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U.S. Committee for Refugees and Immigrants World Refugee Survey — 2005 - Israel and Occupied Territories

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Israel and Occupied Territories

Refugees and Asylum Seekers:	1,639,900
Former Pales tine:	1,635,000
Lebanon:	3,900
New Refugees and Asylum Seekers:	100
Israel and Territories as Source:	900
IDPs:	10,000-20,000
1951 Convention:	Yes
Protocol:	Yes
ExCom Member:	Yes
Reservations:	Arts. 8, 12, 28, 30
Population:	6.8 million (Israel)
	3.8 million (Occupied Territories)
GNI	\$108.6 billion

Statistics - Israel and Occupied Territories

Refoulement/Asylum There were no reports of *refoulement* but there were lethal protection gaps for refugees in the Occupied Territories.

In 2002, the Israeli National Status Granting Body (NSGB) took over responsibility of refugee status determination from the Office of the UN High Commissioner for Refugees. The NSGB reviewed asylum applications and made recommendations to the Ministry of Interior, which had ultimate authority to approve or deny. Denied applicants could appeal, and the Government generally did not deport denied applicants.

Israel did not view Palestinians from Gaza, the West Bank, and elsewhere as covered by the Convention Relating to the Status of Refugees (1951 Convention, see "A Refugee is a Refugee: 50 Years of Excluding Palestinians from International Protection," World Refugee Survey 2003, pp. 40-45), although many other Palestinians were citizens of Israel.

Israel offered temporary protection to persons from countries in conflict such as Congo-Kinshasa, Côte d'Ivoire, Liberia, and Sierra Leone, but sought third

countries to accept asylum seekers from countries with which it had no diplomatic relations.

Occupied Territories Israel deported three Palestinians from the West Bank to Gaza under the Defense (Emergency) Regulations of 1945. These regulations contravened the Fourth Geneva Convention and vested authority in the discretion of the military commander without prior judicial review or conviction.

Palestinian refugees in the territories continued to lack the protection envisioned in Article 1D of the 1951 Convention which governed their inclusion in its coverage. In January, the Israeli Defense Force (IDF) used refugees as human shields to enter and search homes in Tulkarm refugee camp. In March, IDF incursions in two Gaza refugee camps killed ten Palestinian fighters and four civilians. Also in March, the IDF killed a radio journalist reporting on clashes in the Balata refugee camp, accusing him of having opened fire. In May, tank shells killed ten Palestinian demonstrators in the Rafah refugee camp among whom some were gunmen, the IDF claimed.

From September to October, in response to a rocket attack on a settlement in which two Israeli children died, the IDF launched the 17-day-long "Operation Days of Penitence" in Jabalia refugee camp, killing more than 100 Palestinians, many of them civilians, including children. In separate incidents in September and October, the IDF fired on UNRWA schools in Khan Younis refugee camp in Gaza killing one 10-year-old and one 11-year-old schoolgirl, each at their desks. The IDF alleged that militants used the school for rocket attacks. In total, over 800 Palestinians, including fighters and civilians, 80 Israeli and other civilians, and 40-50 Israeli soldiers died in fighting during the year.

Detention There were no reports of detention of refugees or their punishment for exercising refugee rights. Applicants denied asylum, however, sometimes remained in detention for extended periods pending departure. Israel provided identity documents to asylum seekers not held in detention during the review process.

Occupied Territories While not specifically directed against refugees, Israel at times administratively detained more than 800 Palestinians, including refugees, on public security grounds, often related to movement restrictions. Often Israel held them without due process or formal charges and denied them access to attorneys or even the evidence against them. Authorities regulated detention for up to six months at a time with unlimited possible

extensions in six-month increments. Authorities transferred some detainees to prisons in Israel, in violation of international law.

Right to Earn a Livelihood Israel allowed refugees to work, to practice professions, to engage in business, and to obtain licenses. As reported by the Ministry of Interior, they could also hold title and freely transfer business premises, farmland, homes, and other capital assets. Israel also granted temporary work permits to asylum applicants during the review process. Refugees generally had full access to Israel's courts to enforce their rights.

