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State of the World's Minorities and Indigenous Peoples 2010 - Israel and the Occupied Palestinian Territories

Between 27 December 2008 and 18 January 2009, Israel conducted a large-scale military operation in the Gaza Strip, codenamed Operation Cast Lead. According to figures released in September 2009 by B'Tselem, an Israeli human rights organization, the most destructive military assault in Gaza's history resulted in the deaths of about 1,400 Palestinians, the majority of whom were civilians, and 13 Israelis, including three civilians. The military operation was spurred by rocket attacks against Israeli towns. Israeli air raids and the subsequent ground invasion wrought widespread destruction of Palestinian homes and other civilian infrastructure such as mosques and schools. The military operation followed an 18-month blockade of Gaza's borders, imposed after Hamas' takeover of Gaza in mid-2007, which had crippled its economy, leading to unprecedented levels of poverty and hardship among Gaza's 1.5 million residents – three-quarters of whom are refugees registered with UNRWA. According to a report released in October 2009 by Médecins Sans Frontières (MSF), an international medical relief NGO, 85 per cent of Gaza's population is entirely dependent on aid as result of the embargo.

On 3 April 2009, the President of the UN Human Rights Council established the UN Fact-Finding Mission on the Gaza Conflict with a mandate:

'to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after.'

The four-member mission was headed by Justice Richard Goldstone, who is a former justice of the Constitutional Court of South Africa and former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda. On 25 September 2009, the mission issued its final report, which has become known as the Goldstone Report. The report found evidence of serious violations of human rights and humanitarian law committed by Palestinian militant groups and Israeli armed forces. The report was endorsed by the UN Human Rights Council on 16 October 2009, and on 5 November 2009, the General Assembly adopted Resolution 10883 giving Israel and the responsible Palestinian Authorities three months to undertake 'independent, credible investigations' into alleged violations of international humanitarian and human rights law committed during the conflict in Gaza.

The situation in Gaza ratcheted up the already tense relationship between Israel's Jewish majority and its Palestinian citizens. According to figures from Adalah, an Arab-Israeli legal advocacy group, Israel's Arab minority makes up about 20 per cent of the

total population and brings together members of three religious communities: 81 per cent of them are Muslim, 10 per cent are Christian and 9 per cent are Druze. The rise of the right in Israel in the February 2009 elections did not bode well for Israel's Palestinians. In the run-up to the elections, prime ministerial candidate Avigdor Lieberman ran an electoral campaign against Israeli Arabs. As reported in Israeli daily newspaper *Haaretz*, Lieberman's far-right party, Yisrael Beiteinu, shaped its campaign around the slogan, 'No citizenship without loyalty', which was aimed at Palestinian citizens of Israel, some of whom the party accuses of constituting a fifth column. Lieberman is known for his inflammatory statements about Arabs. According to international media, Lieberman has openly advocated the 'transfer' of Palestinian citizens in Israel and has called for the execution on the grounds of treason of Palestinian members of the Knesset who met with Hamas members on the West Bank or in the Gaza Strip. Revealing an alarming shift to the far right by a section of Israeli society, Lieberman's party emerged as the third largest in Israel after the February 2009 general elections. On 16 March, his party entered into the coalition government led by right-wing Likud leader Benjamin Netanyahu. Lieberman currently serves as Minister of Foreign Affairs and also has the title of Deputy Prime Minister.

Following the formation of the coalition government, Yisrael Beiteinu introduced a series of bills detrimental to Palestinian citizens of Israel. In May 2009, a Yisrael Beiteinu Member of Knesset (MK) proposed a bill that would have made it illegal to mark Israel's Independence Day as a day of mourning. Israel's Independence Day is commemorated by Palestinians worldwide as the day of Catastrophe ('Nakba'), as it marks the forced displacement of two-thirds of the Palestinian population from their homes during the 1948 Arab-Israeli war. The so-called Nakba Law would have made participation in Nakba Day events punishable by three years' imprisonment. The Association for Civil Rights in Israel (ACRI), Israel's oldest and largest human rights organization, criticized the legislation as impinging on citizens' freedom of speech, and as likely to increase the isolation and alienation felt by Palestinian citizens of Israel. A softer version was approved by the Ministerial Committee for Legislation in July 2009, thus putting it on the fast track for ratification in the Knesset (the Israeli parliament). According to ACRI, the approved version gives the Finance Minister the authority to withhold funding from bodies that mark Israel's Independence Day as a day of mourning. In other words, it will enable the government to cut off funding to Arab local authorities and other groups that mark the Nakba.

The Palestinian narrative of displacement and dispossession was under further attack when, in October 2009, the Israeli Ministry of Education decided to withdraw all copies of a history textbook, meant for the 11th and 12th grades, after the Israeli newspaper *Haaretz* reported in September that the textbook for the first time presented the Palestinian claim that there had been ethnic cleansing in 1948. A revised version of the textbook is expected to be approved in 2010.

Yisrael Beiteinu presented additional bills targeting Israel's Palestinian citizens. In May 2009, the party proposed a 'Loyalty Oath' bill, which would have required every Israeli citizen to take an oath that would include a pledge of loyalty to Israel as a Jewish, Zionist and democratic state; to its emblems and values; and to serve Israel either through military service or through any equivalent alternatives. The bill was rejected by all members of the Ministerial Legislative Committee, excluding Yisrael Beiteinu MKs. In January 2010, a similar bill calling for all MKs to swear a 'loyalty oath' to the state was proposed by Yisrael Beiteinu's MK David Rotem. The bill, which was set to be discussed at the Knesset's Ministerial Legislation Committee, would require the oath to be changed from 'I promise to be loyal to the State of Israel' to 'I promise to be loyal to the State of Israel as a Jewish, Zionist, democratic state, and to its symbols and values.' A year ago, Arab MKs' loyalty to the State of Israel was put into question when the Central Elections Committee (CEC) decided to bar Israel Arab parties from running in the February 2009 parliamentary elections. The CEC's decision was eventually overturned by the Supreme Court of Israel, following an appeal filed by Arab politicians.

