amnesty international

18/9-03

Israel and the Occupied Territories

Surviving under siege:

The impact of movement restrictions on the right to work

September 2003 Executive Summary AI Index: 15/064/2003

This Executive Summary summarizes a 79 page document (33,881 words): Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work (AI Index: MDE 15/001/2003) issued by Amnesty International in September 2003. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at http://www.amnesty.org and Amnesty International news releases can be received by email:

http://web.amnesty.org/ai.nsf/news

[Embargoed for: 8 September 2003] Public

amnesty international

Israel and the Occupied Territories

Surviving under siege:

The impact of movement restrictions on the right to work

September 2003 Executive Summary AI Index: 15/064/2003

The restrictions imposed by Israel on the movements of Palestinians in the Occupied Territories have reached an unprecedented level since the beginning of the *intifada* (Palestinian uprising) in September 2000.[1] Closures, blockades, checkpoints, roadblocks, curfews and other restrictions have had a disastrous impact on the lives of Palestinians in the West Bank and Gaza Strip, and have crippled the Palestinian economy. Unemployment and poverty have spiralled, malnutrition has emerged, anaemia and other health problems have increased and education has been negatively affected.

In law as well as in practice, the Israeli authorities have breached their obligations under international law to respect and protect the rights of the Palestinians in the West Bank and Gaza Strip. The sweeping and indiscriminate restrictions imposed by Israel on the movement of people and goods in the Occupied Territories not only violate the right to freedom of movement, but also infringe the right to work and other economic and social rights of Palestinians in the Occupied Territories.

Some 60 percent of Palestinians now live below the poverty line of US$2 per day and most are forced to depend on aid. The high levels of unemployment, poverty, malnutrition and other health problems afflicting Palestinians are not just a humanitarian problem – they are the direct result of the restrictions imposed by Israel on the Palestinians in the Occupied Territories.

> "*No one is starving in the Gaza Strip and the West Bank. International organizations including UNWRA and the Red Cross operate extensively in the territories.*" **Colonel Shimshon Arbel, Head of Information and Coordination of Government Activities in the Occupied Territories**[2]

Charity and humanitarian assistance do not absolve Israel of its obligation to guarantee the Palestinians' right to work under international law, so that they can feed themselves. Moreover, according to international law, Israel's obligations as the occupying power in the West Bank and Gaza Strip include ensuring the food and medical supplies of the occupied population. However, Israel has long relied on international humanitarian organizations to ensure the survival of a significant percentage of some three and a half million Palestinians in the

[1] Palestinians have had their movement restricted to varying degrees since Israel's occupation of the West Bank and Gaza Strip in 1967. Such restrictions increased in the past decade and reached an unprecedented level in the past three years.

[2] In an interview with Israel Radio on 13 October 2002.

Occupied Territories, while at the same time frequently hindering the work of aid organizations.

Hopes that in the context of the Roadmap peace plan restrictions on the movement of Palestinians in the Occupied Territories would be lifted have not materialized. Only a handful of more than 300 checkpoints and roadblocks have been lifted. In addition, more and more Palestinians are finding themselves trapped in enclaves and separated from their land as the construction of the barrier/fence/wall continues inside the West Bank. Israeli settlements, established in the Occupied Territories in violation of international law, and roads built for the benefit of Israeli settlers continue to expand, resulting in further restrictions being imposed on Palestinians.

This document summarizes Amnesty International's report, *Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work* (AI Index: MDE 15/001/2003, September 2003) which analyses the impact of movement restrictions on the right to work of Palestinians in the West Bank and Gaza Strip.[3] The report details the findings of the organization's research, describes representative cases in different areas of the West Bank and Gaza Strip, and contains recommendations to the Israeli authorities, the international community, the Palestinian Authority and Palestinian armed groups.

Restrictions on movement

> *"The directives of the military command are to freeze all traffic on West Bank roads, including taxis, buses, private vehicles and others according to security needs."* **Binyamin Ben Eliezer, Defence Minister, explaining the Israeli army's policy in the Knesset on 3 October 2002**

In the West Bank Palestinian vehicles are prohibited from using main roads, which are used freely by Israeli settlers. Secondary roads which pass near settlements or intersect with roads used by settlers have likewise been blocked. With the spread of Israeli settlements throughout the West Bank and Gaza Strip, the areas where passage is prohibited to Palestinians have multiplied.

When at all possible, travelling even a short distance between West Bank towns and villages usually entails a lengthy, costly and potentially dangerous journey for Palestinians. Detours to avoid closed checkpoints, blockades or areas which are forbidden to them often take travellers miles out of their way, sometimes on tracks over or round steep hills, changing several vehicles and crossing blockades on foot. In addition this involves the risk of being turned back, harassed or even shot. Such detours are difficult or impossible for the sick, the elderly or those carrying heavy packages or small children.

Palestinians may apply to the Israeli army for permits to travel between West Bank towns but the army's criteria for delivering such permits are unclear and requests are frequently refused without explanation. Permits are normally only issued for a limited period and are only valid for travel on certain days and at certain times. When curfews or full closures are imposed, the permits cannot be used and at other times Israeli soldiers may deny passage to those who have permits. Often permit holders limit their travel because they fear soldiers may shoot at them from a distance, before approaching to check whether they have a valid travel permit.

[3] Different legislation and policies apply in East Jerusalem, which is part of the occupied West Bank. For the purposes of this report, references to the West Bank do not include East Jerusalem.

"Every time I drive on these roads and see a tank in the distance I wonder if I'll make it home to see the children again. I have a permit, for a month, but if the soldiers shoot at me and I am killed the permit won't do any good to me or my family. They can always say I was a terrorist, or that I did something suspicious that made them think I was a danger. And even if they admit making a mistake and apologize what good would that be if I am dead? So I try to avoid travelling as much as possible" **Human rights lawyer, November 2002**

The Gaza Strip has likewise suffered from closures, with the movement of some 1.3 million Palestinians made subordinate to the movement of some 5,000 Israeli settlers. Since October 2000, sections of the two main north-south roads, which run near Israeli settlements, have been completely or partially closed.

Closed areas: In parts of the Gaza Strip, areas where Palestinians live surrounded by settlements, such as al-Mawasi and al-Sayafa, have been declared closed military zones (see cases studies in the report). These enclaves are accessible only to residents, who are only allowed to enter and leave the areas on foot, and only at specified times. A dusk to dawn curfew is often in force and residents are frequently prevented from leaving or returning to their homes for days or even weeks. With the construction of the barrier/fence/wall similar closed enclaves have been created in the western part of the West Bank (see below).

Transporting goods – the back-to-back system: When at all possible, the movement of goods is difficult, time consuming and costly, as Palestinian trucks are usually not allowed to travel between towns in the West Bank and in and out of closed areas. Goods must be transferred from a truck on one side of a checkpoint to a truck on the other side of the checkpoint, a procedure known as the "back-to-back" system. The process can take hours and as a result the time and cost of transport have increased dramatically, as several vehicles and drivers have to be used, as well as extra people to unload and reload the merchandise at each checkpoint. The repeated handling of goods and the waiting periods cause many of the goods, especially agricultural produce, to get spoilt or damaged. Palestinians medical services are also often forced to use the back-to-back system and transfer patients between ambulances on each side of checkpoints.

Methods of restricting freedom of movement

Physical barriers: The Israeli army controls movement in and out of the main towns and many villages in the Occupied Territories by setting up checkpoints on primary and secondary roads, by blocking other roads with earth barricades and cement blocks and by digging deep trenches to stop Palestinians from opening closed roads or from passing even on foot. During the winter, rain and mud fill the trenches and make the slopes slippery, and sewage is sometimes diverted by the Israeli army into the trenches to obstruct the passage of even the most agile pedestrians.

Some villages have been completely besieged by earth barriers, cement blocks and trenches, making vehicle access impossible, even for ambulances and water tankers. Passage on foot is also far from easy. Taking long detours and climbing up and down dirt mounds or trenches carrying shopping bags and small children is difficult even for the young and able. For the elderly or disabled, movement in such condition is virtually impossible.

In addition to the permanent or long-term closures of roads by checkpoints, blockades, trenches or other physical obstacles, other roads are frequently blocked temporarily by Israeli tanks or other military vehicles. These are usually referred to as "flying" roadblocks. Israeli military and emergency legislation give military commanders the broadest discretion to declare closed military areas, restrict the use of roads and impose curfews.

On 25 October 2002 Amnesty International's delegates negotiated for the passage of a Palestinian human rights fieldworker at a "flying" roadblock. An armed personnel carrier was blocking the road connecting Nablus to a nearby village, near a road used by settlers. The soldier agreed to let him pass but refused to allow anyone else through. Scores of Palestinians had been waiting in the sun for up to three hours. As an old woman, supported by two people, and two women with babies in their arms took a few steps forward, the soldier engaged his rifle and threatened to shoot them. Yet a few minutes later, without contacting anyone by radio or telephone (indicating that he had not received any instructions), he got back inside the armoured personnel carrier and the vehicle drove off, leaving the road free for those waiting to cross.

Curfews: West Bank towns and villages have often been placed under curfew, in many cases for prolonged periods. After the Israeli army retook control of the main West Bank towns in the spring of 2002, 24-hour curfews were imposed for days and in some cases weeks. The army almost completely stopped vital service providers and ambulances from functioning. At times curfews were lifted for a few hours to allow Palestinians to purchase essential supplies. Nablus was under curfew for longer than any other city, and remained under 24-hour curfew for five months after 21 June 2002, apart from one month when it was under a night curfew only. In the H2 area of Hebron some 30,000 Palestinians have been under full or partial curfew most of the time in order to allow some 500 Israeli settlers to move freely.

'Abd al-Rahman Jobe' owns the al-Nada factory in Hebron's industrial area in H-2, producing decorative metal objects, such as banisters. Before the *intifada*, the factory operated two eight-hour shifts each day and employed up to 25 day labourers. Some 40 to 50 percent of production was destined for the market in Hebron governorate, the rest for other areas of the West Bank and for export to Jordan. Output has declined sharply since October 2000, with profits down to an estimated 10 to 20 percent. By October 2002, the factory was employing only four workers with only one shift a day. When curfews were imposed in H-2, the factory was unable to operate.

The barrier/fence/wall

On 14 June 2002, the Israeli government announced that work would begin immediately to build a barrier/fence/wall along the perimeter of the West Bank, and north and south of Jerusalem. The barrier, some 400km long and up to 100m wide, comprises a complex of obstacles, including deep trenches, electric fences, trace paths and patrol roads for tanks.

The stated aim of the project is to prevent Palestinians crossing clandestinely from the West Bank into Israel. However, most of the separation barrier is being constructed on Palestinian land inside the West Bank in order to encompass a number of Israeli settlements. The barrier/fence cuts off scores of Palestinian villages from the rest of the West Bank or from their farming land. The land in these areas is among the most fertile in the West Bank, with better water resources than elsewhere, and agriculture in the region constitutes the main source of income for the Palestinians.

In Qafin, a village west of Jenin with a population of about 9,500, some 600 dunums of land was to be seized on grounds of military necessity to build the barrier/fence. In September 2002, Israeli land bulldozers began to clear the land, tearing down most olive trees before their owners had been able to harvest the crop. In the Qafin area, the barrier/fence lies some three kilometres inside the West Bank and surrounds the village on three sides. Sixty percent of the village's agricultural land and thousands of olive trees are on the other side of the fence. Most of the active population in Qafin used to work in Israel but is no longer permitted to, and the income from the olives harvest is crucial for many residents.

The barrier has serious economic and social consequences for over 200,000 Palestinians in nearby towns and villages. Beyond land confiscation, the construction of the barrier is resulting in increased restrictions on movement. Palestinians who live in these areas have to cross the barrier at designated checkpoints – which are only open at certain times – to go to work, to tend to their fields, to sell their agricultural produce, and to access education and health facilities. Non-residents require special permits to enter these areas.

The city of Qalqilya, home to more than 40,000 Palestinians, is completely walled in from all sides with a single checkpoint in and out of the city. This is in order for the barrier to encompass the Israeli settlements to the north-east and south-east of the town. The checkpoint is normally open from morning to evening but times vary. When Amnesty International delegates visited the town the Israeli soldiers said that the checkpoint usually closes at 7 or 7.30 pm but on that day it would close at 5.30 pm. Residents coming back after 5.30, expecting the checkpoint to be open, would have to stay outside until the following morning.

The impact of restrictions on movement

No Palestinian has escaped the impact of the severe restrictions on movement imposed in the Occupied Territories. Although less well documented than other human rights violations, such as killings, torture and detentions, the economic and social consequences of the restrictions are devastating.

In 2001 the UN Committee on Economic, Social and Cultural Rights described Israel as perpetrating "continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted by the State party to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work."[4]

Nabil Hani 'Ashur, a self-employed plumber living in Nablus, has four children and also supports his mother. His monthly salary has fallen by some 90 percent since the start of the *intifada*. There has been little construction in Nablus because of the depressed economic situation and the shortage of building materials. Some months, he earns nothing at all.

Apart from supporting his family, he had to find money to buy drugs for his wife, Suhad 'Ashur, who was suffering from breast cancer. She was unable to receive any treatment for nearly two months because of curfews and closure and the specialist doctor could not reach the hospital in Nablus from his home in Jenin for weeks. She died on 9 July 2002.

Living standards: Some 60 percent of the Palestinian population is living below the poverty level of US$2.1 per day and unemployment has risen to close to 50 percent.[5] There is no unemployment benefit system in the Occupied Territories. An unemployed person's only means of support are from family or community networks and the limited assistance available from the UN Relief and Works Agency (UNRWA), the Palestinian Authority's Ministry of Social Welfare, and charitable and humanitarian organizations. The dramatic decline in the standard of living among Palestinians in the Occupied Territories has led to increased malnutrition and other health problems.

As Palestinians have increasingly been forced to rely on charity to meet their basic needs, feelings of hopelessness and alienation have grown, damaging the fabric of society and fuelling resentment. In the predominantly youthful Palestinian community, the lack of prospects for the future has contributed to increased radicalism and violence.

---

[4] E/C.12/1/Add.69, para. 13.

[5] Two Years of Intifada, Closures and Palestinian Economic Crisis; An Assessment. World Bank, 5 March 2003.

The damage inflicted on the Palestinian society and economy by movement restrictions in the past three years will have grave long-term effects. Even if the restrictions were to be lifted immediately, it would take a long time for the economic situation to improve.

Unemployment: Loss of jobs in Israel, where wages are significantly higher than in the Occupied Territories, has been followed by a reduction in demand for goods and services in the Occupied Territories. Closures and curfews have disrupted the import and transport of raw materials, creating shortages and sharp price rises. Most Palestinian export businesses have lost their export markets as a result of the closures and have extreme difficulties transporting their products between the West Bank and the Gaza Strip, or even moving them short distances to local markets. Perishable foodstuffs spoil when repeatedly handled and delayed at checkpoints or border crossings, making them unmarketable or reducing their price.

In addition to increased unemployment, there has been a huge increase in underemployment and a significant drop in wages. Those who still have jobs have often been unable to reach their workplaces because of curfews and closures. For labourers who are paid on a daily basis, failure to show up for work means loss of a day's wages, as well as an increased risk that their place will be filled by others.

'Omar Ahmad Kababji, aged 56, owns a stone factory in Nablus and supports his wife and seven children. Before the *intifada*, the factory employed five workers to produce stone building blocks for the market in the West Bank and in Israel. The raw materials come from stone quarries near Nablus. 'Omar Kababji had to close the factory and lay off the workers after the Israeli army blocked off the main roads and back roads into Nablus at the start of the *intifada*. Transport of the raw materials and finished stone became impossible. All 85 quarries and stone factories in Nablus governorate were forced to close.

Impact on farming: Families in rural areas traditionally turn to farming in times of rising unemployment and declining incomes, but farm incomes have also shrank and some operate at a loss because of restrictions on movement. In many areas, farmers do not have regular access to their land because it is within a closed military area or near an Israeli settlement or settlers' roads. They may be barred from it or fear attack by settlers or the army. Lack of access at key times of the year results in crops being lost or damaged or in severely reduced yields.

Expenditure on agricultural inputs – such as fertilizers, pesticides and animal feed – has risen sharply, as suppliers have passed on increased transport costs. Some such products are no longer available or farmers cannot afford to buy them. Some villages are not connected to a water network and farmers have to buy water. The price of water has increased on average by 80 percent, because of increased transport costs. Some farmers have sold off productive assets, such as livestock and even land, to cover their basic, immediate needs. This jeopardizes their long-term prospects, even in the event of a future improvement in economic conditions.

Sa'id al-Agha is married with nine children. He owns 50 dunums of land in al-Mawasi, a closed military area in the Gaza Strip. The yield from his land has fallen since the Israeli army stopped fertilizer being brought into al-Mawasi. Before the *intifada*, he would expect to make a profit of US$15,000. In 2002 he made US$1,000.

Guavas, his main crop, used to be exported from Gaza to Israel, the West Bank and Jordan. Now it is almost impossible to send the crop even to the West Bank and often even out of al-Mawasi. The price has collapsed because the market in Gaza is flooded with guavas. When Amnesty International visited Sa'id al-Agha's house, a large pile of rotting dates was piled up in front of it. He had not been able to transport them across the checkpoint out of al-Mawasi.

Excessive use of force to enforce closures and curfews

When a town or a village is under curfew, the Israeli army usually schedules to allow the movement of civilians for a few hours during daylight. However, scheduled breaks in the curfew are often cancelled without notice. Members of the Israeli security forces have frequently resorted to lethal force to enforce closures, killing or injuring scores of unarmed Palestinians as a result. Soldiers have opened fire on Palestinians bypassing checkpoints, crossing trenches, removing barriers and breaking curfews. They have fired at ambulance personnel, municipal employees and journalists who had coordinated their movements in advance with the Israeli army.

Jihad 'Abd al-Rahman al-Qurini, a driver for the Nablus municipality, was shot dead by an Israeli soldier on 20 August 2002 during a curfew. The Nablus municipality had coordinated with the IDF to ensure that his vehicle could move during the curfew to carry out electrical repairs. The truck was marked as a Nablus municipality vehicle and had a distinctive crane and flashing light. In Faisal Street, one of four Israeli soldiers searching a Palestinian ambulance indicated that Jihad al-Qurini should reverse. He backed the vehicle about two metres. The soldier indicated that he should drive forward and fired one shot in the air. Jihad al-Qurini drove the truck slowly forward. The soldier reportedly aimed his weapon at the truck, motioned with his right hand that the vehicle should proceed, then fired twice. One bullet hit Jihad al-Qurini in the head.

The Chief Military Prosecutor concluded that the soldiers "*did not deviate from the domain of reasonable conduct expected in actions by military forces in the relevant area and circumstances*" and declined to open an investigation into the incident.

Justification on security grounds

The Israeli authorities claim that the restrictions imposed on the movement of Palestinians in the Occupied Territories are justified on security grounds, notably to prevent Palestinian armed groups from carrying out suicide bombings and other attacks in Israeli cities. The Israeli authorities have the right to take necessary, reasonable and proportionate measures to protect Israelis from such attacks. However, the sweeping and stringent restrictions imposed indiscriminately on all Palestinians have not put a stop to the attacks. On the contrary, attacks intensified as restrictions on the movements of Palestinians increased, calling into question the effectiveness of indiscriminate restrictions that treat every Palestinian as a security threat and punish entire communities for the crimes committed by a few people.

Moreover, it cannot be said that preventing Palestinians from travelling between Nablus and Ramallah is necessary to prevent attackers from entering Israel to carry out attacks in Jerusalem or Tel Aviv. Yet closures inside the Occupied Territories are often justified on these grounds and are routinely imposed or tightened following Palestinian attacks inside Israel. Like the Israeli bombardments of PA buildings which have usually followed Palestinian suicide bombings or other attacks, closures and curfews often appear to be intended as punishment or retaliation for attacks by Palestinians, as well as to show the Israeli public that the army is taking action. This is particularly obvious in the Gaza Strip, which has been surrounded by an electric fence for over a decade. None of the Palestinians who have carried out attacks inside Israel in recent years are known to have come from the Gaza Strip. Yet, in the wake of major Palestinian attacks inside Israel the Israeli army has frequently attacked PA installations in the Gaza Strip, such as the airport, the sea port or police stations.

The main reason for the imposition of restrictions on the movement of Palestinians within the Occupied Territories is to keep them away from Israeli settlements and from the roads used by the settlers.

Israeli settlements and human rights abuses in the Occupied Territories

Israeli settlements in the Occupied Territories[6] violate international law, notably Article 49 of the Fourth Geneva Convention, which prohibits an occupying power from transferring its nationals into occupied territory, and the principle of non-discrimination – one of the fundamental principles contained in all the major international human rights treaties ratified by Israel. Settlements have repeatedly been condemned as illegal by the international community, including the UN Security Council and other UN bodies.

Settlements and the network of roads built to connect them to each other and to Israel are spread through the West Bank and Gaza Strip and surround all the major Palestinian cities and many villages, making it impossible for Palestinians to travel very far without passing close to an Israeli settlement or a road used by settlers.

For example, the built up area of Nablus, including eight villages and two refugee camps, with a total population of about 184,000 Palestinians, is surrounded by eight settlements inhabited by some 6,000 Israeli settlers. The rapid spread of settlements and settlers' roads in the past decade, notably during the Oslo peace process years (1993-2000), has fragmented the Occupied Territories, disconnecting Palestinian communities from each other.

To ensure the freedom of movement of some 380,000 Israeli settlers, the Israeli army has increasingly confined some three and half million Palestinians to some form of house, village or town arrest.

International law

According to international law, an occupying power is required to administer the territory it controls as far as possible without making far-reaching changes to the existing order, while at the same time ensuring the protection of the fundamental rights of the local population.[7] The core idea of the international rule of belligerent occupation is that occupation is transitional, for a limited period, and one of its key aims is to enable the inhabitants of an occupied territory to live as "normal" a life as possible.

While Israel has a right to take certain security measures, including imposing restrictions on those who constitute a security threat, the sweeping restrictions currently imposed on the movement of Palestinians are disproportionate and discriminatory. They violate fundamental freedoms guaranteed in international humanitarian and human rights law.

Freedom of movement: "*Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence*". (Article 12.1, International Covenant on Civil and Political Rights (ICCPR)).

---

[6] The total number of settlers is about 380,000. Of them, some 5,000-6,000 live in the Gaza Strip, some 198,000 in the West Bank and the rest in East-Jerusalem settlements. There are 123 officially recognized settlements in the West Bank (excluding East Jerusalem) and 17 in the Gaza Strip. In addition there are some 100 small settlements, known as "illegal outposts", which were recently established without the approval of the Israeli government, but which benefit from Israeli army protection and other public services.

[7] The sources for the obligations under international humanitarian law applicable to belligerent occupation are found in: The Hague Convention (IV) respecting the Laws and Customs of War on Land (Hague Convention) and its annexed Regulations respecting the Laws and Customs of War on Land (Hague Regulations) of 18 October 1907; The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) of 12 August 1949; Article 75 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Rules of customary international law.

Restrictions imposed by Israel on Palestinians in the Occupied Territories consistently violate their right to freedom of movement protected by the ICCPR, to which Israel is party. Restrictions on this right may only be imposed if they are based on law, pursue a legitimate objective, such as protecting public order, and are strictly necessary.

The sweeping restrictions on the movement of Palestinians are disproportionate and discriminatory – they are imposed on all Palestinians *because* they are Palestinians, and not on Israeli settlers who live illegally in the Occupied Territories. Even though the Israeli authorities claim that such measures are always imposed to protect the security of Israelis, the restrictions imposed do not target particular individuals who are believed to pose a threat. They are broad and indiscriminate in their application and as such are unlawful. They have a severe negative impact on millions of Palestinians who have not committed any offence.

The right to work: According to Article 6(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR): "*The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take the appropriate steps to safeguard this right.*" Article 6(2) specifically requires Israel to: "*take steps to...achieve the full realization of [the right to work] and...full and productive employment under conditions safeguarding fundamental and economic freedoms to the individual*".

Israel's restrictions on the movement of Palestinian in the Occupied Territories have dramatically reduced the employment opportunities which existed and have prevented the creation of new ones. These restrictions contravene Israel's obligation to secure the Palestinians' right to work. Closures and curfews in particular have regularly prevented thousands of people from reaching their places of employment. The quality of employment still available has also been affected and many Palestinians have had no choice but to opt for casual jobs or to work for substantially reduced wages.

Freedom from discrimination: According to Article 1 of the ICCPR, Israel is obliged to "*ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origins, property, birth or other status.*"

The restrictions imposed by Israel discriminate against Palestinians and are inconsistent with fundamental human rights principles, notably the principle of equality. Restrictions on movement, such as the prohibition on the use of roads and the imposition of curfews in the Occupied Territories are imposed on Palestinians only, not on Israeli settlers. The measures which the Israeli authorities have taken to protect the security and freedom of movement of some 380,000 Israeli settlers, whose presence in the Occupied Territories violates international law, curtail the freedom of movement of some three and a half million Palestinians.

Freedom from collective punishment: "*... Collective penalties ... are prohibited... Reprisal against protected persons and their properties are prohibited*". (Article 33, Fourth Geneva Convention).

Closures and curfews in the Occupied Territories have been routinely increased after suicide and other attacks by Palestinian armed groups inside Israel or in other areas of the Occupied Territories. Such measures constitute a form of collective punishment and appear to be a retaliation intended to intimidate and punish the whole Palestinian community, as well as to show to the Israeli public that the army is reacting to attacks. Such conduct breaches the prohibition on collective punishment contained in the Fourth Geneva Convention and the Hague Regulations.

The applicability of international law: According to the Israeli government, international human rights law applies only to Israeli settlers in the Occupied Territories – whose presence there is illegal under international law – but not to the local Palestinian population. Israel's position has not been accepted by any of the UN human rights treaty bodies.

Israel contends that the only applicable legal regime for the Palestinians in the Occupied Territories is humanitarian law (and not human rights law), but at the same time Israel also rejects the applicability of the Fourth Geneva Convention to the West Bank and Gaza Strip. The UN, the International Committee of the Red Cross (ICRC) and the international community at large have consistently maintained that the Fourth Geneva Convention fully applies to the Occupied Territories and that the Palestinians are a protected population under the terms of the Convention.

International monitoring

Amnesty International has repeatedly called for an international human rights monitoring presence in Israel and the Occupied Territories. This call has received substantial support both at the local and international level, but the Israeli authorities have consistently refused to accept human rights monitors. In addition, the Israeli army has increasingly targeted international peace activists, whose activities include monitoring restrictions on movement and assisting Palestinians, including medical personnel, who are affected by the restrictions.

