the Oslo Accord), the Palestinian Authority (PA) is empowered to update the registered addresses of its residents in the Palestinian population registry. The Israeli side is obligated to update its copy of the registry in accordance with the PA’s notifications of change of address. Following the outbreak of the second intifada, Israel froze the procedure for updating addresses switched from Gaza to the West Bank in its copy of the registry. As the new requirement for a permit to be present in the West Bank is based on a person’s registered address, Israel is effectively barring Palestinians whose registered address is Gaza from moving to the West Bank. It is also retroactively turning many Palestinians who already live in the West Bank into criminals.” [25g] (p2)

Conversely, the same paper noted, when a Palestinian whose registered address is in the West Bank agrees to permanently relocate to the Gaza Strip “Israel is willing to change the applicant’s address”. [25g] (p4) “...Israel has now eliminated the possibility of entering the Gaza Strip for a visit and returning to the West Bank. Thus, it has left these families with one option only – in order to live together, they must move to the Gaza

Strip with no possibility of returning to the West Bank, as long as Israel upholds the unacceptable separation policy.” [25g] (p3-4)

- 25.11 An April 2010 article by B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories reported:

“On Tuesday, 13 April 2010, the Order Regarding the Prevention of Infiltration (Amendment No. 2) and the Order Regarding Defense Regulations (Amendment No. 112) came into force. The orders were signed by former OC Central Command Maj. Gen. Gadi Shamni in October 2009. Under the orders, any Palestinian who enters the West Bank ‘unlawfully’ and any person who is present there without an Israeli permit is deemed an ‘infiltrator’ and may be deported from the West Bank by Israel. The definitions in the orders are vague: they do not determine, for example, what is considered a valid permit and whether a Palestinian identity card constitutes one. ...

“Given Israel’s current policy, B’Tselem is concerned that the orders will be used primarily against Palestinians who have lived in the West Bank for many years and have established their lives there, but whose official address remains in the Gaza Strip because Israel refuses to change their address in the population registry. It is also feared that Israel will use the orders to deport spouses of residents of the West Bank when the spouse holds a foreign passport and Israel refuses to grant their application for family unification. It is estimated there are tens of thousands of persons in these categories.” [25h]

- 25.12 The Freedom House survey Freedom in the World 2011 - West Bank, published 9 June 2011, stated:

“All West Bank residents must have identification cards to obtain entry permits to Israel, including East Jerusalem; Israel often denies permits. In 2010, the IDF [Israeli Defence Force] broadened the definition of ‘infiltrator’ in the West Bank to include Palestinians who are not in the PA population registry and do not have a permit to live in the territory, exposing them to deportation within 72 hours, imprisonment, and other penalties. Human rights groups alleged that the change could subject thousands of Palestinians with Gaza residency permits to sudden deportation; Israel claimed that the change affected only a small number of people and was intended to speed up military hearings for potential deportees. As of April 2010, five people had been deported under the new rule; in addition, a number of prisoners were released into Gaza instead of the West Bank.” [38e]

- 25.13 The OCHA Special Focus report, West Bank Movement and Access Update of August 2011 stated, “There has been no improvement in access to East Jerusalem, for Palestinians who hold West Bank ID cards; their access continues to be severely restricted by the Barrier, the checkpoints and the permit system. This situation has a particularly negative impact on access to specialized hospitals in East Jerusalem by patients and staff, as well as access to Muslim and Christian places of worship.” [3e] (p13)

See also [Humanitarian issues](#)

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WEST BANK

25.14 The OCHA Special Focus update of August 2011 reported:

“Since the early 1990s, when Israel imposed a general closure, non-Jerusalem Palestinians have been required by the Israeli authorities to obtain permits to enter Israel and East Jerusalem.

“Access to East Jerusalem for this population has been further restricted following Barrier construction around the city, the majority of which was complete by 2007. Since then, access of permit holders has been limited to four of the 16 checkpoints functioning along the Barrier, which have become increasingly crowded as a result. Permit holders are allowed to cross these checkpoints only on foot. The remaining 12 checkpoints are used by Israelis, internationals and Palestinians holding Jerusalem ID cards.” [3e] (p13)

25.15 The Human Rights Watch (HRW) World Report 2012 on events in 2011, released 22 January 2012, reported that “Israel maintained onerous restrictions on the movement of Palestinians in the West Bank, especially in ‘Area C,’ which is under exclusive Israeli control. It maintained more than 520 checkpoints and other closure obstacles as of July [2011].” [22b] (West Bank – Freedom of Movement)

25.16 Amnesty International’s Report 2011: Israel and the Occupied Palestinian Territories (AI Report 2011: Israel and the OPTs), released 13 May 2011, noted, “Hundreds of Israeli military checkpoints and barriers restricted the movement of Palestinians in the West Bank, hindering or blocking access to workplaces, education and health facilities, and other services.” [35a]

25.17 The report of the UN Secretary-General to the General Assembly Security Council, Peaceful settlement of the question of Palestine, published 19 September 2011, noted that in the West Bank, “As of August 2011, the number of obstacles to movement was approximately 523, of which 62 were permanently staffed, compared to 509 in August 2010, of which 64 were permanently staffed.” [56a] (p12)

25.18 OCHA published a fact sheet, [Movement and Access in the West Bank](#) dated September 2011 which provided detailed information on the situation in that area. [3aq]

OCHA released Closure maps, dated December 2011, of each Governorate in the West Bank: [Bethlehem](#) [3t] [East Jerusalem](#) [3u] [Hebron](#) [3v] [Hebron Old City H2](#) [3w] [Jenin](#) [3x] [Jericho](#) [3y] [Jerusalem](#) [3z] [Nablus](#) [3aa] [Qalqiliya](#) [3ab] [Ramallah](#) [3ac] [Salfit](#) [3ad] [Tubas](#) [3ae] and [Tulkarm](#) [3af]

See [Gaza Strip](#) section below for the December 2011 Access and Closure map.

The Separation Wall

25.19 The report of the UN Secretary-General, published 19 September 2011, stated:

“Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the barrier continued to deviate significantly from the 1967 Green Line into occupied Palestinian territory. It restricts Palestinian access to East Jerusalem, key social services and agricultural land. Protests against the construction of the barrier by Palestinian, Israeli and foreign activists continued during the reporting period [September 2010 – August 2011], resulting at times in clashes with Israeli security forces...

170 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

“During her visit in February, the United Nations High Commissioner for Human Rights highlighted the intensely negative impact that the fragmentation of the West Bank by the Wall, settlements and checkpoints was having on human rights, peace, development and the Palestinians’ right to selfdetermination.” [56a] (p13-14)

25.20 The AI Report 2011: Israel and the OPTs, published 13 May 2011, noted:

“By the end of 2010, the construction of around 60 per cent of the planned 700km fence/wall had been completed; more than 85 per cent of its entire route is on Palestinian land inside the West Bank. The fence/wall separated thousands of Palestinians from their farmland and water sources, while access to East Jerusalem by West Bank Palestinians possessing entry permits was possible through only three of 16 checkpoints at the fence/wall. This had particularly serious consequences for patients and medical staff trying to reach the six specialist Palestinian hospitals in East Jerusalem.” [35a]

25.21 The Human Rights Watch World Report 2012: Israel/Occupied Palestinian Territories, covering events in 2011, published 22 January 2012, reported that “Israel continued construction of the wall or separation barrier around East Jerusalem. Some 85 percent of the barrier’s route falls within the West Bank, placing many settlements on the ‘Israeli’ side of the barrier. The barrier led to the confiscation of private land and separated many Palestinian farmers and pastoralists from their lands.” [22b] (West Bank – Freedom of Movement)

25.22 An OCHA Barrier Update, Seven years after the Advisory Opinion of the International Court of Justice on the Barrier: The Impact of the Barrier in the Jerusalem area, dated July 2011, summarised the main findings of OCHA research conducted since 2003 and outlined developments since the last Barrier report in July 2010. The 2011 update focused on “...the impact of the Barrier in the East Jerusalem area, in particular on those West Bank communities and households which are now isolated on the Jerusalem side of the Barrier.” [3s] The report noted:

“In recent years, the construction of new sections has almost completely halted as a result of financial constraints, concerns raised by the international community and a lack of demand by Israeli society. Since the last OCHA Barrier report in July 2010, new construction has mainly taken place in the north of East Jerusalem and in the northwest of Bethlehem governorate. Most of the recent construction involved re-routings ordered by the Israeli High Court of Justice (HCJ), as in Bil’in in June 2011, four years after the HCJ ordered a revision of the route. Other HCJ-ordered re-routings, such as the one currently underway around the Tulkarm community of Khirbet Jubara continue the pattern of removing Palestinian communities from the ‘Seam Zone’ – the area between the Barrier and the Green Line which has been designated a ‘closed military area’ – and reconnecting them to the remainder of the West Bank.” [3s] (p5)

25.23 The OCHA Barrier Update of August 2011 continued:

“While new construction is minimal, the negative humanitarian impact of the constructed Barrier on Palestinian communities continues. Despite recent re-routings, approximately 6,500 Palestinians still reside in the ‘Seam Zone.’ Those aged 16 and above require permanent resident permits from the Israeli authorities to continue to live in their homes. Few health and education services are available between the Barrier and the Green Line, obliging residents to pass through Barrier checkpoints to reach workplaces and

essential services, and to maintain family and social relations on the 'Palestinian' side of the Barrier.

"Palestinians are also obliged to use a 'prior coordination' mechanism or to obtain 'visitor' permits from the Israeli authorities to access their farming land and water resources in the 'Seam Zone,' with access restricted to a designated gate. As documented in previous OCHA Barrier reports, the limited allocation of these permits together with the restricted number and opening times of the Barrier gates have severely curtailed agricultural practice and undermined rural livelihoods throughout the West Bank.

"The Barrier has also adversely affected the West Bank's urban centres, in particular East Jerusalem, with Palestinian neighbourhoods and suburbs divided from each other and walled out from the urban centre, and rural communities separated from their land in the Jerusalem hinterland." [3s] (p5)

OCHA published a map of the [The Barrier Route in the West Bank](#), as of July 2011 [3b] The December 2011 OCHA publication, [Palestinian communities affected by the barrier](#), provides key facts about the barrier and a map of its route. [3m]

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GAZA STRIP

25.24 The January 2012 UNOCHA Humanitarian Monitor Report stated:

"Under the access regime implemented since September 2000, movement of people out of Gaza is prohibited, unless a person meets the Israeli criteria for an exceptional permit. An official document recently released following a petition under the Freedom of Information Act specifies 16 categories of people who are eligible for permits to leave Gaza and enter Israel or the West Bank. These include, among others, patients in need of life-saving treatment, merchants, first-degree relatives of the very ill, journalists, and staff of international organizations. Students enrolled in West Bank universities, however, are not included.

"The permit application process is time consuming, arduous and uncertain. Applications by people meeting the established criteria can be denied on security grounds. The burden of proof falls always on the individual, and often requires lengthy and costly follow up, when the initial request is denied.

"According to the June 2010 announcement on the easing of the blockade, Israel would 'streamline' its permitting policy regarding movement of people for humanitarian purposes and 'will consider additional ways to facilitate' such movement. In practice, while the average volume of travelers in 2011 was some 34 percent higher than in the first five months of 2010 (before the easing of the blockade), it remained only a fraction of the equivalent figure prior to the start of the second Intifada in September 2000." [3ai] (p9)

25.25 Freedom House's survey, Freedom in the World 2011: Gaza Strip released 9 June 2011, reported:

“The Israeli and Egyptian blockade on Gaza severely restricts freedom of movement. Nearly all Gazans are effectively banned from leaving the territory, with exceptions for medical cases, students, and aid workers. Those who do leave typically use periodic openings of the Egyptian border, whether officially mandated or forced by nonstate actors. Within Gaza, unexploded ordnance is a serious hazard and was responsible for at least 17 deaths and 15 injuries in 2009, many of them suffered by minors.” [38b]

25.26 The USSD Report 2010 stated:

“The blockade on the Gaza Strip imposed by Israel since 2007 continued its significant effect on the population in the Gaza Strip, according to the UNRWA [United Nations Relief and Works Agency] and other humanitarian and human rights groups. The UN estimated that 80 percent of the population of the Gaza Strip relied on international food aid during the year. International and Israeli human rights organizations described the blockade as ‘collective punishment’ of the residents of the Gaza Strip, as it restricted access to basic goods and prevented civilians from temporary travel abroad or changing their place of residence permanently. During the year [2010] Israel eased the blockade, but with only one open commercial crossing, the number of truckloads entering the Gaza Strip each week was less than 40 percent of that before the blockade began.” [15b] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority – Section 2d)

25.27 The OCHA Fact Sheet, Humanitarian Situation in the Gaza Strip, dated October 2011, noted that, “Gazans remain isolated and cut off from the rest of the occupied Palestinian territory. Entry into the West Bank, either via the Israeli Erez crossing or via Jordan, is prohibited for all Gazans. The volume of people allowed through the Egyptian Rafah Crossing remains limited, with hundreds denied passage each week.” [3a0]

25.28 BBC News reported on 6 March 2012 that:

“Israel says it has allowed the export of goods from Gaza to the West Bank for the first time in five years. The military has authorised the transfer of at least 13 lorry loads of date bars in the next few days.

