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Foreign &
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Office

Human Rights Annual Report 2009 - Countries of Concern: Israel and Occupied Palestinian Territory

The UK remains deeply concerned about the situation in Israel and the Occupied Palestinian Territories. We welcome steps that Israel and the Palestinian Authority take to protect human rights. But Israeli actions in East Jerusalem and its restrictions on Gaza were of particular concern in 2009, as was the continued failure of Palestinian militants to renounce violence.

The UK remains committed to bringing about a two-state solution in the Middle East, with a viable Palestinian state, based on the 1967 borders and with Jerusalem as a shared capital, living alongside Israel in peace and security. We will continue to work closely with international partners to drive the Middle East Peace Process forward.

Israel

External Threats against Israeli Citizens

In 2009, terrorists in Gaza and Lebanon again forced many Israelis to live under the physical threat and psychological pressure of indiscriminate rocket fire against their communities.

Foreign Office Minister for the Middle East, Ivan Lewis, visited communities in southern Israel and witnessed the physical and psychological impact of this threat, which endures even though the numbers of rocket attacks reduced from 2008. We are concerned that countries in the region continue to rearm Hamas and other terrorist groups, including with more sophisticated weaponry with an increased targeting range.

Rocket-fire into northern Israel from Lebanon was isolated and infrequent in 2009, but we are concerned about arms smuggling across the Syrian–Lebanese border and these arms reaching Hizaballah in contravention of UN Security Council Resolution 1701.

Internal Human Rights Issues

The Israeli government generally upheld the human rights of its citizens in 2009, but a number of minority groups within Green-Line Israel continued to suffer inequality and discrimination in access to housing, education, employment, healthcare and welfare services.

Israel's Declaration of Independence and Basic Laws afford all Israeli citizens full social and political equality. But

in many areas of government service provision this stated equality is not a reality for Israel's Muslim, Christian, Arab, Druze and Bedouin citizens. Sikkuy, the Jewish-Arab Association for the Advancement of Civil Equality in Israel, has reported that Israel's Arab population received only 71 per cent of the education resources due to it, 64 per cent of the top job opportunities and training that it should expect, and only 49 per cent of its share of the welfare funding. In addition, the state funding gap between Arab and Jewish citizens increased every year for the last three years.

We are encouraged by the steps Israel intends to take to develop the economic potential of Israel's Arab population, such as the inclusion of 40 per cent of Israel's Arab population in revised National Priority Zone plans, announced in December (although the inclusion of a number of settlements makes it problematic for other reasons).

We remain concerned that the Israeli government's Goldberg Commission's recommendations have not brought about the hoped for progress for Bedouin communities that we had expected; the demolition of Bedouin houses and villages continues.

We spent over £100,000 in 2009 to support projects and organisations that develop coexistence between Jewish and Arab children.

West Bank

Palestinians in the West Bank suffer from the effect of:

- > Israel's illegal expansion of existing settlements, the construction of new outposts, and violence carried out by settlers;
- > Israel's security measures to protect its Green-Line citizens and the settlements, including the Barrier, and restrictions to movement and access;
- > Israeli planning restrictions in Area C, resulting in house demolitions and evictions; and
- > Israeli military justice and, in particular, "administrative detention".

While our concerns about the situation in the West Bank are focused on the impact of the occupation, the Palestinian Authority, despite its lack of sovereign control, also has responsibilities, including upholding the political and civil rights guaranteed by the Palestinian Basic Law. In particular, we are concerned about reports of politically motivated arrests and abuses in detention, but welcome steps being taken to address this.

Settlements and Settler Violence

The UK's and EU's clear policy on settlements is that they are illegal under international humanitarian law and their continued expansion is in direct contravention of the Israeli commitment in the 2003 Roadmap. According to Israeli NGO Peace Now, settlements occupy over ten per cent (nearly 600 square kilometres) of West Bank territory, significantly more than the settlements' official boundaries (which cover 9.3 per cent of the West Bank). We hope that the limited Israeli moratorium on new West Bank settlement construction announced on 25 November will become a step towards resuming peaceful negotiations, but remain concerned that it omits East Jerusalem and allows significant building to continue in the West Bank. The Israeli government has failed to remove at least 99 settlement outposts, which are illegal even under Israeli law. Israeli Central Bureau of National Statistics figures show that the settler population grew at an average of five per cent in 2008 and 2009 as opposed to 1.8 per cent population growth for the whole of what it defines as Israel (ie including East Jerusalem, the Golan Heights, and settlements in the West Bank).

The settlements, their infrastructure, and the roads that link them across the West Bank were built on expropriated Palestinian land, fragmenting the West Bank and often making travel from one Palestinian town to the next difficult and at times impossible. Many Palestinians have found themselves cut off from their livelihoods, especially farmland.

