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Israel/Occupied Palestinian Territories (OPT)

The war between Israel and Hezbollah in Lebanon, the victory of Hamas in the Palestinian Legislative Council elections and its formation of a new government, and renewed armed conflict in Gaza dominated events in 2006.

War between Israel and Hezbollah

The war in Lebanon from July 12 until August 14 left more than 1100 Lebanese dead, a majority of them civilians, more than 4,000 people injured, and an estimated one million people displaced. Children accounted for approximately one-third of the casualties and deaths. In Israel, indiscriminate Hezbollah rockets killed 39 civilians and injured hundreds more.

In its conduct of hostilities, the Israel Defense Forces (IDF) repeatedly violated the laws of war by failing to distinguish between combatants and civilians. The IDF claims that the high proportion of civilian deaths in the war was due to Hezbollah hiding its rockets and fighters in villages and towns, but IDF attacks responsible for a majority of the civilian deaths took place at times when there was no evidence that Hezbollah fighters or weapons were even in the vicinity. While the IDF in certain cases gave advance warnings for civilians to evacuate areas likely to be attacked, such warnings do not relieve a warring party of its obligation to target only combatants. In southern Lebanon, many people remained even after warnings because of age, infirmity, responsibility for livestock and crops, inability to afford exorbitant taxi fares charged for evacuation, or fear of becoming another roadside casualty of IDF bombing. As a result, the IDF's indiscriminate bombardment had devastating consequences for civilians.

Israel's extensive use of cluster munitions also continues to be a pressing concern. The UN has estimated that Israel fired cluster munitions containing 2.6 to 4 million submunitions into Lebanon, leaving behind as many as one million hazardous duds

that, at this writing, had resulted in more than 20 deaths and 100 injuries, many of them serious. According to the UN, Israel blanketed much of southern Lebanon with 90 percent of those submunitions in the last three days before the cease-fire.

For its part, Hezbollah launched thousands of rockets on cities, towns, and villages in northern Israel, using a variety of unguided surface-to-surface rockets. These rockets killed 39 Israeli civilians and injured hundreds more. Hezbollah packed some of these rockets with more than 4,000 anti-personnel steel spheres (“ball bearings”) that shoot out upon impact, causing many of the civilian deaths and injuries. Hezbollah also fired Chinese-made cluster rockets, each containing 39 explosive submunitions as well as deadly steel spheres. At least 113 such cluster rockets hit Israel, causing one death and 12 injuries, according to Israeli police. The rockets also caused damage to civilian homes, businesses, the natural environment, and the economy. While Hezbollah appeared to target some of its rockets at military objectives, in some cases hitting them, many of its rockets hit civilian areas, far from any apparent military target. Such attacks—at best indiscriminate attacks on civilian areas and, at worst, deliberate attacks against civilians—violated the laws of war.

The Electoral Victory of Hamas

In January Hamas’s “Change and Reform” bloc won an unanticipated victory in the second-ever Palestinian Legislative Council elections, taking 74 of 132 seats (or 56 percent). In March, Hamas formed a new government, appointing Ismail Haniyeh as prime minister.

Israel and key Western powers, which list Hamas as a terrorist organization, responded to Hamas’s victory by boycotting the government, cutting diplomatic ties, and withholding the Palestinian Authority’s tax revenues (in the case of Israel) and international donor funding (in the case of Western countries), which together accounted for approximately 75 percent of the Palestinian Authority’s budget.

These actions caused a severe political and financial crisis in the OPT, which was continuing at this writing. From March onwards, the Palestinian Authority was unable to pay the salaries of almost all of its approximately 165,000 civil servants, salaries on which one-quarter of all Palestinians rely. Poverty and dependence on outside

food aid climbed sharply. Because Israel retained effective day-to-day control over most key aspects of life in Gaza, including ingress and egress and thus the economy, it retained the responsibility of an occupying power under the Fourth Geneva Convention to ensure that the occupied population has access to food and medicine, and that basic health, security, and education needs are met.

Renewed military conflict in Gaza compounded the crisis after a Palestinian armed group kidnapped Israeli soldier Corporal Gilad Shalit on June 25. In a stated bid to free Shalit and suppress increased Qassam rocket attacks from inside northern Gaza (see “Palestinian Authority” below), Israel bombed Gaza’s sole electrical power plant, which had provided 45 percent of Gaza’s electricity, conducted a number of military incursions into Gaza, and engaged in a wide-scale campaign of artillery shelling into northern Gaza. At this writing, often indiscriminate and disproportionate artillery attacks in 2006 had killed 53 Palestinians, all civilians, and caused serious damage to homes, fields, and greenhouses.

As of October, the number of Palestinians killed in 2006 by Israeli security forces had reached 449, at least half of whom were not participating in hostilities at the time of their deaths, raising serious concerns for civilian protection. The Israeli army’s continued failure to conduct investigations into most killings of civilians reinforced a culture of impunity in the army and robbed victims of an effective remedy.