Main recommendations

Amnesty International calls on the Israeli authorities:

- To put an end to the regime of curfews and internal closures as currently imposed in the West Bank and the Gaza Strip; to refrain in all circumstances from imposing closures, curfews and other restrictions on movement which constitute collective punishment; and to ensure that restrictions on movement are only imposed if they are absolutely necessary, are related to a specific security threat and are non-discriminatory and proportionate in terms of their impact and their duration.
- To refrain from constructing separation barriers/fences or other permanent structures inside the West Bank and Gaza Strip which constitute or result in permanent restrictions on the right to free movement of Palestinians within the Occupied Territory or in the arbitrary destruction or seizure of their property;
- To ensure the right of everyone to gain their living by work which they freely choose or accept;
- To stop immediately the use of lethal force to enforce curfews and other restrictions on movement;
- To initiate a full, thorough, transparent and impartial investigation into all allegations of violations of international human rights and humanitarian law, including those documented in this report, and to make the results public;
- To bring to justice those alleged to have committed violations of international human rights or humanitarian law in proceedings that meet international standards for fair trial, and to ensure prompt and adequate compensation and reparation for victims of international human rights or humanitarian law violations;
- To take effective action to prevent, investigate, prosecute and punish human rights abuses committed by Israeli settlers against Palestinians.
- To put an immediate end to the construction or expansion of Israeli settlements and related infrastructure in the Occupied Territories as this violates international humanitarian law and will only lead to further arbitrary restrictions on Palestinians and further human rights abuses;

- To take measures to evacuate Israeli civilians living in settlements in the Occupied Territories, in such a manner as to ensure the human rights of Palestinians are respected, in particular their rights to free movement and to an adequate standard of living. Such measures should include too respect for the rights of those evacuated, including adequate compensation.
- To accept an international monitoring presence in the Occupied Territories with a strong human rights component, which should provide increased security for Israelis and Palestinians.

Amnesty International calls on the international community:

- To ensure that Israel's obligations under international human rights and humanitarian law, most specifically its obligations as an occupying power under the Fourth Geneva Convention, are met;
- To ensure that human rights are central to all negotiations, interim accords and any final agreement;
- To bring to justice anyone suspected of war crimes or crimes against humanity who may be within their jurisdiction;
- To set up an international monitoring presence in the Occupied Territories with a strong human rights component, for the security of Israelis and Palestinians.

Amnesty International once again reiterates its call to Palestinian armed groups:

- To put an immediate end to their policy of killing and targeting Israeli civilians, whether inside Israel or in the Occupied Territories.

Amnesty International calls on the Palestinian Authority:

- To take urgent concrete measures to prevent attacks by Palestinian armed groups on Israeli civilians, inside Israel and in the Occupied Territories;
- To thoroughly investigate any such attacks and ensure that those responsible are brought to justice in proceedings that meet international standards for fair trial.

Background

The human rights situation in Israel and the Occupied Territories has seriously deteriorated in the past three years and violence has reached unprecedented levels. Since the start of the *intifada* in September 2000, more than 2,100 Palestinians, including some 380 children have been killed by the Israeli army and more than 750 Israelis, most of them civilians, including more than 90 children have been killed by Palestinian armed groups. Tens of thousands of Palestinians and thousands of Israeli civilians have been injured, many seriously.

In addition the Israeli army has destroyed more than 3,000 Palestinian homes, as well as hundreds of workshops, factories and public buildings in the West Bank and Gaza Strip; they have bulldozed vast areas of cultivated land, uprooting olive groves and orchards and flattening greenhouses and fields of growing crops. Such massive destruction of land and property has damaged the Palestinian economy, but the stringent restrictions imposed on the movement of Palestinians have been the main cause of the severe economic depression and dramatic increase in unemployment and poverty.

Restrictions on Palestinian movement pre-*intifada*

The Oslo Agreements created the widespread impression that Palestinians had gained "autonomy" or "self-rule". However, despite the creation of the Palestinian Authority (PA) and the redeployment of the Israeli army from some areas of the Occupied Territories, this was not the case. Palestinians soon found that their newly acquired freedom extended no further than the confines of overcrowded refugee camps and disjointed enclaves.

The 1995 Oslo II Agreement established three zones in the West Bank. The PA was given jurisdiction over the densely populated areas while Israel retained full control of some 60 percent of the West Bank, including all the main roads linking these Palestinian population centres, interspersed with Israeli settlements. In the Gaza Strip, the PA had jurisdiction over some 60 percent of the land. Again, densely populated Palestinian areas were separated from each other by 17 Israeli settlements and their "bypass" roads. An electrified perimeter fence was built along the eastern side of the Gaza Strip adjoining Israel.

Thus, virtually all movement in the West Bank and Gaza Strip remained under Israeli control. Moreover Palestinian land continued to be frequently seized by Israel for settlements and roads built to connect the settlements to each other and to Israel.

Following the establishment of the PA, the Israeli army started to impose so-called "internal closures", stopping all movement of Palestinians between different areas of the West Bank for days, sometimes weeks. The closures demonstrated how Israel, despite its withdrawal from some 40 percent of the West Bank, could easily bring Palestinian life to a halt and the Palestinian economy to its knees.

Amnesty International's research

Amnesty International delegates have frequently visited Israel and the Occupied Territories to carry out field research and discuss the organization's concerns with Israeli and Palestinian authorities. It has published numerous reports on different aspects of the human rights situation and on abuses by the Israeli security forces, by Palestinian armed groups and by the Palestinian Authority.

For this report the organization's delegates have interviewed Palestinians, Israelis and others whose lives have been affected by closures, curfews and other restrictions on their movement or who have been subjected to or witnessed abuses. They include medical professionals, human rights and humanitarian workers, journalists, trade unionists, community leaders, businesspeople, workers and self-employed people in various towns and villages, as well as diplomats, government officials and Israeli soldiers.

Over the years, Amnesty International delegates have frequently witnessed Israeli soldiers harassing, threatening and blocking the passage of Palestinians at checkpoints throughout the West Bank and Gaza Strip. They have themselves experienced similar treatment and lengthy travel delays between towns and villages caused by closures and curfews, on occasion being threatened and fired at by soldiers.

This document summarizes a 79-page report: *Israel and the Occupied Territories: Surviving under siege: The impact of movement restrictions on the right to work* (AI Index: MDE 15/001/2003) issued by Amnesty International on 8 September 2003. The full report and extensive range of our materials on this and other subjects is available at http://www.amnesty.org. Amnesty International news releases can be received by email: http://web.amnesty.org/ai.nsf/news.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

[Embargoed for: 8 September 2003] Public

amnesty international

Israel and the Occupied Territories

Surviving under siege: The impact of movement restrictions on the right to work

September 2003 Summary AI Index: MDE 15/001/2003

The stringent restrictions imposed by Israel on the movement of Palestinians in the Occupied Territories have had a devastating impact on the lives of most Palestinians. Closures, blockades, military checkpoints, curfews and a barrage of other restrictions often prevent the Palestinian population of the West Bank and Gaza Strip from leaving their homes or immediate surrounding areas, and have caused or contributed to the virtual collapse of the Palestinian economy.

Unemployment has soared to close to 50 percent and two thirds of the population are now living below the poverty line, with an increasing number suffering from malnutrition and health problems. Freedom of movement for people and goods is an essential requirement for any functional economy. Yet the restrictions on Palestinians' movement, imposed to varying degrees by Israel since its occupation of the West Bank and Gaza in 1967, have continued to increase in the past decade and have reached an unprecedented level in the past three years.

Palestinians are prohibited from driving on main roads connecting one part of the West Bank to another. Trips of a few kilometres take hours on lengthy detours to avoid the areas surrounding Israeli settlements and the roads used by Israeli settlers, which are prohibited to Palestinians. With the spread in recent years of Israeli settlements and settlers' roads throughout the Occupied Territories the areas prohibited to Palestinians have multiplied.

In addition to the increased time, effort and cost involved, journeys are also not without risk. To enforce closures and curfews, Israeli soldiers routinely fire live ammunition, throw tear gas or sound bombs, beat and detain people, and confiscate vehicles and documents. Ordinary activities, such as going to work or to school, taking a baby for immunization, attending a funeral or a wedding, expose women and men, young and old, to such risks. Many people limit their activities outside the home to what is absolutely essential.

Closures and curfews prevent Palestinians from reaching their place of work and from distributing their products and agricultural produce to their internal and external markets, and have caused shortages. Factories and farms have been driven out of business by the losses incurred, dramatically increased transport costs and loss of export markets. As a result unemployment has spiralled and this in turn has led to a sharp decline in the standard of living in the Occupied Territories.

Amnesty International has documented in numerous reports the deterioration of the human rights situation and the violence in Israel and the Occupied Territories. In the past three years more than 2,100 Palestinians have been killed by the Israeli army, including some 380 children. Palestinian armed groups have killed some 750 Israelis, most of them civilians, and including more than 90 children. Tens of thousands of people have been injured, many maimed for life.

The Israeli army has destroyed more than 3,000 Palestinian homes, and hundreds of workshops, factories and public buildings; they have bulldozed vast areas of cultivated land, uprooting olive groves and orchards and flattening greenhouses. These abuses have contributed to damaging the Palestinian economy, but it is the stringent restrictions on the movement of Palestinians in the past three years which has been the main cause of the severe economic depression and the increase in unemployment.

Israel has the right to take reasonable, necessary and proportionate measures to protect the security of its citizens and its borders from attacks by Palestinian armed groups, including by restricting access to its territory. The restrictions indiscriminately imposed by Israel on all Palestinians do not meet these criteria, constitute collective punishment and violate Israel's obligations under international law to ensure freedom of movement, an adequate standard of living, and as normal a life as possible to the population in occupied territories. International law also prohibits an occupying power from imposing collective punishments on the occupied population.

This report analyses the impact of movement restrictions on the right to work of Palestinians in the West Bank and the Gaza Strip. It contends that the widespread and prolonged closures, curfews and other restrictions on movement currently imposed cannot be justified on security grounds, discriminate against Palestinians, and are often used as a form of collective punishment in reprisal for attacks committed by Palestinian armed groups.

Among its recommendations, Amnesty International urges the Israeli government to lift the restrictions on movement that constitute collective punishment and to make every effort to enable as normal a life as possible for the inhabitants of the Occupied Territories. It calls for the evacuation of Israeli settlers from the West Bank and Gaza Strip, on the grounds that their residence in the Occupied Territories violates international law and that measures purportedly taken to protect the security and freedom of movement of Israeli settlers inflict serious and discriminatory human rights abuses against Palestinians. Restrictions on the movement of Palestinians and goods should be imposed only in relation to a specific security threat and if they are non-discriminatory and proportionate in impact and duration. They should not obstruct the freedom of movement required to maintain an adequate standard of living or have a negative impact on the Palestinians' fundamental rights, including the right to work.

This report summarizes a 79 page document (33,881 words): Israel and the Occupied Territories, Surviving under siege: The impact of movement restrictions on the right to work (AI Index: MDE 15/001/2003) issued by Amnesty International in September 2003. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at http://www.amnesty.org and Amnesty International news releases can be received by email:

http://web.amnesty.org/ai.nsf/news

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

[EMBARGOED FOR: 8 September 2003] Public

amnesty international

Israel and the Occupied Territories

Surviving under siege:

The impact of movement restrictions on the right to work

IDF blocking the road at Nablus, October 2002. © Amnesty International

September 2003
AI Index: MDE 15/001/2003

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

Contents

Israeli settlements and fence/barrier/wall in the West Bank

Source: **B'Tselem** - The Israeli Information Centre for Human Rights in the Occupied Territories

Israel and the Occupied Territories

Surviving under siege:

The impact of movement restrictions on the right to work

"The period from June 2002 to May 2003 was marked by a deepening of the economic and social crisis in the Occupied Territories and its likely stabilization at a very low level. The severe restriction on movements of persons and goods within the Occupied Territories and between these and Israel have resulted in a dramatic decline in consumption, income and employment levels, and unprecedented contraction of economic activity."

Report of the Director-General of the International Labour Office (ILO), May 2003.[1]

"By the end of 2002 Real Gross National Income (GNI) had shrunk by 38 percent from its 1999 level...Overall GNI losses reached US$5.2 billion after 27 months of intifada...The proximate cause of the Palestinian economic crisis is closure."

"Twenty-seven Months - Intifada, Closures and Palestinian Economic Crisis: An assessment", World Bank, May 2003

"People can't work properly in Jenin because they open their businesses: a tank comes and they have to shut. How can they work? The curfew has made things worse. The Israeli army announces: 'Tomorrow Jenin will be open.' But the following day, the army comes and announces a curfew and tanks close the town. What do we have here now? Nothing."

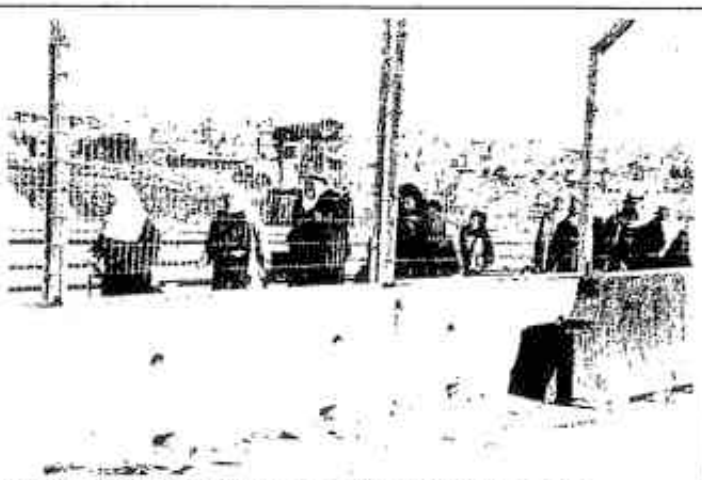
Faisal 'Abd al-Wahhab, 34, a welder in Jenin whose permit to work in Israel was withdrawn at the start of the *intifada*. From earning 300 New Israeli Shekels (NIS) (about US$60) daily, he was subsequently able to find work for only 10 days during 2001, at NIS50 (about US$10) a day, on a United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) job-creation program.

Introduction

The ceasefire reached in the context of the Roadmap peace initiative has resulted in a marked reduction in violence and killings, and has brought a welcome respite to the Israeli and Palestinian civilian populations. Even though the overwhelming majority of Palestinian detainees remain behind bars in Israeli prisons and military detention centres, the release of some detainees who had been held without charge or trial has raised hopes for further releases.

[1] Report of the ILO Director-General, International Labour Conference, 91st Session (Conference Report/2003-05-0185-8a.EN.Doc/v2)

However, hopes that, as part of the implementation of the Roadmap, Israel would lift the closures and movement restrictions which have paralyzed life and the economy in the Occupied Territories have not materialized. By the beginning of August 2003, the Israeli army had lifted only some four checkpoints, out of a total of more than 300 checkpoints and roadblocks.



Palestinians passing the Qalandia checkpoint, 2002.
© Amnesty International

Even if all the blockades were lifted immediately and free movement allowed in the Occupied Territories it would take years for the Palestinian population to resume a normal life and to rebuild the economy which has been virtually destroyed by years of siege. Long term investments and efforts will be required to reverse the dramatic increase in poverty and unemployment levels of the last few years. These efforts will only be possible if Israel restores freedom of movement in the Occupied Territories.

Restrictions imposed by Israel on the movement of Palestinians within the Occupied Territories reached an unprecedented level in recent years. The effect has been to deprive Palestinians not only of their freedom of movement but of other basic human rights – in particular, their right to work and to provide a living for themselves and their families.

Palestinians have had their movement restricted to varying degrees of restrictions since Israel's occupation of the West Bank and Gaza Strip in 1967. Such restrictions increased in the past decade and have reached an unprecedented level in the past three years, since the September 2000 renewal of the Palestinian uprising against Israeli occupation, known as the *intifada* or the *al-Aqsa intifada*.[2] Since then, increasing restrictions and new measures adopted to tighten and enforce closures (the prohibition of movement within and/or between areas) and curfews have all but destroyed the Palestinian economy.

Freedom of movement for people and goods, at least within borders, is an essential requirement for any functional economy, particularly so for a new economy trying to develop and establish itself against the backdrop of dependency created by 36 years of occupation. Yet

[2] The *intifada* is named after the al-Aqsa Mosque in Jerusalem where the killing of Palestinians in September 2000 triggered the uprising but it is more truly seen as a protest against the restrictions of movement which were harming individual Palestinians and holding back economic development.

some 3.5 million Palestinians who live in the Occupied Territories are often effectively confined to their towns and villages by closures enforced by Israeli military checkpoints and roadblocks. Some villages have been completely sealed off and urban areas are frequently placed under 24-hour curfew, during which no one is allowed to leave the house, often for prolonged periods. Palestinians have been prohibited from driving on main roads connecting one part of the West Bank to another.

Palestinian boy with soldier at Qalandia checkpoint, 2002.
© Amnesty International

Trips of a few kilometres, where they are possible, take hours, following lengthy detours to avoid the areas surrounding Israeli settlements and settlers' roads (known as "bypass roads"), which connect the settlements to each other and to Israel and which are prohibited to Palestinians. With the spread of settlements and bypass roads throughout the Occupied Territories, the prohibited areas have multiplied. Where the settlements are closest to Palestinian villages, movement in and out of these villages is even more restricted than elsewhere. In parts of the Gaza Strip, areas where Palestinians live surrounded by Israeli settlements have been declared closed military zones. These are only accessible, and only at specific times, to the residents, who are also often stopped from leaving or returning to their homes for days or even weeks.

In addition to the increased time, effort and cost involved, journeys are also not without risk. To enforce closures and curfews, Israeli soldiers routinely fire live ammunition, throw tear gas or sound bombs, beat and detain people, and confiscate vehicles and documents (IDs). Ordinary activities, such as going to work or to school, taking a baby for immunization, attending a funeral or a wedding, expose women and men, young and old, to such risks. Hence, many people limit their activities outside the home to what is absolutely essential.

Closures and curfews have prevented Palestinians from reaching their places of work and from distributing their products to internal and external markets, and have caused shortages. Factories and farms have been driven out of business by the losses incurred, dramatically increased transport costs and loss of export markets. As a result, unemployment has soared to over 50% and more than half of the Palestinian population is now living below the poverty

line. With the sharp decline in the standard of living in the Occupied Territories, malnutrition and other illnesses have increased. Closures and curfews have prevented Palestinian children and youths from attending classes for prolonged periods, violating their right to education and undermining their future professional prospects.

Amnesty International has documented in numerous reports the deterioration of the human rights situation and the violence that has reached a level unprecedented in the 36 years of Israel's occupation of the West Bank and Gaza. In the past three years more than 2,100 Palestinians have been killed by the Israeli army in the Occupied Territories, including some 380 children. Palestinian armed groups have killed some 750 Israelis, most of them civilians, and including more than 90 children. Tens of thousands of people have been injured, many maimed for life. The Israeli army has destroyed more than 3,000 Palestinian homes, and hundreds of workshops, factories and public buildings in the West Bank and Gaza. They have bulldozed vast areas of cultivated land, uprooting olive groves and orchards and flattening greenhouses and fields of growing crops.

These abuses, notably the destruction of land and property, have contributed to damaging the economy in the Occupied Territories. However, the stringent restrictions on the movement of Palestinians imposed in the past three years have been the main cause of the severe economic depression and the increase in unemployment.

Israel has a right and a duty to protect people from repeated bombings and other attacks by Palestinian armed groups from the Occupied Territories, including by restricting access to its territory. However, under international human rights and humanitarian law, it is obliged to ensure freedom of movement, an adequate standard of living, and as normal a life as possible to the population in occupied territories. International law also prohibits an occupying power from imposing collective punishment on the occupied population.

This report analyses the impact of movement restrictions on the right to work of Palestinians in the West Bank and the Gaza Strip.[1] It details the findings of Amnesty International's research and describes representative cases in different areas of the West Bank and Gaza. The report contends that the widespread and prolonged closures, curfews and other restrictions on movement currently imposed cannot be justified on security grounds, and discriminate against Palestinians, and are often used as a form of collective punishment in reprisal for attacks committed by Palestinian armed groups.

Among its recommendations, Amnesty International urges the Israeli government to lift the restrictions on movement that constitute collective punishment and to make every effort to enable as normal a life as possible for the inhabitants of the Occupied Territories. It calls for the evacuation of Israeli settlers from the West Bank and Gaza Strip, on the grounds that their residence in the Occupied Territories violates international law, and that measures purportedly

[1] The legislation and policies applied in East Jerusalem, which is part of the occupied West Bank, are very different, although they too have had a severe impact on Palestinians both living in and denied access to the city. For the purposes of this report, references to the West Bank do not include East Jerusalem.

taken to protect the security and freedom of movement of Israeli settlers impose serious human rights abuses against Palestinians. Restrictions on the movement of Palestinians and goods should be imposed only in relation to a specific security threat and if they are non-discriminatory and proportionate in impact and duration. They should not obstruct the freedom of movement required to maintain an adequate standard of living or have a negative impact on the Palestinians' fundamental rights, including the right to work.

Amnesty International's research

Amnesty International delegates have frequently visited Israel and the Occupied Territories to carry out field research and to discuss the organization's concerns with Israeli and Palestinian authorities. It has published numerous reports and statements on different aspects of the human rights situation and on abuses by the Israeli security forces, by Palestinian armed groups and by the Palestinian Authority (PA).[4]

In October and November 2002, Israeli government officials and representatives of the Israeli Defence Forces (IDF) did not respond to repeated requests by Amnesty International delegates for meetings and information about policies and practices relating to restrictions on movement in the Occupied Territories.

The delegates were able to interview Palestinians, Israelis and others who have lived or worked in the Occupied Territories, and whose lives have been affected by closures, curfews and other restrictions on their movement or who have witnessed or been subjected to abuses. They included medical professionals, human rights and humanitarian workers, journalists, trade unionists, community leaders, businesspeople, workers and self-employed people in various towns and villages, as well as diplomats, government officials and Israeli soldiers.

Over the years, Amnesty International delegates have frequently witnessed Israeli soldiers harassing, threatening and blocking the passage of Palestinians at checkpoints in the West Bank and Gaza. They have themselves experienced similar treatment and lengthy travel delays between towns and villages caused by the sudden imposition of closures and curfews, on occasion being threatened and fired at by soldiers.

In compiling this report, Amnesty International has drawn on information from international organizations and agencies, including the United Nations (UN), the International Committee of the Red Cross (ICRC), the World Bank, the International Monetary Fund (IMF), the International Labour Organization (ILO) and the European Union (EU), as well as Israeli and Palestinian governmental and non-governmental organizations and institutions.

[4] Amnesty International reports, news releases and other public documents are available in English, Arabic, Hebrew and other languages at www.amnesty.org (in English with links to sites in other languages).

Background

Between the two world wars the United Kingdom (UK) ruled Palestine under a League of Nations mandate. An armed conflict for the control of Palestine intensified after November 1947 when the UN voted to partition Palestine into separate Arab and Jewish states. On 14 May 1948 the UK's mandate ended and the State of Israel was proclaimed.

Protests against partition were followed by war between Arab and Israeli armies. Israel emerged victorious, expanding its de facto frontiers beyond those proposed by the partition plan. Two parts of mandate Palestine remained outside Israel: the Gaza Strip, which came under Egyptian administration, and the eastern part adjacent to the River Jordan. The latter was annexed by Jordan in 1950 and became known as the West Bank.[5]

Hostilities between Israel and Egypt, Syria and Jordan in June 1967 ended in Israel's occupation of the West Bank, East Jerusalem and the Gaza Strip. Israel unilaterally annexed part of the West Bank including the Old City of Jerusalem and incorporated it into the Jerusalem Municipality; this area is known as East Jerusalem. Syria's Golan Heights were annexed by Israel in 1980. The Sinai Peninsula, also annexed, was later returned to Egypt.

Peace talks between Israel and the Palestine Liberation Organization (PLO) began in 1991. A Declaration of Principles signed in 1993 envisaged a five year interim period in which the Israeli military government in the Occupied Territories would transfer some functions to an elected PA in parts of the West Bank and Gaza. Negotiations on a permanent settlement and an end to Israeli military occupation were to be concluded by 1999. Discussion was specifically deferred on Jerusalem, settlements (the Israeli colonies established in the Occupied Territories), borders and refugees (Palestinians forced off their land since 1948) pending negotiations on a permanent settlement.

An Interim Agreement on the West Bank and the Gaza Strip (Oslo II Agreement) in 1995 defined the network of zones in the Occupied Territories over which the PA would have jurisdiction in the interim period and the functions it would take over. Negotiations broke down after the start of the current *intifada* in September 2000.

East Jerusalem was excluded from the Oslo II Agreement and remains subject to the internal laws of Israel. Its Palestinian population are regarded as "permanent residents" and carry blue Israeli identity cards. Palestinians residing elsewhere in the West Bank and in the Gaza Strip carry green Palestinian identity cards; they are not allowed access to the city without a permit.

Duties of an occupying power

According to international law, an occupying power is required to administer the territory it controls as far as possible without making far-reaching changes to the existing order, while at the same time ensuring the protection of the fundamental rights of the inhabitants of the

[5] In 1988 Jordan relinquished claims to the West Bank.

occupied territory.[6] The core idea of the international rule of belligerent occupation is that occupation is transitional, for a limited period, and one of its key aims is to enable the inhabitants of an occupied territory to live as "normal" a life as possible.

The duties of an occupying power include:

- treating the occupied population humanely at all times (Article 27, IV Geneva Convention);
- ensure the food and medical supplies of the occupied population (Article 55, IV Geneva Convention);
- ensure and maintain the medical services, public health and hygiene in the occupied territory, and ensuring that medical personnel of all categories can carry out their duties (Article 56, IV Geneva Convention);
- allow and facilitate relief for the occupied population (Article 59, IV Geneva Convention).

Relief provided by others in no way relieves the occupying power of any of its responsibilities under Articles 55, 56 and 59 (Article 61, IV Geneva Convention).

An occupying power may NOT:

- use collective punishment or intimidation against the occupied population (Article 33, IV Geneva Convention);
- forcibly transfer inhabitants of the occupied territory to its territory or elsewhere nor transfer parts of its civilian population into the territory it occupies (Article 49, IV Geneva Convention);
- take measures aiming at creating unemployment or at restricting employment opportunities in the occupied territory, in order to induce the occupied population to work for the occupying power (Article 52, IV Geneva Convention);
- destroy private or public property, except where absolutely necessary for military operations (Article 53, IV Geneva Convention);

[6] The sources for the obligations under international humanitarian law applicable to belligerent occupation are found in:
- The Hague Convention (IV) respecting the Laws and Customs of War on Land (Hague Convention) and its annexed Regulations respecting the Laws and Customs of War on Land (Hague Regulations) of 18 October 1907;
- The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) of 12 August 1949;
- Article 75 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I);
- Rules of customary international law.
For more details see the chapter on International human rights and humanitarian law.