The number of attacks by settlers against Palestinian civilians decreased in 2009, with 937 injuries (and no fatalities) – the lowest numbers since 2005. However, in December 2009 tensions increased with 22 Palestinians injured (including nine children) in attacks by settlers. According to the Israeli human rights organisation Yesh Din, more than 90 per cent of complaints against settlers are closed without indictment. We welcome the arrest of suspects for the 11 December incident when settlers burnt the top floor of a building near Salfit serving as a mosque. And we recognise that there is also violence against settlers: a settler was shot dead by Palestinian gunmen on 24 December at the settlement of Shevei Shomron following which the Israeli Defence Force killed three men in Nablus whom they alleged were responsible. We urge the Israeli government to apply the rule of law consistently with regard to settler violence, just as we condemn violence against Israelis from any source.

Movement and Access

One of Israel's principal measures to ensure the security of the settlements and of Green-Line Israel is the Barrier. Most of its 723-km route lies within the West Bank and not within Green-Line Israel: 8.6 per cent of the West Bank lies west of the Barrier. The 27,500 Palestinian residents living in this "seam zone" need permits to access their own homes. A further 3.4 per cent of the West Bank east of the Barrier is completely or partially enclosed by the Barrier, affecting 250,000 Palestinians. Palestinians living close to the route of the barrier find their freedom of movement and ability to exercise ownership rights on their land severely restricted. Nearly 100,000 settlers live east of the Barrier.

The UK welcomes Israel's easing of some restrictions on movement and access in the West Bank in response to recent improvements in the security environment through improvements in the Palestinian Authority Security Forces and their increased coordination with the Israeli Defence Forces. This has included the removal, suspension, or downgrading of major checkpoints around Ramallah, Nablus, Qalqilya and Jericho. Although high levels of donor support continue to underpin economic growth, these measures also made a contribution. However, according to the UN Office for the Coordination of Humanitarian Affairs, there remain 578 obstacles to movement in the West Bank, 54 per cent more than in 2005. These include 69 permanent checkpoints and 21 partially manned checkpoints. We are also concerned about the increase in temporary checkpoints and increasing restrictions on movement between East Jerusalem and the rest of the West Bank.

Evictions and House demolitions

In 2009, the UN recorded the demolition by Israel of 189 Palestinian-owned structures, including 56 residential structures, in Area C of the West Bank due to lack of permits, displacing 319 Palestinians. Some 3,000 demolition orders for buildings without permits remain outstanding.

Administrative Detention

As regards Israel's judicial and prison systems, we remained concerned by the number of prisoners, including many children, in detention without trial and by allegations of abuse of detainees. We are particularly concerned about the Israeli military courts system.

We welcome the drop in the number of Palestinians in Israeli administrative detention in 2009. However, according to the International Committee of the Red Cross (ICRC), 330 remain detained without charge, including three women and one child. Around a third had been in detention for one to two years and eight per cent for up to five years. Many are detained for minor actions such as throwing stones. Many do not have access to a fair criminal trial and often do not know why they have been detained. They have limited access to a lawyer or the evidence on which their detention is based, which the military judge usually declares "privileged" – related to intelligence or security so neither the defendant nor their lawyer is allowed to see it.

East Jerusalem

Evictions and Demolitions

According to the UN, between January and November 2009, 64 Palestinian structures were demolished in East Jerusalem, displacing 300 people. In some cases (for example, in Sheikh Jarrah), there is a systematic attempt by Israeli settler groups to take over an area of East Jerusalem. We regard Israeli settlement activity in occupied territory, including in East Jerusalem, as illegal under international law – and a significant obstacle to peace.

We remain deeply concerned about the continuing demolition of Palestinian homes in East Jerusalem. With very few exceptions, it is illegal under international law.

Israel argues that these buildings have been constructed without the required Israeli permits. We do not recognise that Israel has any right to impose such Israeli law on East Jerusalem. It is also extremely difficult for Palestinians in East Jerusalem to obtain an Israeli building permit – only 13 per cent of East Jerusalem is zoned for Palestinian construction (35 per cent has been expropriated for Israeli settlements).

While the demolition of Israeli structures does take place in West Jerusalem, it is almost always carried out against extensions, rather than entire residential structures.

Freedom of Movement and Residency Rights

We are deeply concerned that current restrictions on freedom of access to East Jerusalem, and restrictions on East Jerusalem residency rights, make it increasingly difficult for East Jerusalem to be part of wider Palestinian life and for East Jerusalem to function in the future as part of a Palestinian state. It remains difficult for Palestinians from the West Bank to enter East Jerusalem for work, education, medical treatment or religious worship. They must apply to the Israeli authorities for a permit, which can be refused without explanation. They must enter the city through a limited number of checkpoints, at which there are often lengthy queues. The opening times and operating procedures for the checkpoints can change suddenly and unexpectedly. The current route of the

separation barrier also contributes to the isolation of East Jerusalem from the West Bank.