“However it stressed this was a ‘one-off pilot project’ and did not mean an end to the ban on exports from Gaza to markets in Israel and the West Bank, which was imposed in June 2007. The World Food Programme asked for the move to feed Palestinian children.” [100c]

See also [Human rights institutions, organisations and activists](#); [Humanitarian issues](#) and [Exit and return](#)

Access restrictions

OCHA published an [Access and Closure map](#) of the Gaza Strip as at December 2011. [3ag]

25.29 A Factsheet, Displacement in the “Buffer Zone” Three Years after Operation Cast Lead, published by the Al Mezan Center for Human Rights on 1 January 2012 stated:

“The Buffer Zone is a military no-go zone imposed by Israel, starting at the border fence between Israel and the Gaza Strip and extending a substantial distance into Gazan territory. ‘Buffer zone’, or sometimes ‘access-restricted areas,’ are terms generally used

by Israel to describe the band of Gazan territory to which Palestinian access is effectively denied. (The term 'Buffer Zone' is used throughout this factsheet for simplicity's sake.) Israel treats this border area, which contains much of Gaza's most valuable arable land, as a free-fire zone, meaning any Gazan resident entering the zone is at risk of death or injury. It also regularly sends troops, including armoured columns, into the border areas to keep the lands razed of any built-up structures or agricultural activity. Despite the mortal threat associated with entering the Buffer Zone, its actual width and area are unclear. In May 2009, Israeli Occupation Force (IOF) aircraft dropped leaflets on Gaza warning residents not to move within 300 metres of the border fence, or risk being shot at. In reality, however, Palestinians have been shot up to two kilometres from the border fence, and houses and buildings have been demolished at a distance greater than 300 metres from the border." [62a]

- 25.30 The OCHA-World Food Programme (WFP) Special Focus report, *Between the Fence and the Hard Place – The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip of August 2010*, reported:

"Over the past ten years, the Israeli military has gradually expanded restrictions on access to farmland on the Gaza side of the 'Green Line', and to fishing areas along the Gaza Strip coast, with the stated intention of preventing attacks by Palestinian armed factions. The findings of this study indicate that this regime has had a devastating impact on the physical security and livelihoods of nearly 180,000 people, exacerbating the assault on human dignity triggered by the blockade imposed by Israel in June 2007." [3c] (p1)

- 25.31 The same report summarised the Israeli restrictions; "Since late 2008, Palestinians have been totally or partially prevented from accessing land located up to 1,000-1,500 meters from the Green Line (depending on the specific area), and sea areas beyond 3 nautical miles from shore." [3c] (p5) Amnesty International's Report 2011: *Israel and the Occupied Palestinian Territories*, released 13 May 2011, also reported "Israeli security forces used excessive force against Palestinian civilians, including non-violent demonstrators in the West Bank and Gaza, as well as farmers, fishermen and others working in the Israeli-declared 'exclusion zone' inside Gaza or its coastal waters." [35a]
- 25.32 The Al Mezan Factsheet of 1 January 2012 noted that "Since the end of Operation Cast Lead in January 2009, 51 Palestinians have been killed, including 11 children, and a further 237, including 49 children, have been injured in the Buffer Zone." [62a]

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Land

- 25.33 The International Committee of the Red Cross reported in June 2009:

"Many farmers are effectively denied access to parts of their land because of the Israeli-imposed 'no-go' zone on the Gaza side of the border fence with Israel. At least 30 per cent of the arable land in Gaza lies within this buffer zone, which can extend up to one kilometre from the fence. A farmer never knows for sure if it is safe to work his land or to harvest within the zone. Farmers risk being shot at when tending to their land and incursions by the army often leave fields and parts of the harvest destroyed." [70a] (p9)

- 25.34 An update by the Office of the United Nations High Commissioner for Human Rights (OHCHR update 2011) covering the period January to December 2011, stated that “Restricted land includes the ‘no-go’ zone, which covers the area between 0 - 500 metres from the Israeli fence where access is totally prohibited, and the ‘high risk’ zone, which covers the area from 500 - 1,500 metres up to the fence.” [61a] (p1)
- 25.35 The OCHA-WFP Special Focus report of August 2010 stated, “Overall, the land restricted area is estimated at 17 percent of the total land mass of the Gaza Strip and 35 percent of its agricultural land.” [3c] (p5) Regarding Israeli ‘warning shots’ at Palestinians in restricted areas, the same report also noted, “No comprehensive and accurate account of the frequency of this type of incident exists. Representatives of local organizations interviewed for this study estimate that these incidents occur almost on a daily basis.” [3c] (p13)
- 25.36 The OHCHR update 2011 reported that, “Access restrictions to land, on-going land levelling operations and shootings continue to prevent farmers from tending their land up to 1,000-1,500 metres from the fence. This has affected production, economic growth and farmers’ income. According to the latest figures available, access restrictions and destruction of agricultural land have resulted in a yearly loss of approximately 75,000 metric tons of potential produce.” [61a] (p4)

Sea

- 25.37 The OCHA-WFP Special Focus report of August 2010 reported:
- “Under the 1994 Gaza-Jericho Agreement between Israel and the PLO, areas within 20 Nautical Miles (NM) off Gaza’s coast should be open to Palestinian use for fishing, recreation and economic activity. Since the beginning of the second Intifada in 2000, there has been a progressive restriction of fishermen’s access to the sea. In 2002, Israel committed to allow fishing activities in sea areas up to 12 NM from shore (‘Bertini Commitment’); however this commitment was never implemented and more severe restrictions were imposed during most of the time subsequently.” [3c] (p10)
- 25.38 The OHCHR update 2011 observed:
- “Since January 2009, Palestinian fishermen have not been able to fish beyond three nautical miles from the shore of the Gaza Strip. This has seriously infringed upon their access to livelihoods and resultant right to work. The shrinking fishing space has led to depletion in catches. The Ministry of Agriculture’s Department of Fisheries documented for 2011, that the main fish catch in Gaza - sardine - recorded its lowest season in 12 years. It also noted a 90% decline in the overall catch compared to 2008, before the reduction in the accessible fishing areas.
- “In addition, fishermen remain vulnerable to various forms of violence at sea, including the use of live ammunition against fishing boats and arbitrary detention. Fishermen are subject to inhuman and degrading treatment at the time of Israeli detention, which normally lasts for 24 hours. Such treatment includes being forced to strip and jump into the sea and swim towards Israeli boats while being exposed to the elements, the use of blindfolds and handcuffs, and subjection to aggressive interrogation including verbal abuse. When detained for prolonged periods, fishermen are also denied visits by legal counsel and family. They are given no explanation about either their reason for detention or release. Since January 2011, 72 incidents by Israeli Forces targeting

fishermen were recorded. There were seven incidents where boats were confiscated and five incidents where fishing equipment was destroyed, resulting in heavy financial losses to several fishermen.” [61a] (p3-4)

For further information on the access restrictions imposed by Israel, and the related risks and loss of livelihoods, in the Gaza Strip refer to the full [OCHA-WFP Special Focus report](#) of August 2010. [3c]

See also [Human rights institutions, organisations and activists](#) and [Humanitarian issues](#)

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26. INTERNALLY DISPLACED PERSONS (IDPs)

For regularly updated information on the situation regarding the situation of Internally Displaced Persons (IDPs) in the Occupied Palestinian Territories (OPTs) see the website of the [United Nations \(UN\) Office for the Coordination of Humanitarian Affairs \(OCHA\)](#) [3]; the UN Relief and Works Agency’s Where UNRWA works web pages on the [West Bank](#) [16c], [Gaza](#) [16b]; UNRWA’s [Demolition Watch](#) web page [16o], and the [Internal Displacement Monitoring Centre](#) country specific page on the OPTs, which compiles information from a variety of sources. [19a]

26.01 The Internal Displacement Monitoring Centre’s (IDMC) overview, No end to internal displacement , last updated 5 July 2011, reported:

“The Occupied Palestinian Territory (OPT) has a long history of displacement, both as a cause and consequence of the Israeli-Palestinian/Arab conflict over land and resources. Forced displacement has consistently followed Israeli policies intended to acquire land, redefine demographic boundaries and divest Palestinians of ownership guaranteed under international law. In other cases, internal displacement has directly resulted from violence stemming from incursions and human rights violations.

“More than 160,000 people are reported to have been internally displaced over the past four decades. Since the second intifada or uprising in 2000, the number of Palestinians displaced or at risk of displacement has risen sharply. Some 90,000 people are currently reported to be at risk of displacement as a result of Israeli policies such as restrictive and discriminatory planning, the revocation of residency rights, the expansion of settlements and the construction of the West Bank Separation Wall.” [19b]

26.02 The IDMC overview dated 5 July 2011 continued:

“IDMC considers Palestinians who have been forcibly and arbitrarily displaced from their homes in the Gaza Strip and the West Bank, and who have remained in OPT, to be internally displaced people (IDPs). Under the Oslo Accords, the Gaza Strip and the West Bank are considered a single territorial unit and so those displaced between the two areas do not qualify for refugee status. Figures include refugees from the 1948 and 1967 wars who have subsequently been displaced within OPT. These people, though not IDPs, are considered secondary displaced refugees to whom the Guiding Principles

on Internal Displacement still apply; they are included in IDP statistics (IDMC methodology note, August 2008).” [19b] (Displacement figures)

- 26.03 The IDMC overview further noted that “Israel’s policies in OPT...remain the main cause of arbitrary displacement in violation of human rights and humanitarian law. It tends neither to recognise the phenomenon nor provide solutions to it, durable or otherwise... In a few cases, compensation has been paid to those affected by the construction of the Wall, but applicants face formidable procedures and requirements to obtain it... The Israeli Supreme Court has, on occasion, addressed the causes of displacement by ordering the re-routing of the Wall, but in the vast majority of cases Israeli civil and military courts have upheld the government’s decisions.” [19b] (National and international responses)
- 26.04 The IDMC overview dated 5 July 2011 also noted that, “Israeli policies continued to cause displacement in 2011 despite international condemnation. More than 1,180 Palestinians were displaced as a result of house demolitions across the West Bank and East Jerusalem from January 2010 to June 2011, while tens of thousands of internally displaced people (IDPs) in the Gaza Strip were still living in inadequate shelters, as the Israeli blockade in force since 2007 continued.” [19b] (National and international responses)
- 26.05 The June 2011 OCHA Humanitarian Monitor reported that, “In the first half of 2011, OCHA recorded more people forcibly displaced in the oPt than in any other year since it began recording demolitions in 2006, with at least 689 people displaced, half of them children. This exceeds the total number of people displaced in all of 2009 or 2010, when 643 and 606 people were displaced, respectively. One-third of people were displaced in June 2011 alone.” [3p]
- 26.06 UNRWA’s webpage Demolition Watch, accessed 14 March 2012, included statistics on those displaced in the West Bank up to February 2012. These showed that a total of 923 Palestinians were displaced in West Bank Area C and 67 displaced in East Jerusalem during 2011. These numbers included 507 children in Area C and 41 in East Jerusalem. [16n]

See [UNRWA’s webpage](#) directly for further information on demolitions and displacement, including a running monthly total of those displaced. [16o]

- 26.07 With regard to the Palestinian Authority and Hamas’ response to the needs of IDPs, the IDMC Profile reported:

“PNA has been marred by political turmoil, poor governance, the limiting of its jurisdiction to Areas A and B, and repeated fiscal crises. It has, nevertheless, provided legal and financial help to victims of house demolitions and communities at risk of displacement in accordance with its limited means... The current Fatah-led PNA has included support for those affected by the separation Wall, demolitions and Israeli documentation policies... Since Hamas took control of the Gaza Strip, the lack of funding and poor coordination between Palestinian organisations have impeded the assistance of displaced and non-displaced groups alike. Hamas has, however, sought to help IDPs through rent subsidies, compensation and rehabilitation, and is instrumental in coordinating the reconstruction effort...

“Hamas has taken in the lead in reconstruction efforts, and in January 2011 it announced plans to construct 1,000 housing units ... However in mid-2010 it was

heavily criticised for destroying at least 20 homes, reportedly in an effort to rein in illegal construction, causing the displacement of 150 people...” [19b] (National and international responses)

- 26.08 On 19 April 2012, the IDMC published their ‘Global Overview 2011: People internally displaced by conflict and violence - Occupied Palestinian Territory’, which may be consulted directly for further information on the situation in the OPTs during 2011. [19c]

See section on [Non-governmental organisations \(NGOs\) providing humanitarian aid](#) for information on access restrictions faced by the NGOs and also sections on [Geography](#); [History](#); [Palestinian refugees](#); [Security situation](#); [Humanitarian issues](#); [Freedom of movement](#) and [Exit and return](#)

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27. CITIZENSHIP AND STATUS

BACKGROUND

It should be noted that the issue of citizenship and status in the Occupied Palestinian Territories (OPTs) of the West Bank, Gaza Strip and East Jerusalem is extremely complex. For a comprehensive account of the background to citizenship in the OPTs see Dr Asem Khalil’s 2007 report, [Palestinian Nationality and Citizenship: Current Challenges and Future Prospects](#), published by the Robert Schuman Centre for Advanced Studies of the European University Institute in Florence. [47a]

- 27.01 The paper, Stateless Palestinians in the Forced Migration Review issue 26 (FMR 26) Palestinian displacement: a case apart? of August 2006 reported:

“All persons legally resident and registered, born or naturalised in Palestine under the British Mandate (1919-1948) were British Protected Persons, holders of British (Palestine) passports. Citizenship in both Jewish and Arab states – proposed by the Partition Plan set out in UN Res. 181 in 1947 – was meant to be granted to all inhabitants. However, when Britain promptly ended its mandate on 15 May 1948, it was left to the successor state, Israel, to determine entitlement to nationality.” [36a] (p8)

- 27.02 Dr Asem Khalil of the Law Faculty of Bir Zeit University in the West Bank, in his 2007 report, [Palestinian Nationality and Citizenship: Current Challenges and Future Prospects](#), published by the Robert Schuman Centre for Advanced Studies of the European University Institute in Florence stated:

“The period from 1967 onwards has been an era of occupation. ... After the Six Days War, Israel started to ‘colonize’ them [the occupied Palestinian territories], in spite of this being considered illegal by the UN and a large part of [the] international community.

