

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	105
Land:	Gaza/Vestbredden
Kilde:	Freedom House
Titel:	"Freedom in the World - Israel-Occupied Territories"
Udgivet:	1. juni 2007
Optaget på baggrundsmaterialet:	4. februar 2008



Freedom in the World - Israeli-Occupied Territories (2007)

Population:
4,018,000

Capital:
N/A

Political Rights Score: 6
Civil Liberties Score: 5
Status: Not Free

Overview

Gains in personal freedom for the Palestinians resulting from the 2005 withdrawal of Israeli settlers and army personnel from the Gaza Strip and the dismantling of four settlements in the West Bank were tempered in 2006 by renewed Israeli military activity and the continued construction of the West Bank security barrier. Armed Israeli incursions into Palestinian areas of the West Bank, while less common than in the years between 2001 and 2004, nonetheless occurred with some frequency in 2006. Mutual cease-fires announced by Israel and the Palestinian Authority (PA) early in 2005 broke down amid frequent rocket attacks from Gaza into Israel and the ensuing Israeli military operations. Construction in Israel's largest West Bank settlement blocs continued in 2006, and hopes for a further "disengagement" from the West Bank were checked by continued unrest in Gaza. Israeli court rulings called for adjustments to the route of the West Bank security barrier at several junctures throughout the year to ameliorate its impact on Palestinian civilians.

After the Arab Higher Committee and the Arab League rejected a UN partition plan in November 1947, Israel declared its independence on the portion of land allotted for Jewish settlement. In 1948, the fledgling state was jointly attacked by neighboring Arab countries in Israel's War of Independence. Israel maintained its sovereignty and captured additional territory. Jordan captured East Jerusalem and the West Bank, while Egypt took control of the Gaza Strip. In the 1967 Six-Day War, Israel seized the West Bank, East Jerusalem and the Gaza Strip, as well as the Sinai Peninsula (from Egypt) and the Golan Heights (from Syria). The Golan Heights had been used by Syria to shell northern Israeli communities.

After 1967, Israel began establishing Jewish settlements in the West Bank and Gaza Strip, an action regarded as illegal by most of the international community. Israel has maintained that the settlements are legal since under international law the West Bank and Gaza are in dispute, with their final legal status to be determined through direct bilateral negotiations based on UN Security Council Resolutions 242 and 338. The settlements have become a major sticking point in negotiations between Israel and the Palestinians and in relations between Israel and the international community.

In what became known as the first *intifada* (uprising), Palestinians living in the West Bank and Gaza began attacking mainly Israeli settlers and Israel Defense Forces (IDF) troops in 1987 to protest Israeli rule. A series of secret negotiations between Israel and Yasser Arafat's Palestine Liberation Organization (PLO)

conducted mostly in Oslo, Norway, produced an agreement in September 1993. The Declaration of Principles provided for a PLO renunciation of terrorism, PLO recognition of Israel, Israeli troop withdrawals, and gradual Palestinian autonomy in the West Bank and Gaza.

Most of Gaza and the West Bank town of Jericho were turned over to the new Palestinian Authority (PA) in May 1994. Following the assassination of Israeli Prime Minister Yitzhak Rabin in November 1995 by a right-wing Jewish extremist opposed to the peace process, Israel, under the stewardship of Prime Minister Shimon Peres, began redeploying its forces from six major Palestinian cities in the West Bank and Gaza.

Under the Oslo provisions implemented so far, the Palestinians have had full or partial control of Gaza and up to 40 percent of the territory of the West Bank (including 98 percent of the Palestinian population outside of East Jerusalem). However, Palestinian jurisdiction eroded considerably after the September 2000 eruption of the second intifada, triggered by Likud party leader Ariel Sharon's visit to the Temple Mount. The IDF subsequently reentered areas under PA control.

At the U.S. presidential retreat of Camp David in July 2000 and at Taba, Egypt, in the fall and in early 2001, Israeli and Palestinian leaders engaged in negotiations under U.S. sponsorship. For the first time, Israel discussed compromise solutions on Jerusalem, agreeing to some form of Palestinian sovereignty over East Jerusalem and Islamic holy sites in Jerusalem's Old City. Israel also offered all of the Gaza Strip and more than 95 percent of the West Bank to the Palestinians. The Palestinian leadership rejected the Israeli proposals; analysts suggest that Arafat did not believe Israel's guarantee of contiguity of Palestinian territory in the West Bank and rejected Jewish claims to Jerusalem. In addition, Israel refused to recognize the "right of return" to current-day Israel for Palestinian refugees.