Palestinians from East Jerusalem risk losing their permanent right to live there if they cannot prove continuous residency for the previous seven years. According to the Israeli Ministry of Interior's most recently available report, Israel revoked the residency permits of 4,577 Palestinian residents of East Jerusalem in 2008, compared with a total of 8,558 between 1967 and 2007. According to Israeli NGO HaMoked, many of those whose residency has been revoked are students who have been studying abroad for extended periods and who will now not be able to rejoin their families in East Jerusalem.

In 2009, we supported European Council conclusions and EU statements calling on Israel to refrain from all provocative activity in East Jerusalem. We have also raised these issues directly with the Israeli government on many occasions.

We shall continue our financial support for projects in East Jerusalem that help Palestinians to understand and use the Israeli planning laws more effectively. Since 2008, these projects, worth £450,000 over four years funded from the Conflict Pool, have saved over 300 homes from demolition.

Gaza

During "Operation Cast Lead" between December 2008 and January 2009, the humanitarian situation in Gaza deteriorated significantly (see page 62 for further details on the UN Human Rights Council Fact Finding Mission on the Gaza Conflict).

We recognize Israel's right to protect its citizens, but after the ceasefire, Israel continued to impose severe restrictions on the Gaza border crossings under its control. Israel also controls the skies above Gaza and the sea off the Gaza coast. Israel prohibits Palestinians from fishing beyond three nautical miles from shore, which forces fishermen to fish with smaller nets and lose significant income. Given the extent of this control, Israel retains obligations as an occupying power under the Fourth Geneva Convention and must cooperate in facilitating the passage and distribution of relief consignments.

Israel's broad restrictions on the movement of goods and people, including reconstruction materials and fuel, shoes and other civilian necessities, have devastated the legitimate economy and prolonged severe humanitarian suffering. While the tunnel trade continues to fuel an illicit economy there has been a steady decline in Gazan infrastructure and the quality of health, water and education services.

Egypt controls the Rafah crossing into Gaza, but this is primarily a pedestrian crossing. It is only opened by the Egyptian authorities in exceptional circumstances.

According to the Palestinian Central Bureau of Statistics, between January and March, 41.5 per cent of the Gaza workforce was unemployed, up from 32.3 per cent in 2008.

According to UN figures, about 1.1 million Gazans (75 per cent of the population) lack access to adequate safe and nutritious food to maintain a healthy and productive life. The Israeli government decision of 22 March, to permit unrestricted food products into Gaza once the source was cleared by Israeli authorities, is yet to be implemented. The inadequate supply of reconstruction materials has had a detrimental impact on water infrastructure. Around 80 million litres of raw and partially treated sewage flow into the sea daily. According to the World Health Organisation (WHO), only 5–10 per cent of the water extracted from the Gaza aquifer meets WHO safety standards.

The shortage of building materials has prevented the expansion of health facilities to meet the needs of a growing population. Patients need to be referred to hospitals outside Gaza for specialised medical treatment. They have to go through an arduous and uncertain process to obtain the necessary exit permits. There have been allegations of Israel attempting to recruit patients who need a permit as informers.

Following the January conflict, we pledged nearly £50 million to Gaza to fund the activities of charities and aid agencies, providing humanitarian assistance and emotional support for traumatised children.

While Hamas's actions can be no justification for preventing aid reaching the people of Gaza, Hamas must remove the menace of rocket attacks against the people of southern Israel. Hamas has also moved violently against its political opponents and those deemed to be collaborators with Israeli forces. An April Human Rights Watch (HRW) report documents arbitrary arrests and detentions, torture, maiming by shooting, and 32 extrajudicial executions by alleged members of Hamas forces. And in July, Hamas officials initiated what they called a "virtue" campaign, saying they were concerned about increasing "immoral" behaviour in Gaza. Gaza residents told HRW that Hamas forces have questioned women seen socializing with men in public places and beaten three young men for swimming without shirts.

The UK will continue to make clear to the Israeli government that the situation in Gaza is unacceptable. We shall continue to press it to open the crossings into Gaza for the legitimate flow of humanitarian and reconstruction

materials, trade and people. We shall continue to call on Hamas to halt abuses within Gaza, renounce violence and to release Gilad Shalit.

The Use of Israeli Military Justice

The British Consulate-General in Jerusalem observed nine administrative detention hearings, and one criminal hearing, at Ofer prison in November. The cases were heard in Hebrew, with the official translator often absent, limiting the defendant's ability to understand proceedings. Only the military judge and a military lawyer had access to the case files. Seven of the hearings lasted less than two minutes. Most resulted in an extension to detention for between two and ten days. The defence lawyers could not argue against the extensions granted to allow more time for interrogation, since they were not allowed to see the evidence against their client. In all cases the judge ruled against the defendant.