“Israeli policies immediately targeted Palestinian inhabitants (always considered as non-Israeli citizens) with military declarations and orders. The 250,000 Palestinians who happened to be outside the oPt when occupied were not allowed to return. Several IDs were withdrawn from thousands of Palestinians as a result of the expiry of exit visas they were required to obtain each time they travel abroad. Following illegal annexation

178 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

of East Jerusalem in 1967 and the Golan Heights in 1981, Israeli civil legislation started to apply and residents found themselves declared to be permanent residents – but not citizens – of Israel.” [47a] (p27-28)

27.03 The paper, Identity and movement control in the OPT, in the FMR 26 stated, “In September 1967 Israel conducted a snap census in the territories it had just occupied. Anyone not registered had their residency rights revoked. Tens of thousands of Palestinians who were studying, working or travelling abroad immediately lost any entitlement to residency and today have no official identity.” [36a] (p24)

27.04 The Human Rights Watch (HRW) report “Forget about him, he’s not here”, Israel’s Control of Palestinian Residency in the West Bank and Gaza, published 5 February 2012, concurred, stating:

“The census counted the 954,898 Palestinians physically present in the West Bank and Gaza at the time, but did not include at least 270,000 Palestinians who were absent, either because they had fled during the conflict or were abroad for study, work, or other reasons...

“Israel subsequently recorded the names and demographic data gleaned from the 1967 census in a newly created registry of the Palestinian population. It refused to recognize the right of most of the absent individuals whom it did not register - including all men then aged 16 to 60 - to return to their homes in the occupied territory...

“Since 1967, the population registry has been central to Israel’s administrative efforts to control the demographic composition of the occupied Palestinian territory, where Palestinians want to establish a state. Israel has used Palestinians’ residency status as a tool to control their ability to reside in, move within, and travel abroad from the West Bank, as well as to travel from Gaza to Israel and the West Bank. A 2005 survey conducted on behalf of B’Tselem, an Israeli rights group, estimated that 17.2 percent of the Palestinians registered in the West Bank and Gaza, around 640,000 people, had a parent, child, sibling, or spouse whom Israeli military authorities had not registered as a resident.” [22f] (p2-3)

27.05 The HRW report of 5 February 2012 stated:

“Today, Palestinians must be included in the [1967] population registry to get identification cards and passports. In the West Bank, Palestinians need identification cards to travel internally, including to schools, jobs, hospitals, and to visit family, because Israeli security forces manning checkpoints demand to see such cards before allowing passage. Israeli border officials, who control all entry and exit to the West Bank, also require Palestinians seeking to travel abroad to present an identification card or passport.” [22f] (p3)

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Citizenship laws in the West Bank and Gaza Strip

27.06 The March 2010 Freedom House report Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli occupied territories) (Freedom House Women’s Rights 2010) reported:

“Citizenship rights are still governed by the laws and regulations in effect before the 1967 Israeli occupation: the Jordanian nationality code (No. 6 of 1945) and its amendments are applied in the West Bank, while the Egyptian nationality code applies in Gaza. Both codes allow only men, not women, to pass their nationality to their spouses or children. In addition, a woman loses her nationality if she marries a non-Palestinian, unless she submits a written application to the minister of interior within one year following her marriage. In practice, however, women married to non-Palestinians are not always asked by the Ministry of Interior to give up their Palestinian nationality.” [38c] (Nondiscrimination and Access to Justice)

27.07 The realities of Palestinian citizenship within the OPTs were succinctly expressed by Islah Jad in a 2004 paper, *Citizenship under a Prolonged Occupation: The Case of Palestine*, as cited by Dr Asem Khalil in his 2007 report:

“As far as citizenship is concerned, no Palestinian may hold a passport without Israeli approval. Palestinian refugees in the diaspora cannot visit or return to their homeland and they remain stateless. A Palestinian resident in Gaza cannot join his/her fellow citizen in the West Bank unless he/she has a permit issued by the Israeli security; the same applies to the ‘citizen’ of the West bank. If both have permits to visit each other, they cannot reach their fellow citizens in Arab Jerusalem, considered after its ‘unification’ in 1967 the eternal capital of the state of Israel with its Palestinian residents given a special, revocable status.” [47a] (p35)

STATELESS PALESTINIANS

27.08 The paper, *Stateless Palestinians in the FMR 26 of August 2006*, reported:

“Palestinians are the largest stateless community in the world. Statelessness has dominated and shaped the lives of four generations of Palestinian refugees since their exodus in 1948. ... Today more than half of the eight million or so Palestinians are considered to be de jure stateless persons. These fall broadly into three categories:

- “● holders of the ‘Refugee Travel Document’ (RTD) issued by Syria, Lebanon, Egypt, Iraq and some other Arab countries
- “● holders of nationalities of convenience – mainly temporary Jordanian passports
- “● holders of the Palestinian passport issued by the Palestinian Authority (PA) which is considered as a travel document pending formation of a fully-fledged Palestinian state.” [36a] (p8)

27.09 The paper, *Identity and movement control in the OPT*, in the FMR 26 stated, “Some of this group arbitrarily dispossessed of any nationality [following the 1967 census] later applied to return through a ‘family reunification’ programme. Some were granted the right to live in the OPT as temporary visitors or tourists but even this right has been difficult to obtain or to sustain.” [36a] (p24)

See also [History](#); [Palestinian refugees](#)

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PALESTINIANS IN ISRAEL/TERRITORY ANNEXED BY ISRAEL

Palestinians who hold Israeli citizenship

180 The main text of this COI Report contains the most up to date publicly available information as at 30 April 2012. Further brief information on recent events and reports has been provided in the Latest News section to 14 May 2012.

27.10 The Freedom House Women's Rights 2010 stated:

"Palestinian women and men from the West Bank and Gaza who marry Palestinians with Israeli citizenship face difficulty in transferring citizenship to their family members. Although the 1952 Israeli nationality law provided citizenship rights to Palestinians residing in Israel at that time, it did not entitle Palestinian citizens of Israel to family reunification with foreign spouses and children. In July 2003, the Israeli government enacted the Citizenship and Entry into Israel Law (Temporary Order) following a May 2002 freeze on applications for family reunification between Israeli citizens and Palestinians from the West Bank and Gaza. The law prohibits Palestinians from the occupied territories who are married to Israeli citizens or permanent residents (such as Palestinian residents of East Jerusalem) from receiving Israeli citizenship or residency. This measure affected 21,000 families as of 2004, and applies to even more today, forcing spouses as well as parents and children to live apart." [38c] (Nondiscrimination and Access to Justice)

27.11 On 12 January 2012, the British Broadcasting Corporation (BBC) reported that Israel's Supreme Court had upheld the 2003 Citizenship and Entry Law following a petition to overturn it brought by civil rights groups. The BBC article noted that, "Initially, the law was emergency legislation which has since been extended periodically. It was amended in 2005, allowing women over 25 and men over 35 to apply for temporary permits to live in Israel, but still ruling out citizenship for all but a handful of cases. In 2007, it was expanded to apply to citizens of Iran, Iraq, Syria and Lebanon." [100a]

27.12 In an article of 13 January 2012, the BADIL Resource Center for Palestinian Residency and Refugee Rights commented on the consequences of the 2003 Citizen and Entry Law:

"Since the overwhelming majority of Israeli citizens wishing to marry spouses from the OPT are Palestinians, the law is overtly discriminatory towards Palestinians and violates the right to family life. Notably, the 2003 amendment does not change the situation for Israeli citizen spouses applying to be joined either by foreign spouses or Israeli settler spouses living in the OPT.

"Similarly, the process of applying for family reunification by those living in the OPT (i.e. to bring their spouses in from outside the OPT) has been under Israeli control since the 1967 occupation. According to MIFTAH [The Palestinian Initiative for the Promotion of Global Dialogue and Democracy] over 150,000 applications for family reunification in the OPT were requested between 1973-2000 and only a few thousand of them were approved by Israel. Since 2000 the whole procedure has been officially frozen and only a few thousand more have been granted on the basis of 'good will gestures.'...

"Palestinian families who happen to have different residency statuses –Israeli citizen, Jerusalem ID, West Bank ID or Gaza ID- issued by Israel cannot legally live together within 'Historic Palestine' which includes Israel and the OPT. They are then faced with a choice of living abroad, living apart from one another or taking the risk of living illegally in one place or another." [17b]

See also [Women](#) and [Children](#)

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Status of Palestinians in East Jerusalem

27.13 The Council on Foreign Relations (CFR) in an undated transcript of the April 2008 video, Crisis Guide: the Israeli-Palestinian Conflict, accessed 14 November 2010, stated:

“The Israeli military victory of 1967 gave it physical control of the entire city. Israel promptly declared Jerusalem its undivided, eternal capital, and annexed it in 1980. However Israel has allowed the Jordanian monarchy to retain custodial control of Islamic holy sites in the old city. Few governments recognize Israel’s claim over all of Jerusalem. Since shortly after the 1967 war, Israel has encouraged Jewish residents to live in East Jerusalem and created legal hurdles for Arabs to claim residency, pass down property to descendants, or establish businesses. Almost entirely Arab between 1949 and 1967, the population of the section of Jerusalem annexed by Israel has grown steadily more Jewish in the past four decades.” [24a] (Regional Complexities)

27.14 B’TSELEM noted in an undated entry on its website, accessed 14 November 2010, with regard to Palestinian residents in areas of East Jerusalem and West Bank annexed by Israel in 1967:

“After the annexation, Israel conducted a census in these areas and granted permanent residency status to residents in the annexed areas present at the time the census was taken. Persons not present in the city for whatever reason forever lost their right to reside in Jerusalem. Permanent residents were permitted, if they wished and met certain conditions, to receive Israeli citizenship. These conditions included swearing allegiance to the State, proving that they are not citizens of any other country, and showing some knowledge of Hebrew. For political reasons, most of the residents did not request Israeli citizenship. Setting the municipal boundary to run through neighbourhoods and villages also created a distinction between Palestinians regarding their rights, since residents living in the un-annexed area continued to be residents of the West Bank, and were subject to military rule.” [25a]

27.15 The same source continued:

“Palestinians hold the status of ‘permanent resident’ of the State of Israel. This is the same status granted to foreign citizens who have freely chosen to come to Israel and want to live there. Israel treats Palestinian residents of East Jerusalem as immigrants who live in their homes at the beneficence of the authorities and not by right. The authorities maintain this policy although these Palestinians were born in Jerusalem, lived in the city, and have no other home ...

“Permanent residency differs substantially from citizenship. The primary right granted to permanent residents is to live and work in Israel without the necessity of special permits. Permanent residents are also entitled to social benefits provided by the National Insurance Institute and to health insurance. Permanent residents have the right to vote in local elections, but not in elections to Knesset [Parliament]. Unlike citizenship, permanent residency is only passed on to the holder’s children where the holder meets certain conditions. A permanent resident with a non-resident spouse must submit, on behalf of the spouse, a request for family unification. Only citizens are granted the right to return to Israel at any time.” [25a]

- 27.16 Additionally, as reported in the paper, Stateless Palestinians, in the FMR 26, “Israel has employed a 1974 regulation as a ‘legal’ instrument to deprive many Jerualemite Arabs of their IDs and residency rights if they are absent from the city for more than seven years, have acquired other citizenship or been granted permanent residency rights elsewhere. This can only be described as administrative ‘ethnic cleansing’.” [36a] (p8)

See also [Palestinian refugees](#)

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28. EXIT AND RETURN

- 28.01 In an April 2010 letter to the UK Border Agency, the Palestinian General Delegation Office (PGDO) in London, UK noted, “The West Bank and Gaza Strip are under Israeli occupation. Therefore, Israel controls who enters, resides and leave[s] the OPT [Occupied Palestinian Territories].” [94a] (p2)
- 28.02 The PGDO’s April 2010 letter to the UK Border Agency also provided the following information:
- “To re enter the Occupied Palestinian Territories [OPTs] the individual concerned must be in possession of a travel document issued by the Palestinian authorities. In order to obtain a travel document the individual must have an ID card or ID card number. Some Palestinians travel using Jordanian passports – known as temporary Jordanian passports. Holders of these temporary passports neither are not Jordanian citizens nor treated as such by the Jordanian Kingdom. Those individuals require an advance special permit to leave and re-enter, which is easily acquired. Therefore, some people re-enter OPT using Jordanian passports if they wish to.” [94a] (p1)
- 28.03 An article on identity and movement control in the OPT from the Forced Migration Review 26 (FMR 26), Palestinian displacement: a case apart?, of August 2006 reported, “[Israel] unilaterally administers entry visas and work permits for the tens of thousands of Palestinian non-ID holders in the OPT and for foreign visitors. Israel controls all access to and from the OPT, to and from enclaves/cantons it has established within it and – despite ‘disengagement’ – has total control over all human and vehicular traffic into and out of the Gaza Strip.” [36a] (p24)
- 28.04 B’Tselem’s undated article, The Prohibition on Family Unification in the Occupied Territories, reported:
- “The family unification procedure is closely tied to another bureaucratic procedure: the obtaining of a visitor’s permit. First, a person seeking to be united with his or her family in the Occupied Territories must be physically present in the Territories in order to become registered in the population registry and receive an identity card. Therefore, the possibility of realizing the approval given by Israel depends on receiving a visitor’s permit which enables entry into the Occupied Territories. Presence is also required for the registration of children born abroad to parents who are residents of the Occupied Territories. In this case, too, there is a close connection between the two procedures. Second, given that the family unification process has always taken several years to

complete, many persons need to repeatedly obtain visitors' permits in order to enable them to live together with their families, even for short periods of time." [25j]