Occupied Territories Restrictions on freedom of movement and residence hindered all residents' ability – including refugees' – to earn livelihoods. The unemployment rates for Palestinians in 2004 were about 27 percent in the West Bank and nearly 40 percent in the Gaza Strip, with 62 percent of all Palestinians living below the poverty line. About a quarter of the Palestinian workforce depended on day jobs in Israel or in the Israeli settlements in the territories.

According to the Palestinian Initiative for the Promotion of Global Dialogue and Democracy, in the construction of the separation barrier, Israel confiscated about 23,100 hectares (57,200 acres) – including some of the most fertile land in the West Bank – demolished about 7,700 homes, and uprooted about 1.19 million trees. The barrier made it difficult for thousands of Palestinians to reach their fields and market their produce.

Freedom of Movement and Residence Israel did not confine refugees to camps or settlements, and allowed them to travel freely and reside where they chose. They had access to travel documents.

Occupied Territories Israel strictly curtailed and controlled the movement of Palestinians, including refugees with hundreds of checkpoints and physical roadblocks, travel restrictions on some 450 miles of road in the West Bank, and curfews. The 125-mile-long West Bank separation barrier – which the International Court of Justice ruled a violation of international law – further restricted Palestinians' movement, including their ability to farm and graze animals. In some cases, the wall encircled entire villages, leaving only one locked gate controlled by the IDF and opened for 15-minute intervals three times a day – except at times when the IDF ordered complete closures.

In February, the IDF blew up an apartment in the Aida refugee camp near Bethlehem, reportedly because a family member had killed a soldier in

2001. In April, the IDF blew up another home in the Tulkarm refugee camp after a family member killed an Israeli in a northern West Bank settlement. Major incursions in January, May, and December in the Rafah refugee camp left nearly 5,000 homeless. Operation Days of Penitence destroyed hundreds of homes and buildings and displaced thousands of people in Jabalia refugee camp.

According to the Israeli human rights organization B'Tselem, "the right of every person to travel in the West Bank is based on his or her national origin." A UN report stated that Israel administered these noncodified restrictions in an "arbitrary and capricious" manner. To enter Israel from the territories – including crossing between the West Bank, the Gaza Strip, and East Jerusalem – Israeli authorities required a special permit, but issued few to Palestinians. Overstay or residence without a permit resulted in expulsion, detention, or fines. In April, closures in the Gaza Strip forced the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to suspend emergency food aid to some 600,000 refugees when delays at the checkpoints kept empty container trucks from leaving Gaza, resulting in prohibitive fines for the UN agency. Between April and September, the IDF prevented Palestinian males between the ages of 16 and 35 from leaving Gaza for Egypt and shut the border down completely for two weeks in July.

Jordan granted travel documents to Palestinian refugees on the West Bank.

Public Relief and Education Refugee children had access to education on par with Israeli nationals. Refugees also enjoyed healthcare and public assistance on par with citizens. Pending asylum applicants, however, were not eligible for public assistance. Independent humanitarian agencies had unimpeded access to assist refugees and asylum applicants.

Occupied Territories Palestinian refugees could enroll in Palestinian-only public or private schools, each of which required tuition. Israel had a parallel educational system restricted to Jewish children. UNRWA operated tuition-free primary and secondary schools for refugees. Demand far outweighed capacity, forcing UNRWA schools to operate on double-shift schedules.

Israel generally permitted international agencies such as ICRC and UNRWA to serve refugees, but restricted access during Operation Days of Penitence. Israel also denied Physicians for Human Rights access to Gaza for three years and limited its access to the West Bank to operate mobile

clinics. In September, the IDF barred UNRWA's commissioner-general from leaving Gaza and, in October, reportedly detained 24 UNRWA staff.

Internally Displaced Persons (IDPs) About 10,000 to 20,000 Palestinians with Israeli citizenship, the survivors of 48,000 mostly Christian Arab villagers in the Galilee region had been internally displaced since 1948. Arab-Israelis and their descendants generally enjoyed the same rights as other Israeli citizens in law although the Government gave Arab municipalities less funding than Jewish areas. They were, however, exempt from compulsory military service and from public benefits for which it was prerequisite.

Statistical Note: In earlier World Refugee Surveys, the U.S. Committee for Refugees and Immigrants (USCRI) included the descendants of those originally displaced in its count of IDPs, resulting in a much larger figure. In this Survey, USCRI did not count descendants of internally displaced persons unless they incurred protection risks resulting from their parents' displacement.

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