- appropriating private or public property or natural resources, for which the occupying power shall be regarded only as administrator (Article 55, Hague Regulations).

Restrictions on movement

For more than three decades, and especially in the past 15 years Israel has imposed varying degrees of restrictions on the movements of Palestinians, and in the past three years it has increased these restrictions to an unprecedented level. Such restrictions, as imposed in recent years, contravene Israel's obligations under international human rights and humanitarian law to protect freedom of movement and not to discriminate against or inflict collective punishment on the population of an occupied territory.

The right to freedom of movement

"*Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence*". (Article 12.1, International Covenant on Civil and Political Rights [ICCPR]).

Security measures taken by Israel in the Occupied Territories consistently violate the right to freedom of movement of Palestinians protected by the ICCPR, to which Israel is party. Already in 1998, prior to the outbreak of the current uprising, the Human Rights Committee, the UN body of experts that monitors states' compliance with the Covenant, expressed concern about the grave consequences of restrictions on movement in the Occupied Territories:

> "*While acknowledging the security concerns that have led to restrictions on movement, the Committee notes with regret the continued impediments imposed on movement, which affect mostly Palestinians travelling in and between East Jerusalem, the Gaza Strip and the West Bank and which have grave consequences affecting nearly all areas of Palestinian life. The Committee considers this to raise serious issues under article 12. In regard to persons in these areas, the Committee urges Israel to respect the right to freedom of movement provided for under article 12...*" *(CCPR/C/79/Add. 93, para 22).*

Restrictions on the right to freedom of movement and the right to work may only be imposed if they are based on law, pursue a legitimate objective, such as protecting public order, and are strictly necessary. Israeli military and emergency legislation give military commanders the broadest discretion to declare closed military areas, restrict the use of roads and impose curfews.

According to the UN Human Rights Committee: "*The application of the restrictions permissible under article 12, paragraph 3, needs to be consistent with the other rights guaranteed in the Covenant and with the fundamental principles of equality and non-discrimination. Thus, it would be a clear violation of the Covenant if the rights enshrined in article 12, paragraphs 1 and 2, were restricted by making distinctions of any kind, such as on*

the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".[7]

The sweeping restrictions on the movement of Palestinians are disproportionate and discriminatory – they are imposed on all Palestinians *because* they are Palestinians, and not on Israeli settlers who live illegally in the Occupied Territories. Even though the Israeli authorities claim that such measures are always imposed to protect the security of Israelis, the restrictions imposed within the Occupied Territories do not target particular individuals who are believed to pose a threat. They are broad and indiscriminate in their application and as such are unlawful. They have a severe negative impact on the lives of millions of Palestinians who have not committed any offence.

Freedom from collective punishment

"... Collective penalties ... are prohibited... Reprisal against protected persons and their properties are prohibited". (Article 33, IV Geneva Convention).

Curfews have been routinely imposed and closures tightened in the Occupied Territories, often after suicide bombs and other attacks by Palestinian armed groups inside Israel or in other areas of the Occupied Territories. Such measures constitute a form of collective punishment and appear to be a retaliation designed to intimidate and punish the whole Palestinian community, as well as to show to the Israeli public that the army is reacting to attacks. In June 2003 the UN Relief and Works Agency (UNRWA) described the situation as *"approaching three full years of what can only be characterized as collective punishment."*[8]

Such conduct breaches the prohibition on collective punishment contained in the Fourth Geneva Convention and the Hague Regulations. As early as February 2001, the ICRC was expressing concern that closures contravened the Fourth Geneva Convention, including by the imposition of collective punishment and the obstruction of food, healthcare and education. Such restrictions on movement have since been dramatically increased.

"The ICRC views the policy of isolating whole villages for an extended period as contrary to International Humanitarian Law (IHL) particularly with respect to those aspects of IHL which protect civilians in times of occupation. Indeed, stringent closures frequently lead to breaches of Article 55 (free passage of medical assistance and foodstuffs), Article 33 (prohibition on collective punishments), Article 50 (children and education), Article 56 (movement of medical transportation and public health facilities) and Article 72 (access to lawyers for persons charged) of the Fourth Geneva Convention. While accepting that the State of Israel has legitimate security concerns, the ICRC stresses that measures taken to address these concerns must be in accordance with International Humanitarian Law. Furthermore, these security measures must allow for a quick return to normal civilian life.

[7] Human Rights Committee General Comment 27, of 2 November 1999 (CCPR/C/21/Rev.1/Add.9), para 18.

[8] UNRWA 6th Emergency Appeal (July-December 2003), 6 June 2003.

This, in essence, is the meaning of the Fourth Geneva Convention, which is applicable to the Occupied Territories." **ICRC, "Israel and Occupied/Autonomous Territories: The ICRC Starts its 'Closure Relief Programme'," 26 February 2001.**

Freedom from discrimination

"... all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion, or political opinion". (Article 27, IV Geneva Convention).

The restrictions imposed by Israel discriminate against Palestinians and are inconsistent with fundamental human rights principles, notably the principle of equality. Restrictions on movement, such as the prohibition on the use of roads and the imposition of curfews in the Occupied Territories are imposed on Palestinians only, not on Israeli settlers. The measures which the Israeli authorities state are taken to protect the security and freedom of movement of some 380,000 Israeli settlers[9], whose presence in the Occupied Territories violates Article 49 of the Fourth Geneva Convention,[10] curtail the freedom of movement of some three and a half million Palestinians. Even in cases where Israeli settlers have attacked Palestinians or their property, it is the Palestinians who have been placed under curfews or denied access to the areas, while no such restrictions have been imposed on the Israeli settlers.

According to international human rights law, it is only acceptable for a state to treat people differently on grounds that are reasonable, objective and fulfil a legitimate purpose, such as protecting public order. The restrictions on the movement of Palestinians imposed in the Occupied Territories are unreasonable, disproportionate and constitute discrimination, prohibited by the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

The evolution of movement restrictions

1967–1993: fostering dependency

For many years, the Israeli authorities fostered the dependence of the Palestinian economy on the Israeli economy. The majority of Palestinians in the West Bank were allowed to travel freely into East Jerusalem and Israel and to the Gaza Strip under a general exit permit issued in 1972 by the Military Commander of the West Bank. Most Palestinians living in the Gaza Strip were also able to move freely into Israel and East Jerusalem. Unable to develop an independent economy under Israeli occupation, Palestinians often had to choose between

[9] The total number of settlers is about 380,000. Of them, some 5,000-6,000 live in the Gaza Strip and some 198,000 in the West Bank; the rest lives in East-Jerusalem settlements.
[10] Article 49 of the Fourth Geneva Convention prohibits the occupying power from transferring its population into the territories it occupies.

going to work abroad – and risk loosing their status as residents of the Occupied Territories – or relying on the Israeli labour market. In Israel, they were paid less than Israeli workers, but still earned more than in the Occupied Territories.

The first *intifada*, from 1987 to 1993, led to new restrictions. In 1989, residents of the Gaza Strip were required to obtain a magnetic card, renewable annually, to enter Israel. In 1991, before the Gulf War, Israel cancelled the general exit permit and required Palestinians to obtain individual permits to enter Israel and Jerusalem. In March 1993, the Israeli security forces set up checkpoints along the Green Line separating the West Bank from Israel and started to control entry to East Jerusalem. This severely disrupted Palestinian economic activity as the main road linking the north and south of the West Bank passes through East Jerusalem.

Curfews imposed by the Israeli army routinely confined Palestinians to their homes. For seven years, the Gaza Strip was under night curfew until the Israeli army redeployed in 1995. During the Gulf War, 24-hour curfews were imposed for lengthy periods. The IDF also often imposed curfews when carrying out searches and arrests.

1993–2000: The peace process years

In 1994 the Israeli military government started to transfer various civil functions to the newly created PA. The 1995 Oslo II Agreement identified the PA's functions and defined the intricate "zoning" of the West Bank and the Gaza Strip that established its interim jurisdiction. However, Israel retained ultimate and effective control of all aspects of Palestinians' movement, both internally and across international borders. Its control of border crossings also enabled Israel to control the import and export of goods to and from the Occupied Territories.

The West Bank

The Oslo II Agreement established three zones in the West Bank. In Area A, the PA was to be responsible for internal security and civil affairs – for example, health and education – and Israel for external security. In Area B, the PA was to be responsible for civil affairs and public order, while Israel had overriding responsibility for security. In Area C, Israel was responsible for both civil affairs and security.

The boundaries of Area A were drawn to include most major Palestinian towns, refugee camps and villages. Most of the smaller Palestinian villages were in Area B. Area C included Israeli settlements, a few Palestinian villages, unpopulated areas and agricultural land and, significantly, virtually all the main roads. By 2000, 97.6 per cent of Palestinians in the West Bank lived in Areas A and B, which covered 18.2 per cent and 21.8 per cent of the territory respectively. Area C, under full Israeli control, consisted of 60 per cent of the land and contained only 2.4 per cent of the Palestinian population. Thus, while Israel retained direct control over most of the land, it no longer had to provide the services which an occupying power is required to provide for the occupied population.

Areas A and B were fragmented into isolated enclaves surrounded by Israeli settlements and roads in Area C. Main roads linking towns and villages in Areas A and B remained in Area C. Israel's control of Area C therefore allowed it to control many aspects of the lives of Palestinians living in Areas A and B. In the years following the signing of the 1993 Declaration of Principles, Israel seized extensive tracts of land from Palestinians to build a network of bypass roads connecting Israeli settlements throughout the Occupied Territories to each other and to Israel. Thousands of dunums of land (a dunum is one tenth of a hectare) were seized on grounds of military necessity, usually for temporary, specified periods, but were often used for permanent features, such as "bypass" roads and settlements. In May 2002, the Applied Research Institute Jerusalem (ARIJ), estimated that some 350 kilometres of bypass roads had been built on land confiscated by the IDF through such "temporary" seizure orders. In the same period Israel stepped up the pace of construction of settlements in the Occupied Territories to an unprecedented level. The number of Israeli settlers increased from 240,000 in 1993 to 380,000 by the end of 2000.

Hebron

The city of Hebron was administered under a separate agreement, signed between Israel and the PA in 1997, which divided the city into two areas, H-1 and H-2. In contrast to other West Bank cities, Israel allowed Israelis to establish four settlement enclaves in the heart of the town, near the Haram al-Ibrahimi/Machpelah Cave, a religious site holy to both Muslims and Jews. In Area H-1, populated by about 100,000 Palestinians, the PA was to be responsible for internal security and civil affairs, as in other West Bank towns. Area H-2, which included the Haram al-Ibrahimi/Machpelah Cave and the four settlement enclaves, is inhabited by about 30,000 Palestinians and 500 Israeli settlers and remained under the control of the Israeli army.

The Gaza Strip

The Oslo II Agreement divided the Gaza Strip into areas where the PA was responsible for internal security and civil matters, and areas under the control of Israel – the settlements, bypass (settlers') roads, and a military installation area, adjoining the border between the Gaza Strip and Egypt.

Some 60 per cent of the Gaza Strip was under the jurisdiction of the PA. These densely populated areas were separated by 17 Israeli settlements and by east-west bypass roads connecting the settlements to each other and to Israel. An electrified perimeter fence ran along the eastern side of the Gaza Strip adjoining Israel, making unauthorized exit virtually impossible. Thus, whereas Palestinians from the West Bank could still slip into Israel to work without a permit, those from Gaza could not. The movement of Palestinian and commercial traffic of goods across several crossing points – Karni/Muntar, Erez/Beit Hanoun and Sofa/Qarara – was often subject to long delays due to Israeli security checks or closures.

Movement into Israel and to Jordan and Egypt

The individual permit system to enter Israel or to travel between the West Bank and the Gaza Strip on roads other than the safe passage route remained in place for all this period. Between 1994 and 1997, Israel frequently froze permits and imposed a comprehensive closure for prolonged periods, preventing Palestinians from the West Bank and from the Gaza Strip from entering Israel and East Jerusalem. As with internal closures, comprehensive closures were imposed in the wake of Palestinian suicide attacks or increased tension in the Occupied Territories. In February and March 1996, supporters of *Hamas* and Islamic *Jihad* carried out a series of suicide bombings in Israel and in Jerusalem, killing 59 Israeli civilians. In September and October 1996, 65 Palestinians, including 37 members of the PA security forces, and 16 members of the Israeli security forces were killed during demonstrations across the Occupied Territories in protest at the opening of a tunnel near the Dome of the Rock in Jerusalem. According to the Office of the UN Special Coordinator in the Occupied Territories (UNSCO), 82 out of 277 potential working days were lost due to comprehensive closure in 1996; that is 31.9 per cent.[11] Strict closures were immediately translated into increased unemployment and poverty.

From the start of 1998 until the autumn of 2000 the situation improved with the decrease in comprehensive closures (down to 24.5 days). Improved freedom of movement was a major factor in the recovery of the Palestinian economy. By 2000, unemployment had dropped to 10 per cent. Even though Palestinians remained dependent to some degrees on wage labour in Israel and in settlements, the degree of dependency decreased as the Palestinian economy was able to develop.[12] However, Israel also retained control of the movement of people and goods through the Rafah Crossing and the Allenby Bridge, the border crossings from the Gaza Strip to Egypt and from the West Bank to Jordan. Palestinian products often faced delays at borders and Israeli ports, increasing cost and reducing their competitiveness on external markets.

Internal Closures

The widespread impression, in Israeli society and at the international level, was that during the peace process years, following the agreements which resulted in the redeployment of the Israeli army from most Palestinian populated areas in the Occupied Territories and the establishment of the PA, Palestinians were in control of their lives in the new situation of "autonomy" or "self-rule". However, this was not the case.

> *"The realization of the principle of territorial integrity, as enunciated in the Oslo accords, has been frustrated during the period under review by Israeli restrictions on the movement of persons and goods between so-called A, B, and C areas of the West Bank, between Jerusalem and the rest of the West Bank, between the West Bank and the Gaza Strip, and between the occupied territories and the outside world. Safe passage arrangements have*

[11] See UNSCO Report on the Palestine Economy 1997, IV.4, Table 21.

[12] In 1999, 34.6 per cent of new jobs created for Palestinians were in Israel and Israeli-controlled areas, compared to 56.4 per cent in 1998.

not been established, and arrangements for a Gaza seaport and airport have not been agreed upon. The Israeli policy of general closure, which has been in effect since 30 March 1993, imposes explicit restrictions on the mobility of goods and persons. There are fixed Israeli checkpoints on Palestinian roads, including key transport routes, and a system of differentiated mandatory permits for labourers, business people, medical personnel and patients, students, religious worshippers, and all other categories of Palestinians. Restrictions on entry to Jerusalem block access to the main north-south transportation route in the West Bank, necessitating lengthy and costly detours. This general closure has been aggravated by periodic comprehensive closures entailing the complete denial of such movements during a full 353 calendar days between 30 March 1993 and mid-June 1997. Since 21 March 1997, when a bomb attack in Tel Aviv, apparently carried out by Hamas, killed three Israeli women, such comprehensive closures have been imposed for a total of 24 days. Internal closure days, during which movement is not allowed even inside the West Bank (between A and B areas) totalled 27 days in 1996. Israeli restrictions on the movement of goods and personnel are also imposed on UN officials and project materials, resulting in delays and added costs for development projects in the West Bank and Gaza Strip and in serious disruption of the work of humanitarian agencies."
UN Secretary-General, June 1997[13]

On several occasions the Israeli army imposed what became known as "internal closures" in the West Bank, stopping all movement of Palestinians between Areas A, B and C for days, sometimes weeks. These internal closures were usually in response to Palestinian attacks on Israelis inside Israel or during periods of tension caused by the Israeli army's excessive use of force. Normal life came to a standstill, especially for the 60 per cent of Palestinians living in the predominantly rural Area B. The first comprehensive internal closure, in March 1996, lasted for 21 days.[14] In 1997 a total of 27 days of internal closure were imposed on all or part of the West Bank; in 1998, the total was 40 days.

The internal closures demonstrated how Israel, despite its withdrawal from some 40 per cent of the West Bank, could bring Palestinian life to a halt and the Palestinian economy to its knees through its control of the areas and main roads around the supposedly autonomous Palestinian enclaves. The use of curfews, by contrast, declined following the establishment of the PA as Israel gradually withdrew its army from most populated parts of the Occupied Territories. However, the IDF regularly imposed curfews on Palestinians living in the H-2 area of Hebron.

[13] Report of the Secretary-General submitted in accordance with General Assembly resolution ES-10/2, dated 26 June 1997. Ref: A/ES-10/6, S/1997/494. GENERAL ASSEMBLY. Tenth emergency special session. Security Council: SECURITY COUNCIL. Fifty-second year. Agenda item 5: Illegal Israeli Actions in Occupied East Jerusalem and the Rest of the Occupied Palestinian Territories [paragraph 22].
[14] The closure followed four suicide bombings by the armed Palestinian groups *Hamas* and Islamic *Jihad* which killed 59 people as retaliation for the extrajudicial execution by Israeli forces of a member of *Hamas*.

According to the Israeli-Palestinian Declaration of Principles "the two sides view the West Bank and Gaza as a single territorial unit, whose integrity will be preserved during the interim period".[15] However, hopes that the new situation following the agreement would make it easier for Palestinians to at least travel between Gaza and the West Bank failed to materialize. Israel did not allow the opening of the "safe passage" road between the Gaza Strip and the West Bank, contained in the Israeli-Palestinian Agreement on the Gaza Strip and Jericho of 5 May 1994, until October 1999.[16] Use of the "safe passage" by Palestinians remained subject to security clearance and authorization by the Israeli authorities, who often refused authorization and at times closed the "safe passage". On 6 October 2000, the "safe passage" was closed and has not been reopened. By the year 2000 most of the 1.3 million Palestinians living in Gaza had never left the Gaza Strip, an area totalling a mere 348 square kilometres.

Speaking at a conference in September 1994, Israeli lawyer Tamar Pelleg Sryck remarked:

"The Palestinians have received manifold responsibilities... but lack the necessary powers to implement such responsibilities. One observes that Israel, despite redeployment, controls the lives of Gazans and the functioning of their society... The PA took over responsibility for education, yet over 1,000 students who wish to pursue their studies in universities in the West Bank are dependent on the IDF for their exit permits... The economy in Gaza is the PA's concern, yet Gazan workers cannot keep their jobs in Israel, agricultural products produced in Gaza cannot be exported and experts are not permitted to visit the Gaza Strip etc. unless the relevant permits are granted by the Israeli authorities..."[17]

At the same conference, Aaron Back, Development Director of the Israeli human rights organization, B'Tselem, noted:

"We have seen an ongoing process of harassment, bureaucratic delays and refusal of these permits, with reasons of security generally being cited, and it is our belief that these measures of harassment are used by the Israeli security authorities as tools for intimidation, blackmail and coercion."[18]

[15] Article IV of the Declaration of Principles on the Interim Self-Government Arrangements signed by both sides on 13 September 1993.

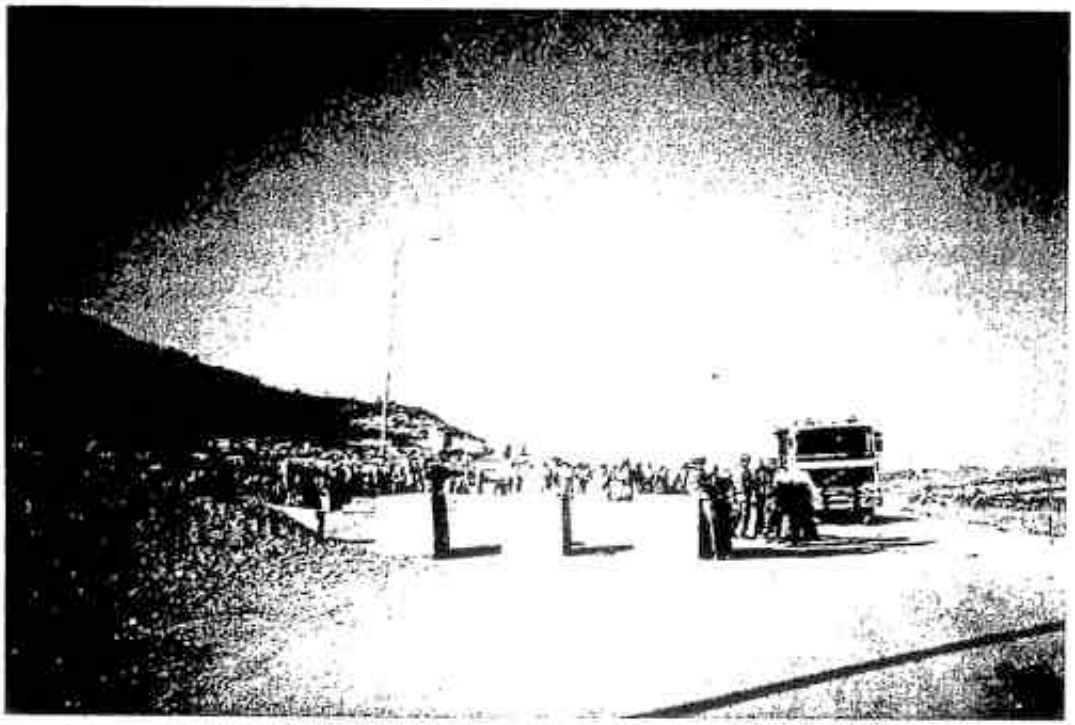
[16] The provision for the establishment of a "safe passage" is contained in the Israeli-Palestinian Agreement on the Gaza Strip and Jericho Area (Protocol Concerning Withdrawal of Israeli Military Forces and Security Arrangements) signed by both sides in Cairo on 5 May 1994. The provision was restated and further detailed in Article X (Safe Passage) of the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip, signed by both sides in Washington DC (US) on 28 September 1995.

[17] Paper presented at a conference organized by the Centre for International Human Rights Enforcement and convened by Pax Christi International in Jerusalem on 17-18 September 1994. *International Human Rights Enforcement: The Case of the Occupied Palestinian Territories in the Transitional Period* (CHRE, Jerusalem 1996), p.17.

[18] Ibid. p.52.

Current restrictions

Although increasingly stringent restrictions on Palestinian movement in the Occupied Territories are largely in response to the current *intifada*, the uprising itself was a reaction to the restrictions imposed on Palestinians in the preceding years. Before the outbreak of the *intifada*, movement restrictions were already significant in determining Palestinians' quality of life and the development of their economy. They contributed to the frustration of hopes for improvements in daily life and future prospects, raised by the peace process. Palestinians found that their newly acquired freedom extended no further than the confines of overcrowded refugee camps and disjointed enclaves, while Israeli settlers expanded and strengthened their hold on the surrounding land and resources.



Palestinians waiting at Huwara checkpoint at the entrance to Nablus, October 2002.
© Amnesty International

Tightening of closures in the West Bank

On 3 October 2002, the then Israeli Minister of Defence, Binyamin Ben Eliezer, explained the IDF's policy on internal closures in the Knesset (Israeli Parliament): "The directives of the military command are to freeze all traffic on West Bank roads, including taxis, buses, private vehicles and others according to security needs."

According to the Israeli army, the main roads of the West Bank are for Israeli cars, clearly identifiable by yellow number plates, and military vehicles. Palestinian vehicles,

distinguishable by their green licence plates, are prohibited. In recent years, Amnesty International delegates have rarely seen a green-plated car on main roads, apart from a few shared taxis. Palestinians have often been in carts pulled by donkeys or mules, a rare sight three years ago.

PERMITS: Palestinians may apply for permits to travel in private vehicles between West Bank towns. The legal basis for this new system, the categories of people who are eligible for permits and the procedures for application are unclear. Months after Palestinians were required to obtain such permits and despite several requests by UNSCO and diplomats, the Israeli authorities had not provided a copy of any written rules or procedures. Amit Zuchman, the Deputy Legal Adviser to the Military Commander of the West Bank, verbally informed the Association for Civil Rights in Israel (ACRI) that doctors and employees of international organizations were eligible for permits. Another IDF official informed ACRI that merchants, doctors, teachers, Civil Administration employees and employees of international organizations were eligible.

Some Palestinians from these groups have obtained permits after long delays, and others have been denied them without explanation or on unspecified "security grounds". Permits are normally only issued for a limited period, usually one month, and are only valid for travel on certain days and between certain hours (often weekdays from 5am to 7pm). When curfews and/or comprehensive closures are imposed, the permits cannot be used and at other times Israeli soldiers arbitrarily deny passage to permit holders. Israeli human rights organizations have frequently intervened in cases where Israeli soldiers have refused to allow passage to drivers holding valid permits and carrying essential supplies, such as food and water. Many Palestinians refuse to apply for them for fear of lending credence to an arbitrary system that they regard as completely illegitimate. In addition, they are reluctant because the system of permits has, in the past, been used by Israeli military and intelligence as a means to recruit "collaborators". Some permit holders are afraid to travel because, since Palestinian cars (identifiable at a distance by their green number plates) are not allowed on main roads, soldiers may shoot at their cars from a distance, without approaching to check whether they have a permit.

> *"Every time I drive on these roads and see a tank in the distance I wonder if I'll make it home to see the children again. I have a permit, for a month, but if the soldiers shoot at me and I am killed the permit won't do any good to me or my family. They can always say I was a terrorist, or that I did something suspicious that made them think I was a danger. And even if they admit making a mistake and apologize what good would that be if I am dead? So I try to avoid travelling as much as possible"* (Human rights lawyer, to Amnesty International delegates, November 2002).

Requests for permits are often denied without explanation, even for travel on foot and even in emergency cases. In July 2003, the Israeli organization Physicians for Human Rights (PHR) contacted the Coordinator of the Government's Activities in the Occupied Territories requesting that Sa'ad Kharuf be allowed to travel from his home village of Udala to the nearby city of Nablus – a distance of seven kilometres - to visit his 5-year-old son in hospital.

Permission was only granted after PHR alerted the media and threatened to petition the Supreme Court.[19]

During a visit in May 2003, Amnesty International delegates saw Palestinians from nearby villages being denied passage by Israeli soldiers at the Huwara checkpoint, at the entrance of Nablus, and at the checkpoint at the entrance of Qalqilya.

On 2 November 2002, two Amnesty International delegates travelled from Hebron to Jerusalem via the route used by Palestinians vehicles. The journey, which should take 20-30 minutes on the main road, took three hours and a quarter and involved changing vehicles five times. At each point where the road was blocked to vehicles the passengers had to get out, walk over a dirt mound or around cement blocks and get into another bus or taxi on the other side. The length of the journey was only due to the forced detours around closed roads and prohibited areas, as on that day they were not stopped at any army checkpoints along the way. When travellers are stopped and have to wait to pass through checkpoints, the journey takes even longer.