Palestinian citizens of Israel were further expected to demonstrate their loyalty to the state by performing military service. Israel's Chief Commander, Gabi Ashkenazi, stated in September 2009 that all Israeli citizens should be required to perform national

service. Israeli Arabs, both Christians and Muslims, have been exempted from military service since the State of Israel's establishment in 1948 as the authorities were reluctant to arm this potentially hostile Palestinian minority. The only exception was the Druze community, whose leaders agreed in the 1950s to their sons' conscription. The majority of Palestinian citizens of Israel opt not to join the army, as they object to the Israeli military's actions in the occupied Palestinian territories. USCIRF 2009 noted that their decision not to serve in the army puts them at a disadvantage as many rights and benefits in Israel are contingent on military service and therefore are claimed mostly by the Jewish population, including a wide variety of jobs, entitlement to state-controlled land and economic privileges such as cheap loans and tax breaks. In calling for mandatory national service, Ashkenazi noted that those Israelis who refused to serve could not expect 'civil equality'.

According to USCIRF 2009, government allocations of state resources favour Orthodox and ultra-Orthodox Jewish religious groups and institutions, discriminating against non-Jews and non-Orthodox streams of Judaism. The government also implements regulations to protect Jewish sites only, USCIRF 2009 noted. Non-Jewish religious sites do not enjoy legal protection under the 1967 Protection of Holy Sites Law because the government does not officially recognize these sites as holy. In 2004, Adalah filed a petition criticizing the government's failure to implement regulations to protect non-Jewish holy sites, many of which have been desecrated or converted to other uses. In March 2009, the Supreme Court ruled that 'implementing regulations to protect Islamic holy sites is unnecessary'.

Further, USCIRF 2009 said that Muslim residents of the Be'er Sheva area, in southern Israel, continued to protest 'the municipality's intention to reopen the city's old mosque as a museum rather than as a mosque for the area's Muslim residents'. According to the Palestinian Centre for Human Rights (PCHR), a Gaza-based NGO, the Israeli military also raided the al-Aqsa mosque in occupied East Jerusalem on 25 October 2009, and was accused of using excessive force against Palestinian civilians who attempted to prevent the raid. The raid followed a call by Jewish groups who had urged their followers to break into the al-Aqsa mosque to conduct Talmudic rituals. The PCHR reported another similar assault on the al-Aqsa mosque on 27 September 2009, when a number of Israeli settlers attempted to break into the yard of the mosque.

Christian religious sites were not left unscathed either. In November 2009, the global news agency Agence France Presse (AFP) reported the carrying out of unilateral work on the Holy Sepulchre Church in occupied East Jerusalem by the Israeli Antiquities Authorities (IAA). According to AFP, the Franciscan Custody of the Holy Land, which looks after Christian holy places on behalf of the Roman Catholic Church and liaises with other Christian denominations, protested the IAA's actions and asked it to refrain from altering the status quo pertaining to the Holy Sepulchre Church.

Jewish settlers also sought to establish a presence in East Jerusalem's central Sheikh Jarrah neighbourhood, the location of many noteworthy landmarks. In a series of evictions on 2 August 2009, 53 Palestinians, including 20 children, were forced out of their homes in Sheikh Jarrah by the Israeli authorities, following a court ruling. Their properties were handed over to a settler organization that intends to build a new settlement in the area. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the planned settlement will place an estimated 475 Palestinians at risk of forced eviction, dispossession and displacement.

In the occupied West Bank, Palestinians continued to be subjected to Israeli settler violence, with reports of settlers assaulting and destroying Palestinian property. In December 2009, settlers set fire to a mosque in the northern West Bank village of Yasuf. According to USCIRF 2009, most instances of settler violence and property destruction did not result in arrests or convictions.

Palestinian Muslim and Christian residents of the occupied West Bank were also unable to reach places of worship and to practise their religious rites owing to Israel's strict closure policies. As noted in the US State Department's *International Religious Freedom*

Report (IRFR 2009), the construction of the separation barrier by the Israeli government, begun in 2002, 'has severely limited access to holy sites and seriously impeded the work of religious organizations that provide education, healthcare, and other humanitarian relief and social services to Palestinians, particularly in and around East Jerusalem'. According to the Internal Displacement Monitoring Centre (IDMC), an organization monitoring conflict-induced internal displacement worldwide, the construction of the barrier, which was condemned by the International Court of Justice's Advisory Opinion of 2004, has resulted in the confiscation of property owned by Palestinians and several religious institutions, and the displacement of thousands of Muslim and Christian residents of the West Bank. The impact of the barrier on access to religious sites was highlighted in the IRFR 2009:

'The separation barrier made it particularly difficult for Bethlehem-area Christians to reach the Church of the Holy Sepulchre in Jerusalem, and made visits to Christian sites in Bethany and Bethlehem difficult for Palestinian Christians who live on the Jerusalem side of the barrier, further fragmenting and dividing this small minority community.'

The IRFR 2009 further noted that Israel prevented thousands of Palestinian Muslims from the West Bank and the Gaza Strip from entering Jerusalem to access the Haram al-Sharif sanctuary, including the al-Aqsa mosque. Citing security concerns, Israeli authorities also generally restricted access to the mosque for Palestinian residents of Jerusalem, especially males under the age of 50, and sometimes women under the age of 45.

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