After the collapse of the talks, the Palestinians' armed uprising continued, and violence flared throughout the occupied territories. Meanwhile, Sharon was elected Israeli prime minister in February 2001. Insisting that the PA was not preventing terrorism, Israel responded to successive waves of Palestinian suicide bombings by staging raids into Palestinian-ruled territory, destroying weapons factories and killing top leaders and members of radical Islamist groups such as Hamas and Islamic Jihad, as well as members of the secular Tanzim and al-Aqsa Martyrs Brigades, both offshoots of the mainstream Fatah movement. Many Palestinian civilians were also killed in the Israeli raids.

In April 2003, Israel and the Palestinians agreed to abide by a road map to peace put forward by the United States, Russia, the United Nations, and the European Union. The multistage, performance-based plan demanded coordinated Palestinian and Israeli steps toward peace, and the eventual creation of an independent Palestinian state.

After the death of Yasser Arafat in November 2004 and the election of Mahmoud Abbas as the new PA president in January 2005, violence between the two sides declined markedly. In February 2005, Israeli Prime Minister Ariel Sharon and Abbas met in Sharm al-Sheikh, Egypt, and agreed on a formal truce that lasted through June 2006. In August 2005, Israel unilaterally withdrew all settlers from the Gaza Strip, ending its 38-year presence in the Palestinian coastal enclave. About 9,000 settlers left their homes in 21 settlements in Gaza. By September 2005, all IDF

troops had pulled out, and Palestinians were free to move about Gaza, no longer encumbered by numerous IDF checkpoints and roadblocks. However, while Israel handed over control of Gaza's southern border to the PA and the European Union (subject to Israeli surveillance), it retained control over the airspace and coastline.

Elections to the Palestinian Legislative Council (PLC) were held in January 2006. The Islamist party Hamas, running under the name "List of Change and Reform," won 74 of 132 seats. Fatah, the party formed by Arafat and led by President Abbas, won only 45 seats. The results provided Hamas with the ability to form a government without Fatah support. Hamas's popularity was due in large part to its network of health clinics and schools and its vow to fight corruption; its electoral gains were a significant challenge to the Fatah-dominated PA, which was widely viewed as corrupt.

In June 2006, in response to the killing of eight Palestinian civilians by an artillery shell landing on a Gaza beach, Hamas declared an end to the truce with Israel and fired nearly 20 Qassam rockets into southern Israel on June 10 alone. The PA, as well as all armed factions involved, claimed that the errant shell was fired by Israeli forces, while the Israeli government maintained that the nearest military position was out of range and therefore Israel could not have been responsible. The event remained a source of dispute.

June also marked the first entry of Israeli forces into the Gaza Strip since the unilateral "disengagement" in September 2005. The assault came in response to a raid on an Israeli army outpost in the western Negev Desert by militants from Hamas and other groups based in the Gaza Strip. The militants' raid resulted in the killing of two Israeli soldiers and the capture of Israeli corporal Gilad Shalit. Israel's reentry into Gaza followed three days later. Israel said the move, Dubbed Operation Summer Rains, was intended to recover the kidnapped soldier and neutralize areas of the Gaza Strip from which Qassam fire was believed to be emanating. The fierce fighting that ensued resulted in the deaths of dozens of unarmed Palestinian civilians. Israel was condemned by human rights groups for such deaths, as well as for the destruction of a major power plant in Gaza and the resulting loss of electricity to a significant percentage of Gaza residents. Operation Summer Rains saw much of the newly autonomous Gaza population fall once again under Israeli military control, though Israel maintained throughout the year that it had no intention of reoccupying the area.

Israeli military operations in the Gaza Strip decreased somewhat between the months of August and September, but there was another spike in October and November as Israel sought to halt rocket fire from the north of the Strip and destroy tunnels under the border. PA-controlled areas of the northern West Bank also faced incursions by the Israeli military during the year, notably in early October, when operations in Qabatiya and Nablus led to the deaths of four Palestinian militants.