Crossing Road 60 at the Beit 'Anun roadblock, July 2002 © Peter Trainor

PHYSICAL BARRIERS: The Israeli army controls movement in and out of the main towns and many villages in the West Bank by setting up checkpoints on primary and secondary roads and by blocking other roads with earth barricades and cement blocks. In the past year particularly, the army has increasingly taken to digging deep trenches to stop Palestinians opening closed roads. During the winter, rain and mud fill the trenches and make the slopes slippery and sewage is also sometimes diverted by the Israeli army into the

[19] See: "*Does a 7 Kilometer Journey between the Village and the City endanger Israel?*", PHR Update, 17 July 2003.

trenches to obstruct the passage of even the most agile pedestrians. Villages near Israeli settlements or roads used by settlers have been most cut off. Some villages have been completely besieged by earth ramparts, cement blocks and trenches, making access by vehicle impossible, even for ambulances and tankers carrying essential water supplies. Passage on foot is also far from easy. Climbing up and down dirt mounds carrying shopping bags and small children is difficult even for the young and able. For those carrying heavy or bulky items and for the elderly or disabled people the task is virtually impossible.

In 2000 Physicians for Human Rights–Israel (PHR–Israel) and the Palestine Red Crescent Society (PRCS) applied for a court order prohibiting the establishment of such roadblocks. The Israeli government denied that any villages were completely blocked by physical obstacles, and the High Court rejected the applicants' petition. The court stated: "*Moreover, if, as claimed by the Appellant, there is a geographical cell that is truly and absolutely isolated by physical roadblocks, contrary to policy, the Respondents are interested to know of this, and even asked the Appellant to inform them thereof during the course of the hearings, and they undertook to clarify and deal with the case as necessary... The Court believes that this is indeed the proper course the Appellant should take: to submit specific complaints about certain cases in which the procedures are not maintained, and to enable the Respondents to clarify and process such complaints.*"[20]

In another case, PHR–Israel submitted a complaint that the villages of Burqin and al-Dik in the Nablus area were both blocked in a manner contrary to the Israeli government's undertaking to the High Court. The Assistant to the Minister of Defence responded: "*We have found that the access road to the villages of Burqin and al-Dik is indeed blocked, as is the paved road between these two villages... However, it should be emphasized that these restrictions on movement were not made arbitrarily, but for clear security reasons.*" He advised the residents to use the dirt road between Burqin and Salfit. After investigation, PHR-Israel found that most residents of the area had no access to four-wheel drive vehicles, the only means of using the road.

Palestinians in some villages have opened makeshift tracks but the Israeli army often blocks these again. In the rainy seasons even those tracks which have not been blocked by the army become mostly unusable, except perhaps for four-wheel drive vehicles - which most Palestinians do not have.

Remote communities cut off

Al-Jaba'a, a remote community of 800 people in Bethlehem governorate, has a primary school and a clinic that opens on average only once a month because the doctor is prevented by closures from reaching the village.

Al-Jaba'a is close to the Green Line (the border between Israel and the West Bank) and the only Palestinian village on road 367 between the Gush Etzion settlement block and Israel. The village is hemmed in by an army checkpoint and by three Israeli settlements, Bat Ayin, Nahal Giva'ot and Beitar Illit. Since April 2001, the villagers have been prohibited by the IDF from

[20] Case 9242/2000.

driving along road 367, which is used by settlers, even though this is the main road out of the village. This prevents them from driving east to Bethlehem. The road south to Tsurif, giving access to Hebron, is blocked. The villagers have opened a two-kilometre dirt track, leading northwest to the village of Nahaleen that provides access to Bethlehem. From time to time, the soldiers stop the villagers from using this path as well.

At checkpoints, soldiers often check cars or pedestrians slowly, sometimes stopping the flow of traffic and refusing to examine an identity card without explanation. On occasion, crowds build up at checkpoints and soldiers fire into the air or throw sound bombs or tear gas to disperse them. Internal closures frequently operate in an arbitrary way. The fact that soldiers enjoy broad, individual discretion to permit or prevent Palestinians' movement undermines the Israeli authorities' contention that the internal closure is a rational system of control, based strictly on security needs.

Arbitrary closures

On 2 August 2002, two Amnesty International delegates travelling to Jenin found the Jalameh checkpoint closed. A soldier threatened to shoot one delegate who asked when the checkpoint would reopen. A long line of waiting vehicles formed over the next hour. The soldiers then allowed the two delegates to pass, but not their taxi, and told them that they should be thankful that one other vehicle had been allowed through with them so that they could get a lift to the town. No other vehicle had been checked or even allowed to approach the checkpoint.

On 12 October, an Amnesty International delegate was travelling to Jenin from Qalandia, north of Jerusalem, in a shared taxi which took a circuitous route in order to access Road 90, the Jordan Valley Road. At a checkpoint south of Yafit settlement, an IDF soldier examined all the passengers' identity cards and, without explanation, ordered the taxi back. The driver tried to reach a parallel route, road 508. At an IDF checkpoint near the settlement of Ma'ale Efrayim, a soldier asked each passenger where they lived, checked the vehicle and allowed it to continue.

On 25 October, the organization's delegates negotiated at a mobile army checkpoint for the passage into Nablus of a Palestinian human rights fieldworker who had not been allowed into the city for some time. The checkpoint was on the road connecting the village of Beit Furik to Nablus, near a bypass road used by settlers from the nearby Itamar and Elon Moreh settlements. The soldier agreed to let him pass but refused to allow anyone else through. Scores of Palestinians had been waiting in the sun for up to three hours. At one point, the soldier engaged his rifle and threatened to shoot some people who had taken a few steps forward. They included an old woman, supported by two people, and two women with babies in their arms. About five minutes later, without contacting anyone by radio or telephone (indicating that he had not received any instructions to lift the roadblock), he got back inside the armoured personnel carrier and the vehicle abruptly drove off, leaving the road free to cross for the Palestinians who had been waiting for hours.

On 2 November, two Amnesty International delegates were walking in Hebron on their way to the hospital, about 500 meters further along the road, when a group of Israeli soldiers suddenly closed the road to pedestrians. When the delegates asked how they could reach the

hospital a soldier pointed to a dirt path which ran parallel to the road and along which people were walking, crouching down to pass under the very low trees. The soldier said: "Do like them". There appeared to be no security reason for closing the road while allowing people to walk with discomfort on a path right beside the road.

When manned checkpoints are not open to pedestrians, travellers may attempt a detour around the checkpoint. As restrictions on movement have intensified, such detours may take travellers miles out of their way, sometimes on tracks over or round steep hills. This, however, involves the risk of being turned back, harassed or even shot. Even in the best of cases, such detours are difficult or impossible for the sick, the elderly or those carrying heavy packages or small children.

The movement of goods has also become increasingly difficult. Since April 2002, the Israeli army has prevented Palestinian trucks from driving between towns in the West Bank. The West Bank has been divided into eight areas – Hebron, Bethlehem, Jericho, Ramallah, Nablus, Qalqilya, Tulkarem and Jenin. Each has one designated commercial crossing where goods are transferred, under the supervision of Israeli soldiers, from a truck on one side of the checkpoint to a truck on the other side of the checkpoint. This procedure is known as the "back-to-back" system. When checkpoints are open, drivers often have to wait hours. The result of these measures has been to dramatically increase the time and cost of transport, as several vehicles and drivers have to be used, as well as extra people to unload and reload the merchandise at each checkpoint. In addition, the repeated handling of goods and the waiting period causes many of the goods, especially agricultural produce, to get spoilt or damaged.

Curfews

In the past three years, the Israeli army has placed many villages in Areas B and C under 24-hour curfews, and the H-2 area in Hebron and other West Bank cities under extended curfews. In Hebron, the only West Bank city where Israeli settlers live inside the city, such restrictions apply only to the Palestinian inhabitants. The 500 Israeli settlers in H-2 are allowed to leave their homes unrestricted.[21]

After the Israeli army retook control of the six main West Bank towns of Tulkarem, Qalqilya, Jenin, Nablus, Ramallah and Bethlehem in March and April 2002, 24-hour curfews were enforced for days and in some cases weeks. Civilians were confined to their homes and movement outside was prohibited. The army almost completely stopped vital service providers and ambulances from functioning, even if they had coordinated in advance with the

[21] In 2002, there was a full curfew in H-2 for 79 days and a partial curfew in this area for 103 days. Following the IDF's reoccupation of H-1 in November 2002, there was a full curfew in this area for 15 days and a partial curfew for 35 days. In the first two months of 2003, there was a full curfew in H-2 for 36 days and a partial curfew for 24 days, while there was a full curfew for 10 days in H-1 and a partial curfew for 46 days. In June, full curfew in H1 was imposed for 22 days and partial curfew for 31 days.

army. From time to time, curfews were lifted for a few hours to allow Palestinians to purchase essential supplies. Bethlehem was under curfew for 40 consecutive days.

The IDF retook control in these towns, and Hebron, in June 2002, and has remained present continuously in Tulkarem, Jenin, Nablus and Ramallah and intermittently in Qalqilya, the H-1 area of Hebron and Bethlehem. When the IDF is maintaining a presence in the main towns, it often imposes a 24-hour curfew rule. According to the Office of the Coordinator of Humanitarian Affairs (OCHA), on 9 July 2002 almost half the population of the West Bank, nearly 900,000 out of some 2.2 million Palestinians, were under curfew in 71 different localities. At the beginning of June 2003 more than 350,000 Palestinians were under curfew and by early July the number was about 150,000.

The IDF usually introduces a schedule for allowing the movement of civilians for a few hours during daylight. However, such respite is often cancelled without notice. Nablus has been under curfew for longer than any other city, and remained under 24-hour curfew for five months after 21 June 2002, apart from one month when it was under a night curfew only.

Increased closures in the Gaza Strip

On the two main north-south roads in the Gaza Strip, the coastal road and Salah al-Din road (Road No. 4), the movement of 1.3 million Palestinians is subordinated to the movement of about 5,000 Israeli settlers. Since October 2000, sections of these two roads near Israeli settlements have been completely or partially closed by the Israeli army. The coastal road running south of Deir al-Balah to the Egyptian border is closed to through traffic and may be used only by Palestinians living inside the closed military area of al-Mawasi. In the north, the coastal road is closed to Palestinian traffic near the settlements of Dugit and Eli Sinai, and between these two points of permanent closure the road is often closed at the level of the Netzarim settlement.

The stretch of Salah al-Din road that passes the Israeli settlement of Kfar Darom has been completely closed to Palestinian traffic, which has to bypass Kfar Darom by going through the town of Deir al-Balah. Two permanent military checkpoints on Salah al-Din road, at Abu Holi (Kissufim) junction and al-Matahin (Gush Katif) junction, allow Israeli settlers unrestricted access to Kfar Darom settlement to the north, the Gush Katif settlement block to the west and Israel to the east. Palestinian and Israeli traffic are separated on the stretch of road between the two junctions by concrete blocks, but on the Palestinian side only one line of traffic may pass at a time, causing frequent delays, often of several hours, especially in the rush hour. At times the IDF have opened the checkpoints for only half-an-hour in the morning and again in the afternoon, at other times they have closed them altogether, sometimes for several days. Palestinian vehicles and passengers have been stuck between the two checkpoints for hours, unable even to get out of their cars for fear of being shot. Unlike checkpoints in the West Bank, it is prohibited to cross or even approach these checkpoints on foot. The Israeli army requires a minimum of two (later three) people in every car, and may fire at any vehicle that attempts to pass with only a driver (the "security" logic being that suicide bombers tend to act alone). Lone drivers have to pick up someone who also needs to

cross the checkpoint or give a shekel or two to a child to ride in the car to the other side of the checkpoint.

Trapped between checkpoints

"In order to travel 30 kilometres, to and from work, I spend an average of six hours a day because of the delays at the al-Matahin and Abu Holi checkpoints. Before the construction of the bridge, a road used by settlers used to cross the Salah al-Din Road here. Now the bridge has been opened, I don't see any settlers on this road. There is no reason to hold up the traffic between the northern and southern Gaza Strip. The only reason for doing it is to make Palestinians' lives difficult. All day, most of the time our minds are on this road, asking ourselves: 'Is it open? Is it closed?'

"One day in October 2002, I left my house at 6am to go to work. The first checkpoint opened at 7am. After I passed through it, I realized that the second checkpoint was closed and I was stuck. Initially I thought that the soldiers wanted to check the cars but for three hours no soldier approached any car. There were soldiers milling around, as well as tanks and jeeps moving back and forth. When the soldiers saw a person getting out of a car, they would open fire from an armoured vehicle and order the person back in. It was very hot. Two vehicles ahead of my car was a bus full of children aged between six and eight.

"At about 10am many of us left our cars and went to speak to a soldier. We asked him to let the children out of the bus. He yelled: 'Shut up!' We went back to our cars. At about 11am the soldiers started checking each car. They would look inside and ask all the passengers to get out and stand by the side of the road. The men were ordered to lift up their shirts. Then the soldiers checked the passengers' identity cards and ordered them back to their cars. The checks continued until about midday, when we asked for water for the children. An armoured vehicle returned, bringing barrels of water. Then GSS (intelligence) officers came and checked each car. We had to get out again and they re-examined our identity cards. Some people were taken and put inside a jeep for questioning. Two men were arrested and forced to sit in the hot sun on the sand. This process lasted until about 3pm. Many people went to the Abu Holi checkpoint and asked for food. The soldiers brought food But we refused to move and demanded that women and children be allowed to pass across the checkpoint.A soldier came and asked us what we wanted. We told him that we wanted to go home. He said: 'I will allow you to go, but only to Gaza, not to Khan Younes.' They opened the road at about 4pm for cars to Gaza. By that time my office was closed and I wanted to go back to Khan Younes. They opened the road to Khan Younes at about 5.30pm and I returned home."

Hassan Abu Hatab, aged 43, a civil servant who lives in Khan Younes and commutes to the Fisheries Department of the PA Ministry of Agriculture in Gaza city six days a week. If the checkpoints are closed, he cannot return home and has to sleep in an apartment rented by the Fisheries Department for its employees from the southern Gaza Strip.

Until 2002, Palestinian traffic was routinely held up as priority was given to Israeli settlers' cars or military vehicles crossing the Salah al-Din road between the Gush Katif settlement block and Israel, on an east-west bypass road prohibited to Palestinians. In the spring of 2002 the Israeli army opened a bridge (overpass) over the Salah al-Din road for the exclusive use of settlers and soldiers travelling between the settlement and Israel. In theory, this should have

ended the closure of the junction (as settlers were passing on the overpass and no longer using the junction), but in practice closure of the junction and delays continued.

For much of the past three years, the Shuhada/Netzarim junction on the Salah al-Din road south of Gaza city has been blocked by the Israeli army. The army has frequently isolated northern, central and southern parts of the Gaza Strip from each other by closing both the coastal road and the Salah al-Din road at the level of the Netzarim and Gush Katif settlements. In the south, the road (known as the Western Road) between Rafah and Khan Younes was also blocked at the point between the Gush Katif and Morag settlements.

Given the small size of the Gaza Strip - 50 km in length and 3 to 10 km in width - many people lived in the South and worked in the North or vice versa, as commuting the entire length of the Strip usually took no more than half an hour. With the imposition of increasing restrictions on movement in the past three years, many people have been forced to move close to their work to avoid the long delays at the checkpoints and the risk of being stuck on the wrong side of a closed road or checkpoint. However, this solution is not possible where different family members work in different parts of the Strip. Others cannot afford to move.

In June 2003, following an agreement between the Israeli government and the PA, the Israeli army began allowing unhindered passage of Palestinians at the three-above-mentioned junctions.

Closed military areas in the Gaza Strip

In addition to the above and other closures and restrictions on movement of Palestinians in the Gaza Strip, the Israeli army has formalized the siege of three Palestinian communities living near Israeli settlements. These three areas – al-Mawasi, al-Sayafa and the area between the main settlement of Kfar Darom and its greenhouses - have been declared closed military areas.[22] They are accessible only to the Palestinians who live there, except for rare exceptions. Residents are allowed to enter and leave the areas on foot only and only between certain specified times, but at times the army stops all residents from leaving or returning to the areas for days at a time. Oppressive restrictions inside these areas keep residents at a distance from nearby Israeli settlements, and a dusk to dawn curfew is usually in force.

Food crops rot, prices of local products collapse

Sa'id al-Agha is aged 46, married with nine children. He owns 50 dunums (a dunum is 0.1 hectares) of land in northern al-Mawasi, within the jurisdiction of Khan Younes municipality. He cultivates guavas as his main crop, vegetables, lemons, oranges and dates. The yield from his land has fallen since the IDF stopped fertilizer from being brought into al-Mawasi. Before the *intifada*, he would expect to make a profit of US$15,000. In 2002 he made $1,000.

Guavas used to be exported from Gaza to Israel, the West Bank and Jordan. Now it is almost impossible to send the crop even to the West Bank. The price has collapsed because the market in Gaza is flooded with guavas at a time when there is reduced demand from local people who have lost their jobs and have less money to spend. Before the *intifada* a 15 kilo

[22] See Appendix for case studies on al-Mawasi and al-Sayafa.

box of guavas fetched NIS50–60 (about US$10–12). The price subsequently collapsed to NIS12–15 (about US$2.5–3). Often the crop is delayed, waiting to cross the al-Tuffah military checkpoint for two or three days. Less fresh, it sells for only NIS1 (about US$0.20) per box. At the same time, Sa'id al-Agha still has to cover his farm's running costs. He pays $600 per month for diesel, his main expense, to operate water pumps on his land.

In front of Sa'id al-Agha's house was a large pile of rotting dates. They had been picked for the market in Khan Younes, but he had not been able to transport them across al-Tuffah checkpoint.

Sa'id al-Agha, Mawasi, Gaza Strip, October 2002. © Amnesty International

While prices of local produce collapse because of lack of access to markets, the price of goods from outside the areas increase sharply. For example, in a village which had all its access roads blocked by the Israeli army and was thus made inaccessible by vehicle, a fifty kilogram bag of flour costs NIS115, compared to NIS70 in the nearby city of Nablus.[23]

Excessive use of force

Closures and curfews are controlled by military force. Members of the Israeli security forces have frequently resorted to lethal force to enforce restrictions, killing or injuring scores of Palestinians who were unarmed and presented no threat. Soldiers opened fire on Palestinians bypassing checkpoints, crossing trenches, removing barriers and breaking curfews. They even fired at ambulance personnel, municipal employees and journalists who had coordinated their movements in advance with the IDF. Some Palestinians were shot because they failed to stop

[23] See: The Villages of Deir al Hatab, 'Azmout & Salim in the Nablus Governorate: an OCHA discussion paper, 15 April 2003.

at checkpoints. Soldiers have also often fired live and rubber-coated metal bullets, sound bombs and tear gas to disperse crowds who had gathered during curfews or at checkpoints.

Killings to enforce closures and curfews

On 20 August 2002, an Israeli soldier shot dead **Jihad 'Abd al-Rahman al-Qurini,** a driver for the Nablus municipality, during a curfew. The Nablus municipality had coordinated with the IDF to ensure that his vehicle could move during the curfew for the purposes of carrying out electrical repairs. The truck was marked as a Nablus municipality vehicle and had a distinctive crane and flashing light. In Faisal Street, one of four Israeli soldiers searching a Palestinian ambulance indicated that Jihad al-Qurini should reverse. He backed the vehicle about two metres. The soldier indicated that he should drive forward and fired one shot in the air. Jihad al-Qurini drove the truck slowly forward. The soldier reportedly aimed his weapon at the truck, motioned with his right hand that the vehicle should proceed, and then fired twice. One bullet hit Jihad al-Qurini in the head.

In a letter to B'Tselem, the Chief Military Prosecutor concluded that the soldiers "*did not deviate from the domain of reasonable conduct expected in actions by military forces in the relevant area and circumstances.*" She declined to open an investigation into the incident on the grounds that the vehicle "*stood at the edge of a moderate incline*" and that a bullet fired "*at a relatively flat trajectory penetrated the windshield, and possibly caused the death of the driver.*"

On 3 December 2002, a soldier shot and killed Fatma Obeid, a 95-year-old woman from Ramallah. She was in a taxi on a dirt road between the Surda and Ayosh junctions, north of Ramallah. The road is forbidden to Palestinians and crowds of Palestinians gather to cross the area on foot to reach their destinations. As the taxi headed onto the road, a soldier fired at it several times. He was subsequently sentenced to 65 days' imprisonment at a disciplinary hearing, 30 days for lying during the investigation and 35 days for violating the open fire regulations. The sentence imposed for violating open fire regulations was later lifted, so as not to constitute double jeopardy, and in April 2003 the soldier was charged by the military prosecutor with causing death by negligence.

Israeli soldiers who kill or injure to enforce movement restrictions usually enjoy impunity or, at most, may receive only very light sentences. In contrast, Palestinians who disobey orders restricting movement may be tried in a military court under Military Order 378 and imprisoned for up to five years or fined.[24]

In many cases Israeli soldiers and border police have meted out immediate punishment in the form of beatings and assaults. In other cases they have confiscated the keys of vehicles or the identity card of the drivers, or have shot at the tyres of vehicles or otherwise damaged the vehicles.

[24] See chapter "National and international law".

Security force brutality to enforce closures

Batir is a village in Bethlehem governorate, south of Jerusalem, close to the Green Line. Before the *intifada*, about 70 per cent of its working population worked in Israel or in nearby settlements. In the past three years it has not been possible for most Palestinians to obtain permits to enter Israel. There are a few small businesses in the village but no alternative sources of employment nearby.

Khaled Fahd 'Uwayneh lives in Batir, is married with one child and also supports his mother. He used to work as an electrician in the construction industry in Israel, earning about NIS4,000 (about US$800) monthly. His wages, now averaging only NIS500–700 (about US$90–140), depend on crossing into Jerusalem or Israel without a permit to find work.

"In mid-August 2002, I was returning in a Ford taxi at about 4.30pm with my brother and a friend. That day we had managed to find a day's work in Jerusalem. A Border Police jeep stopped the taxi on Okef Street in the Ein Yalo area in Jerusalem. The police asked for our identity cards. As soon as they noticed our green Palestinian identity cards, they pulled us out of the taxi. They threw us on the ground, searched us and started hitting us. We were then forced to stand with our hands up in the air for about 45 minutes. Altogether, the Border Police were holding nine Palestinians standing by the side of the road. There were also nine Border Policemen.

"One asked to leave as he had been standing there for a long time. Two policemen grabbed him and threw him down a slope next to the road and then ordered him to walk back up and return to his position. One policeman called out the name of Jabr, another Batir resident. The policeman asked him: 'Are you the one whose head hurts?' Jabr said: 'Yes'. The policeman asked: 'Exactly where does it hurt?' and Jabr pointed to an ear. The policeman struck him on that ear with his M16 and told him: 'That will make it heal quickly.' The policeman then called each of us one by one and ordered us to walk down the slope by the road. Four Border Policemen were waiting at the bottom. As I waited my turn, I heard those ahead being beaten. The four policemen beat me with truncheons. After about an hour-and-a-half, the policemen *took us to a remote area up the hill. They made us form two lines and surrounded us. The officer pointed to each of us one by one and said: 'I don't like the look of him.' Then the policemen would beat the one selected all over his body, using truncheons. The officer told us: 'This is the last time you enter Israel. You are prohibited from returning. We're going to let you go now. Next time, we'll kill you.' As we passed the policemen, they threw each of us on the ground and beat us again. Eventually only Jabr remained at the top of the hill. We watched from below as the nine border policemen beat him. I called the Israeli Police on my mobile. They told me that they would send a patrol. No one came. The Border Policemen beat Jabr for about half an hour. Afterwards, he could not walk properly. The Border Policemen asked us to fetch him, so we went and carried him away."*

A widespread punishment regularly meted out by soldiers at checkpoints is holding Palestinians on the spot for hours, with no shelter from sun or the rain, and in some cases placing men in metal cages.

On Monday 14 July 2003, the Israeli Women group Machsom Watch (Checkpoint Watch) were alerted at 10.00 am that Nasser Abu Joudeh from al-Arroub refugee camp was being

held inside a metal cage (base area of 1.2 square meters) at the Gush Etzion checkpoint (between Hebron and Bethlehem) since 6 am, and that some 30 others were also held at the same checkpoint since 5.30 am. After Machsom Watch contacted the Israeli Civil Administration, the detainee was eventually released from the cage at approximately 12.00 noon and the others were allowed to leave at 1.30 pm, that is, after up to seven hours in the sun and heat. The previous week two other Palestinians had also been held in the cage together at the same checkpoint, one for four hours and the other (aged 17) for seven hours.

The "separation barrier/fence/wall"

Wall near Qalqilya, October 2002. © Amnesty International

On 14 June 2002, the Israeli government announced that work would begin immediately on the construction of a wall/fence (usually referred to as the "separation barrier") along the perimeter of the West Bank, and north and south of Jerusalem (known as "the Jerusalem envelope"). The stated aim of the project is to prevent Palestinians crossing clandestinely from the West Bank into Israel, so as to prevent suicide bombings and other attacks. However, the barrier is not being constructed on the Green Line separating Israel from the West Bank. Most of it is being constructed on Palestinian land inside the West Bank - in some areas up to six or seven kilometres east of Green Line - in order to include some 10 Israeli settlements which are nearest to the Green Line. Construction of the first phase of the barrier (some 150 kilometres), in the northern West Bank governorates of Jenin, Tulkarem and Qalqilya and around parts of Jerusalem began in the summer of 2002 and was due for completion by July 2003, but is still ongoing. The course of the barrier has been altered even further eastwards in some locations so as to include more Israeli settlements.

Almost 400 km long and 30 to 100 meters wide, the barrier comprises - in addition to the fence or wall (depending on the area) - a complex of obstacles, including deep trenches to stop vehicles, electric warning fences, trace paths, patrol roads and roads to accommodate armoured vehicles.

In order to build the barrier, large areas of mostly cultivated Palestinian land have been destroyed, some 11,500 dunums (about 2,875 acres, or 11.5 square kilometres).[25] In addition, the barrier cuts off several Palestinian villages and large areas of Palestinian agricultural land from the rest of the West Bank, and separates other Palestinian villages and towns from the land of their inhabitants.

Israeli bulldozer destroying Palestinian agricultural land for the fence/wall, Mas'ha, August 2003 © Eyal Dor-Ofer

Village land seized

In 2002, the IDF informed landowners in Qafin, a village in Jenin governorate with a population of about 9,500, that 600 dunums of land was to be seized for five years on grounds of military necessity in order to build the security barrier. In September 2002, bulldozers began to clear the land, tearing down most of the olive trees before their owners had been able to harvest the crop. A month later, bare earth was all that remained of once productive agricultural land. The mayor, Taysir Harasheh, told Amnesty International delegates that, in the Qafin area, the barrier would lie three kilometres inside the West Bank and surround the

[25] *Ibid.*

village on three sides. 6,000 dunums, 60 per cent of the village's agricultural land, would eventually be on the other side of the barrier. There are thousands of olive trees on this land.