28.05 On children born abroad to residents of the OPTs, a 2007 report by Dr Asem Khalil of the Law Faculty of Bir Zeit University in the West Bank, published by Robert Schuman Centre for Advanced Studies of the European University Institute in Florence, stated:

"The General Authority of Civil Affairs specifies that:

- Residents' children born abroad can enter the territories without visitors' permit if they are younger than 5 years. The original birth certificate is enough.
- Residents' children born abroad, who are between 5 and 16 need a visitor's permit. A visitor permit requires a photocopy of the following: ID card of the father and/or mother, passport of the children, birth certificate of the children, marriage certificate if requests are made by the mother. It shall be noted that the fourth name of the applicant and the applied should match and that the documents should be clearly readable." [47b] (p11)

TRAVEL DOCUMENTS

28.06 On obtaining travel documents from the Palestinian Authorities (PA) whilst outside of the OPTs, the PGDO letter of April 2010 stated:

"A Palestinian (who is eligible i.e. from the OPT and with ID number) living in the UK can apply for a Palestinian Passport by Power of Attorney, where the relevant nominee currently resides in the OPT. The person concerned makes an application at the Palestine General Delegates Office (PGDO) in London. Having confirmed that the person is Palestinian and has an ID card number the PGDO issues a Power of Attorney Form which must be signed by the applicant. Because the individual concerned has to sign the Power of Attorney form, UK Border Agency cannot make an application on their behalf.

"The Power of Attorney form is then sent by the nominee to the nominated person in the OPT. The person nominated in the Power of Attorney then applies on the applicant's behalf at the relevant office in the OPT. The travel document once issued (we understand this may take only a couple of days) will be sent to the UK to the applicant, or if directed the Palestine General Delegation, London." [94a] (p2)

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WEST BANK

28.07 The PGDO letter of April 2010 reported, "There are no commercial air or sea services operating into the West Bank. The only route in is overland, via the King Hussein (also known as Allenby) Bridge into the West Bank from Jordan. Holders of travel documents issued by the Palestinian Authority reside in the West Bank are allowed to enter Jordan without a visa provided they comply with passport and transit restrictions." [94a] (p2)

GAZA STRIP

28.08 The PGDO letter of April 2010 reported, "As regards holders of travel documents issued by the Palestinian Authority and reside in the Gaza Strip they are only allowed to enter

the Rafah border to Gaza provided they comply with passport and transit restrictions in Egypt and provided that the Rafah border is opened.” [94a] (p2)

- 28.09 The summary of a report published by Israeli Gisha and Physicians for Human Rights-Israel (PHR) in March 2009, Rafah Crossing: Who holds the keys?, stated:

“Even though Israeli forces are not stationed on the Egypt Gaza border permanently, Israel continues to exert substantial and indirect control over the possibility of opening Rafah Crossing and uses that control to exert pressure on the residents of Gaza, as part of a policy of collective punishment. Israel controls all the other Gaza Strip crossings and closes them, thereby creating dependence upon Rafah Crossing as the only channel between the Gaza Strip and the outside world.” [95a] (p11)

- 28.10 The report summary continued:

“Egypt, which has the physical capacity to open Rafah Crossing, closes it as the result of pressure exerted on it by Israel and other parties and in order to promote its own interests, not to recognize the Hamas government in the Gaza Strip and not to allow a connection between it and Egyptian entities that oppose the government. The closure of the Gaza Strip and the suffering of its residents create pressure on Egypt to open the crossing, and it does so for humanitarian purposes, sporadically and ad hoc, informing Israel of these openings. Those openings satisfy the travel needs of only a fraction of the residents of Gaza.” [95a] (p12)

The report summary also highlighted the role the Rafah Crossing played in the political struggle between Hamas and the Palestinian Authority. [95a] (p12-14) For more information, refer to the extensive [Israeli Gisha-PHR report](#) of March 2009. [95a]

See also [History](#); [Political system](#); [Security forces](#) and [Political affiliation](#)

- 28.11 Amnesty International’s Report 2011: Israel and the Occupied Palestinian Territories, released 13 May 2011, stated “Virtually all Gazans were effectively trapped in the small enclave, including seriously ill patients who needed treatment elsewhere and many students and workers wishing to study or take up jobs abroad. Only relatively few were allowed to exit Gaza.” [35a]

See also [Freedom of Movement](#), [Medical issues](#) and [Employment rights](#)

Impact of the Mavi Marmara incident of 31 May 2010

- 28.12 The Congressional Research Service (CRS) June 2010 report, Israel’s Blockade of Gaza and the Mavi Marmara Incident, and its Aftermath, reported, “Shortly after the Marmara incident Egypt announced the opening of the Rafah crossing ‘indefinitely,’ although it only allowed travelers with special permits and continued to restrict potentially dual use goods.” [31d] (p12)

- 28.13 The CRS report continued:

“Some PA officials are concerned that efforts to lift the blockade will lead to a more autonomous Gaza Strip that is permanently separate from the West Bank. Such concerns may have animated Prime Minister Fayyad’s suggestion, also proposed by Tony Blair and others, to reinstate the 2005 Agreement on Movement and Access,

which called, inter alia, for the Rafah border crossing to operate with EU monitors and Israeli surveillance as well as for a link between Gaza and the West Bank. PA forces also were situated at the border. The EU Border Assistance Mission (EU-BAM) operated until suspended when Hamas took over the Gaza Strip in 2007. Its revival would be a way for the PA to reestablish its forces at the border. However, a Hamas spokesman quickly declared, ‘any international intervention, especially by the Europeans, must come through the government of Gaza,’ which would be problematic for both the PA and the Europeans.” [31d] (p12)

See the [CRS report](#) directly for more information on the Mavi Marmara incident

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Impact of the ‘Arab Spring’ – the Egyptian revolution of 2011

28.14 On 31 May 2011, a UN Integrated Regional Information Networks (IRIN) publication reported the opening on 28 May of the Rafah crossing, the only official border crossing between Gaza and Egypt:

“Palestinians were allowed to pass freely from Gaza into Egypt through Rafah for the first time in four years. The decision marked a huge shift in Egyptian foreign policy, introduced after the fall of President Hosni Mubarak, and provides a critical valve for the 1.6 million people trapped within Gaza’s borders since June 2007.

“The crossing was partially opened in May last year after the deaths of international activists on board a flotilla attempting to break the siege. It operated a five-day week, from noon until 4pm, but was open only to foreign passport holders, Palestinians with foreign visas and medical patients.

“The restrictions had made it incredibly difficult for Palestinians to enter Egypt, even on genuine medical grounds. From April 2011 to date, around 2,100 Palestinians have been denied entry into Egypt for unspecified reasons, according to the UN Office for the Coordination of Humanitarian Affairs.

“Under the new rules, all women, minors and any man under 18 and over 40 will be able to pass freely without a visa six days a week from 9am until 4pm.” [87c]

28.15 The same IRIN publication also noted, however:

“Not all Palestinians are as optimistic. For men aged 18-40, the reopening makes little difference. Unless they can provide proof of having a place at university abroad or a foreign visa, they will remain stuck in the Gaza Strip.

“There are also hundreds of Palestinians in Gaza, mostly refugees, without identification documents who cannot leave. While it officially withdrew from the Gaza Strip in 2005, Israel retains control of its maritime, air and most of its land borders. It also retains control of its population registry, including the issuance of Palestinian ID numbers without which it is impossible to travel.” [87c]

28.16 On 1 June 2011, Agence France Presse (AFP) reported:

“New rules at the recently reopened Rafah crossing will cap the number of Palestinians entering Egypt at 400 a day, Palestinian and Egyptian officials said on Wednesday.

“The travel cap is one of several new restrictions announced just days after Egypt reopened the crossing, the only way in and out of Gaza that is not controlled by Israel.

“But both Gaza’s Hamas rulers and Egypt denied seeking the new restrictions, with the Islamists insisting Cairo had imposed the cap, and Egyptian officials saying it was done at the request of the Palestinians...

“Under the new rules, Palestinians crossing for medical reasons must have their cases assessed by an Egyptian medical committee, and travellers planning to enter Egypt must submit their names at least one day in advance.” [97b]

28.17 The New York Times reported on 1 June 2011 of difficulties at the Rafah crossing:

“Days after Egypt, with great fanfare, opened its border permanently with Gaza, new restrictions have been imposed on Palestinians who want to cross, and the area’s Hamas rulers spoke on Wednesday with frustration and anger.

“Only three buses, carrying a total of 150 passengers, entered the Egyptian hall at the Rafah crossing on Wednesday, while five others remained stuck on the Palestinian side, Hamas officials said two hours before closing.

“Since Tuesday, we are witnessing complications that we cannot understand,” said Salama Baraka, director of the crossing, who blamed ‘the Egyptian side for the nearly paralyzed movement of travelers.’ Local reports said that Hamas was considering shutting the border in protest...

“Sari Bashi, executive director of Gisha, an Israeli human rights group focused on freedom of movement for Palestinians, said the Egyptians had told Hamas on Tuesday that crossings would be limited to 400 a day and that everyone, including women and children, now needed to clear their names a day in advance.” [99a]

See also [History](#); [Political system](#); [Security forces](#); [Political affiliation](#) and [Humanitarian issues](#)

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29. EMPLOYMENT RIGHTS

29.01 The US Department of State 2010 Country Reports on Human Rights Practices: Israel and the occupied territories, (USSD Report 2010) released 8 April 2011, reported:

“The law permits workers to form and join independent unions of their choice, and this right was respected in practice. Labor unions in the Gaza Strip continued to operate despite a severely weakened economy. However, in many cases Hamas replaced Fatah-affiliated union leaders with Hamas members or sympathizers, and during the year Hamas detained a number of non-Hamas-affiliated union activists ... According to the NGO [Non-Governmental Organisation] United Civilians for Peace, Palestinians

working in West Bank settlements reported hostile responses to their efforts to organize unions.

“PA [Palestinian Authority] law provides for the right to strike. In practice, however, strikers had little protection from retribution ... The law protects collective bargaining, and this was enforced in certain cases. However, there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited. Collective bargaining agreements covered 20 percent of workers.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Sections 7a & 7b)

- 29.02 The USSD Report 2010 continued, “While the PA labor law does not expressly forbid forced or compulsory labor, PA law states that work is a right and that the PA will attempt to provide it for any capable individual. The Ministry of Labor interpreted this statement to prohibit forced and compulsory labor. However, children were vulnerable to forced labor conditions.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 7c)

See also [Children](#)

- 29.03 The USSD Report 2010 further stated:

“There was no minimum wage in Palestinian-controlled areas. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past decade due to increases in cost of living that outpaced salary increases. The average wage in the occupied territories was 1,000 Jordanian dinars (approximately \$1,400) per month, approximately the same as the Israeli minimum wage...Palestinians reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2008 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel. However, several cases brought by Palestinians against Israeli employers who offered less than the minimum wage remained pending in Israeli courts at year's end [2010].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 7e)

- 29.04 The Kav LaOved (Worker’s Hotline) Annual report, Palestinian Workers in Israeli West Bank Settlements – 2009, released 13 March 2010 noted:

“Palestinian workers employed in West Bank settlements suffer from hardships stemming not only from problematic employer-employee relationships but also from political and social realities which make their situation even more difficult. ... The difficult economic situation and high unemployment lead Palestinians to work in the settlements. In principle, the workers believe that the settlements were built on Palestinian land, but the harsh economic reality and the lack of alternatives force them to inadvertently facilitate settlement growth.” [80a]

For further information on employment rights in the OPTs, including in Israeli settlements, see the [USSD Report 2010](#) [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 7) and Kav LaOved (Worker’s Hotline) [Annual report](#) of 2009. [80a]

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Annex A

CHRONOLOGY OF MAJOR EVENTS

1917

November British issued the Balfour Declaration, viewed by Jews and Arabs as promising a 'National Home' for the Jews in Palestine. (UNDPI, April 2008) [39a] (p3)

1922

Under a Mandate issued by the League of Nations, the United Kingdom became responsible for administering the territory of Palestine. (UNDPI, April 2008) [39a] (p3)

1947

29 November Adoption by the UN General Assembly of UN Resolution 181 (II), which approved the Plan of Partition with Economic Union proposed by the United Nations Special Committee on Palestine (UNSCOP). (UNDPI, April 2008) [39a] (p4 & 7)

December Following the adoption of UN Resolution 181 (II) violence between the Jewish and Arab population in Palestine intensified. (Walid Khalidi, 2009) [13a]

1948

14 May The United Kingdom relinquished its Mandate over Palestine and the Jewish Agency declared the establishment of the State of Israel. (Walid Khalidi, 2009) [13a] (UNDPI, April 2008) [39a] (p9)