Israel's policy of assassinating suspected terrorists continued in 2006. Israeli Air Force (IAF) air strikes in February killed two members of Islamic Jihad and two members of al-Aqsa Martyrs Brigades, all of whom Israel said were responsible for firing Qassam rockets from Gaza into Israel. IAF air strikes later in February killed two senior commanders of al-Aqsa Martyrs Brigades, and strikes in June killed senior militants from Islamic Jihad and the Popular Resistance Committees (PRC), including PRC leader Jamal Abu Samhadana, one Israel's most wanted. Further air

strikes in October killed three Hamas military commanders and at least one member of al-Aqsa Martyrs Brigades who Israel said had been involved in Qassam rocket attacks.

Israel continued construction of a controversial security fence roughly along the West Bank side of the 1949 armistice line (Green Line). Composed of high-wire fencing, ditches, security sensors, watchtowers, and concrete slabs, the fence's stated purpose was to prevent terrorists from infiltrating Israel. In some areas, it jutted farther east into the West Bank and restricted Palestinian access to agricultural property, schools, and jobs. Palestinians complained that the barrier was a means to expropriate West Bank land and collectively punish ordinary Palestinians for acts committed by terrorists.

In recent years, the Israeli Supreme Court has ordered on numerous occasions that the proposed route of the security barrier be changed to reduce its negative impact on Palestinian residents. In 2006 alone the Supreme Court heard over 100 petitions, filed by nongovernmental organizations (NGOs) and Palestinian civilians, alleging hardship resulting from the route of the barrier. The Ministry of Defense continued to alter the route of the barrier in response to Supreme Court rulings. Analysts have suggested that the barrier would ultimately incorporate 8 percent of West Bank land, putting 99.5 percent of Palestinians outside the barrier. Once complete, however, the barrier would cut off approximately 55,000 Palestinians living in East Jerusalem from the rest of the city. Israel continued to insist that the fence was a temporary solution to an ongoing terrorist threat, not a permanent border.

The internationally backed road map put forward in 2003 demands a freeze on settlements, a condition that Israel has not honored. U.S. President George W. Bush publicly acknowledged in 2004 that some large West Bank settlements would remain intact as part of a final-status resolution to the conflict, particularly the heavily populated settlements close to the Green Line. A report issued in 2005 at Sharon's request—before Israel dismantled four West Bank settlements in August—stated that more than half of the illegal settler outposts in the West Bank were built on land whose ownership was unclear, or on land owned by Palestinians. Outposts normally consist of a handful of trailer homes placed mainly by religious Jews on uninhabited land. The report said that the Israeli Ministry of Housing had provided some financing for the outposts even though the cabinet had not approved their construction.

Israel's Supreme Court hears petitions from non-Israeli residents of the occupied territories and frequently receives petitions to remove outposts allegedly built on confiscated land. Rights groups often charge that such petitions are not adjudicated in a timely fashion and are sometimes dismissed without sufficient cause. In February 2006, the IDF destroyed nine permanent houses at the illegal outpost of Amona, following a petition from the Israeli NGO Peace Now. More recently, Palestinian petitioners from the villages of Burqa and Deir-Dibwan in November joined a similar petition lodged by Peace Now to force the removal of the relatively large outpost of Migron. In May, Israeli Defense Minister Amir Peretz authorized the expansion of the Jewish community of Beitar Illit and three other West Bank settlements. Tenders were issued in September for 342 new houses in Beitar Illit alone.

In the run-up to the Israeli elections in March 2006, Prime Minister Ehud Olmert

expressed his desire to withdraw from several more small settlements, to complete construction of the West Bank security barrier, and to consolidate Israel's hold over a small number of large settlement blocs adjacent to the Green Line. However, further settlement withdrawal, beyond the dismantling of temporary outposts, seemed to have halted amid continued unrest in Gaza.