Nearly all of the 90 per cent of the active population in Qafin who used to work in Israel have now lost their jobs. The income from the olive harvest has become crucial for many residents.

The barrier has very serious economic and social consequences for over 200,000 Palestinians in nearby towns and villages. Some 15 Palestinian villages, home to some 12,000 Palestinians in the regions of Jenin, Tulkarem and Qalqilyia and dozens of homes in the northern neighbourhood of Bethlehem are being wedged in between the barrier and the Green Line. Some 19 other Palestinian communities, most of them in the Jenin, Tulkarem and Qalqilyia regions, are separated from their land by the barrier.[26]

The land in these areas is among the most fertile in the West Bank, with better water resources than elsewhere, and agriculture in the region constitutes the main source of income for the Palestinians - especially since those who used to work in Israel are no longer allowed to. The percentage of land used agriculturally is double the average in other parts of the West Bank, and the productivity of the land is substantially higher than elsewhere.

The stranded Palestinian residents of these areas have to cross the barrier at designated checkpoints to reach the rest of the West Bank to go to work, to tend to their fields, to sell their agricultural produce, and to access education and health centres in nearby towns. Non-residents will require special permits to be allowed into these areas.

The city of Qalqilya, home to more than 40,000 Palestinians, is completely walled in from all sides with a single checkpoint in and out of the city. This is in order for the barrier to encompass the Israeli settlements which lie to its north east and south east of Qalqilya.

On 8 May 2003, Amnesty International delegates visited Qalqilya. At the checkpoint at the entrance of the city they witnessed Palestinian non-residents of the city being denied entry. As usual with checkpoints, there appeared to be no set time for its opening and closing. The Israeli soldiers manning the checkpoint told the delegates that the checkpoint is usually open until 7 or 7.30 pm but on that day it would close at 5.30 pm. The delegates asked what would happen to the city's residents who had gone out and would come back after 5.30, expecting the checkpoint to be open. A soldier replied that they would have to stay outside until the following morning and added that most people know to come back early anyway just in case.

The experience of similar existing arrangements in other areas of the Occupied Territories which have been cut off from their surroundings (such as al-Mawasi and al-Sayafa areas in the Gaza Strip – see cases studies), and of the functioning of checkpoints in general, shows that it is impossible to maintain any semblance of normal life for Palestinians who live or own land in these enclaves.

[26] *Ibid.*

IDF warning saying "*Mortal Danger – Military Zone. Any person who passes or damages the fence endangers his life*" by the barrier/fence in Ras Attiya near Qalqilya, August 2003. © Palestinian Hydrology Group

In its response to a petition to the Israeli High Court challenging the seizure of land in al-Ras, Kafr Sur and Far'un, the Israeli government stated that it planned to "*reach an arrangement with the landowners that would enable them to cross the barrier, so that they can cultivate their land.*" In another case, before the Israeli High Court, the authorities have responded that owners of land west of the barrier will be issued with "special permits" allowing them to access their land through "agricultural gates".[27] The Israeli army informed UNSCO that there would be different agricultural gates, for persons, for agricultural vehicles, and for agricultural goods to be transported through the gates via the back-to-back system – requiring the off-loading and re-loading of the goods between two vehicles, one on each side of the gate.

[27] *Ibid.*

Around the Jerusalem area the wall, two sections of which have already been built, is being constructed so as to leave 13 Israeli settlements on the Israeli side and will close off the city completely, including occupied East Jerusalem, from the West Bank.

The Palestinian land on which the barrier is being built is requisitioned by the Israeli authorities for "military needs" and the seizure orders are generally "temporary", until the end of 2005, but can be renewed indefinitely. Over the decades Palestinian land "temporarily" seized by Israel has been used to build permanent structures, including settlements and roads for settlers, and has never been returned to its owners. In their response to a case before the Israeli High Court, the Israeli authorities have recognized that temporary seizure orders have been and may be used to establish permanent structures.[28]

The Israeli authorities refuse to provide advance information about the route of the barrier, and the affected Palestinians only learn about it when they receive the seizure orders for their land or when the works begin – which in some cases happened before the delivery of the seizure orders. The barrier's scheduled location in some areas was subsequently altered to encompass more Israeli settlements and Palestinian land,[29] and further changes may still occur in areas where the works are under way.

In addition to the barrier being constructed at the present time, a series of secondary trench-style barriers, known as "depth barriers" are due to be established in several areas to the east of the main barrier. These secondary barriers will create several additional enclaves, further isolating West Bank communities from one another, restricting the movements and affecting the livelihood of tens of thousands of Palestinians.

On grounds of security

Israel claims that the restrictions it imposes on the movement of Palestinians in the Occupied Territories are justified on security grounds, to protect Israelis from suicide bombings and other attacks by armed Palestinians. However, the number of Israeli and Palestinian victims of such attacks has continued to grow in the past three years. Palestinian armed groups have killed more than 750 Israeli civilians, including more than 90 children, and some 230 soldiers. More than 320 civilians and some 70 soldiers were killed inside Israel and 190 civilians and 166 soldiers were killed in the Occupied Territories.

The deliberate killings of civilians by Palestinian armed groups are unlawful and unacceptable and the Israeli authorities have not only a right but a duty to take necessary measures to protect Israelis from such attacks. However, the increasingly sweeping and stringent restrictions imposed indiscriminately on all Palestinians have not put a stop to the attacks. On the contrary, attacks intensified as restrictions on the movements of Palestinians

[28] *Ibid.*

[29] In the Tulkarem area after Palestinian land had been bulldozed and trees uprooted for the construction of the barrier, the route was altered and other land was similarly destroyed to build the barrier in its current location.

increased, calling into question the effectiveness of indiscriminate restrictions that treat every Palestinian as a security threat and punish entire communities for the crimes committed by a few people.

The sweeping and indiscriminate restrictions make normal activities – going to work, to school, to hospital, to visit family or friends – exhausting, expensive and potentially dangerous. Even though it may be possible to circumvent military roadblocks and blockades, someone who is ill may not be able or willing to undertake a lengthy and tortuous detour or chance being shot to reach a clinic.

Circumventing the closures

On 1 August 2002, a comprehensive closure was imposed in most of the West Bank in response to a bomb attack in the Hebrew University in Jerusalem that killed seven people and injured some 80 others. On 4 August 2002, two Amnesty International delegates travelled from Jerusalem to Nablus. Israeli soldiers at Huwara checkpoint outside Nablus did not allow them to enter the town, which, like the rest of the area, was under full curfew. The delegates were nonetheless able to reach Nablus by a 10-kilometre walk over the mountains to the west of the town. Since the closure and curfew were being strictly enforced and there was a risk that Israeli army tanks and watchtowers on surrounding mountains could open fire at anyone moving in the area, there were virtually no Palestinians using the same route. However, anyone prepared to make a long detour and take the risks involved had a realistic chance of reaching their destination.

On 1 November 2002, four Amnesty International delegates were able to enter Jenin, in spite of a strictly enforced curfew and closure, by taking a long detour around the army checkpoint. A few days earlier on 28 October 2002, Israeli soldiers eventually allowed two AI delegates to enter Tulkarem (after having initially said they could not enter) even, though there was a curfew which was being fairly strictly enforced. However, they were not allowed to enter Qalqilya, where there was no curfew in place. As is usually the case no explanation was provided by the soldiers as to why access was denied or allowed after an initial refusal. Nor were any security reasons apparent, especially since there is no record of international human rights activists having been involved in attacks or other action posing a security danger to others.

It is important to differentiate between restrictions on Palestinian movement from the Occupied Territories into Israel, and movement restrictions within the Occupied Territories. Movement restrictions may be necessary to prevent attackers entering Israel and carrying out suicide bombings and other attacks, though the appreciation as to the degree of restrictions needed may vary. However, it cannot be said that preventing or restricting the movement of Palestinians between Ramallah and Nablus is necessary to prevent attackers from entering Israel to carry out an attack in Jerusalem or Tel Aviv.

Yet closures and curfews are often justified on these grounds and are routinely imposed or tightened following Palestinian attacks inside Israel. Like the bombardments of PA buildings which usually follow Palestinian suicide bombings or other attacks, closures and curfews

often appear to be intended more as punishment or retaliation for attacks by Palestinians (both inside Israel and against Israeli settlers or soldiers in the Occupied Territories), as well as to show the Israeli public that the army is taking action. This is particularly obvious in the Gaza Strip, where Palestinians have rarely succeeded in crossing the surrounding electric fence into Israel. None of those who have carried out attacks inside Israel in recent years are known to have come from the Gaza Strip. Yet, in the wake of every major Palestinian attack inside Israel, the Israeli army usually attacks PA installations in Gaza, such as the airport, the sea port or police stations, most of which have been bombed several times.

Mostly the restrictions on the movement of Palestinians within the Occupied Territories are enforced to keep Palestinians away from Israeli settlements and from the roads used by the settlers. Checkpoints, roadblocks and blockades are mostly situated near settlements and settlers' roads (see chapter on Israeli settlements).

The impact on the Palestinians' right to work

"The unemployment rate is the highest amongst those recorded in the 2002 edition of the ILO Yearbook of Labour Statistics for the 2000-2002 period; very few countries have registered comparatively high rates of unemployment in situations of conflict".[30]

No Palestinian living in the Occupied Territories has escaped the impact of the severe restrictions on movement increasingly imposed by the Israeli army, especially in the past three years. The impact on their right to work and to an adequate standard of living, education and healthcare has been devastating and much more widespread but less well-documented than other human rights violations, such as killings, detentions or destruction of homes and property. Israel has destroyed millions of US dollars' worth of Palestinian property by demolishing homes, factories and businesses, razing agricultural land and uprooting trees.[31] However, the damage sustained through the less visible effects of loss of income has been even higher.

The relatively new Palestinian economy had struggled to develop in the 1990s within the constraints imposed by Israel on the movements of people and goods to and from the Occupied Territories, as well as within. In the past three years, it has been all but destroyed by the draconian extent and duration of the restrictions on movement imposed by the Israeli army. The domestic private sector has absorbed much of the shock to the economy.[32]

[30] *"The situation of workers in the occupied Arab territories"*, Report of the Director-General of the International Labour Office (ILO) to the International Labour Conference, 91st session, 2003.
[31] According to the World Bank physical damage resulting from the conflict reached US$ 728 million by the end of August 2002. See *"Two Years of Intifada, Closures and Palestinian Economic Crisis; An Assessment"*, March 2003, and *"Twenty-Seven Months - Intifada, Closures and Palestinian Economic Crisis; An Assessment"*, May 2003..
[32] Ibid. (All 3 above reports)

Unemployment sharply increased from some 10 per cent in 2000 to over 40 per cent in 2002 and over 30 percent in 2003.[33] Loss of income from work has in turn caused a steep rise in poverty. The World Bank estimates that about 60 per cent of the Palestinian population is living below the poverty line of US$2.1 per day and that real per capita food consumption has dropped by up to 30 per cent in the past three years.[34] The dramatic decline in the standard of living among Palestinians in the Occupied Territories has led to increased malnutrition. More people become ill but have less access to appropriate medical treatment. Education has been negatively affected. In most areas, children and youths from kindergarten to university level have missed about half of their classes in the academic year that started in September 2002. The Israeli army has closed some universities altogether. Such a decrease in access to education will negatively affect the long term professional development and future prospects of Palestinian children and youth.[35]

High unemployment and poverty rates are a direct consequence of restrictions on movement. They have deprived hundreds of thousands of Palestinians of their potential to work with dignity and to support themselves and their families. Israel has contravened its obligations under international human rights and humanitarian law to guarantee the right to freedom of movement, the right to work and the right to an adequate standard of living.

"No one is starving in the Gaza Strip and the West Bank. International organizations including UNWRA and the Red Cross operate extensively in the territories."
Colonel Shimshon Arbel, Head of Information and Coordination of Government Activities in the Occupied Territories.[36]

Israeli officials have acknowledged that closures and curfews have had a severe impact on the Palestinian economy and living conditions. However, Israel has relied on international humanitarian organizations, such as UNRWA and the ICRC, to ensure the survival of a significant percentage of the Palestinian population of the Occupied Territories. Despite this, the Israeli army has frequently hindered the work of aid organizations.[37] Furthermore, charity and humanitarian assistance do not absolve Israel from its obligation to guarantee

[33] *Ibid.* This includes discouraged workers who no longer see any point in seeking work.
[34] *Ibid.*
[35] Hebron University and the Palestinian Polytechnic in Ein Khair al-Din were been closed by a military order on 14 January 2003. The original order, for two weeks, has since been renewed for another six months. In October 2002, Pierre Poupard, UNICEF special representative, said that at least 580 schools had been closed as a result of curfews and closures.
[36] In an interview with Israel Radio on 13 October 2002.
[37] Organizations which provide humanitarian assistance to the Palestinian population in the Occupied Territories have repeatedly complained about movement restrictions which have impeded their activities and curtailed their ability to carry out their tasks efficiently. See for example the report of Catherine Bertini, Personal Humanitarian Envoy of the UN Secretary-General, 11-19 August 2002, paras. 70–81. Also, the statement by the UN agency workers (Statement attributable to international UN workers operating in the Occupied Palestinian Territory) of 3 December 2002, and the statement issued on 15 March 2003 by the World Health Organization (WHO) and other international and local organizations.

Palestinians' right to work under international law, so that they can feed themselves. As Palestinians have increasingly been forced to rely on handouts to meet their basic needs, feelings of hopelessness and alienation have grown, damaging the structure of society and fuelling resentment. The lack of prospects, in a predominantly youthful community, has contributed to increased radicalization and violence.

Amnesty International has interviewed scores of people who have been deprived of the right to work and to an adequate standard of living. Some of their accounts are highlighted in the sections below on employment, women's right to work, rural populations, and poverty and malnutrition. Others appear in the Case Studies of different parts of the Occupied Territories in the appendix to this report.

The right to work

The impact of the restrictions on the movement of Palestinians on economic, social and cultural rights in the Occupied Territories – including the right to work – has been a recurrent concern for the Committee on Economic, Social and Cultural Rights (the UN body that examines states' implementation of the International Covenant on Economic, Social and Cultural Rights, (CESCR)). This was already the case prior to the increased restrictions imposed by Israel in the past three years. In its conclusions on Israel's initial report in 1998, the Committee expressed concern that the emphasis on security considerations, including in policies on closures, had hampered the realization of those rights:

> *"The Committee notes with grave concern the severe consequences of closure on the Palestinian population... Workers from the occupied territories are prevented from reaching their workplaces, depriving them of income and livelihood and the enjoyment of their rights under the Covenant. Poverty and lack of food aggravated by closures particularly affect children, pregnant women and the elderly who are most vulnerable to malnutrition."*[38]

The Committee urged Israel to respect the right to self-determination as recognized in article 1 (2) of the CESCR, which provides that *"in no way may a people be deprived of its own means of subsistence"*. It stated: *"Closure restricts the movement of people and goods, cutting off access to external markets and to income derived from employment and livelihood."*[39]

The Committee also described Israel as perpetrating *"continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted by the State party to restrict the movement of civilians between points*

[38] E/C.12/1/Add.27, para. 18, 31/08/2001.
[39] E/C.12/1/Add.27, para. 39.

within and outside the occupied territories, severing their access to food, water, health care, education and work."[40]

In May 2003, the Committee stated that it continued "*... to be gravely concerned about the deplorable living conditions of the Palestinians in the occupied territories, who – as a result of the continuing occupation and subsequent measures of closures, extended curfews, road blocks and security checkpoints – suffer from impingement of their enjoyment of economic, social and cultural rights enshrined in the Covenant, in particular access to work, land, water, health care, education and food*".[41]

Restrictions imposed by Israel on movement contravene its obligation to secure Palestinians' right to work. Closures and curfews, in particular, have regularly prevented thousands of people from reaching their places of work in the West Bank and Gaza Strip. Quality of employment has also been affected as Palestinians have no choice but to opt for casual jobs or to work for substantially reduced wages.

Israel has failed to fulfil the right to work in the Occupied Territories. Article 6(2) of the CESCR specifically requires Israel to "take steps to ... achieve the full realization of [the right to work] and ... full and productive employment under conditions safeguarding fundamental and economic freedoms to the individual". The consequence of measures to restrict movement between and within the Occupied Territories is the creation of unemployment, the antithesis of full and productive employment.

Thousands of Palestinians became unemployed in October 2000, after Israel cancelled work permits for Palestinian workers to enter Israel and East Jerusalem. Since then Israel has made no serious attempts to facilitate the creation of alternative work. On the contrary, its restrictions on movement in the Occupied Territories have dramatically reduced the employment opportunities which existed and prevented the creation of new ones. A small percentage of Palestinians are granted permits to enter Israel – for work, medical treatment, visits to relatives or travel abroad. However, they are extremely difficult to obtain, have time limits (often of a single day or even a few hours), and are often cancelled without notice.

The right to an adequate standard of living

"The right to food in the occupied territories had been seriously violated with a number of households suffering from chronic malnutrition"
UN Special Rapporteur on the right to food, Jean Ziegler, 15 July 2003[42]

Restrictions on movement contravene Israel's obligation to take steps to ensure the right to an adequate standard of living. They obstruct Palestinians' ability to work and undermine their livelihoods. As a consequence, some Palestinians cannot obtain clean and sufficient water or food of a quantity and quality to meet their dietary needs.

[40] E/C.12/1/Add.69, para. 13.
[41] E/C.12/1/Add.90, para 19, 23 May 2003.
[42] UN Seminar on Assistance to the Palestinian People, Geneva, 15 July 2003.

Many families have been forced to sell assets, borrow from relatives and friends, purchase food on credit, and ultimately to cut consumption of essentials, including food. Such coping mechanisms have been eroded with the protracted and worsening economic crisis and, in an increasing number of families, shortages are now manifesting as malnutrition.

Freedom from inhuman or degrading treatment or punishment

The nature and severity of the suffering inflicted by the systematic practices of closures and curfews in the Occupied Territories is so grave that it may amount to cruel, inhuman or degrading treatment or punishment, particularly as it is discriminatory.

In 2001, the UN Committee against Torture, which monitors states' compliance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, expressed concern that Israeli policies on closure might, in certain instances, contravene Article 16, which prohibits cruel, inhuman or degrading treatment or punishment.[43] It recommended that Israel should desist from such policies where they offended Article 16.[44] However, since then the extent of the closures imposed by Israel in the Occupied Territories has substantially increased, increasingly confining Palestinians to a form of house or town arrest.

Unemployment

Prior to the outbreak of the *intifada*, 516,000 Palestinians were working in areas controlled by the Palestinian Authority[45], while some 110,000 Palestinians from the Gaza Strip and West Bank were working in Israel, on settlements and in Israeli-controlled industrial zones.[46] Since 1998, unemployment had been steadily decreasing. In the third quarter of 2000, the standard unemployment rate was 10 per cent, 7.5 per cent in the West Bank and 15.5 per cent in the Gaza Strip.[47]

In October 2000, most Palestinians working in Israel or on the settlements lost their jobs. A comprehensive closure of Israel and Jerusalem was declared and all work permits were cancelled. Israeli army checkpoints on routes to Israel and the settlements prevented or discouraged employees from trying to go to work clandestinely. Employment in Israel picked

[43] CAT/C/XXVII/Concl. 5, para. 6 (i).
[44] Ibid. para. 7 (g).
[45] According to the Labour Force Survey of the Palestinian Central Bureau of Statistics (PCBS) for the third quarter of 2000.
[46] 40,000 had permits to work in Israel and nearly 15,000 had permits to work in the settlements and industrial zones. 24,370 workers from the Gaza Strip had valid permits. Only 16,500 workers from the West Bank had valid permits but it was estimated that up to 60,000 clandestine workers were working illegally in Israel.
[47] Employment statistics are based on PCBS Labour Force Surveys and include Palestinian residents of East Jerusalem, unless otherwise stated.

up again in the first half of 2001, though most of the Palestinian workers who were able to return to work in Israel have done so without permits. With the redeployment of the Israeli army in most West Bank towns in early 2002 and the imposition of prolonged curfews, the number dropped again and has continued to fluctuate.[48]

Loss of jobs in Israel, where wages are much higher than in the Occupied Territories, has been followed by a reduction in demand for goods and services in the Occupied Territories. Palestinian businesses have faced grave problems as a result. Closures and curfews have disrupted the import and transport of raw materials, creating shortages and sharp price increases. Businesses have extreme difficulty in exporting their products, transporting them between the West Bank and Gaza, and even moving them short distances to local markets. Perishable foodstuffs spoil when repeatedly handled and delayed at checkpoints or border crossings, making them unmarketable or reducing their price.

Closure of quarries and factories

'Omar Ahmad Kababji, aged 56, owns a stone factory in Nablus and supports his wife and seven children. Before the *intifada*, the factory employed five workers to produce stone building blocks for markets in the West Bank and in Israel. The raw materials come from stone quarries near Nablus. 'Omar Kababji had to close the factory and lay off the workers after the Israeli army blocked off the main roads and back roads into Nablus at the beginning of the *intifada*. Transport of the raw materials and finished stone became impossible. All 85 quarries and stone factories in the Nablus governorate were forced to close. 'Omar Kababji now has no income and is unsure whether he will be able to find the fees to continue his sons' university education.

Transport costs have soared, in particular because of the "back-to-back" system, where at least two trucks are required to transfer goods from one destination to another. In addition to the extra cost of using more trucks, unloading and reloading goods takes time and drivers often have to hire extra help, especially if the merchandise is heavy. Goods are often damaged in the process. One lorry can no longer make several deliveries to different towns and villages in one journey.

Over the longer term, there has been very little internal or external investment due to lack of business confidence. All these factors have resulted in reduced demand for workers in the domestic market. By the second quarter of 2002, 418,000 Palestinians were employed in the domestic economy, a fall of nearly 100,000 from before the *intifada*, largely as a result of closures and curfews. Most job losses have been in the private sector, the sector of the

[48] According to the PCBS, about 43,000 people with West Bank identity cards and 2,000 Gazans were working in Israel, settlements and industrial zones in the third quarter of 2001. Those from the West Bank were almost all clandestine workers, who had taken advantage of a slight easing of the closures to return to work. With the intensification of movement restrictions by the IDF at the end of 2001 and the first half of 2002, the number of workers with West Bank identity cards in Israel declined again. In the second quarter of 2002, when the IDF reoccupied major Palestinians towns and imposed blanket curfews, the number had dropped to 15,000.

Palestinian economy which had demanded particular efforts, including the investment of private individuals, to develop.

The Occupied Territories has one of the highest rates of population growth in the world, creating huge pressures on the job market. Since the beginning of the *intifada*, the population of working age (over 15 years) has increased by more than 155,000. Youth unemployment has risen significantly. In the fourth quarter of 2000, the standard International Labour Organization (ILO) unemployment rate rose sharply to 28.3 per cent – 35.5 per cent in Gaza and 22.2 per cent in the West Bank. After a slight decline in the first half of 2001, unemployment began to rise again. There was a dramatic increase in the second quarter of 2002, when 17,000 jobs in the West Bank were lost and the unemployment rate rose to 36.9 per cent, mainly because of the Israeli incursions, blanket curfews and severe restrictions on movement between the northern, southern and central Gaza Strip. By the second quarter of 2002, the standard International Labour Organization (ILO) rate was 49.9 percent in Gaza (20–24 year-olds) and 35.8 percent in the West Bank.

Many "discouraged workers" have left the labour force because they have given up hope of finding a job.[49] The labour force participation rate (the labour force expressed as a percentage of the working age population) fell from 43.5 per cent in the third quarter of 2000 to 36.9 per cent in the second quarter of 2002. Adjusted unemployment rates, which take account of "discouraged workers", show overall unemployment at 35.3 per cent in the third quarter of 2001, rising to close to 50 per cent by the second quarter of 2002.

Since the Israeli army invaded West Bank towns in March 2002, the unemployment rate has fluctuated according to the extent of curfews. UNSCO has argued that the unemployment estimates for the second quarter of 2002 produced by the Palestinian Central Bureau of Statistics (PCBS) should be seen as conservative as they are based on areas to which PCBS field workers could gain access.[50] UNSCO estimated that, in the non-Jerusalem West Bank, the adjusted unemployment rate at times rose as high as 63.3 per cent in the second quarter in 2002.

[49] The ILO standard unemployment rate does not take account of "discouraged" workers, people of working age who are not actively seeking work and therefore not counted as unemployed under the standard ILO definition.

[50] UNSCO states: "*In order to understand what happened to the labour market in Q2-2002, the PCBS estimates for ILO unemployment must be explained. First, this number was obtained from a survey that selected 7,559 households, but to which only 4,508 households were able to respond. That is a 60 per cent response rate; average response rates typically exceed 85 per cent. The results of the survey, therefore, should be understood to be valid for those areas to which the PCBS had access, on days that those areas were accessible. Therefore, this ILO unemployment rate must be understood to be valid for those areas to which the PCBS had access, on days that those areas were accessible. Therefore this ILO unemployment rate must be understood to reflect reality in some of the places, some of the time – or, in more basic terms, in the economically active areas during relatively favourable time periods.*" UNSCO, " UN New economic figures for West Bank and Gaza show rapid deterioration leading to human catastrophe," 29 August 2002.

In addition to increased unemployment, there has been a huge increase in underemployment and a significant drop in wages. Those who still have jobs have often been unable to reach their workplaces due to curfews and closures. For labourers who are paid on a daily basis, failure to show up for work means loss of a day's wages, as well as an increased risk that their place will be filled by others.

In 2002, the ILO Director General expressed his concern that child labour is likely to have increased during the *intifada* as "impoverished families seek all possible means of adding to household income". Information on child labour in the Occupied Territories is scarce. There do appear to be more boys involved in peddling in Gaza and the West Bank than before the *intifada*, particularly near busy checkpoints and roadblocks.

Child peddlers

Ramzi Muhammad Yusef, aged 14, lives in Beit 'Anun village in Hebron governorate. In October 2002, he was earning about NIS20 (about US$4) a day at the Beit 'Anun roadblock, carting goods across Road 60 for Palestinians forbidden to drive there. In the previous week, he had worked three afternoons to cover the costs of going to school. His father had lost his job as a driver in a quarry in Sa'ir at the start of the *intifada*, after closure prevented the quarry from transporting stone out of the area.