15 May Units of neighbouring Arab armies entered into the conflict. (Walid Khalidi, 2009) [13a]

July

"Israel controlled much of the territory allotted to the Arab State by the partition resolution, including the western part of Jerusalem. Egypt and Jordan respectively controlled the remaining portions of the Gaza district and the West Bank of the Jordan River (which included East Jerusalem, with its walled Old City). ... The hostilities had created a major humanitarian crisis, with almost 750,000 Palestinians being uprooted from their land and becoming refugees." (UNDPI, April 2008) [39a] (p10)

1949

February to July "... armistice agreements were signed between Israel, on the one hand, and Egypt, Jordan, Lebanon and Syria on the other." (UNDPI, April 2008) [39a] (p10)

1956

July Egyptian President Gamal Abdel Nasser nationalised the UK-controlled Suez Canal Company despite British opposition" resulting in an October 1956 Israeli invasion of "the Sinai Peninsula while British and French forces attacked Egypt". (UNSC, last updated 11 August 2011) [30a] (Entries: 26 July 1956 – 30 October 1956)

1957

- March Israel withdrew from the Sinai, following a UN General Assembly brokered peace in November 1956. (UNSC, last updated 11 August 2011) [30a] (Entry: 30 October 1956)
- 1967**
5 June "...hostilities broke out between Israel and Egypt, Jordan and Syria. By the time a ceasefire called for by the Security Council was accepted by the parties, Israeli military forces had occupied the Egyptian Sinai, the Gaza Strip, the West Bank including East Jerusalem, and part of the Syrian Golan Heights." (UNDPI, April 2008) [39a] (p16) "...following the 1967 War, Israel annexed some 70 sq. km to the municipal boundaries of West Jerusalem, and imposed Israeli law there." (B'TSELEM, East Jerusalem, undated) [25a] (Legal Status)
- Following the ceasefire, UN Security Council adopted UN Resolution 242, which called for the Israeli withdrawal from territory seized during the 1967 War. (MERIP, undated) [41a] (The Palestine Liberation Organization)
- 1973**
October Following Egypt's failed attempts to broker a peace agreement with Israel, Egypt and Syria attacked Israeli forces in the Sinai Peninsula and the Golan Heights, respectively. (MERIP, undated) [41a] (The October 1973 War)
- 1977-1979**
Egyptian President Anwar Sadat visited Jerusalem in November 1977, which "led to the Camp David accords and the signing of an Egyptian-Israeli peace treaty in 1979." The Camp David accords included a "...second agreement proposed to grant autonomy to the Palestinians in the West Bank and the Gaza Strip, and to install a local administration for a five-year interim period, after which the final status of the territories would be negotiated." This second agreement was not implemented. (MERIP, undated) [41a] (Camp David I)
- 1987**
December The first intifada erupted in which "Palestinians from all walks of life—youth, merchants, labourers, women and children—staged massive demonstrations, economic boycotts, tax resistance and strikes to protest the military occupation of their land and to demand national independence.
- "From the start, Israeli armed forces responded harshly to the protests, which were marked mostly by the involvement of unarmed Palestinian children and youths who threw stones at the occupying forces." (UNDPI, April 2008) [39a] (p27-28)
- 1991**
October Peace negotiations, based on UN Resolutions 242 (1967) and 338 (1973), began at the Madrid Peace Conference; subsequent negotiations occurred in Washington. (UN, History of the Question of Palestine, undated) [4a] (The Peace Process of the 1990s)
- 1992**
December Peace negotiations in Washington became stalemated due to Israeli actions that undermined the legitimacy of the Palestinian delegation. (MERIP, undated) [41a] (The Madrid Conference)

1993

10 September Israel formally recognised the Palestinian Liberation Organisation (PLO) as the representative of the Palestinian people, while the PLO recognised Israel's right to exist. (UNDPI, April 2008) [39a] (p31)

13 September "...Israeli and PLO representatives signed the 'Declaration of Principles on Interim Self Government Arrangements' (the Oslo Accord)." (UNDPI, April 2008) [39a] (p31)

1995

28 September The Israeli-Palestinian Interim Agreement (IPA) on the West Bank and Gaza Strip (Oslo II Accord) was signed. (UNDPI, April 2008) [39a] (p32-33)

1996

January First democratic elections were held under the auspices of the Palestinian Authority (PA) to elect an 88-member Palestinian Legislative Council (PLC). (UNDPI, April 2008) [39a] (p33)

1997

January Israel and the PLO signed the Hebron Protocol regarding redeployment of the Israel Defence Force (IDF) in Hebron and agreeing a timetable for further redeployment of IDF in the West Bank. (UNDPI, April 2008) [39a] (p33)

1998

23 October The Wye River Memorandum was signed by Israel and the PLO. (UNDPI, April 2008) [39a] (p34) The memorandum outlined "...further Israeli withdrawal from the West Bank and a commitment from the PA to combat terrorism." (Guardian, 23 January 2011) [98b]

2000

July A peace summit on final status issues was held at Camp David but did not lead to the signing of an accord. (CRS, January 2010) [31c] (Summary)

September The second (Al Aqsa) intifada erupted in the occupied Palestinian territories. (CRS, January 2010) [31c] (Summary)

2001

6 February "...Ariel Sharon was elected Prime Minister of Israel, and rejected steps taken at Camp David and afterwards." (CRS, January 2010) [31c] (Summary)

2002

March "At an Arab League summit a declaration is adopted offering full peace and recognition of Israel in exchange for Israel's withdrawal to its 1967 borders, recognition of an independent Palestinian state and a fair solution to the Palestinian refugee issue." (Guardian, 23 January 2011) [98b]

2003

The construction of the Israeli security barrier to cut off the West Bank from Israel began. It was originally planned to run along the Green Line (Israel's pre-1967 border) but the route was changed under Sharon so the barrier would encompass some major Israeli settlements within the West Bank. (GlobalSecurity.org, Al-Aqsa Intifada, undated) [14a]

- 30 April “...the United States, the U.N., European Union, and Russia (known as the ‘Quartet’) presented a ‘Road Map’ to Palestinian statehood.” (CRS, January 2010) [31c] (Summary)
- 2004**
- November Palestinian President Yasser Arafat died. (CRS, January 2010) [31c] (p13)
- 2005**
- 9 January Mahmoud Abbas elected President of the Palestinian Authority. (CRS, January 2010) [31c] (Summary)
- February Mahmoud Abbas and Ariel Sharon met at Sharm-el-Sheikh and announced an end to violence. (GlobalSecurity.org, Al-Aqsa Intifada, undated) [14a]
- March Palestinian groups agreed to a tahideyah (lull in the fighting) that, “While not a full truce, this was considered major progress and some have argued that it marked the end of the Al-Aqsa Intifada.” (GlobalSecurity.org, Al-Aqsa Intifada, undated) [14a]
- August-September Israel unilaterally withdrew its forces from the Gaza Strip. Israel also dismantled all Israeli settlements in Gaza and four small settlements in the West Bank. (CRS, January 2010) [31c] (Summary)
- “However, Israel continued to control the crossings into Israel and the air and sea space of the Strip, and decisions regarding the movement of persons and goods into and from the Strip remained in its hands.” (B’TSELEM, The Gaza Strip – Background, undated) [25e]
- 2006**
- January Hamas won the Palestinian parliamentary elections. (CRS, January 2010) [31c] (Summary)
- 29 March Prime Minister Ismail Haniyeh announced his Hamas dominated cabinet. (MIFTAH, November 2010) [21a]
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- 2007**
- February “...Saudi King Abdullah hosted Hamas politburo chief, Khaled Mashal and Palestinian Authority President and Fatah leader, Mahmoud Abbas in Mecca, Saudi Arabia. The aim of the meeting was to come up with a solution to end the infighting that had resumed and intensified between the two factions.” This resulted in an agreement to form a unity government. (MIFTAH, November 2010) [21a]
- 17 March Prime Minister Ismail Haniyeh announced the national unity cabinet. (MIFTAH, November 2010) [21a]

- March – May “The unity government proved ineffective in preventing the infighting between Fatah and Hamas and initially low level conflicts between the two groups gradually escalated from March to May into full blown confrontations.” (MIFTAH, November 2010) [21a]
- 10 June “...low level fighting quickly manifested into severe incursions as Hamas and Fatah transformed sporadic encounters into a violent five day war in Gaza. After a well organized and quick mobilization of forces across the whole of the Gaza Strip, Hamas went onto claim a decisive victory over their Fatah opponents with over a hundred Palestinians being killed in the fray. Hamas had completely taken control of the Strip and driven Fatah back to their stronghold in the West Bank. As a result, PA President Abbas dissolved the unity government and appointed former Finance Minister, Salam Fayyad, as Prime Minister.” (MIFTAH, November 2010) [21a]
- 19 September Israel declared Gaza ‘hostile territory’ and imposed further severe reductions in the transfer of goods and supplies of fuel and electricity to the Strip. (‘Goldstone Report’, September 2009) [72a] (p51, paragraph 192)

2008

- February Rocket attack from the Gaza Strip hit an Israeli city, Ashkelon, causing light injuries. Israel launched ‘Operation Hot Winter’, in which its air force made at least 75 air strikes on different targets in Gaza. (‘Goldstone Report’, September 2009) [72a] (p52, paragraph 197)
- 19 June A tahideyah (lull in the fighting), agreed through mediation with Egypt, came into effect. Numerous infractions of the tahideyah by both Palestinian armed groups and Israeli forces occurred in the following months. (‘Goldstone Report’, September 2009) [72a] (p62-63, paragraphs 224-225)
- 27 November An agreement on the resumption of bilateral negotiations was reached between Israeli Prime Minister Ehud Olmert and Palestinian Prime Minister Mahmoud Abbas. (CRS, January 2010) [31c] (Summary)
- 18 December The Gaza authorities declared the end of the tahideyah, which would not be renewed as Israel had not ended its blockade of Gaza. (‘Goldstone Report’, September 2009) [72a] (p70, paragraph 262)
- 27 December Israel launched ‘Operation Cast Lead’ against the Gaza Strip (HRW, April 2010) [22h] (p3)

2009

- 18 January ‘Operation Cast Lead’ came to an end. During the conflict, several hundred Palestinian civilians were killed and many more wounded by Israeli attacks, while three Israeli civilians were killed and dozens wounded by rocket fire from Gaza Strip. (HRW, April 2010) [22h] (p3)
- March First high level face-to-face meeting between Fatah and Hamas since the Hamas takeover of Gaza Strip. (Jane’s, updated 21 July 2010) [28a] (Politics-Political Division)

- September Meeting between US President Barack Obama, Israeli Prime Minister Binyamin Netanyahu and PLO Chairman and Palestinian President Mahmoud Abbas. (CRS, January 2010) [31b] (Summary)
- October An Egypt-brokered agreement between Fatah and Hamas of September 2009, was signed by Fatah but not Hamas. (Jane's, updated 21 July 2010) [28a] (Politics-Political Division)
- November Israeli Prime Minister Netanyahu announced a 10-month freeze on new Israeli housing projects in the occupied West Bank, although it did not apply to territory in East Jerusalem annexed by Israel following the 1967 War. (Reuters, 30 November 2009) [42a]
- December Following Palestinian President Mahmoud Abbas' earlier announcement that presidential and parliamentary elections were to be held in January 2010, and Hamas' declared intention to boycott and prevent the organisation of the election in Gaza Strip, Abbas announced the elections were to be postponed indefinitely and his own term was extended, also indefinitely. (Jane's, updated 21 July 2010) [28a] (Politics-Political Division)
- 2010**
- May Pro-Palestinian Free Gaza Movement and pro-Hamas Turkish Humanitarian Relief Fund organized a six-ship flotilla to deliver humanitarian aid to Gaza and to break Israel's blockade of the territory. (CRS, June 2010) [31d] (Summary)
- 31 May Following the ships refusal to dock at Ashdod, "Israeli naval special forces intercepted the convoy in international waters. They took control of five of the ships without resistance. However, some activists on a large Turkish passenger vessel [the Mavi Marmara] challenged the commandos. The confrontation resulted in eight Turks and one Turkish-American killed, more than 20 passengers injured, and 10 commandos injured." (CRS, June 2010) [31d] (Summary)
- June "Shortly after the Marmara incident Egypt announced the opening of the Rafah crossing 'indefinitely,' although it only allowed travelers with special permits and continued to restrict potentially dual use goods." (CRS, June 2010) [31d] (p12)
- 20 June The Israeli blockade of the Gaza Strip was eased. While this "...resulted in some economic reactivation of the private sector, the ability of humanitarian agencies to address the enormous needs of the population in the area of housing and services remains severely constrained due to the ongoing restrictions on the import of construction materials." (OCHA, August 2010) [31] (p1)
- 2 September Peace talks between the Israel and the Palestinian Authority resumed. (IISS Timeline) [89a] (2010) "Abbas and Netanyahu meet face-to-face for the first time in two years. In a private meeting in Washington DC the pair agree to work towards a peace deal within a year." [98b]
- 27 September The expiry of the Israeli settlement building moratorium led to the resumption of full-scale work and the discontinuation of the peace talks. (IISS Timeline) [89a] (2010)