Political Rights and Civil Liberties

Since they are not citizens of Israel, Palestinians under Israeli control in the West Bank and Gaza cannot vote in Israeli elections. They are permitted to vote in elections organized by the PA. Balloting held in January 2005 resulted in the election of Mahmoud Abbas as president of the PA. Israel helped facilitate voting by easing roadblocks and checkpoints in the West Bank and Gaza. Concerning the January 2006 PLC elections, the US-based National Democratic Institute (NDI) found that "despite some problems during the campaign and with electoral preparations, Israeli authorities generally eased travel through checkpoints on election day to facilitate freedom of movement."

After Israel annexed East Jerusalem in 1967, Arab residents there were issued Israeli identity cards and given the option of obtaining Israeli citizenship. However, by law, Israel strips Arabs of their Jerusalem residency if they remain outside the city for more than three months. Arab residents of East Jerusalem who do not choose Israeli citizenship have the same rights as Israeli citizens except the right to vote in national elections (they can vote in municipal elections). Many choose not to seek citizenship out of solidarity with Palestinians in the West Bank and Gaza Strip, believing East Jerusalem should be the capital of an independent Palestinian state. East Jerusalem's Arab population does not receive a share of municipal services proportionate to its numbers.

Arabs in East Jerusalem have the right to vote in PA elections, but do so subject to restrictions imposed by the Israeli municipality of Jerusalem. In advance of the January 2006 elections for the Palestinian Legislative Council (PLC), the PA's legislative body, Israeli authorities announced that polling could take place at five designated post offices in East Jerusalem, in keeping with a compromise reached prior to PA elections held in 1996. Israel initially announced its intention to bar campaigning in Jerusalem, in response to Hamas's intention to field candidates in the elections. However, a compromise was reached on this issue, whereby only those parties that registered with the Jerusalem municipality would be allowed to campaign; Hamas was not allowed to register.

Druze and Arabs in the Golan Heights who were under Syrian rule before Israel captured the area in 1967 and annexed it in 1981 cannot vote in Israeli national elections, but they are represented at the municipal level.

The Israeli-Palestinian conflict is one of the most closely covered news stories in the world, a circumstance that suggests there is a relatively high degree of press freedom in the occupied territories. However, international press freedom groups regularly criticize Israel for blocking journalists' access to active conflict zones, for harming and sometimes killing reporters during battles, and for harassing Palestinian journalists. Israel has long denied that it deliberately targets journalists and insists that reporters covering armed conflict in the West Bank and Gaza are in danger of getting caught in crossfire. In one high-profile incident, British freelance cameraman and film director James Miller was fatally shot in the Gaza Strip in 2003. In January 2005, a cameraman for Israeli Channel 10, Majdi al-Arabid, was

wounded by gunfire while filming the entry of Israeli troops into Beit Hanoun in the northern Gaza Strip. In April 2006, a British Coroner's Court declared the death an unlawful killing on the part of the IDF, to which Israel has responded with a promise to further examine the incident. In November, Nabil al-Mazzawi, a cameraman with Qatar-based television station Al-Jazeera, was beaten by Israeli soldiers and held for several hours following violent demonstrations against Israel's security barrier outside Jerusalem.

Israel generally recognizes the right to freedom of worship and religion. On several occasions during the latest intifada, Israel has restricted Muslim men under 40 from praying on the Temple Mount compound in Jerusalem's Old City, for fear of violent confrontations. Palestinians have deliberately damaged Jewish shrines and other holy places in the West Bank. In the wake of Israel's withdrawal from Gaza, Palestinians desecrated or destroyed several synagogues in former settlements.

While academic freedom is generally respected, IDF closures and curfews and the West Bank security barrier restrict access to Palestinian academic institutions. Israeli authorities have at times shut universities, and schools have been damaged during military operations. Since the inception of the second intifada in 2000, Israel has prohibited many student residents of the Gaza Strip from attending classes at West Bank universities, citing security concerns. Throughout the intifada, schoolchildren have periodically been injured or killed during fighting.

Freedom of assembly and association are generally respected. However, Israel has imposed strict curfews in the West Bank at various times since September 2000. There are many Palestinian NGOs and civic groups, and their activities are generally not restricted by Israel. Labor affairs in the West Bank and Gaza are governed by a combination of Jordanian law and PA decisions. Workers may establish and join unions without government authorization. Palestinian workers in Jerusalem are subject to Israeli labor law.