Muhammad Jihad 'Isa, aged 12, lives in Bani Na'im village, Hebron governorate. He works in Beit 'Anun, selling socks from early morning until 4pm and making about NIS10–15 (about US$2–3) daily. In October 2002, he had been working for about a year and had stopped attending school. His work helped support his family. His father had lost work as a labourer in Israel at the start of the *intifada*.

Women's right to work

Restrictions on movement have had a particular effect on Palestinian women. Historically, their participation in the labour force has been low, but before the *intifada* it had risen to 15.8 per cent of women aged over 25 years. This trend has since reversed and, by the end of 2002, women's participation had declined to 10.4 per cent.

Women who work outside the home normally remain responsible for taking care of family members. Such working women cannot afford the increased loss of time and energy in long and dangerous journeys to and from work caused by checkpoints, roadblocks, curfews and closures. They have additional domestic tasks, such as preparing food and childcare. Working mothers have the further anxiety of being unable to return home to care for their children because of a closed checkpoint or unexpected curfew.

Unable to get home from work

Fatima is a physician who lives in Ramallah in the West Bank with her husband and two children. She holds a Jerusalem identity card but her husband does not, so they cannot live in Jerusalem. The Israeli authorities have not issued him with a family reunification permit to live in Jerusalem despite years of applications. Fatima Salameh works the night shift in a Jerusalem hospital. In the past two years, she has left home early in the afternoon (often by

2.30 to 3pm) to make sure of getting through the long queues of Palestinians at Qalandia checkpoint to reach Jerusalem in time for work. When it is impossible to get home because of a closure or curfew, she has to return to Jerusalem and try to stay with friends. Often, by the time she gets back to Jerusalem, her friends have gone to work and cannot be contacted, and she has to pay for a hotel room, all the time worrying about her children in Ramallah.

Nadia, also a Jerusalem resident, has been married for 10 years but to date has not been able to obtain a family reunification permit for her husband to live with her in Jerusalem. Therefore, the couple has no choice but to live in the West Bank. Two years ago Nadia gave up her job in Jerusalem because she could no longer cope with at best long delays at the checkpoints every day on her way to and from work, and often could not get to work or could not return home because of the closures.

Palestinian women endure the worst of unemployment and poverty. They normally have the responsibility of eking out a small income to feed their families, and are expected to be the primary source of care for the family. The overall increase in unemployment has reduced their prospect for employment while, at the same time, the increase in male unemployment has increased the pressure on women who do not normally work outside the home to find employment. In a society in which men have traditionally been the breadwinners and where women who work outside the home usually do so in skilled positions, more women have been forced to do menial or casual low-paid jobs. This has increased tensions within the family. As the Palestinian Women's Centre for Legal Aid and Counselling states:

"This sudden and involuntary reversal of gender roles disturbs the stability of intra-family relationships, and puts women in a perilous position. Many men resort to violent means to assert their control over the family, feeling insecure about their status in the family, and frustrated by feelings of helplessness and powerlessness."

Many Palestinian institutions have observed that, as often occurs in times of violent conflict and social instability, domestic violence against Palestinian women is on the rise, mirroring the rise in the level of violence occurring outside the home.

Women are particularly reliant on their own families as a source of emotional support. Those who marry someone from outside their home community often move to live in their husband's town or village. Many have found themselves increasingly isolated as the expense and difficulty of travelling has cut them off from their own families.

Prevented from travelling to work

Wafa' Akram Masri, aged 42, is responsible for supporting her mother and sister, and also helps her unemployed brother and his family. She has worked for 22 years in the Sukhtian factory, which manufactures household cleaners, and was earning a monthly salary of NIS1,600 (about US$320) before the IDF invaded Nablus in April 2002. Since then, 24-hour curfews have caused frequent stoppages at the factory and a fall in turnover. Now she is paid on a daily basis and loses a day's wages if she misses work because of a curfew. She cannot reach the factory in the western part of the city from her home on the eastern side when there

is a curfew on either side of the city. She is fortunate to have kept her job. Out of four male and six female workers before the *intifada*, seven have been laid off since April 2002.

Wafa' Masri has a disability in her left leg, from being shot by IDF soldiers during the first *intifada*, and finds walking difficult. However, she often has no choice but to walk part of the way to work. Even when public transport is running, she may have to cross IDF roadblocks on foot. On 7 October 2002, Israeli soldiers opened fire and threw sound bombs when she and other workers were trying to cross the roadblock near the governorate building.

Rural populations

Rural areas of the West Bank have been particularly badly hit by job losses in Israel. The majority of West Bank inhabitants working in Israel were unskilled workers from the villages. Now, most are without work. With a smaller number of jobs available in the Palestinian economy, and most of those in towns that may be difficult to access, there are few opportunities to earn a living in rural areas. Families in rural areas traditionally turn to farming in times of rising unemployment and declining incomes, but farm incomes are shrinking and some operate at a loss.

Most farmers' problems are caused by restrictions on movement.[51] The weather and the seasons do not wait for curfews and closures to end. In many areas, farmers do not have regular access to their land. If it is within a closed military area near a settlement, they may be barred from it or fear attack by settlers or the army. Loss of access at key times of the year may result in crops being lost, damaged or severely reduced in yield.

Expenditure on agricultural inputs – such as fertilizers, pesticides and animal feed – has risen sharply, as suppliers have passed on increased transport costs. Some such products are no longer available or farmers cannot afford to buy them. Some villages are not connected to a water network and farmers have to buy water for personal use, for their livestock and to irrigate their land. The price of water has increased on average by 80 per cent, according to the international non-governmental organization Oxfam, because of increased transport costs. Regular supplies cannot be assured when villages are sealed off by the IDF. Some people simply cannot afford to buy adequate amounts of potable water for their own use, let alone for their livestock. Farmers have sold off productive assets, such as livestock and even land, because they need money to support their basic, immediate needs. This jeopardizes their long-term prospects even when economic conditions improve.

In many cases, the prices that farmers can obtain for their produce have fallen. Frequent closures of border crossings have deprived farmers in the Occupied Territories of markets in Israel and abroad. Many farmers can only sell their produce locally because of curfews and internal closures within the Occupied Territories. However, few people have money to spend

[51] Oxfam International, *Forgotten villages: Struggling to survive under closure in the West Bank*, September 2002.

and there is little local demand. Often the result is a flooded market and a price collapse in one area and a price increase due to shortages in another area.

For example, the 2002 olive harvest was particularly bountiful, but the closures often made it difficult or impossible for the farmers to market their produce. Humanitarian agencies and organizations set up projects to buy the olive oil from the farmers and distribute it to other areas in the Occupied Territories. However, these projects were also hampered by closures and restrictions on movement.[52]

Retirement prospects dashed

Jamil 'Abd al-Rahman Muhammad al-Ghoul, aged 64, bought 25 dunums of land in al-Sayafa for 65,000 Jordanian Dinar (JD) (about US$92,300) in 1987. He used his part of his retirement payment from UNRWA to invest, with his sons, in his land in al-Sayafa in the Gaza Strip. They spent about JD40,000 (about US$56,800) building a small house, preparing the land and planting trees. In 1995 they planted 10 dunums with lemons and clementines. The trees made a loss in 2001 instead of an expected profit of JD3,000–4,000 (about US$4,260–5,680) because of transport problems and a collapse in prices. To continue irrigating the trees costs NIS120 (about US$24) a day in diesel, which has doubled in price since the start of the *intifada*. They grow slowly because it is impossible to bring in fertilizer and manure. He lives in constant fear that his land will be bulldozed.

Jamil al-Ghoul's wife and 16-year-old daughter, Rima, used to live with him in al-Sayafa but moved to Gaza city in early 2002 to ensure Rima could attend school regularly.

Poverty and malnutrition

For the vast majority of Palestinians, wage employment is the principal source of household income. There is no unemployment benefit system in the Occupied Territories. An unemployed person's only means of support are from family or community networks and the limited assistance available from UNRWA (normally only available for Palestinian refugees), the PA's Ministry of Social Welfare, and charitable and humanitarian organizations. The traditionally strong system of mutual support among family members is under severe strain. As unemployment increases, the number of people dependent on every wage earner has increased.

Dependent on relief

'Abed Mansur Manasra, aged 36, lives in Shaja'iyeh in Gaza city. He is married with four children, and also supports his aunt, who is ill, and two brothers, one unemployed and the other studying. Before the *intifada*, he worked in Israel in the construction industry, as a day labourer, earning NIS150–200 (about US$30–40) per day. He has not worked since Israel imposed a general closure and cancelled Palestinians' work permits for Israel. In August 2002, he heard that Israel was increasing the number of permits for workers from the Gaza

[52] See for example the World Food Programme (WFP) Emergency Report No. 24 of 13 Jun 2003.

Strip and went to Erez Crossing to apply for a new magnetic card, the first step to acquiring a permit. The General Security Officer refused to issue him a card, without explanation.

At first 'Abed Manasra lived on his savings. Now there is no money left. He has been unable to find any work in the construction business. He cannot pay his rent and owes more than NIS7,000 (about US$1,400) for unpaid water and electricity bills. He and his family survive on the food distributions occasionally organized by the Palestinian General Federation of Trade Unions. Every two to three months, they are entitled to receive a 25kg sack of flour from the Ministry of Social Welfare. His main difficulty is finding the money to buy medicine for his sick aunt.

The dramatic drop in employment and income levels is the main cause of growing poverty in the Occupied Territories. At a poverty level set by the World Bank at US$2.1 per day in the Occupied Territories, 33 per cent of the population were living on less than that amount in 2000 and 46 per cent in 2001. The World Bank now estimates that some 60 percent of the Palestinian population – over 70 per cent in certain areas of the Gaza Strip - is living below the poverty level.

Earnings plummet

Daoud Fakhouri is a taxi driver, married with eight children and living in Hebron city. Before the *intifada*, he made NIS250 (about US$50) daily on the Hebron–Ramallah route. Now that the roads are closed, he is confined to Hebron and carries passengers between Hebron and Beit 'Anun, a distance of only five to six kilometres. He earns only NIS100 (about US$20) daily. One third goes to the costs of renting the taxi and one third for overheads. Travelling on tracks and secondary roads has increased his maintenance costs. His repair costs were normally NIS500–1,000 (about US$100–200) monthly. In September 2002 he spent NIS2,500 (about US$500) on repairs. The Fakhouri family is left with about NIS30 (about US$6.00) a day on which to live, the same as the daily cost of sending the children to school.

Israeli officials have argued that "[n]o one is starving in the Gaza Strip and the West Bank".[53] In fact, there is growing evidence that declining incomes amongst Palestinians are a primary cause of acute and chronic malnutrition in young children. In October 2002, the international humanitarian organization, CARE, published findings of a nutritional assessment conducted in the Occupied Territories in July and August 2002 that showed high rates of both short and long-term malnutrition.[54] A household survey by CARE that monitored

[53] Colonel Shimshon Arbel, see footnote 36.

[54] Among 936 children surveyed, aged between 6 and 59 months, 13.3 per cent of children in the Gaza Strip and 4.3 per cent in the West Bank were suffering from global acute malnutrition: acute malnutrition or wasting that reflects inadequate nutrition in the short-term period preceding the survey (in a normally nourished population, the rate would be 2.3 per cent). The assessment found that 17.5 per cent of children in the Gaza Strip and 7.9 per cent of children in the West Bank were suffering from global chronic malnutrition: chronic malnutrition or stunting that indicates past growth failure, implying a state of longer term under nutrition.

regular trends in food security, indicated that households were cutting down on how much food they ate because of lack of money and the curfews.[55]

Ra'ed Hussein Matur, aged 28, lives in Beit 'Anun, near Hebron city. Before the *intifada*, he worked as a cleaner for two years in an Israeli public school in Malkat Kiryat Noah. He did not have a work permit. He recently married and he and his brother, who peddles socks in Bethlehem, are the only members of the 14-member household who are working.

For many months Ra'ed Hussein Matur used his savings to support his family. After his money ran out, he bought a handcart and started working in Beit 'Anun. The village is divided by Road 60, which Palestinians may not use. They cannot even drive across it at Beit 'Anun junction, which links Hebron city to the villages east of Beit 'Anun, Sa'ir and al-Shyoukh. To travel between these villages and Hebron, Palestinians must get out of taxis or their private cars on one side of Beit 'Anun and cross on foot to the other side of the road. Merchandise of all kinds is transported across the road in donkey carts, hand carts and wheelbarrows.

Now Ra'ed Matur pushes his handcart all day from one side of the road to the other. He earns NIS20–50 (about US$4–10) a day. When the IDF imposes a curfew on Hebron city or stops Palestinians from walking across the road, there is no work.

Israeli settlements and human rights abuses in the Occupied Territories

Since its occupation of the West Bank and Gaza Strip, successive Israeli governments have actively promoted the creation or expansion of Israeli settlements in these areas, including through the provision of generous grants and financial benefits and incentives. Such actions contravene Article 49 of the Fourth Geneva Convention, which prohibits an occupying power from transferring its nationals into occupied territory. The establishment and continuing expansion of settlements have repeatedly been condemned as illegal by the UN Security Council and other UN bodies, as well as by many states.

There are 17 Israeli settlements in the Gaza Strip inhabited by some 5-6.000 settlers and 123 officially recognized settlements, containing some 198.000 settlers, in the West Bank. There are also a fluctuating number of small, unrecognized settlements, known as "outposts". Even though these "outposts" are unauthorized by the Israeli authorities, Israeli soldiers are sent to guard them around the clock. In 2002, attempts by the Israeli army to dismantle some of these "outposts" resulted in confrontations between the soldiers and the settlers, some of whom returned to the site soon after having been evacuated by the army.

[55] Of 2,240 households surveyed, 55.5 per cent said they had reduced their food intake for more than one day during the previous two weeks, especially more expensive food, such as meat, fish and chicken. In the West Bank, lack of money and curfews were the main reasons given. In the Gaza Strip, lack of money was the main reason given.

Some settlements have fewer than 100 residents. Others, such as Ariel, with a population of about 16,000, are established, well-resourced towns. Many started as unauthorized "outposts", others as religious schools and others still were army bases which were later given to settlers.

These settlements are spread throughout the West Bank and Gaza Strip, connected by extensive networks of recently built roads which crisscross the Occupied Territories, north to south and east to west. Israeli settlements and settler roads surround all the major Palestinian cities and many villages, making it impossible for Palestinians to travel very far without passing close to an Israeli settlement or a road used by settlers.

The settlements' position has ensured that there is no territorial contiguity between Palestinian communities in different areas of the Occupied Territories. For example, the built up area of Nablus, including eight villages and two refugee camps, with a total population of about 184,000 Palestinians, is surrounded by eight settlements inhabited by some 6,000 Israelis. Palestinian villages such as Bidya, Kafr Thult, Azun and Hable are islands, their contiguity broken by the land controlled by a large number of Israeli settlements and a new settler road to the south built after the Oslo Agreements.

Israeli settlements in the West Bank and Gaza have long been points of tension. Confrontations between Israeli settlers and local Palestinians have often occurred both because the Palestinians resent the establishment of Israeli settlements on their land and because Israeli settlers have often attacked local Palestinian residents and their properties, to push them off their land. The rapid spread of settlements and related infrastructure, notably the connecting roads, in the past decade, has resulted in a multiplication of such tension points.

Throughout the 1990s, Palestinian hopes that the peace process would lead to an independent Palestinian state were dashed by the spread and growth of settlements and infrastructure, which were built on their land and used their water and other resources. Palestinians' frustrations grew as more and more of their land was seized, in theory "temporarily" and for "security" needs, to build a network of roads to bypass Palestinian villages and connect the settlements to each other and to Israel.

"The Israeli army comes with a 'temporary' seizure order valid for five years, uproots the olive trees that someone's great-grand-parents had planted more than 100 years ago, bulldozes the land flat and in its place builds a tarmac road for the nearby settlements. Who is supposed to believe that there is anything temporary about it? Indeed other roads built on land 'temporarily' seized 20 years ago are still there".
Jeff Halper, The Israeli Committee Against House Demolitions

As tension increased so did Palestinian attacks on Israeli settlers in the Occupied Territories. Since the beginning of the *intifada*, attacks on settlers by armed Palestinian groups have dramatically increased, mainly in drive-by shootings on the roads, resulting in the killings of some 190 Israeli civilians and the injury of many others. Attacks by settlers on Palestinians and their property have also increased. Several Palestinians have been killed by Israeli settlers and scores of others have been killed by the Israeli army near settlements or settlers' roads in situations where they posed no danger to the lives of Israelis.

The Israeli army has multiplied measures to prevent Palestinians from coming into physical proximity with settlers, maximizing settlers' freedom of movement at the cost of freedom of movement for Palestinians. Even though only a very small percentage of Palestinians have been engaged in attacks against Israeli settlers or soldiers, every Palestinian is regarded as a potential attacker. To ensure the freedom of movement of some 380,000 Israeli settlers, the Israeli army has increasingly confined more than three million Palestinians to some form of house, village or town arrest.

Israeli Prime Minister Ariel Sharon described Israeli policy in June 2002, after a series of drive-by shootings. Israel Radio reported him telling West Bank military commanders, "[R]*ight now, roads are the main security problem ... Palestinians must not be allowed to feel they can safely use these roads. They have to know they may be surprised at any movement and face an endless variety of situations.*"

Discrimination against Palestinians

"*... States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of...civil rights, in particular...*[t]*he right to freedom of movement and residence within the border of the State ...*"

International Convention on the Elimination of All Forms of Racial Discrimination (Article 5)

Closures, curfews and movement restrictions inside the Occupied Territories are fundamentally discriminatory. They are imposed on the Palestinian population alone, and not on Israeli settlers, and are often imposed on Palestinians for the benefit of Israeli settlers. Even on occasions when Israeli settlers have initiated confrontations, attacking Palestinians or destroying their property, the Israeli army invariably imposes closures, curfews or other restrictions on the Palestinians, including by declaring a closed military area and excluding them from it.

Palestinians' fear of settler violence also restricts their movement, particularly in villages near land controlled by settlements or in the H-2 area of Hebron. This results from the failure of the Israeli security forces to exercise due diligence in responding to human rights abuses by Israeli settlers against Palestinians. Investigation and prosecution of those responsible for such abuses are extremely rare. Most Palestinians seek to avoid confrontations with settlers, aware that settlers generally enjoy impunity for abuses against Palestinians and that the Israeli security forces are unlikely to provide protection to Palestinians. In the past three years at least two Palestinians have been killed while working on their land, apparently by Israeli settlers. Palestinians living in villages near settlements avoid going to their land, even to tend their crops, if there have been acts of intimidation in the area by settlers, such as firing at Palestinians or into the air.

In October and November 2000, Palestinian farmers in many villages did not bring in the olive harvest because they feared attack by settlers, even though the expected bumper crop

was particularly important in the dire economic situation. In 2002, the UNRWA and the Land Defence Committee, a local human rights organization, recorded incidents of violence and intimidation against Palestinian olive pickers in 113 villages in the West Bank.

Israeli settlers' attacks on Palestinian olive pickers

On 6 October 2002, Israeli settlers, apparently from the nearby settlement of Itamar, opened fire on farmers from the village of 'Aqraba, Nablus governorate, as they picked their olives, killing Hani Bani Maniyeh, aged 22, and injuring Fahdi Fadil Bani Jaber.

About 150 people, the entire population of Yanun, a small village near 'Aqraba, abandoned their homes in October 2002 because of settler attacks. Some families returned to the village later in the month under the protection of Israeli and international peace activists.

On 21 October 2002, Israeli settlers from nearby settlements attacked Palestinian farmers who were picking their olives in the West Bank village of Turmus Aya (off Road No 60, between Jerusalem and Nablus). Palestinian farmers told Amnesty International delegates that a group of Israeli settlers came to their fields and threatened to shoot them if they did not leave. When the Palestinians, fearing that if they left the settlers would steal their olives or burn their olive trees, refused to leave, the settlers set fire to seven of their cars. When the Amnesty International delegates visited the place on 26 October 2002, the seven burned cars were still there. As the delegates were finishing interviewing the Palestinian farmers Israeli settlers drove past and shortly afterwards an Israeli army patrol arrived and a soldier asked the Amnesty International delegates to leave the area.

In some cases, the response of the army and police to violence and intimidation by Israeli settlers has been to declare the olive groves closed military areas, forcing Palestinians to leave these areas, rather than protecting them and enabling them to harvest the olives.

Exclusion of Palestinians in response to settler attacks

From 29 September 2002, settlers from Tapuah came to the lands of Kafr Yasuf, a village in Nablus governorate, and picked olives on land belonging to Muhammad Mahmoud 'Ubeid. On 1 October, they threw stones at Palestinian harvesters and beat Angie Zelter, a British peace activist with the ISM (International Solidarity Movement) who accompanied Palestinians to their field to protect them from Israeli settlers' aggression. Despite complaints to the IDF and the Israeli police, there was no intervention to stop them or to launch a serious investigation of the beating. On 3 October, the Palestinians returned to pick olives, accompanied by Israeli and international peace activists. A group of Israeli soldiers and police were standing on the hill near the settlement, when a group of settlers, some of them with firearms, arrived in the area and began to move towards the Palestinians. In response to a request from an Israeli army officer to leave the land, the harvesters moved to another piece of land and continued picking. Then the Israeli army district commander arrived, informed the harvesters that the area had been declared a closed military area and ordered them to leave immediately.

On 21 October 2002, the IDF Chief of Staff issued a blanket ban on olive picking by Palestinians throughout the West Bank after a suicide attack by an armed Palestinian in Israel that killed 14 people. The decision attracted widespread protests from human rights organizations and threats to challenge the decision in the High Court, and the IDF rescinded the order the following day. An IDF representative initially informed the Association for Civil Rights in Israel (ACRI) that the ban was a response to the attack; he later explained that the IDF was unable to protect Palestinian olive pickers from attack by settlers.

The IDF has declared areas around some settlements to be closed military zones, which Palestinians may enter only with a permit. These zones have been established even around settlement outposts considered illegal by the Israeli authorities.

Lost harvests

Muhammad Younes Suleibi, aged 33, farms in the village of Beit 'Ummar in Hebron governorate. He owns 12 dunums of land near Karmei Tsur settlement. Karmei Tsur is on the top of a hill and farmers from Beit 'Ummar and Halhoul cultivate land on its slopes. On 8 June 2002, armed Palestinians fired on trailer homes near the perimeter fence of the settlement, killing three Israeli civilians. Following the attack, the IDF declared the land below the settlement a closed military area. Farmers from Beit 'Ummar could not access about 1,000 dunums of their land. Four weeks later, the closure on 600 dunums was lifted. During the closure, Muhammad Suleibi could not farm seven dunums of his land or access about 1,000 tomato plants, his plum trees and grape vines. The plums ripened and rotted on the trees. The grapes spoiled because he could not spray them. He lost all three crops, at an estimated cost of NIS35,000 (about US$7,000).

Failure to protect

Israel has a duty to protect Palestinians living in the Occupied Territories from acts of violence. However, Israel has consistently failed to take effective action to stop attacks and threats by settlers, to the point where some areas near settlements have become "no go" areas for Palestinians.

An occupying power is required to make life in the occupied territory as normal as possible – "*to restore, and ensure, as far as possible, public order and safety*" (Hague Regulations, Article 43). This report shows how restrictions on movement in the West Bank and Gaza Strip have nearly paralysed ordinary life for Palestinians and been the primary cause of severe economic depression, rising unemployment and widespread poverty.

The unwillingness and/or inability of the Israeli government to provide the conditions for as normal a life as possible for the Palestinian population under its occupation is directly related to the presence of Israeli settlers in the Occupied Territories. As previously noted, the moving of settlers by Israel into the Occupied Territories and its efforts to transform the demographic composition of the Occupied Territories are illegal. Article 49 of the Fourth Geneva Convention absolutely prohibits an occupying power from transferring its nationals into occupied territory. Successive Israeli governments have breached this prohibition and have

encouraged the establishment of settlements in all areas of the Occupied Territories, making millions of dollars available for financial support, tax incentives, and massive road and infrastructure projects.

The impact of restrictions on movement on the lives of Palestinians documented in this report - officially claimed as justified by the need to protect settlers - makes it impossible for the Palestinian population of the Occupied Territories to live a normal life. The experience gained over the past years indicates that the restoration of public order and safety required by Article 43 of the Hague Regulations is impossible, as long as Israeli settlements remain. Most of the restrictions on movement placed on Palestinians, such as the establishment of closed military areas in the Gaza Strip, and the prohibition on Palestinians using roads or approaching certain areas, are imposed to prevent the Palestinian population from coming into contact with the Israeli settlers. This results in the Palestinian population being subjected to grave human rights violations, including collective punishment and discrimination.

National and international law

In law as well as in practice, the Israeli authorities have breached their obligations under international human rights and humanitarian law to respect and protect the rights of the Palestinian inhabitants of the West Bank and Gaza Strip. The sweeping and indiscriminate restrictions imposed by Israel on the movement of people and goods in the Occupied Territories not only violates the right to freedom of movement, but also infringes the right to work and other economic and social rights of Palestinians in the Occupied Territories.

Israeli military law

Israel has applied military law in the West Bank and Gaza Strip since their occupation in 1967. Military Order 378 of 1970 gives the Israeli army absolute discretion to impose severe restrictions on the movement of Palestinians living in the West Bank. A similar order is in force in the Gaza Strip. These orders do not require the IDF to take into account the well-being and needs of the occupied population before imposing such restrictions.

It is a criminal offence, punishable by up to five years' imprisonment and a fine, to contravene orders issued under Articles 88 to 90 of Military Order 378. Article 88 empowers a military commander or a person acting under his general or specific authority to prohibit, restrict or regulate the use of certain roads or set the routes to be followed by vehicles, animals or persons. Under Article 89, a military commander may order everybody within a specified area to remain indoors during certain hours. Article 90 enables a military commander to declare any area or place a "closed area" and to require individuals to obtain a written permit to enter or leave it.

International humanitarian and human rights law

Two sets of complementary legal frameworks apply to Israel's conduct in the West Bank and Gaza Strip: international human rights law and international humanitarian law.

Relevant international human rights law includes the human rights treaties that Israel has ratified. The most important of these treaties are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Others relevant to the issues raised in this report are the International Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Convention on the Rights of the Child (CRC).

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR, ratified by Israel in 1991, requires states parties to secure the realization of certain basic rights, including the right to work, health and education, and the right to an adequate standard of living. The right to work is instrumental to the realization of other rights, such as an adequate standard of living. Work is also an intrinsic aspect of human dignity and fulfilment, and a basic human need worthy of inclusion as a separate right in the ICESCR. It includes wage employment, self-employment and other activities that are productive or generate income, whether paid in money or in kind.

The right to work is guaranteed by ICESCR (Article 6), which states:

"*1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take the appropriate steps to safeguard this right.*

"*2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.*"

Everyone has the right to "A decent living for themselves and their families in accordance with the provisions of the present Covenant" (Article 7).