- 8 October Arab League foreign ministers backed "...Palestinian Authority leader Mahmoud Abbas in avoiding further direct peace talks with Israel until settlement building in the West Bank is halted." (IISS Timeline) [89a] (2010)
- 15 October Israel announces the construction of 238 new housing units in East Jerusalem. (Guardian, 23 January 2011)
- November Hamas-Fatah reconciliation talks continuing but reportedly far from reaching a resolution. (Al-Ahram Weekly, 11-17 November 2010) [96a]
- 2011**
- April "Abbas's faction strikes unexpected reconciliation deal with Hamas, but months later the two sides are still far from agreeing on a unity government." (Reuters) [42c]
- 5 April "Israel approves the construction of nearly 1,000 homes in the Jewish settlement of Gilo on the outskirts of Jerusalem. This building is illegal according to international law..." (IISS Timeline) [89a]
- May "Israeli troops kill at least 13 Palestinians who surged toward its frontiers with Syria, Lebanon and Gaza on May 15, the day Palestinians mourn the establishment of Israel in the deadliest confrontation in years of anniversary clashes." (Reuters, 23 September 2011) [42c]
- "Obama's call for Israel to give Palestinians territory it has occupied since 1967 stuns visiting Prime Minister Netanyahu and pushes their thawing relationship back into the freezer." (Reuters, 23 September 2011) [42c]
- "In a speech days later, Netanyahu says explicitly for the first time, he is prepared to give up some settlements for peace. Palestinians reject his conditions as unacceptable." (Reuters, 23 September 2011) [42c]
- "Abbas tells Arab League meeting that there are 'no shared foundations' for peace talks with Netanyahu and that to seek U.N. recognition of Palestinian statehood is his only option." (Reuters, 23 September 2011) [42c]
- 7 June "Around 11 people are killed in Palestinian infighting in Yarmouk refugee camp, near Damascus in Syria, as hundreds of people march to the headquarters of the Popular Front for the Liberation of Palestine-General Command (PFLP-GC). People accuse the PFLP-GC of employing Palestinians to divert attention from the uprisings in Syria. Several people were killed when Palestinian and Syrian protesters tried to storm the border with Israel on 5 June; the PFLP-GC is said to have played a key role. The PA condemns the incident." (IISS Timeline) [89a]
- 12 June "Hamas rejects Fatah's nominee for prime minister in a transitional government, Salam Fayyad. Fayyad currently heads the PA government in the West Bank. Hamas says he is unacceptable because he cooperated with Israel's blockade on Gaza, and says he shares responsibility for the arrest of Hamas leaders in the West Bank. Fatah considers Fayyad a good candidate because they say he is a moderate and acceptable to international partners." (IISS Timeline) [89a]

- 26 June “The Palestinian leadership, made up of the Palestine Liberation Organisation's decision-making body and officials of the Palestinian Authority, formally decides to follow through with the plan to seek membership and statehood recognition by the UN in September.” (IISS Timeline) [89a]
- 13 July “A senior Hamas official says Hamas will not continue with the Palestinian reconciliation process should Salam Fayyad remain prime minister.” (IISS Timeline) [89a]
- 29 July “Hamas leader Mahmoud al-Zahar calls the planned Palestinian statehood bid at the UN a ‘political scam’, denying the legitimate basis of any Israeli claim to land and hence the possibility of a two-state solution. Zahar says that Salam Fayyad is a collaborator and not acceptable to Hamas as prime minister in a unity government.” (IISS Timeline) [89a]
- 23 September “Palestinian President Mahmoud Abbas submitted an application for full UN membership to UN Secretary-General Ban Ki-moon...” (Amnesty International, 4 October 2011) [35c]
- 18 October Gilad Shalit, the Israeli soldier seized in 2006 by Hamas, was freed in a deal that will result in the release of 1,027 Palestinians. 450 Palestinians were transferred from Israeli prisons to the West Bank and Gaza. (Guardian, 18 October 2011) [98c]
- 31 October “The United Nations Educational Scientific and Cultural Organization (UNESCO) became the first U.N. agency to welcome the Palestinians as a full member since President Mahmoud Abbas applied for full membership of the United Nations on September 23 [2011].” (Reuters, 31 October 2011) [42d]

2012

- 6 February “The rival Palestinian factions Fatah and Hamas have agreed to form a new unity government in the West Bank and Gaza, which will be headed by Mahmoud Abbas...” (Guardian, 6 February 2012) [98d]
- 12 February Hamas rejects Abbas’ call for elections before September 2012. (Reuters, 12 February 2012) [42e]
- 9 March “...the Israeli Air Force (IAF) targeted and killed two senior members of the Palestinian Popular Resistance Committees (PRC), triggering a new round of hostilities that lasted until 12 March.” (OCHA, March 2012) [30] (p2)

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Annex B

POLITICAL ORGANISATIONS AND ARMED GROUPS

The following information was extracted from the Internal Affairs and Non-State Armed Groups sections last updated 5 April 2011 and 25 November 2011 respectively, of Jane's Information Group (Jane's) Sentinel country risk assessments, Gaza and the West Bank (unless otherwise stated):

“The political scene in the Palestinian Authority (PA) is complex, uniting groupings that are part of the Palestine Liberation Organisation (PLO) with new parties that have only emerged since the establishment of the PA, but which play a role in the democratic process, as well as Hamas which has so far not entered the PLO, but which is the largest party inside the territories. Only one of the original PLO factions, Fatah, was actually active in elections in 1996. The other major factions – the Popular Front for the Liberation of Palestine (PFLP) under George Habash, the Democratic Front for the Liberation of Palestine (DFLP) under Naif Hawatmeh, the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) under Ahmed Jibril – did not take part, nor did minor factions linked to the PFLP-GC in the National Salvation Front (which is no longer part of the PLO), such as the Syrian-backed Al-Saiqa and the Palestine Revolutionary Communist Party. Most were protesting both the content of the Oslo Accords and the suspected rigging of the ballot in Fatah's favour.

“Hamas and the PFLP entered the political process with the second parliamentary elections in 2006 and rewrote the political landscape. Islamic Jihad, the DFLP and other smaller groups, remain outside the PA but are increasingly insignificant, except for some intermittent military activity.

“Other minor political factions include the Palestine Liberation Front of Abu Abbas (until his death in March 2004), the Arab Liberation Front, the Palestine Popular Struggle Front and the Palestine People's Party (PPP, the former communist party). New parties established in the run-up to the 2006 elections were mostly built around personalities, such as Prime Minister Salam Fayyad's Third Way party, and Mustapha Barghouti's Independent Palestine.” (Jane's, Internal Affairs) [28a] (Political Parties)

For information on groups designated as terrorist organisations by the United States, refer to Chapter 6: Foreign Terrorist Organizations of the [USSD Country Report on Terrorism 2010](#), released 18 August 2011. [15d]

PALESTINE LIBERATION ORGANISATION (PLO)

“The PLO is an umbrella grouping of various factions, dominated by Fatah and led by Mahmoud Abbas. Prior to the establishment of the PA, the PLO was considered the sole political representative of the Palestinian people, and was the body that reached an agreement with Israel in 1993. While the advent of the PA had somewhat obscured the relation between the two bodies, the emergence of the Hamas government once again caused the PLO to reassert itself in that role. The PLO was established by Arab leaders in 1964 to address the Palestinian issue but the organisation remained a pawn of the Arab governments until 1968 when it was taken over by Palestinian guerrilla groups, led by Fatah. Other members of the PLO include the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP). Neither Hamas nor Palestinian Islamic Jihad are members. Yasser Arafat

was head of the PLO from 1968 until his death in 2004.” (Jane’s, Internal Affairs) [28a] (Political Parties)

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The main political organisations and armed groups in the OPTs are listed below in alphabetical order:

Democratic Front for the Liberation of Palestine (DFLP)

Founded in 1969 when it broke from the Popular Front for the Liberation of Palestine (PFLP) – “Since 2006, the DFLP’s armed wing, the National Resistance Brigades has engaged in sporadic projectile attacks on Israeli military posts located along the border with Gaza as well as civilian targets located in Israel’s Southern district. It claimed responsibility for a series of such operations in 2006 and 2007 in conjunction with other Palestinian factions - including the Al-Aqsa Martyrs Brigades, politically affiliated with Fatah, and the An-Nasser Salah ad-Din Brigades, the armed wing of the Popular Resistance Committees (PRC). However, following Operation Cast Lead by the Israeli Defence Force (IDF) in the Gaza Strip from December 2008 to January 2009, the DFLP’s armed wing was temporarily weakened and it was not until the latter part of 2010 that it resumed cross-border attacks against Israeli targets, launching a series of projectile attacks on southern Israel in December 2010 and January 2011 in conjunction with the Palestinian Islamic Jihad (PIJ). The DFLP also claimed to have shot and wounded an Israeli soldier east of Gaza City in February [2011]. The group maintained a low operational tempo during the following six months, with only two incidents of attempted attacks by National Resistance Brigades militants in the Gaza Strip recorded in April and October 2011. Both incidents resulted in the deaths of the alleged perpetrators and reportedly involved the attempted detonation of improvised explosive devices (IEDs), although the group did not reveal the intended targets of the attacks in subsequent claims of responsibility. However, in late October 2011, several Palestinian militant groups in the Gaza Strip, including the National Resistance Brigades, launched an unspecified number of rockets - reported to have been in the dozens - into Israel’s Southern District. In response to the rocket attacks, Israel carried out several air strikes on militants in the Gaza Strip, including one on 30 October [2011] which killed an alleged National Resistance Brigades commander, identified as Ahmad Jarkhoun, and wounded another in an undisclosed location in the territory.” (Jane’s, Non-State Armed Groups) [28a] (Democratic Front for the Liberation of Palestine (DFLP))

“Nayif Hawatmeh has been the group’s leader since its inception and holds the official title of secretary general. By all accounts, he is no longer actively involved in detailed planning of operations. Other, more junior, leaders include intellectuals of mainly petty-bourgeoisie background such as Yasser Abed Rabbo (Abu Bashar), Qais Samaral (Abu Leila) and Abd-al-Karim Hammad (Aba Adnan).” (Jane’s, Non-State Armed Groups) [28a] (Democratic Front for the Liberation of Palestine (DFLP))

“The DFLP’s political and ideological objectives are essentially fourfold: revolutionary change in the Arab world, especially in the conservative monarchies, as a precursor to the achievement of Palestinian objectives; the placing of the Palestinian struggle on the international agenda within a general world context of liberation in Africa, Asia and Latin America; resistance to US policy in the region, including American support for the non-aligned bloc; and solidarity with all national liberation movements that fight against imperialism and racism.” (Jane’s, Non-State Armed Groups) [28a] (Democratic Front for the Liberation of Palestine (DFLP))

Fatah

“Fatah is the mainstream Palestinian nationalist movement founded in 1965 by late leader Yasser Arafat. It is a secular party and the largest of the various factions that make up the Palestine Liberation Organisation...

“It originally backed armed struggle to create a Palestinian state but later led peacemaking efforts with Israel for a deal to create a state in the West Bank and Gaza, with East Jerusalem as capital - lands Israel occupied in 1967.

“Fatah chief Arafat signed the first peace interim peace deal with Israel in 1993 but despite repeated U.S.-brokered efforts, a full accord has always proved elusive, with Israelis and Palestinians blaming each other for repeated failures...

“Arafat died in 2004 and was replaced as Fatah head by Mahmoud Abbas in 2005. He inherited a divided party that was losing its popular support and mired in corruption scandals.

“After decades of dominance, Fatah lost a 2006 parliamentary election to Hamas. A year later its forces were routed by Hamas in a civil war and ousted from the Gaza Strip. Its power in the West Bank has been reduced by persistent internal struggles and its influence has waned with the rise of the technocrat prime minister, Salam Fayyad.” (Reuters, 4 May 2011) [42b]

“One of Fatah’s most influential leaders, Marwan Barghouti, the general secretary of Fatah in the West Bank and leader of its Tanzim militia force, is currently serving five consecutive life sentences in an Israeli prison on terrorism charges. Unlike Arafat and his successor Mahmoud Abbas, Barghouti supported Fatah military action against Israel in the current intifada.” (Jane’s, Internal Affairs, 5 April 2011) [28a] (Political Parties)

“Fatah’s leadership created the Tanzim in 1995 as a counterweight to the growing military might of home-grown militant Islamist groups Hamas and Palestinian Islamic Jihad. Force 17, the Presidential guard force and Al Aqsa Brigades are other armed factions aligned with Fatah.” (Jane’s, Internal Affairs, 5 April 2011) [28a] (Political Parties)

Al-Aqsa Martyrs Brigades (AMB)

“The Palestinian group al-Aqsa Martyrs Brigade evolved in recent years from a Fatah linked coalition of militias seeking an end to Israel’s presence in the West Bank and Gaza Strip into a more radical organization. Emerging around the time of what Palestinians call the ‘Second Intifada’ in 2000, the brigade at first targeted Israeli settlers and military outposts. But its decision to join Hamas and Palestinian Islamic Jihad and target civilians in Israeli cities in 2002 prompted the U.S. State Department to list the brigade as a terrorist organization and led Washington to abandon efforts to deal with the Palestinian president, the late Yasir Arafat.” [24b] (Council on Foreign Relations, 2 April 2008)

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Hamas

Hamas (Arabic: enthusiasm, zeal) is an abbreviation of Harakat al-Muqawama al-Islamiyya (Islamic Resistance Movement). Founded 14 December 1987, a few days after the beginning of the first Palestinian uprising (intifada) but officially established in August 1988, when the

movement's charter was first published. (Jane's, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas' military wing))

" Hamas is a social, political and religious movement, as well as an armed resistance group. It was born out of the Islamic Muslim Brotherhood movement which began its activities in the occupied territories in the 1950s by creating charities and providing social services. It is believed the Muslim Brotherhood received tacit Israeli backing to act as a counterpoint to Fatah and the PLO. Hamas emerged as a political and resistance force in 1988 after the first intifada, following its opposition to the Oslo Accords. That opposition formally stands, though the movement's decision to contest PA parliamentary elections in 2006 was widely understood as a tacit acceptance of the tenets of those accords.