Palestinians accused by Israel of security offenses in Israeli-controlled areas are tried in Israeli military courts. Security offenses are broadly defined. Some due process protections exist in these courts, though there are limits on the rights to counsel, bail, and appeal. Administrative detention is widely used. Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. In 2000, Israel outlawed the use of torture as a means of extracting security information, but milder forms of physical coercion are permissible in cases where the prisoner is believed to have vital information about impending terrorist attacks. Human rights groups still criticize Israel for continuing to engage in what they consider torture. Confessions are usually spoken in Arabic and translated into Hebrew for official records.

Israel holds somewhere between 7,000 and 10,000 Palestinians in jail. Many suspected of involvement in terrorism are held in administrative detention without charge or trial. Israel frequently releases prisoners in the context of peace negotiations or mutual exchanges. In February 2005, in accordance with the truce agreement reached in Sharm al-Sheikh between Israel and the PA, Israel released 500 Palestinian prisoners, although not those charged with taking part in attacks that killed Israelis. In June 2005, Israel released another 400 prisoners. No such prisoner exchanges were conducted in 2006; negotiations for the release of an untold number of jailed Hamas militants in exchange for abducted Israeli soldier Gilad Shalit broke down by year's end. While Palestinians have recourse to Israel's

highest civilian courts to protest home demolitions and Israeli tactics in carrying out targeted assassinations, decisions made in their favor are rare. However, Israel's Supreme Court has repeatedly ruled in favor of Palestinians who have petitioned to have sections of the West Bank security barrier rerouted. There are several such petitions currently before the court.

According to the Israeli human rights organization B'Tselem, Israeli security forces have killed more than 3,920 Palestinians since the beginning of the second intifada (about 50 percent of whom were civilians and/or non-combatants). Violence between Palestinians and Israeli settlers is not uncommon; B'Tselem places the number of Palestinians killed by Israeli civilians in the occupied territories between the start of the second intifada in 2000 and October 2006 at 41, while the number of Israeli civilians killed by Palestinians in the West Bank and Gaza during that same time period was 235.

Freedom of movement improved measurably in 2005 following Israel's withdrawal from Gaza, but the trend was reversed somewhat following the reentry of the Israeli military in June 2006. Reduced security checkpoints in the West Bank, especially around the time of Palestinian elections, contributed to an easing of Palestinian mobility, as did Israel's handing over security control to the PA in the West Bank town of Tulkarm and its dismantling of four settlements in the northern West Bank in 2005. The security measures had denied Palestinians easy passage from one town to another, making access to jobs, hospitals, and schools extremely difficult. Renewed Israeli military operations in West Bank towns such as Nablus and its surrounding villages in mid-2006 did, however, cause some restriction on Palestinian freedom of movement.

Israel exercises overall military control at border crossings between the West Bank and Jordan. Construction of Israel's security barrier has also cut off many Palestinians from their farms and denied them and others easier access to other parts of the West Bank. All West Bank and Gaza residents must have identification cards in order to obtain entry permits into Israel, including East Jerusalem. Israel often denies permits without explanation.

The Palestinian economy has been seriously affected by the Israeli closures of West Bank and Gaza crossing points; thousands of Palestinians rely on access to jobs in Israel. Israel's Operation Summer Rains in the Gaza Strip in 2006 has been the source of particular economic hardship. Citing security concerns, Israel barred Gazan workers from entering Israel beginning in March 2006. Israel has traditionally been the primary market for Gazan goods, but after the beginning of the military operation in June nearly all transit points between the two territories were closed. The Karni crossing, through which commercial supplies enter Gaza, was largely closed as well, though Israel permitted the entry of food aid. These closures, in addition to similar periodic closures between Israel and the West Bank, led to a marked decline in Palestinian agricultural exports in 2006.

While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they do have full access to universities and to many professions. Palestinian societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which unmarried women who are raped or who engage in premarital sex are murdered by a relative, are not uncommon; these murders often go unpunished. Human Rights Watch released a

report in November 2006 that cited widespread abuse of women in Palestinian society, with reference to instances of rape victims being forced to marry assailants, and light sentences for men who kill female relatives suspected of adultery. The report pointed out that women's fates in instances of rape or abuse are increasingly determined by tribal leaders, a situation that Human Rights Watch claims is detrimental for Palestinian women.