The right to work imposes three types of obligations on states parties: the obligations to respect, to protect and to fulfil. The obligation to respect requires states parties not to take any measures or impose any obstacles that prevent access to work. The obligation to protect requires measures to ensure that non-state institutions and individuals do not deprive individuals of access to work. The obligation to fulfil requires states parties to engage proactively in activities intended to strengthen individuals' access to work.

The ICESCR requires that every state party should "*take steps...to the maximum of its available resources...with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means*" (Article 2). Measures must be adopted to achieve "*full and productive employment*" (Article 6). The Committee on Economic, Social and Cultural Rights interprets this as requiring states parties to adopt policies and measures aimed at ensuring "*work for all who are available for and seeking work.*"[56] In the words of the Committee: "*The right to decent work...demands the creation of a social, economic and physical environment in which all people have fair and equal opportunities to prosper by virtue of their own endeavour and in a manner consistent with their dignity.*"

The ICESCR foresees that states parties will only be able to secure full realization of the human rights guaranteed under the treaty progressively and over time (Article 2). The Committee on Economic, Social and Cultural Rights has affirmed, however, that they are required to "*move as expeditiously and effectively as possible towards that goal*", and any "*deliberately retrogressive measures... would require the most careful consideration and would need to be fully justified by reference to the totality of rights provide for in the Covenant and in the context of the full use of the maximum available resources*".[57]

Article 11 of the ICESCR requires states parties to "*recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions*". States must refrain from impeding access to the resources needed for the realization of this right, including income-generating activities that allow individuals to maintain an adequate standard of living.[58]

International Covenant on Civil and Political Rights (ICCPR)

"Liberty of movement is an indispensable condition for the free development of the person".[59]

The right to freedom of movement is guaranteed by Article 12 of the ICCPR. Under exceptional circumstances states may apply restrictions to this right in order, among other reasons, to protect national security or the rights and freedoms of others, but the restrictions must be provided by law and be consistent with the other rights recognized in the Covenant. According to the Human Rights Committee:[60]

"The restrictions must not impair the essence of the right; the relation between right and restriction, between norm and exception, must not be reversed. The laws authorizing the

[56] Revised general guidelines regarding the form and contents of reports to be submitted by states parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, E/C.12/1991/1.
[57] Committee on Economic, Social and Cultural Rights, General Comment No. 3, para 9.
[58] Committee on Economic, Social and Cultural Rights, General Comment No. 12 (E/C.12/1999/5).
[59] Human Rights Committee General Comment 27 of 2 November 1999 (CCPR/C/21/Rev.1/Add.9).
[60] *Ibid*, para 11, 13, 14, 15 and 16.

application of restrictions should use precise criteria and may not confer unfettered discretion on those charged with their execution.

"...It is not sufficient that the restrictions serve the permissible purposes; they must also be necessary to protect them. Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected".

"The application of restrictions in any individual case must be based on clear legal grounds and meet the test of necessity and the requirements of proportionality. These conditions would not be met, for example, ... if an individual were prevented from travelling internally without a specific permit".

It is basic to the rights in the ICCPR, including the right to freedom of movement and the right, under Article 7, not to be subjected to "*cruel, inhuman or degrading treatment or punishment*" that the State party must "*respect and ensure*" these rights "*without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*" (Article 1).

The restrictions imposed by Israel on the movement of Palestinians in the Occupied Territories violate the above-mentioned rights guaranteed by the ICCPR. The restrictions are discriminatory, for they are imposed on Palestinians *because* they are Palestinians. They are not proportional, for they are imposed on all Palestinians and not on specific individuals who may legitimately be considered as posing a security threat. Confining the entire population of a town to their homes for days or even weeks in response to an attack carried out by some individuals from that area constitutes a form of collective punishment.

In addition, permissible restrictions must be provided by law. However, it is often difficult or impossible to know the regulations according to which closures and curfews are imposed or the criteria for obtaining a permit for passage. The restrictions are also often imposed in an arbitrary fashion, with soldiers on duty seemingly having absolute discretion and applying the measures in an inconsistent manner.

International humanitarian law

The most important rules governing the conduct of an occupying power in its treatment of civilians in occupied territories are set out in the Fourth Geneva Convention and the Hague Regulations. These rules are considered to be customary international law, binding on all states.

Article 27 is the cornerstone of the Fourth Geneva Convention, establishing the principle of respect for the human person, the inviolability of his or her basic rights and their right to non-discrimination. It states that:

"Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and

customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. ...Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion."

The authoritative ICRC commentary on the Geneva Conventions states that :

"the freedom of movement of civilians of enemy nationality may certainly be restricted, or even temporarily suppressed, if circumstances so require. That right is not, therefore, included among the other absolute rights laid down in the Convention, but that in no wise means that it is suspended in a general manner. Quite the contrary: the regulations concerning occupation and those concerning civilian aliens in the territory of a Party to the conflict are based on the idea of the personal freedom of civilians remaining in general unimpaired."

Article 27 also recognizes the right of an occupying power:

"to take such measures of control and security in regard to protected persons as may be necessary as a result of the war."

However, the ICRC commentary states that:

"regulations concerning occupation...are based on the idea of the personal freedom of civilians remaining in general unimpaired. ... What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned. As has been seen, those rights must be respected even when measures of constraint are justified."

Article 33 of the Fourth Geneva Convention and Article 50 of the Hague Regulations prohibit collective punishment. Article 33 of the Fourth Geneva Convention states that:

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or terrorism are prohibited."

Article 43 of the Hague Regulations sets out the general principle that an occupying power should make every effort to make life in occupied territory as normal as possible:

"The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

The applicability of international law

Israel is accountable for its obligations under international human rights and humanitarian law for its treatment of the Palestinians living in the Occupied Territories. However, it currently denies that it is under an obligation to apply the UN human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, in the Gaza Strip and the West Bank (except for East Jerusalem) on two grounds.[61]

Firstly, Israel has argued that under international law it is not required to apply these treaties to areas that are not part of its sovereign territory. It takes the position that humanitarian law should be applied in the Occupied Territories to the exclusion of international human rights law. However, it is a basic principle of human rights law that the International Covenant on Economic, Social and Cultural Rights and other human rights treaties are applicable in all areas in which states parties exercise effective control, regardless of whether they exercise sovereignty in that area or not.

In addition, Israel argues that it cannot be internationally responsible for ensuring the implementation of the International Covenant on Economic, Social and Cultural Rights in these areas because the majority of civil powers and responsibilities have been transferred to the PA under the Oslo Agreements. Israel claims that the PA *"is directly responsible and accountable vis-à-vis the entire Palestinian population of the West Bank and the Gaza Strip with regard to such issues."*[62]

The Oslo Agreements envisage that the PA should exercise extensive powers and responsibilities in the Occupied Territories. However, the PA is clearly dependent on Israel's cooperation to exercise these powers and responsibilities. Israel can and does control the movement of Palestinians within the Occupied Territories, as well as access to many vital resources such as land and water. Increasingly in the past year, it has redeployed its forces in towns and villages which according to the Oslo Agreements are under the PA jurisdiction and where most Palestinians live. There can be no doubt that Israel continues to exercise effective control over the Occupied Territories and is therefore responsible for implementing its obligations under international human rights law.

Most importantly, article 47 of the Fourth Geneva Convention stipulates that:

"Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territory

[61] E/1998/5/Add. 14, paras. 2-5 and E/1990/6/Add. 32, paras 5-8.
[62] Implementation of the International Covenant on Economic, Social and Cultural Rights: Additional information submitted by States parties to the Covenant following the consideration of their reports by the Committee on Economic, Social and Cultural Rights. Addendum. Israel. 20 April 2001; E/1989/5/Add.14, 14 May 2001, para. 3.

and the Occupying power, nor by any annexation by the latter of the whole or part of the occupied territory".

Israel's position on the applicability of the UN human rights conventions in the Occupied Territories has not been accepted by any of the UN human rights treaty bodies. For example, the Committee on Economic, Social and Cultural Rights, in its conclusions on Israel's initial reports in 2000, stated: "*The Committee is of the view that the State's obligations under the Covenant apply to all territories and populations under its effective control.*"[63] The Committee requested Israel to provide it with additional information on the realization of economic, social and cultural rights in the Occupied Territories "*in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations*".[64] The Committee has reconsidered this issue in the past two years and in 2001 maintained its position that the International Covenant on Economic, Social and Cultural Rights is applicable in the Occupied Territories. It stated that: "*Even during armed conflict, fundamental human rights must be respected and...basic economic, social and cultural rights as part of the minimum standards of human rights are guaranteed under customary international law and are also prescribed by international law.*"[65]

Even though Israel has argued before the UN human rights treaty bodies that the appropriate legal regime to be applied in the Occupied Territories is humanitarian law only, it has refused to accept that many of these norms are applicable. While recognizing the *de jure* applicability of the Hague Regulations, it has consistently rejected the applicability of the Fourth Geneva Convention to the West Bank and Gaza Strip. Israel maintains that it applies *de facto* unspecified "humanitarian provisions" contained in the Fourth Geneva Convention, while arguing that it is not required to do so by international law.

Israel stands alone in contending that the Fourth Geneva Convention does not apply to its occupation of the West Bank and Gaza Strip. The UN, the ICRC and the international community at large have consistently maintained that the Fourth Geneva Convention fully applies to the Occupied Territories and that the Palestinians are a protected population under the terms of the Convention.

Refusal to accept international monitoring

The Israeli authorities have frequently refused to cooperate with UN human rights mechanisms set up to monitor human rights practices *in situ*, including the UN Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, and the UN Special Rapporteur on the Right to Adequate Housing. In 2002, a UN visiting mission ordered by the UN Commission on Human Rights and headed by the then UN High Commissioner for Human Rights, Mary Robinson, and a UN fact-finding mission set up by the UN Secretary-General and welcomed

[63] E.C.12.1/Add.27, para. 8.
[64] *Ibid*, para. 32.
[65] E.C.12.1/Add.69, para. 12.

by unanimous vote of the UN Security Council, were not allowed to enter Israel and had to be disbanded.

Amnesty International has repeatedly called for an international monitoring presence with a strong human rights component in Israel and the Occupied Territories. This call has received substantial support both at the local and international level, but the Israeli authorities have consistently refused to accept such a monitoring presence. In addition, the Israeli army has recently increased its targeting of international peace activists present in the Occupied Territories, whose activities include monitoring restrictions on the movement of Palestinians and assisting Palestinian medical personnel and ordinary people to move around the Occupied Territories and cross Israeli army checkpoints.[66]

Recommendations

To the Government of Israel

- To respect and protect the human rights of all persons living in the Occupied Territories without discrimination;

Freedom of Movement

- To put an end to the regime of curfews and internal closures as currently imposed in the West Bank and the Gaza Strip;
- To refrain in all circumstances from imposing closures, curfews and other restrictions on movement which constitute collective punishment;
- To ensure that restrictions on movement are only imposed if they are absolutely necessary, are related to a specific security threat and are non-discriminatory and proportionate in terms of their impact and their duration. The blocking of *all* access by vehicle to a town or village, particularly over prolonged periods, and that indiscriminately affects all Palestinians in the concerned areas, amounts to collective punishment and should never be employed;
- To refrain from constructing separation barriers/fences or other permanent structures inside the West Bank and Gaza which constitute or result in permanent restrictions on the right to free movement of Palestinians within the Occupied Territory or in the arbitrary destruction or seizure of their property;
- To do everything in its power to restore and ensure public order and safety for Palestinians living in the West Bank and the Gaza Strip;
- To amend the provisions of Military Order 378 relating to restrictions on movement so that they are consistent with international standards on the right to freedom of movement;

[66] For details of incidents of killings, injury and harassment of international peace activists see the reports of the International Solidarity Movement (ISM), available on http://www.palsolidarity.org.

- To institute clear and transparent procedures, based on law, for instituting, lifting and challenging restrictions on movement;

Right to Work

- To ensure the right of everyone to gain their living by work which they freely choose or accept;
- In furtherance of its obligation to fulfil the right to work, to consider allowing increased numbers of Palestinians from the West Bank and Gaza Strip to work in Israel;

End Excessive Use of Force

- To respect international human rights standards governing the use of force and firearms. Intentional lethal use of firearms must only be resorted to when strictly unavoidable in order to protect life and when less extreme means are insufficient;
- To stop immediately the use of lethal force to enforce curfews and other restrictions on movement;
- To ensure that members of its security forces involved in enforcing restrictions on movement refrain from using cruel, inhuman or degrading treatment or punishment in all circumstances.

End Impunity

- To take effective action to prevent, investigate, prosecute and punish human rights abuses committed by Israeli settlers against Palestinians. To this end, the Israeli security forces should provide protection to Palestinians from attacks by Israeli settlers. Any Israeli citizen who unlawfully endangers Palestinians' lives should be promptly brought to justice in a fair trial and given sentence in accordance with international standards commensurate with the gravity of the offence;
- To initiate a full, thorough, transparent and impartial investigation into all allegations of violations of international human rights and humanitarian law, including those documented in this report, and to make the results public;
- To bring to justice those alleged to have committed violations of international human rights or humanitarian law in proceedings that meet international standards for fair trial;
- To ensure prompt and adequate compensation and reparation for victims of international human rights or humanitarian law violations;

International Law and International Monitoring

- To include detailed information on the situation in the Occupied Territories in all reporting to UN human rights treaty bodies;
- To ratify the First Optional Protocol to the ICCPR and the Optional Protocol to CEDAW and make a declaration under Article 22 of the CAT so that individual

complaints of violations under these conventions may be received by the relevant UN body;

- To accept an international monitoring presence in the Occupied Territories with a strong human rights component, which should provide increased security for Israelis and Palestinians.

The question of settlements

The settlement of Israeli civilians in the Occupied Territories is a violation of international humanitarian law, and has been repeatedly condemned by the international community.[67] It has, further, resulted in numerous violations of human rights, including the imposition of increased and arbitrary restrictions on the movement of Palestinians within the Occupied Territories. Amnesty International therefore calls for:

- An immediate end to the construction or expansion of Israeli settlements and related infrastructure in the Occupied Territories as this violates international humanitarian law and will only lead to further arbitrary restrictions on Palestinians and further human rights abuses;
- Measures to evacuate Israeli civilians living in settlements in the Occupied Territories, in such a manner as to ensure the human rights of Palestinians are respected, in particular their rights to free movement and to an adequate standard of living. Such measures should include too respect for the rights of those evacuated, including adequate compensation.

To the international community

The international community has an obligation under Article 1 of the Fourth Geneva Convention to "respect and ensure respect for" the Convention. Despite the information that has been provided by Amnesty International and other international, Palestinian and Israeli human rights and humanitarian organizations, which clearly documents violations of the Convention, including grave breaches under Article 147, these abuses continue with impunity.

Amnesty International calls on the international community:

- To ensure that Israel's obligations under international human rights and humanitarian law, most specifically its obligations as an occupying power under the Fourth Geneva Convention, are met;
- To ensure that human rights are central to all negotiations, interim accords and any final agreement;

[67] Fourth Geneva Convention, Article 49. The United Nations has frequently reaffirmed the illegality of Israeli settlements under international law. A resolution, sponsored by the EU on the Israeli settlements in the occupied Arab territories, re-affirming their illegality and supporting their eventual dismantlement, was adopted by the 2003 Commission on Human Rights by 50 votes in favour, one against (USA) and two abstentions (E/CN.4/2003/L.18).

- To bring to justice anyone suspected of war crimes or crimes against humanity who may be within their jurisdiction;
- To set up an international monitoring presence in the Occupied Territories with a strong human rights component, for the security of Israelis and Palestinians.

To Palestinian armed groups

Amnesty International once again reiterates its call to Palestinian armed groups:

- To put an immediate end to their policy of killing and targeting Israeli civilians, whether inside Israel or in the Occupied Territories;

To the Palestinian Authority

- To take urgent concrete measures to prevent attacks by Palestinian armed groups on Israeli civilians, inside Israel and in Occupied Territories;
- To thoroughly investigate any such attacks and ensure that those responsible are brought to justice in proceedings that meet international standards for fair trial.

Appendix: Case studies

Al-Mawasi, Gaza Strip

At least 9,000 Palestinians live in al-Mawasi, a 16-kilometre strip of land running from south of Deir al-Balah to the Egyptian border, along the Mediterranean Sea. Most farm the fertile land or fish in the sea. Northern al-Mawasi is within the jurisdiction of the Khan Younes municipality, the southern part within the jurisdiction of Rafah municipality. Only three kilometres separate al-Mawasi Khan Younes from Khan Younes city and five kilometres separate al-Mawasi Rafah from Rafah city. Al-Mawasi's residents need to travel to these two cities, and the rest of the Gaza Strip, to access schools, health facilities and markets. Al-Mawasi has few services – two health clinics with very basic facilities, two primary schools and a secondary school for al-Mawasi Khan Younes – and some of the teachers who live outside the area cannot enter the area to go to work. Most facilities were set up after the *intifada* because residents could not reach Khan Younes and Rafah.

Before the *intifada*, al-Mawasi was a place of escape from the densely populated areas of Khan Younes and Rafah. People would come to relax by the sea in restaurants, coffee shops and wedding halls. Leisure was a growing source of income for the residents.

There are 12 small Israeli settlements in al-Mawasi: the Gush Katif block, with a combined population of 5,300. Under the Oslo Agreement, part of the area where most Palestinians lived was designated as Area B. The PA was responsible for civil affairs and public order for Palestinians, and Israel retained responsibility for security.

Before the *intifada*, Palestinians could use three roads leading into al-Mawasi: the coastal road running north to Deir al-Balah, a road leading east to Khan Younes through the IDF military checkpoint at al-Tuffah and a road leading east to Rafah through the IDF military checkpoint at Tel al-Sultan. A two-lane highway runs through the centre of al-Mawasi with signs for destinations in Israel. Palestinians are prohibited from using this road. It is for the exclusive use of settlers and the Israeli military.

Since the outbreak of the *intifada*, al-Mawasi's residents have been subject to severe and increasing restrictions on movement, spelling isolation and economic ruin for the residents. In November 2000, the IDF closed off al-Mawasi, preventing non-residents from entering. Residents could travel to Khan Younes and Rafah only during daylight hours. Following the January 2001 killing of an Israeli settler, Roni Tzalah, the IDF registered all residents, allocating a number to each. Only Palestinians with this number on their identity card could enter the area. Some residents outside al-Mawasi at the time were able to obtain a number only after long efforts by human rights organizations. Children under 16 could enter only with a parent who had the child registered on his or her identity card.

Following the killing of an Israeli settler, Nissan Dollinger, by a Palestinian resident of al-Mawasi on 12 May 2002, the IDF strengthened and formalized the closure of the area. On 19

May, the IDF issued residents with new magnetic identity cards. Men under a certain age are often prevented from moving in and out of the area, even if they have the right documentation. Al-Mawasi checkpoint is frequently closed for extended periods. Anyone who leaves the area risks not being able to get back home for days, or even weeks. When Amnesty International's delegate visited al-Mawasi on 20 October 2002, the checkpoint had been closed since 6 October. Residents who had been in Rafah and Khan Younes when the checkpoint closed were unable to return home for two weeks. On 20 October, the IDF allowed men over 50 and women to return.

On 30 October at 2pm two Amnesty International delegates arrived at the checkpoint between al-Mawasi and Khan Younes and found it closed. Scores of people, mostly women, who had left their homes in al-Mawasi to go to the shops or for medical care in Khan Younes, were unable to return home. Some had been waiting for four days to go back home. Even though the checkpoint had been open for some of the time in the previous days, not all of those waiting had been able to pass and each day more inhabitants of al-Mawasi were left stranded at the checkpoint. The delegates approached to ask the soldiers why the checkpoint was closed and when it would reopen. One of the soldiers said that the checkpoint would reopen the following morning at 8am. Upon the delegates' insistence to know why it would not reopen that day, the soldier shouted at the delegates to go back or he would shoot at them.

Palestinians carrying a fridge through a checkpoint to al-Mawasi, January 2002. © Amnesty International

Residents are prohibited from bringing vehicles in and out of al-Mawasi. When the checkpoint is open, a back-to-back system operates for loading and unloading goods. Palestinians pass goods over a low wall from a truck coming from al-Mawasi onto a truck coming from outside the area. From Sunday morning until midday on Friday, agricultural produce may be transported out of al-Mawasi. On Friday afternoon, equipment and iron may be brought into the area (stone and cement are prohibited). On Saturdays, food may be brought in. At best, only ten trucks from al-Mawasi may be loaded or unloaded each day. Often truckloads of fruit and vegetables rot before they reach the front of the queue. If the checkpoint is closed, the agricultural produce rots.

There are strict controls on movement inside al-Mawasi. There are four permanent checkpoints inside the area. The IDF and Border Police also frequently stop Palestinians for surprise checks. Sometimes, the IDF imposes a 24-hour curfew. After the attack on 12 May

2002, the residents were under curfew for seven days. At other times they are required to remain indoors at night. The IDF has closed off many of the agricultural roads that crisscross the area, making it even more difficult for farmers to cultivate their land and to transport their produce.

No permit to work in Israel

Shahta Zu'rub, aged 30, is married with four children. He lives in al-Mawasi Rafah. Before the *intifada*, he used to work for a construction company in Israel as a plumber. He earned between NIS130–150 (about US$26–30) a day. After he lost his job, he stayed at home for two months, hoping that he would be able to return to work in Israel. In December 2000, he started working as an agricultural labourer in al-Mawasi. His daily wage was only NIS20 (about US$4). He could not even find this work on a regular basis.

In September 2002, he managed to obtain a permit to work in Israel again. He had to leave al-Mawasi clandestinely, as men of his age were prohibited from leaving at the time. He left Rafah at 1.30am so that he could cross al-Matahin and Abu Holi checkpoints and arrive at Erez checkpoint in time to cross. He would arrive back in Rafah between 9.00 and 9.30pm. On three nights, he had to sleep at Abu Holi checkpoint because it was closed and he could not reach Rafah. He had only worked for a week when an Israeli soldier confiscated his permit at Erez Crossing without explanation. Now he is back doing casual agricultural work.

Al-Sayafa, Gaza Strip

The tiny area of al-Sayafa stretches over about 4,000 dunums by the Mediterranean Sea in the northern tip of the Gaza Strip, south of the "no man's land" separating the Gaza Strip from Israel. It lies between two Israeli settlements: Dugit to the south, with a population of about 60, built on land confiscated from al-Sayafa, and Elei Sinai to the north, with a population of some 330.[65] Before the *intifada*, the coastal road was used by Palestinians to reach al-Sayafa and by Israelis travelling to Dugit. A secondary road gave access to al-Sayafa from the east. Under the Oslo Agreement, al-Sayafa was located in an area where the PA was responsible for civil affairs and Israel for security.

Al-Sayafa is an agricultural area, well known for its guava and good quality water. Farmers also grow citrus fruits, apricots, avocados and vegetables, and have invested in irrigation systems and greenhouses to increase production. The area lacks basic services: there is no school, health clinic or mains electricity. Before the *intifada* about 180 people lived in al-Sayafa, most earning their living from agriculture, and other Palestinians entered the area regularly to cultivate their land or work on others' land.

Since the start of the *intifada*, the IDF has destroyed hundreds of dunums of agricultural land, including scores of wells and their pumps, and scores of houses and greenhouses. Land adjoining the settlements of Dugit and Elei Sinai has been completely razed. According to a

[65] List of Localities: Their Population and Codes, 31.12.2001. Jerusalem: Central Bureau of Statistics, 2002.

community leader, Musa al-Ghoul, only 600 dunums out of the original 4,000 dunums remain. The IDF has imposed increasing restrictions on the movement of Palestinians in and out of al-Sayafa, and prohibited them from entering a 150-metre zone around the area. If they do so, they risk being shot. A curfew prevents residents from leaving their homes between dusk and dawn.

In October 2000, the IDF started to prevent Palestinians from using the coastal road to al-Sayafa, which is now for the exclusive use of Israelis and the IDF. Al-Sayafa's residents used the secondary road until June 2001, when the IDF closed off that road too after an attack by *Hamas* near Dugit, in which two IDF soldiers were killed and another was injured. The IDF moved the fence around Dugit 700 metres north, so that part of the secondary road was on the settlement side, and surrounded Sayafa with sand barricades about 2.5m high and topped with barbed wire. All entrances to the area were closed and a crossing point was set up 50 metres northwest of Dugit, to control entry and exit. The IDF prevented any Palestinians from entering or leaving the area until 8 July 2001, including landowners and workers who lived outside.[69] Since then, al-Sayafa's residents have been able to leave and enter the area only at limited times.

When Amnesty International visited on 17 October 2002, the opening hours for the crossings were 6.30–8.30am and 2–4pm, indicated by the presence of an IDF armoured personnel carrier. Sometimes the crossings do not open at all. After *Hamas* attacked the Elei Sinai settlement and killed two Israeli teenagers on 2 October 2001, the IDF closed al-Sayafa for 11 days. Only Palestinian residents and some landowners who have a special number on their identity cards, are allowed to enter and leave.

The IDF also ordered all residents to remove their cars and tractors from the area in July 2001. For a long time, there was not a single vehicle in the area, and residents had to transport agricultural supplies and produce, fuel, food and other supplies by donkey cart or by hand. After many months, the IDF agreed to allow one tractor to enter and leave al-Sayafa when the crossing was open.

On 1 May 2002, the Military Commander of the Southern District, Major General Doron Almog, ordered the confiscation of a large area of land for five years on grounds of military necessity, an order upheld by the Israeli High Court of Justice on 28 May. The land will be used to build a military road with an electrified fence on both sides from Elei Sinai to Dugit settlement and an adjacent IDF military post. Most of the lands of al-Sayafa will be inside the fence, together with the settlements and the military post. This will leave the residents of al-Sayafa indefinitely cut off from the rest of the Gaza Strip. To exercise their right to freedom of movement, they will be at the mercy of the IDF. Work has already begun.

The impact of the closure has been devastating. In October 2002, only 70 residents remained. Most families with children had left the area because they could not ensure getting them to school and back. Most, if not all, are farming at a loss in an area where agriculture

[69] Palestinian Centre for Human Rights, www.pchrgaza.org., Closure Update No.38.

was previously very profitable. Some have lost all or part of their land through confiscation or destruction. Those cultivating the remaining land cannot obtain essential materials because of the prohibition on Palestinian vehicles, and face problems transporting their produce out. If the crossing is closed, fruit and vegetables rot before they reach market. Sometimes it is simply not possible to transport all the produce to market with a single tractor and trailer or a few donkey carts, within the hours the area is open.