"Furthermore, while the group's main platform continues to centre around the destruction of the state of Israel and the creation of an Islamic Palestinian state on all of its territory, the majority of Hamas leaders in Gaza have acknowledged that the reality of a future Palestinian state will be one within the 1967 Green Line." (Jane's, Internal Affairs) [28a] (Political Parties)

"The group's main military arm is the Izz al-Din al-Qassam Brigades, which has been responsible for many suicide bomb attacks inside Israel. As a result, Israel began systematically targeting senior Hamas figures and in March 2004, assassinated its spiritual and political leader, the half-blind paraplegic Sheikh Ahmed Yassin, killing 15 Palestinian civilians in the process. Abd al-Aziz Rantisi took over as Hamas leader in Gaza, but was assassinated by Israel a month later. Hamas then took the strategic decision to rely on its leadership in exile, appointing Damascus-based Khaled Mashaal as its overall leader, although the party has effectively been run in Gaza by former prime minister Ismail Haniyah since January 2006." (Jane's, Internal Affairs) [28a] (Political parties)

On 28 February 2012, BBC News reported that the political leadership of Hamas had moved from Syria to Egypt and Qatar:

"Deputy political leader Moussa Abu Marzouk, now based in Cairo, said Hamas could not operate effectively due to the unrest in its long-time ally. The political leader, Khaled Meshaal, and his aides have moved to Doha... The political bureau of Hamas - which is designated a terrorist organisation by Israel, the US and EU - moved to Syria in 1999 after the Jordanian authorities accused the group of using the country as a base for illegal activities and briefly detained Mr Meshaal and a key aide." [100d]

Izz al-Din al-Qassam Brigade (Hamas' military wing)

The Izz al-Din al-Qassam Brigades were formally established in 1992 – "The Izz al-Din al-Qassam Brigades were proscribed as a terrorist organisation by the UK government in March 2001 and by the Australian government on 9 November 2003. Hamas (in its entirety) has been listed as a foreign terrorist organisation by the US government since 8 October 1997." (Jane's, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas' military wing))

"Mohammad Deif has commanded the military wing of Hamas in Gaza since the assassination of Saleh Shehada in July 2002. High on Israel's most-wanted list, he was injured in one of many Israeli assassination attempts in September 2002. Deif's mentor had been Yehya Ayyash, a renowned Hamas bomb maker known as 'the Engineer' and head of the Qassam brigades until his assassination in late 1995. On 3 September 2005, Hamas took the unusual step of posting the names of the Izz al-Din al-Qassam Brigades' top seven leaders on its website. Deif's deputies were named as Ahmad al-Jabari, Marwan Isa, central Gaza Strip; Raed Saad, Gaza

City; Ahmad Galdour, northern Gaza Strip; Mohammed Abu Shamala, southern Gaza Strip; and Mohammed al-Sanwar, Khan Younis. All seven currently remain in these positions.” (Jane’s, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas’ military wing))

“Despite its current cessation of rocket attacks, members of Hamas’ armed wing, the Izz al-Din al-Qassam Brigades, have engaged in sporadic small arms clashes with Israeli security forces. A notable example of such a clash came on 26 March 2010 when two Israeli soldiers were killed by al-Qassam Brigades militants near Khan Younis. There was no indication, however, that this clash signalled an intention by Hamas to resume offensive operations against Israel.” (Jane’s, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas’ military wing))

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Palestinian Islamic Jihad (PIJ)

Founded 1979 – Islamic Jihad in Palestine (Harakat al-Jihad al-Islamic al-Filastini in Arabic),, more commonly known as Palestinian Islamic Jihad (PIJ). PIJ’s armed wing is known as Saraya al-Quds (The Jerusalem Brigades), or the Al-Quds Brigades. (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

“PIJ was established by Fathi Shiqaqi, who led the movement until his assassination in Malta by Israel’s secret intelligence service, Mossad, on 26 October 1995. He was succeeded by its current leader, Ramadan Abdallah Shallah, one of Shiqaqi’s early associates. Shallah is based in Damascus, Syria. PIJ’s organisational leadership is formed by the General Bureau (Al-Maktab al-Am), consisting of eight persons and akin to a politburo.” (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

“PIJ’s strategic objective is the complete liberation of Palestine as defined by the borders of the British Mandate (contemporary Israel and Gaza and the West Bank). It considers armed struggle by the Palestinian people, conducted with the active support of the Arab and Muslim worlds, as the only viable strategy for achieving this objective. PIJ also seeks the establishment of an Islamic regime in a liberated Palestine but states it will not impose this by force.” (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

“PIJ is considered to be one of the militarily more effective of the Palestinian militant groups despite its relatively small size. It has a significant presence in the Gaza and the West Bank, and maintains closer organisational relations and ideological affinity with the Lebanese Hizbullah movement and Iran than other Palestinian movements.” (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

Popular Front for the Liberation of Palestine (PFLP)

“Lefist Palestinian nationalist group that formed after the Six Day War of 1967 and pioneered terrorist strategies in the early 1970s. Once a key player in Palestinian politics, the PFLP lost influence in the 1990s and was sidelined as Yasir Arafat established the Palestinian Authority.

“The PFLP, which pioneered such terror tactics as airline hijackings, formed in December 1967, after the Arab states’ overwhelming defeat in the Six Day War. In 1968, the PFLP joined the Palestine Liberation Organization (PLO), the main umbrella organization of the Palestinian national movement, which was then committed to a strategy of ‘armed struggle.’ The PFLP became the second-largest PLO faction, after Arafat’s own al-Fatah. The PFLP sought to topple conservative Arab states, destroy Israel, and apply Marxist doctrine to the Palestinian struggle,

which it saw as part of a broader proletarian revolution. The group received support from the Soviet Union and China.” (Global Security, last modified 11 July 2011) [65a]

Popular Front for the Liberation of Palestine – General Command (PFLP-GC)

“In 1968, one of the PFLP's earliest leaders, Ahmed Jibril, broke away to form the PFLP-GC. The new group initially declared that its focus would be military, not political. PFLP-GC was the most marginal and the most opposed to any negotiated settlement with Israel. It has joined a series of anti-Arafat rebellions. The PFLP-GC had long been a secular Marxist-Leninist organization, but in the late 1980s, after accepting assistance from Iran, the group began to use religious rhetoric...

“Carried out dozens of attacks in Europe and the Middle East during 1970s-80s. Known for cross-border terrorist attacks into Israel using unusual means, such as hot-air balloons and motorized hang gliders. Primary focus now on guerrilla operations in southern Lebanon, small-scale attacks in Israel, West Bank, and Gaza.” (Global Security, last modified 11 July 2011) [65b]

Popular Resistance Committees (PRC)

“The PRC is an umbrella group that draws together former armed activists of different factions. It was formed in the Gaza Strip in 2000 at start of a Palestinian uprising for statehood.

“It counted numerous former security men from the Palestinian Authority's various security agencies among its ranks, including many disaffected members of Fatah, which has since renounced violence against Israel. It operates independently from the Islamist rulers of Gaza, Hamas. However fighters from the two groups have staged joint coordinated attacks in the past years and the PRC's leaders took similar political positions to that of Hamas regarding the Palestinian Authority's peace moves with Israel.

“The group staged dozens of attacks against Israeli troops and Jewish settlers during its early years. Among the attacks it claimed was a 2003 strike against a U.S. diplomat, that killed three security guards, and the 2004 fatal shooting of a pregnant settler and her four young daughters.

“In June 2006, the IAF killed PRC founder Jamal Abu Samhadana in a targeted strike in Gaza. Shortly afterwards, the PRC was one of three groups that claimed responsibility for the cross-border abduction of Israeli soldier Gilad Shalit.” (Reuters, 19 August 2011) [42f]

On 10 March 2012, the Al Mezan Center for Human Rights reported that, “On Friday 9 March 2012, Israeli aircraft extrajudicially killed the Secretary-General of the Palestinian Popular Resistance Committees, Abu Ibrahim Al Qaisi, as he was travelling in a car in the Tal Al Hawa neighborhood of Gaza City.” [62d]

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Annex C

UNRWA CAMP PROFILES – WEST BANK AND GAZA STRIP

The following information was extracted from the UN Relief and Works Agency (UNRWA) website on 4 January 2012. [16b-16c] [16i-16j]

GAZA STRIP

“The Gaza Strip is home to a population of more than 1.5 million people, including 1.1 million Palestine refugees.

“For the last decade, the socio-economic situation in Gaza has been in steady decline. Years of conflict and closure have left 80 per cent of the population dependent on international assistance. The tightened blockade, imposed following the Hamas takeover of Gaza in June 2007, has decimated lives and livelihoods, resulting in the impoverishment and de-development of a highly skilled and well-educated society. Despite adjustments made to the blockade by the government of Israel in June 2010, restrictions on imports and exports continue to severely hamper recovery and reconstruction.

“Operating through more than 11,000 staff in over 200 installations across the Gaza Strip, UNRWA delivers education, health care, relief and social services, microcredit and emergency assistance to registered Palestine refugees.

“In the aftermath of the Israeli military Operation Cast Lead in 2008/2009, UNRWA developed a comprehensive plan to reconstruct Gaza, promote economic recovery and address the long-term development needs of Palestine refugees, including educational infrastructure.

“In recent years, the Agency has made significant improvements to its services in Gaza, such as its schools of excellence and excellent health services initiatives. It also better targets its assistance to the poorest of the poor through the implementation of a proxy-means tested poverty survey.” [16b]

Education

“Years of underfunding have left the education system in Gaza overstretched, with 94 per cent of schools operating on a double-shift basis, hosting one ‘school’ of students in the morning and a different group in the afternoon. As a result, children’s education is severely truncated.

“In testing in 2006, nearly 80 per cent of students failed mathematics and more than 40 per cent of students failed the Arabic exam.

“To reverse this alarming trend, UNRWA introduced its schools of excellence initiative, which includes:

- a dedicated human rights curriculum
- promotion of respect and discipline in violence-free schools
- basic snacks to help students focus on their schoolwork and encourage them to attend school

- support materials for low achievers and enrichment materials for gifted and talented students
- assistance to vulnerable and low-achieving students, including summer learning programmes, after-school classes and comprehensive health assessments
- additional class time in Arabic and mathematics
- Summer Games, a six-week programme of recreational activities that provides children with much-needed relief.” [16b]

Health

“As a result of years of socio-economic decline, conflict and closure, health services across the Gaza Strip suffer from inadequate infrastructure, insufficient training, overstretched facilities, and frequent interruptions of services due to power cuts.

“At the same time, the population’s health is at increasing risk. Food insecurity and rising poverty mean that most of the population do not receive enough food, while over 90 per cent of the water in Gaza is unfit for human consumption.

“Through 20 health centres across the Gaza Strip, UNRWA offers comprehensive primary care to more than 1.1 million Palestine refugees. Recent reforms have brought significant improvements:

- bringing the antibiotic prescription rate in UNRWA health centres in line with the WHO standard
- significant increase in the number of Gazans using family planning
- early detection of non-communicable diseases such as hypertension and diabetes, made possible through community outreach and screenings.” [16b]

Community mental health programme

“Children in Gaza are regularly exposed to violence, through IDF operations, internal conflict, and community or household tensions. This situation is aggravated by the economic and psychological hardships caused by the ongoing siege imposed on the Gaza Strip. Children face persistent violations of their basic human rights, with a devastating psychological impact.

“UNRWA’s community mental health programme mitigates the effect on refugee children. The Agency allocates school counsellors who screen students to determine who most urgently needs mental health support.” [16b]

Relief and social services and emergency food and cash assistance

“Five years of blockade have pushed Gaza into unprecedented unemployment and poverty, decimated the private sector and turned most people from self-sufficiency to aid dependency.

“UNRWA targets its basic food and cash assistance through a proxy-means tested [poverty survey \(PDF\)](#), representing best practice in poverty alleviation. The very poorest refugees, who are unable to meet even their most basic food needs, receive the most assistance.” [16b]

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Microfinance and job creation

“The Agency’s microfinance programme is the largest provider of loans to small businesses and microenterprises in Gaza. It also specifically targets women entrepreneurs, providing them with critical employment opportunities.

“The job creation programme (JCP) injects cash into the local economy and supports the private sector. Positions range from three months for unskilled workers to one year for professionals. To provide Gaza’s best university graduates with much-needed and deserved work, JCP offers them one-year employment.

“UNRWA faces a funding crisis, putting these 6,500 jobs per month at risk.” [16b]

Recovery and reconstruction

“Years of conflict and closure have had a devastating impact on infrastructure in Gaza. During Operation Cast Lead alone, more than 60,000 shelters were destroyed or damaged.

“UNRWA developed a recovery and reconstruction plan to support sustainable economic growth in Gaza, as well as to address the long-term needs of Palestine refugees. The principal elements include building 100 schools and 10,000 refugee shelters over a three-year period.