In 2006 the Israeli human rights organisation Yesh Din conducted a major project on the military courts. It found that over 95 per cent of convictions in military courts are plea bargains based on confession through interrogation. The defendant faces the choice between a long period of administrative detention ending in a short trial and long sentence or simply "admitting" to the charge presented to him and reducing the amount of time spent in administrative detention.

In the specific case that we were following, the court ruled in favour of the Israeli security services' lawyers that the defendant's lawyer could have no contact with his client for over two weeks because the interrogation was at a "crucial stage". After 63 days in detention, the defendant's case was dropped, but he was subsequently served two months' administrative detention on the basis of secret evidence. On 11 January 2010, the defendant was released without charge.

Allegations of Torture by Palestinian Authority Security Forces

Palestinian and international NGOs, including Human Rights Watch and Amnesty International, have made allegations of mistreatment of detainees by the Palestinian Authority Security Forces, including physical abuse and the use of stress positions and other coercive interrogation techniques. According to the Palestinian Independent Commission on Human Rights there have also been three high-profile deaths in Palestinian Authority Security Forces custody.

The UK is taking extensive action to help the Palestinian Authority (PA) eliminate the mistreatment of detainees. DFID has a detailed dialogue with the PA on security-sector reform and good governance. The UK, through the Conflict Pool, funds the 12-strong British Support Team in Ramallah, which works with the PA Ministry of the Interior to help the PA develop its governance and oversight structures. The British Support Team helps deliver leadership courses, including ICRC human rights training to senior and intermediate security officers. It is also working with the PA to establish an Inspectorate-General responsible for investigating allegations of abuse against the Palestinian Authority Security Forces.

We have made clear to the PA at the highest level that the mistreatment of detainees is unacceptable. We welcome its response. On 25 August, the Palestinian Prime Minister, Salam Fayyad, pledged publicly that "agencies must be subject to the rule of law...The government will continue to...hold accountable all security service employees in line with human rights and freedoms". By the end of 2009, 42 members of the security forces had been suspended, dismissed or put in prison as a result of investigations by the military prosecutor. Independent Palestinian human rights organisations reported a marked improvement in the standard of detention in the West Bank, although they continue to express concern over the use of military courts to try civilians.

Evictions and Demolitions: The Case of Sheikh Jarrah

On 2 August, at 5.30am, the al-Hanoun and al-Ghawi families – a total of 53 people – were forcibly evicted from their homes. The Israeli security forces did not give several of the women time to put on their hijab head-covering before being forced onto the street. Much of their furniture was destroyed. Israeli settlers moved into the buildings that day.

At the same time, the Jerusalem Municipality demolished the al-Kurd family tent for the sixth time, explaining that it had been erected without a permit. The al-Kurds were evicted from their home in Sheikh Jarrah, now occupied by settlers, in November 2008.

On 3 November, a large number of Israeli settlers, accompanied by armed guards, moved into part of the Rivka al-Kurd family home in Sheikh Jarrah. They threw many of the family's possessions out onto the street.

A Morning at Qalandiya Checkpoint

At 6am on 16 March, an FCO official went with the Ecumenical Accompaniment Programme to observe Qalandiya, the main checkpoint between Ramallah and Jerusalem. A crowd of Palestinians had to file through four narrow turnstiles to enter the checkpoint. A separate humanitarian gate operated for children and the elderly, sick and infirm. The gate was too small for the number trying to use it. The Israeli officers on duty did not manage or marshal the crowd; instructions were issued in Hebrew over a tannoy system. During the two-hour observation period, a child in a wheelchair and a heavily pregnant woman joined the crowd attempting to access the humanitarian gate. An Ecumenical Accompanier approached an Israeli officer and asked him to open a separate gate for the child, but the officer did not do so. The heavily pregnant woman also asked to use a separate gate, but was also refused. She attempted to make her way through the crowd to the humanitarian gate, but eventually gave up and left.

Around 7,000 pedestrians pass through Qalandiya every day with crossing from one side to the other taking between 60 and 90 minutes in each direction on a good day. Workers begin queuing to cross as early as four in the morning.

Gilad Shalit

Israeli soldier Gilad Shalit was abducted on 25 June 2006 by Hamas in a cross-border raid. He has been held captive in Gaza by Hamas since, without communication with his family and with no access for the ICRC.

British Ministers and the British Ambassador in Israel have met Gilad Shalit's family and emphasised our support for his immediate release. While we welcomed the video released by Hamas on 2 October as part of a prisoner-swap deal, the continued captivity of Gilad Shalit is utterly unacceptable and we continue to call on Hamas to allow the ICRC access to him and for his immediate, unconditional and safe release.

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