Farming at a loss

Musa Mahmoud al-Ghoul, 55, lives with his wife, son and daughter-in-law in al-Sayafa, where he owns about 60 dunums of land in two separate areas. Before the *intifada* their income from the land was between 15,000 and 20,000 JD (about US$21,300–28,400). At least 20 day labourers from outside the area came to work on the land. On the 40-dunum plot next to their house, the family continues to cultivate lemons, clementines, guavas and avocados. In February 2002, the IDF razed 14 dunums of a 20-dunum plot near Elei Sinai settlement that had been planted with date palms and vegetables and contained a fish pond. The family continues to cultivate potatoes on the other six dunums, but was worried in October 2002 that they might also lose this crop to the IDF.

The family no longer makes any profit. If their produce has to wait to be transported, quality declines and the price drops. Even if they can get it to market, prices have crashed with the fall in exports to Israel, the West Bank and Jordan. In October 2002, a 14kg box of clementines was fetching JD3 (about US$4.25), compared to JD10 (about US$14.20) before the *intifada*; a box of guava JD2, compared to JD8 (about US$11.35).

From time to time the IDF has made the family leave their homes in the middle of the night because of alleged infiltration of the area. During the night of 12 October 2002, a tank came to their house and the family were ordered to the checkpoint for two hours before being allowed to return home.

Sea fishing, Gaza Strip

At the beginning of 2001, 2,543 fishermen were registered in the Gaza Strip, working from the port in Gaza city and the wharves in Deir al-Balah, Khan Younes and Rafah. Since 1994, the Oslo Agreement has restricted fishing by Palestinians to a relatively small area, known as Zone L, extending up to 20 nautical miles from the shore of the Gaza Strip. It is policed by Israeli naval patrols.

The sea has been completely or partially closed to fishermen since the beginning of the *intifada*. For most of this period, there has been a ban on fishing off al-Mawasi Rafah and al-Mawasi Khan Younes in the southern Gaza Strip. From 12 May 2002 fishermen from Khan Younes and Rafah have been prohibited from fishing off the coast and from 1 July 2002 the same applied to fishermen from Deir al-Balah and Gaza. Fishing has been allowed up to 12 miles, normally limited to six miles, off the central and northern coast for most of this period. At some times, such as between 15 February and 16 March 2001, fishing was completely prohibited throughout the Gaza Strip.

Fishing port, southern Gaza - boats are often prohibited by the IDF to go out to sea, October 2002. © Amnesty International.

About 1,000 fishermen are registered to fish from Khan Younes and Rafah. Many of them live outside al-Mawasi and have been prohibited from entering the area completely since its closure in May 2002. Some living in Khan Younes refugee camp told Amnesty International that, even if they were not allowed to fish, they wanted to retrieve valuable equipment stored in the area, such as motors and nets. On 9 January 2002, the IDF had confiscated at least 20 motors belonging to fishermen in Rafah, and on 18 February, the IDF reportedly broke into buildings used by fishermen in al-Mawasi Khan Younes and broke 10 more motors. The average cost for replacing such motors is about NIS16,000 (about US$3,200).

Since the start of the *intifada*, harassment and detention of Palestinian fishermen by the Israeli navy has increased. Fishermen told Amnesty International's delegate that the navy fired in the air and sprayed their boats with high-powered water jets. Dozens of fishermen have been detained and accused of fishing in a prohibited area, and in some cases reported being ill-treated. Many said they were questioned by Israel's General Security Service about the activities of the Palestinian Naval Police and a boat belonging to the Palestinian Authority, suggesting that the real motive for at least some of these arrests was to gather information on the Palestinian Authority's activities in the Gaza Strip.

Fishermen detained and ill-treated

Early on 2 September 2002, Muhammad Murad al-Hissi went to sea to fish, skippering his boat with his brothers, 25-year-old Sameh Mahmoud al-Hissi and 20-year-old Ahmad Murad al-Hissi, and Jamail Khalil al-Shantaf, aged 52 and Muhammad Mustafa al-Shantaf, aged 18, working as a crew. At about 4.15pm, they were about three to four kilometres from the shore, in an area where fishing was permitted. An Israeli navy patrol boat approached them and officials demanded their permits and ordered them to take up their nets. The Palestinians complied. After about an hour, officials told the Palestinian crew to follow their boat and led them westwards for about two kilometres. At that point, Muhammad al-Hissi stopped his boat, as he feared being led into a prohibited area and accused of fishing there. The patrol boat then fired towards the boat and sprayed it with a high-powered hose for about one hour, breaking windows in the cabin.

Muhammad al-Hissi was ordered to strip and swim over to the patrol boat. There he was handcuffed with his hands behind him, blindfolded and forced to crouch. Other members of the crew were brought to the patrol boat, which returned to Ashdod port in Israel, towing the Palestinian boat. After being medically examined at the port at about 1.15am, they were blindfolded and handcuffed again, then driven for between one and one-and-a-half hours on a bus, still stripped down to their vests and shorts, and extremely cold.

After arrival at a building, they were interrogated. An interrogator, with two policemen present, accused Muhammad al-Hissi of being in a prohibited area, an accusation he denied, and asked him to sign a statement written in Hebrew, which he did. The five men were then taken to Erez detention centre. They arrived at about 6pm, still wearing only their shorts and vests, and were medically examined again. On 10 September, they were brought to court to face charges of fishing in a prohibited area but the charges were withdrawn and they were released

The Israeli navy returned their boat 16 days later, and the PA held the boat for another nine days before releasing it. Equipment worth about NIS4,000 (about US$800) was missing, and Muhammad al-Hissi lost all his income for every day that he could not go out to sea.

Closures at sea have seriously damaged the Gaza Strip's fishing industry and dependent businesses, such as mechanics' shops and wholesale merchants. The total catch has fallen from 3,650 tonnes worth nearly US$11m in 1999 to 1,950 tonnes worth just over US$6m in 2001.[70] Fishermen in Rafah and Khan Younes have completely lost their livelihoods, and some in Deir al-Balah and Gaza city are not working or are operating at a loss because they can catch so little in the narrow area where they are allowed to fish. They have also suffered direct losses from damage or seizure of their property by the IDF and loss of income during periods of detention or when boats were confiscated.

[70] Figures from the Department of Fisheries, Ministry of Agriculture, Palestinian Authority.

Lost income, failed businesses

Hisham Khaled Bakr, 34, lives in Gaza city and is responsible for his wife, two children, his mother and unemployed brother. With three partners, he fishes for oily fish such as sardines and tuna in the most profitable seasons during April and May and September and October. Before the *intifada*, their annual profit was about NIS10,000 (about US$2,000). In October 2000, he made no money because the IDF imposed a complete closure on the sea, and in 2001 he made only about NIS2,000 (about US$400) each season because of partial closures. During the first season of 2002 he made about NIS2,000–3,000 (about US$400–600).

Before the *intifada*, each crew member would earn about NIS1,000 (about US$200) each season. Because of the drop in the catch, the partners cut the crew's wages to NIS600 (about US$120) in the last three seasons. The boat did not go out in the second season of 2002 as the crew had left to look for better-paid work.

Hisham Bakr also used to have a business in Gaza, making and selling clothes. In the early days of the *intifada*, the market for Gaza-made clothes collapsed because many Palestinians lost their sources of income and switched to buying cheaper clothes imported from China. He gave up this work and has no source of income.

Sa'ir, West Bank

Sa'ir is a village of about 14,500 people northeast of Hebron city. Before the *intifada*, about half of those working were employed in Israel and settlements. Due to the comprehensive closure of the West Bank from Israel, virtually all lost their jobs. Most have been unable to find alternative work in the West Bank.

The IDF has closed the two exits out of Sa'ir. Road 356, which links Sa'ir to Hebron and Bethlehem, is closed by roadblocks, one just northeast of Sa'ir on the Bethlehem side and the other at Beit 'Anun to the southwest, at the intersection with Route 60, a road used by Israeli settlers. Any movement, even on foot, near the settlement of Asfar, which lies off Road 356 to the east of Sa'ir, is dangerous. IDF soldiers or settlers frequently fire in the air or in the direction of Palestinians in the area.

The IDF has also dug a deep trench, between one and two metres deep, along parts of road 369, north of Sa'ir and accessible from an agricultural road. Palestinian drivers have started crossing road 369 to use the road from 'Arb al-Shama'a to travel to Bethlehem. Road 369 is also used by Israeli settlers.

In the face of growing unemployment, income from farming could have helped Sa'ir's residents during the *intifada*, but closures have slashed farmers' incomes. The main crops grown on village lands are grapes, plums and olives. However, 90 per cent of Sa'ir's agricultural land lies on the other side of the roadblock to the northeast, with access provided by road 356. Now, farmers can get to their fields only by foot or by riding a donkey or mule.

Farmers' incomes slashed

Ahmad 'Abd al-Nabi Shalaldeh, aged 64, is the largest landowner in Sa'ir, with more than 2,000 dunums. He told Amnesty International that about 800 dunums of Sa'ir's land is planted with plums, located in Wadi Sa'ir on the other side of the north-eastern checkpoint, which yield about 1,700 tonnes annually. In 2002, he and other farmers lost nearly all the plums, which were virtually inaccessible when they ripened in June and July because the road was closed and because of the problems of transporting them, even to the nearby towns of Bethlehem and Hebron. The price of plums has also plummeted. A kilogram of Santa Rosa plums, the most prevalent variety in Sa'ir, fetched NIS6–7 (about US$1.2 – 1.4) before the *intifada*, but in 2002, only NIS1 (about US$0.20). Owing to the closure, the farmers lost their markets in Israel, the Gaza Strip and most of the West Bank. The market for grapes also collapsed. The price before the *intifada* was NIS3–3.5 (about US$0.6 – 0.7) a kilogram, in the 2002 season only NIS1 (about US$0.20).

Ahmad Shalaldeh was very concerned about the olive harvest due in October 2002. He said: "*We lost the plums. We lost the grapes. They* [the IDF] *should at least open the roads and protect us from the settlers so that we can harvest our olives.*" The 1,200 to 1,300 dunums of land planted with olives also lie on the north-eastern side of the roadblock, near the settlement of Asfar.

Ahmad Shalaldeh's turnover has dropped dramatically in the last two years. Before the *intifada*, in 2000 he made NIS120,000 (about US$24,000) from the sale of produce. By contrast, his grapes, plums and apricots sold for only NIS40,000 (about US$8,000) in 2001 and for NIS15,000 (about US$3,000) in 2002.

Shepherds' livelihoods under threat

Zuheir Yousef Shalaldeh, 21, is married with two children and supports a household of 13 people, including 7 children. The family is completely dependent on the income from its herd of 150 goats. The extended family owns 1,000 dunums of land, near Asfar settlement. Before the *intifada*, 1,000 goats and sheep grazed on this land. Now the family can reach their land only with difficulty because of the closure of road 356. Sometimes the IDF even stops them from walking on the road and they have to trek through the mountains, dangerously near Asfar settlement. Settlers and IDF soldiers fire in their direction, even when they are on their own land, so the extended family now grazes its herds on 100 dunums furthest away from the settlement.

Bran is rarely available to feed to the goats because of the closure. Zuheir Shalaldeh and his family are able to buy hay but, when there is a tight closure, even hay is not always available because the merchants cannot transport it to Sa'ir. The family have to transport the hay to the land using donkeys.

Before the *intifada* Zuheir Shalaldeh's immediate family earned JD6,000–7,000 (about US$8,520–9,940) annually from the goats. Now it has dropped to JD4,000–4,500 (about US$5,680–6,390). The family has stopped milking the goats, because of the difficulties of transporting dairy products to Sa'ir to sell them. In early 2002, they could sell goats for only JD50–55 (about US$71–78), which before the *intifada* had been worth JD80–90 (about US$113–128). Demand has fallen, as many people can no longer afford meat regularly.

Hebron, West Bank

Hebron is the most populous city in the West Bank, with about 140,000 inhabitants. As a commercial centre, it serves the villages in the Hebron governorate, which has the highest population of any governorate in the West Bank. Hebron has a significant industrial base, particularly for clothes, stonework, shoemaking and metal work.

Hebron is the only city in the West Bank where Israeli settlers live inside the town. About 500 settlers live in four settlement enclaves inside and adjacent to Hebron's Old City – Beit Hadassah, Beit Romano, Avraham Avinu and Tel Rumeida. In addition, about 7,000 settlers live in two settlements on the edge of the town, Givat Harsina and Kiryat Arba', and regularly enter the city. There is a large contingent of IDF soldiers, Border Police and Israeli Police present in the town to protect the settlers. In 1997, the Israeli security forces withdrew from about 80 per cent of the municipal area of Hebron, known as H-1, and handed over control to the PA. However, they retained control over the remaining part of the city, H-2, which includes the Old City, the four settlement enclaves, the Haram al-Ibrahimi/Machpelah Cave and the city's industrial area. The Old City has traditionally been the commercial and cultural heart of Hebron. The IDF reoccupied H-1 on 25 June 2002, taking control of the entire city. On 25 October, it withdrew from part of H-1 but remained on the high ground in Hara al-Sheikh and Hara Abu Sneineh. On 16 November, the IDF re-occupied the whole of Hebron and has remained in H-1 ever since.

Hebron is often tense because of the presence of the settler community and the security forces in a densely populated Palestinian area, and confrontations are common. However, the Israeli security forces respond in a different way to attacks by Palestinians and by settlers. They rarely intervene to protect Palestinians from frequent settler attacks in the Old City on Palestinians and their property. By contrast, they respond, often with excessive force, to attacks on settlers and Palestinians risk prosecution before military courts for such attacks.

As previously noted, since the start of the *intifada*, the IDF has routinely imposed 24-hour curfews on Palestinians in H-2, sometimes for weeks, lifting the curfew occasionally to enable them to stock up on supplies. However, such curfews are only imposed on Palestinians, leaving Israelis to move freely. Sometimes a curfew is imposed to enable the settlers to celebrate a religious festival. In September 2002, parts of Hebron were placed under 24-hour curfew for the Sukkot festival. Thousands of Israelis walked the streets of the Old City, even attending an open-air music concert, while the Palestinians were forced to remain shut up in their homes.

Severe restrictions on Palestinians' movement inside the Old City do not apply to settlers. Since the start of the *intifada*, Palestinian vehicles have been prohibited from entering the area. All goods, whether for personal or commercial use, have to be carried in and out by hand or on a handcart. Palestinians are forbidden even to walk in some streets of the Old City, unless they are residents, because three nearby settlements have been declared closed military areas by the IDF. One of the streets, al-Shuhada' Street, is a main road connecting the eastern and western parts of Hebron.

More than 300 Palestinian shops in the Old City have been shut for months on the orders of the IDF. On 10 March 2001, Israeli settlers attacked Palestinians and their property in the Old Market after an Israeli at Avraham Avinu settlement was shot. The next day, the IDF ordered the closure of more than 70 shops and sealed off most of the area with barbed wire. The order, initially to be in effect for two weeks, has remained in force until now.

Generally, the Israeli security forces have not stopped settlers taking control of property in the Old City in areas closed to Palestinians. For example, Israeli settlers have converted shops in the Old Market into apartments.

After an armed Palestinian shot and killed an Israeli and wounded his three sons near the Avraham Avinu settlement on 23 September 2002, the IDF prohibited Palestinian merchants from opening the 36 shops in the nearby Suq al-Laban market. The order remains in force until now.

Amnesty International delegates visited Hebron on several occasions in October 2002. On 24 October, H-2 was not under curfew. However, there were very few Palestinians walking inside the Old City, and most stores and workshops were shut. Hebron's economy has suffered a combination of setbacks: the strict siege imposed on Hebron city which cuts it off from the surrounding villages; the closure of Israel; curfews; and Palestinians' lack of money. The Old City's situation is even worse: vehicles cannot move inside; some of its main streets and most important markets are closed; curfews are frequent and sometimes last for days. Many Palestinians avoid coming to the Old City, or at least to areas near settlements, because they are afraid of settler violence.

Manufacturing costs rocket, output slumps

'Abd al-Rahman Jobe', owns the al-Nada factory, in Hebron's industrial area in H-2, producing decorative metal objects, such as banisters, from metal pipes manufactured in Israel. Before the *intifada*, the factory operated two eight-hour shifts each day and employed up to 25 day labourers. Some 40 to 50 per cent of production was destined for the market in Hebron governorate, the rest for other areas of the West Bank and for export to Jordan. Output has declined sharply since October 2000, and 'Abd al-Rahman Jobe' estimates that profits are down to between 10 and 20 per cent. By October 2002, the factory was employing only four workers, three of whom were family members, and there was normally only one shift each day. When curfews were imposed in H-2, the factory was unable to operate. Because of the difficulties of transport out of Hebron to other parts of the West Bank, 80 per cent of production is now for Hebron governorate alone. Other orders are normally for the Bethlehem governorate and rarely for the northern West Bank.

Transport costs have soared for the factory. Haulage charges to bring a truckload of metal pipes from Tel Aviv to Hebron have risen from about NIS600 (about US$120) to NIS1,600–1,800 (about US$320–360). Until late 2001, a yellow-plated Israeli truck would transport the pipes to Tarqumiya checkpoint near the Green Line, where they would be transferred to a green-plated Palestinian truck for transport to Hebron. The IDF has since prohibited the import of metal pipes through this checkpoint. Now a yellow-plated truck must bypass Israeli

checkpoints to bring the goods to Hebron, travelling a circuitous route from Tel Aviv to Beersheva in Israel and through the southern West Bank.

Nablus, West Bank

Trees cut down by the IDF to block the road to Nablus, October 2002. © Amnesty International

Nablus is the second largest town in the West Bank, with a population of about 120,000. It is the economic heart of the northern West Bank, serving surrounding villages as well as Salfit, Tubas, Tulkarem, Qalqilya and Jenin governorates. Nablus has a stronger industrial base than other Palestinian cities, with factories producing a wide variety of products, in particular foodstuffs and clothing. The city also had a large number of artisans undertaking such activities as stonework and carpentry.

Since the beginning of the *intifada*, the city's economy has suffered from increasing internal closures, preventing movement between towns and villages. Surrounding villages depend on Nablus for health and educational services. It is also the centre for marketing agricultural products in the northern West Bank, particularly for farmers working in Jiftlik in the Jordan Valley. Before the *intifada*, products from Nablus factories, such as Safa milk and olive oil soap, were distributed throughout the West Bank and the Gaza Strip.

A further blow to the economy was delivered on 29 March 2002, when the IDF occupied six Palestinian towns, as well as many villages, after a series of suicide bombings in which Israeli civilians were killed. Nablus was invaded on the night of 4 April and the entire city was under curfew until the IDF withdrew on 22 April. Fighting between the IDF and armed Palestinians centred in the Old City. During the invasion, 80 Palestinians died, a number of whom were civilian non-combatants.

The IDF also destroyed buildings and infrastructure. An assessment of the physical and institutional damage resulting from IDF actions, conducted by the Donor Support Group of the Local Aid Coordination Committee, concluded that Nablus had been the hardest-hit area, with repair costs estimated at US$113m. Over US$28m of damage was to the private sector, most of it to offices and shops. During this and subsequent occupations, curfews confined residents to their homes for days, stopping almost all economic activity. They would be lifted irregularly for a few hours, with no predictable schedule. The loss of income from curfews and internal closure was even more significant than the physical destruction.

The IDF reinvaded Nablus on 31 May 2002 and remained until 6 June, imposing a 24-hour curfew throughout the period. It invaded again on 21 June 2002 and has remained since. A 24-hour curfew regime, until 7 October in western Nablus and 11 October in eastern Nablus, was replaced with a system of night curfews until 3 November when 24-hour curfews were reinstated. According to the Palestine Red Crescent Society, a curfew was enforced in Nablus for nearly 90 per cent of the time between 21 June and 20 November 2002, and was lifted for only 497 hours.

For much of the time, the IDF has enforced the curfew strictly. Soldiers have sometimes opened fire on Palestinian civilians, even when they posed no danger.[71] As time has passed, however, the curfew has increasingly been broken, particularly after the start of the school year. On 15 September 2002, for example, more than 100 women and schoolchildren defied the curfew and marched to an IDF roadblock inside the city to protest at the closure of Nablus schools.

The IDF has also restricted movement inside Nablus. In early September 2002, the IDF physically divided the eastern and western parts. When Amnesty International's delegate visited the city on 29 September, a tank was preventing Palestinian vehicles from crossing the city. By 5 October, the tank had been replaced with high earth banks and a felled tree. After it divided the city, the IDF would frequently lift the curfew on one or other side. The western part contains the main commercial district, al-Najah University and Rafidia governmental hospital, the eastern part the industrial area. As a result, many Palestinians found that, even though the curfew was lifted in their area, they could not necessarily reach work, visit a doctor or attend school or university.

Israel has repeatedly claimed that the curfew is necessary to prevent attacks on Israeli civilians, both in Israel and the West Bank. In a newspaper interview on 2 October, the IDF

[71] For example, the killing of Jihad al-Qurini, above.

colonel responsible for the infantry brigade in Nablus strongly implied, however, that the restrictions were also a form of collective punishment: "*They* [the residents of Nablus] *will suffer until they understand... My job is to stop suicide bombers.*" He also said: "*Life here is miserable... This is the price. They went back more than 20 years.*"

Unable to reach vital medical treatment

Nabil Hani 'Ashur, aged 49, is a self-employed plumber. Married with four children, he also supports his mother. He installs plumbing in newly constructed buildings in Nablus. Before the *intifada*, he used to earn NIS2,000–3,000 monthly (about US$400–600), but in the past 18 months has earned only NIS200–250 (about US$40–50) a month. There has been little construction in Nablus because of the depressed economic situation and the shortage of building materials. Some months, he earns nothing.

He had to find money to buy drugs for his wife, Suhad 'Ashur, who was suffering from breast cancer. She had been receiving treatment, including radiation treatment, but after the IDF occupied Nablus in April 2002, she was unable to receive any treatment for nearly two months because of curfews and closure. Even after the IDF withdrew from Nablus on 22 April, the specialist doctor could not reach the hospital in Nablus from his home in Jenin for weeks. Suhad 'Ashur died on 9 July.

Jenin, West Bank

Jenin is the northernmost town in the West Bank. With the neighbouring refugee camp, its population is 43,000. Owing to its proximity to Israel, there were many economic and social contacts with Israelis. Before the *intifada*, nearly 30 per cent of residents in Jenin and Tubas governorates worked in Israel, a higher percentage than in any other area of the West Bank. By the time of the IDF's March 2002 invasion of West Bank cities, nearly all these people had lost their jobs in Israel. Every weekend hundreds of Palestinians and Israelis used to come to the city to shop, taking advantage of the low prices. Now it is illegal for Israelis to enter Area A and they have stopped coming.

As in Nablus, the economic situation in Jenin deteriorated further when the IDF occupied the city on 3 April 2002 and put it under curfew until it withdrew on 18 April. Following several incursions by the IDF into the town in the following months, the IDF re-entered Jenin on 25 July and has since remained. The city has been under 24-hour curfew for months. According to the Palestine Red Crescent Society, between 25 July and 22 November 2002, Jenin was under curfew for nearly 70 per cent of the time. Amnesty International's delegate visited Jenin on 8 October and Deir Ghazaleh, a village in Jenin governorate, on 12 October. Several people complained about the confusion regarding the schedule for curfews. Sometimes, the IDF would announce that the curfew was to be lifted the following day. People would start preparing, but the next day would discover that the IDF had maintained the curfew. Many residents had started ignoring the IDF's announcements and were moving around in areas where there was no IDF presence. They were relying on information from the local taxi offices about the location of IDF tanks and the "no go" areas.

A dangerous commute to a declining business

Taraf Khaled Jarrar, 33, is a mechanic who owns a garage with his brother in Jenin. He lives with his wife and children in Hashimiya, a village about 9 kilometres east of Jenin. They used to live in a flat above the garage, but moved out in 2002 because his elder daughter had panic attacks whenever she heard an Israeli army helicopter or a tank.

Before the *intifada*, it used to take 10 to 15 minutes to drive from Hashimiya to Jenin. Now that short commute has become a dangerous and frightening journey, which can take an hour or more. He said: "*Sometimes I have to go through the hills and travel through dirt roads to get to Jenin. Today there was a tank on the road so we had to go on one of these routes.*" Sometimes his brother phones from Jenin to warn him of any shooting near the garage, "*In that case, I don't come because the soldiers shoot at cars.*"

He described the current state of his business. "*Before the intifada the business would bring in NIS600* [about US$120] *daily. Now if we have any work, we normally don't make more than NIS40* [about US$8.00] *a day, after the expenses. My brother and I used to employ three workers. Now there are none. Many people have sold their cars because they don't have money. In any event, people don't use their cars very much because it is so difficult to get in and out of Jenin. A lot of what is left of our business involves repairing cars which have been shot at by the Israeli tanks.*" When Amnesty International visited his garage, they were working on a car and a tractor, both of which had bullet holes in them.

Salary halved

Hassan Jarrar lives in Jenin. He is married with a baby and another expected. He has a good job, working in the credit control department of the Jenin office of a large Palestinian enterprise which owns and runs petrol stations all over the West Bank. He used to be paid a monthly salary of NIS2,800 (about US$560). In April 2002, the company started paying its workers on a daily instead of a monthly basis, and two out of the 40 employees in the Jenin office were laid off. The company's turnover had decreased drastically due to the economic situation and because the curfews prevented workers from getting to work regularly. Hassan was only able to reach work on 12 days in September 2002, and took home less than half his normal monthly salary.

Prohibited from driving on the main road

Walid Ahmad Hussein Khaledi, 34, lives in Deir Ghazaleh, a village about 5kilometres from Jenin, where he works as a night watchman in a factory. Before the *intifada*, his journey to work took between 5 and 10 minutes. Now it can take hours. Sometimes he never arrives. Deir Ghazaleh is one of [eight] villages east of Jenin, that have been cut off from the city by a north-south bypass road serving two Israeli settlements so that settlers do not have to travel through Palestinian communities to reach Israel. Palestinians are now prohibited from travelling on this road.

Walid Khaledi leaves home at 1.30pm to try to be on time for his shift at 4.30pm. Apart from the three weeks in April 2002 when it was impossible to enter Jenin after the IDF invasion, he has tried to go to work every day. At best, his journey takes one hour, but on 10 October there were so many checkpoints that he had to make a diversion of about 45km to try

to reach Jenin. Eventually, he ended up spending the night in Burqin village, on the other side of the city.

His transport costs have soared. Before the *intifada*, his fare in a shared taxi was NIS2 (about US$0.40) each way. Now the round trip costs NIS10–25 (about US$2–5) depending on the distance and how many taxis he has to take. His monthly salary of NIS1,200 (about US$240) is often late because production is about one quarter of the factory's capacity and there are cash flow problems.

He is in his third year of studying social work at al-Quds Open University in Jenin. The semester that should have finished by July 2002 had still not been completed by October because of the closures and curfews.