“From June 2007 to early 2010, the Agency was unable to implement any construction projects because of the strict prohibition on imports of construction materials from Israel. Following the ‘adjustment’ to the blockade in June 2010, Israel began considering the entry of construction materials for UNRWA on a project-by-project basis. While progress has been made, the system falls well short of refugees’ needs, mainly due to limited crossing-point capacity.

“Ironically, since the ‘adjustment’, the tunnels from Egypt have been freed up for construction materials and Gaza has witnessed a construction boom. While UNRWA and other international organisations are bound to a slow, bureaucratic process, with significant additional costs, the tunnels flood the private sector with cheaper materials than those imported legally through Israel.” [16b]

Gender equality

“Severely reduced social, economic and recreational opportunities, and increased domestic violence, have left women in Gaza socially isolated. UNRWA provides women with space to take physical exercise, build computer skills, receive educational support and leadership training, and pursue hobbies.

“UNRWA works with more than 25 community-based organisations across the Gaza Strip. It is also working to break the silence surrounding domestic violence, promote career development for its female staff and ensure women’s needs are equally considered in its services.” [16b]

Promoting the rights of the most vulnerable

“In Gaza, UNRWA works with community-based organisations specifically targeting women, children, young people, orphans and people with disabilities to promote the rights of the most vulnerable. UNRWA also oversees the operations of the Rehabilitation Centre for the Visually Impaired and its school, which provides 500 children with educational support.” [16b]

Facts and figures

- “1.1 million registered refugees
- “Eight camps
- “243 schools with 219,000 pupils
- “Two vocational and technical training centres
- “20 primary health centres
- “12 food distribution centres

“Figures as of 24 October 2011.” [16b]

Camp profiles

“The Gaza Strip is home to more than 1.1 million registered refugees, of which more than half a million live in the eight refugee camps established by UNRWA. The refugee camps have one of the highest population densities in the world. The blockade on Gaza has had a devastating impact on refugees across the Gaza Strip, including those living in camps. Unemployment continues to be at unprecedented levels particularly affecting young people in Gaza.” [16i]

Click on the camp names below for further details:

- [Beach](#)
- [Bureij](#)
- [Deir El-Balah](#)
- [Jabalia](#)
- [Khan Younis](#)
- [Maghazi](#)
- [Nuseirat](#)
- [Rafah](#) [16i]

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WEST BANK

“The West Bank covers 5,500 square kilometres with an estimated population of 2.4 million. A quarter of the refugees live in 19 refugee camps, with most others in West Bank towns and villages.” [16c]

Facts and figures

- “Almost 688,700 estimated registered refugees
- “19 camps
- “98 schools, with 54,000 pupils
- “Three vocational and technical training centres
- “41 primary health centres
- “15 community rehabilitation centre
- “16 women’s programme centres, plus 3 under establishment

“Figures as of 31 December 2010” [16c]

Challenges

“West Bank camp residents have been hard hit by closures imposed on the West Bank by the Israeli authorities, as they are largely dependent on income from work inside Israel.

“The camps are extremely overcrowded, with a lack of space, particularly parks and playgrounds, for children to play.” [16c]

Unemployment

“Unemployment levels are particularly high among West Bank refugees. Households spend an average of half their income on food, leaving very little to spend on other essentials such as shelter and education. This encourages a cycle of debt, further entrenching poverty.” [16c]

Overcrowding

“Overcrowding is a huge problem in UNRWA’s schools, with an average of 50 pupils per classroom. A number of schools share the same school building, which reduces teaching time, while others operate in rented premises.

“Many schools have also been damaged by Israeli military activity since September 2000.” [16c]

Infrastructure

“The high population density and rapidly growing population has massively strained the camp infrastructure. Residents frequently expand their homes with no proper planning and old sewage networks are unable to cope.” [16c]

Camp profiles

“The West Bank is home to 771,000 registered refugees, around a quarter of whom live in 19 camps. Most of the others live in West Bank towns and villages. Some camps are located next to major towns and others are in rural areas.

“While the West Bank has the largest number of camps in UNRWA's five fields of operation, the largest camp, Balata, has a similar population as the smallest camp in Gaza.

“After the signing of the Oslo Accords in 1993 and subsequent related agreements, parts of the West Bank, including the refugee camps, were divided into three different zones of authority. Far’a and Nur Shams were initially in zone B, but following the implementation of the first phase of the 1998 Wye River Memorandum, they came under zone A, raising the total number of camps under full Palestinian Authority control to thirteen.” [16j]

Click on the camp names below for further details.

Israeli control

- [Shu’fat](#) – within the municipal boundaries of Jerusalem
- [Kalandia](#) – under zone C

Joint Palestinian/Israeli control (zone B)

- [Arroub](#)

- [Fawwar](#)
- [Jalazone](#)
- [Deir 'Ammar](#)

Exclusive Palestinian Authority control (zone A)

- [Aida](#)
- [Far'a](#)
- [Jenin](#)
- [Askar](#)
- [Balata](#)
- [Am'ari](#)
- [Tulkarm](#)
- [Dheisheh](#)
- [Beit Jibrin](#)
- [Ein el-Sultan](#)
- [Nur Shams](#)
- [Camp No. 1](#)
- [Aqbat Jaber](#)

“UNRWA does not administer the camps, only its own installations and programmes.” [16j]

See also [Geography](#); [History](#); [Security situation](#) and [Freedom of movement](#) for more information on zones 'A', 'B' and 'C'.

Camp committees

“The West Bank camps are active social units. Camp residents run their own activities and committees in each camp are regarded as an official body representing the camp population.

“UNRWA sponsors a number of women’s programme centres, community rehabilitation centres and youth activities in the camps to cater to the needs of women, refugees with disabilities and young people.

“Several Palestinian non-governmental organisations (NGOs) as well as Palestinian Authority ministries are active in the West Bank camps and provide various services to residents.” [16j]

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Annex D

IDENTITY (ID) CARDS

The following information was extracted from the The Open Society Archives (OSA), unless otherwise stated. [54a]

“Movement between the West Bank and Jerusalem is regulated by a system of ID cards. A person’s ID card also determines his/her ability to move from one side of the Wall to the other. Any discussion of the access implications caused by the Wall, therefore, must include an understanding of the ID card system and how it functions. There are four variations of ID cards: West Bank Palestinian, Jerusalem Palestinian, Palestinian ‘Arab’ Israeli and Jewish Israeli.” [54a]

The paper, Identity and movement control in the OPT, in the August 2006 Forced Migration Review (FMR 26) Palestinian displacement: a case apart? noted “Today, ID-holding residents of the West Bank and Gaza are entitled to change the colour of their ID cards to green, the colour of ID cards issued by the PA, though some still carry the older Civil Administration versions [West Bank residents had orange cards, those in the Gaza Strip had maroon]. East Jerusalemites still hold blue ID cards.” [36a] (p24)

PALESTINIAN WITH WEST BANK ID CARD



“Palestinians living in the occupied Palestinian territory (oPt) carry ID cards with orange covers (issued by the Israeli authorities) or green covers (issued by the Palestinian Authority). The cards issued by the PA are nearly identical to the Israeli card (they are written in Hebrew), except for a Palestinian Authority seal on top. The ID number on the PA cards, essential to regulate access and movement, is linked with the Israeli computer system.

“A West Bank ID holder requires a permit to pass through any of the numerous military checkpoints along the Green Line into Israel and Jerusalem. To obtain a permit, a person needs to pass a security check and obtain a magnetic card. Since September 2000, these permits have been difficult to obtain and often have been cancelled without notice. In addition, further movement restrictions have been imposed on West Bank ID holders. For most of this time, Palestinians above the age of 16 require a permit to travel from one Palestinian city to another within the West Bank. A permit is also needed to enter any Israeli settlement or industrial zone located in the West Bank where they may be employed.

[The footnote '11' above refers to the original source]

“Each ID card states whether the cardholder is Muslim or Christian. The bottom half of the ID card lists the marital status and names of other family members. The card contains no information about citizenship.

“West Bank ID holders are prohibited (since 1993) to access Jerusalem health and educational services. Instead, they have had to travel to West Bank towns – Bethlehem and Ramallah. The Wall will now put at risk those Palestinians with West Bank IDs located on the Jerusalem side of the Wall to access services in the West Bank. These difficulties raise concern that the Jerusalem Wall will force Palestinian populations to leave their homes.” [54a]

PALESTINIAN WITH JERUSALEM ID CARD

“In 1967, the Israeli Government incorporated part of the West Bank into Israeli municipal Jerusalem. Palestinians residing within these newly defined municipal boundaries were given a special Jerusalem residency status. They were provided with Israeli-issued ID cards with a blue cover. Until a year ago, they were listed as ‘Arab’ in the nationality section of their ID card. The bottom half of these cards list citizenship only for those who have Jordanian passports. They are not, therefore, citizens of Israel.



“As residents of Jerusalem, these Palestinians ostensibly have freedom to move in and out of Jerusalem and throughout most of the oPt. In practice, however, they are often stopped by border and civil police in Jerusalem.

“Palestinians with Jerusalem IDs can also work in Israel, pay taxes to the Israeli Government and receive national insurance benefits. Their services are administered though a separate and under-resourced administration in the eastern part of Jerusalem. The more than 170,000 Israelis residing in adjacent areas of East Jerusalem, use the more efficient government offices in West Jerusalem.

“The right of Jerusalem ID holders to live in Jerusalem is not guaranteed. Under Israeli law, if they reside outside of Jerusalem for seven years, they lose their ID card and residency.

“The construction of the Wall will leave thousands of Palestinians with Jerusalem IDs on the West Bank side of the Wall. They face losing access to education and health services. They also risk losing their Jerusalem residency which could result in a separation from the person’s home, employment and family.” [54a]

[The footnote '12' above refers to the original source]

PALESTINIAN WITH ISRAELI ID CARD

“Palestinians with Israeli ID cards are considered citizens of Israel. The Israeli Government, categorises Israeli citizens by religious and national-ethnic affiliation. Each Israeli ID card states in the nationality section whether the citizen is a Jew, Arab, Druze or a member of other ethnic groups. In April 2002, the Israeli Ministry of Interior issued new regulations which leave the ‘nationality’ section blank. This change affected only newly-issued ID cards. Most ID cards still in use list the national-ethnic or religious identity. The bottom half of the ID card lists citizenship as Israeli.



[The footnote ‘14’ above refers to the original source]

ISRAELI – JEWISH CITIZEN WITH ISRAELI ID CARD

“Jewish Israeli citizens carry Israeli ID cards with blue covers. The nationality section of their ID card lists them as ‘Jewish’, but this has been left blank for new ID cards issued after April 2002. Israeli citizenship is listed on the bottom part.

“There are approximately 384,000 of these Israelis classified as Jewish, who live in settlements in the

“These cardholders have total access to Jerusalem and freedom of movement in most of the West Bank. Although a holder of an Israeli ID card, someone listed as ‘Arab’ is more likely to be questioned, delayed and at times denied access. While there is no restriction on the movement of persons with Israeli ID cards, there is a military order prohibiting entry into West Bank Palestinian cities. The Jerusalem Wall will restrict their movement in Palestinian areas.” [54a]



[The footnote ‘15’ above refers to the original source]

West Bank including Jerusalem. They hold Israeli ID cards and are allowed free movement throughout the West Bank but are restricted from entering Palestinian cities. The Jerusalem Wall will have little, if any, effect on these ID cardholders.” [54a]

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Annex E

LIST OF ABBREVIATIONS

AI	Amnesty International
AMAN	Coalition for Accountability and Integrity
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CFR	Council on Foreign Relations
CPJ	Committee to Protect Journalists
CRS	Congressional Research Service
CSIS	Center for Strategic and International Studies
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DCI/PS	Defence for Children International – Palestine Section
EU	European Union
EBRD	European Bank for Reconstruction and Development
EMRO	Regional Office for the Eastern Mediterranean
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FMR	Forced Migration Review
GCMHP	Gaza Community Mental Health Programme
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HPN	Humanitarian Practice Network
HRW	Human Rights Watch
HSRC	Human Sciences Research Council of South Africa
IAG	Illegal Armed Group
ICG	International Crisis Group
ICHR	Independent Commission for Human Rights
ICRC	International Committee for Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IHH	The Foundation for Human Rights and Freedoms and Humanitarian Relief
IISS	International Institute for Strategic Studies
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IMF	International Monetary Fund
IOM	International Organisation for Migration
IRIN	Integrated Regional Information Networks
MADA	Palestinian Center for Development and Media Freedoms
MERIP	Middle East Research and Information Project
MRG	Minority Rights Group International
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
ODIHR	Office for Democratic Institutions and Human Rights

ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSA	Open Society Archives
OSCE	Organisation for Security and Cooperation in Europe
PCBS	Palestinian Central Bureau of Statistics
PCHR	Palestinian Centre for Human Rights
PGDO	Palestinian General Delegation Office
PHR	Physicians for Human Rights
RSF	Reporters sans Frontières
SAWA	All the Women Together Today and Tomorrow
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
TIPH	Temporary International Presence in the City of Hebron
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UN CAT	United Nations Committee Against Torture
UNCS	United Nations Cartographic Section
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNESCWA	United Nations Economic and Social Commission for Western Asia
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNISPAL	United Nations Information System on the Question of Palestine
UNODC	United Nations Office on Drugs and Crime
UNRWA	United Nations Relief and Works Agency
USAID	United States Agency for International Development
USSD	United States State Department
WBG	World Bank Group
WFP	World Food Programme
WHO	World Health Organization

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Annex F

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