Israeli authorities expanded already extensive, often arbitrary restrictions on freedom of movement in the West Bank and East Jerusalem. As of August 1, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported 540 physical closure obstacles, up from 376 at the same time in 2005. The closure of Gaza was more complete than at any time since the outbreak of the *intifada* in 2000, with the Rafah international border, Erez crossing, and other crossings into Israel designed for the transport of goods closed entirely or opened only irregularly, with disastrous effects on Gazan exports and imports. As of June 25, 2006, Israel prohibited Palestinian fishermen from fishing off the coast, affecting the livelihoods of 35,000 people dependent on the fishing sector, and depriving Gaza residents of fish.

In 2006 Israel stated publicly for the first time that the route of the wall it had said it is constructing to prevent Palestinian armed groups from carrying out attacks inside Israel also reflected official aspirations for a new border. Currently, 85 percent of the wall's route extends into the West Bank; if the wall were to become a permanent border, it would mean Israel's annexation of approximately 10 percent of the West Bank, including almost all major settlements there, all of which are illegal under the Fourth Geneva Convention, as well as some of the most productive Palestinian farmlands and key water resources. The International Court of Justice has condemned the construction of the wall inside the OPT. Israel also continued to expand settlements in 2006 and failed to dismantle most of the 105 "illegal outposts" (settlements not officially endorsed by the state) despite promises to do so. Settler violence against Palestinians and their property continued with virtual impunity.

Israel continued to apply a host of laws and policies that discriminate on the basis of ethnic or national origin. In June, the Israeli High Court upheld Knesset legislation that prohibits Palestinians from the OPT, who are spouses of Israeli citizens (mostly Arab-Palestinian Israelis), from joining their partners in Israel, except in certain age categories. Since 2002, Israel has frozen family reunification and forced thousands of married couples and their children to choose between living apart or living together in Israel illegally. Israel has also banned Palestinian students from the OPT seeking to study in Israeli schools and universities, and began denying visas to foreign citizens, many of Palestinian origin, who have been living, working, and raising families in the OPT for years.

Palestinian Authority

Although President Mahmoud Abbas of Fatah retained his position as president of the Palestinian Authority (PA), tensions between Fatah and Hamas increased during the year. At this writing, talks between the parties about the formation of a "national unity government" were ongoing, but the internal security situation had deteriorated drastically, with the two parties' supporters and security forces clashing in the streets, killing and wounding bystanders. In a particularly bloody 48-hour period on October 1-2, 11 people were killed and scores more were injured during clashes and demonstrations. There was also a significant rise in clashes between armed clan members.

Armed Palestinian groups continued to fire unguided homemade Qassam rockets from Gaza into civilian areas in Israel in 2006, causing several serious civilian injuries and at this writing, two deaths. These attacks, either targeted at civilians or indiscriminate in their impact, are illegal under international humanitarian law. The Palestinian Authority made little or no effort to rein in these attacks. In June Palestinian armed groups abducted and killed an Israeli settler in the West Bank and captured Corporal Shalit, who at this writing continued to be held as a hostage in violation of the laws of war.

The number of Palestinian suicide bombings targeting civilians inside Israel in 2006 was lower than at any time since the beginning of the current *intifada* in 2000, but such attacks continued. The Islamic Jihad carried out a lethal suicide bombing in Tel Aviv in April 2006, killing 11 Israelis. Armed groups also carried out several attacks in the OPT, killing seven Israeli civilians. Human Rights Watch has repeatedly pointed out that there is no justification under any circumstances for attacks on civilians, which violate the most basic principles of international human rights and humanitarian law. As in previous years, the Palestinian Authority failed to take decisive action to apprehend those who had ordered or organized the attacks.

Violence against women and girls inside the family is a serious problem in the OPT, but the PA has done far too little in response. Law enforcement and health officials lack adequate training, guidelines, and commitment to report and investigate the problem. Even in the rare instances where the authorities pursue cases, perpetrators benefit from outdated and lenient laws that provide a reduction in penalty to men who kill or attack female relatives committing adultery, relieve rapists who agree to marry their victims from any criminal prosecution, and allow only male relatives to file incest charges on behalf of minors.

Key International Actors

International financial support, and withholding of such support, played an ever greater role in Israel in 2006. Israel remained the largest recipient of US aid, receiving US\$2.28 billion in military aid and \$280 million in financial aid. At the same time, the US cut all ties with the Hamas-led PA, pushed the other members of the Quartet (the United Nations, Russia, and the European Union) to cut direct aid to

the PA, and, in October 2006, announced that it would spend US\$43 million to bolster Fatah and other groups opposing Hamas.

The EU suspended its direct budgetary support to the PA following the election of Hamas, but funneled some money through the Temporary International Mechanism (TIM), established in June, to provide urgent humanitarian aid to the Palestinian people without funding the PA. Both the US and the EU continue to fund UN agencies and nongovernmental agencies working in the OPT.

On September 20, the Quartet stressed the urgent need for implementation of the Agreement on Movement and Access, signed by the parties in November 2005, to allow for continuous opening of Rafah and other crossing points into and out of Gaza. The Quartet also called for increased international donor funding through the TIM. Finally, the Quartet indicated that “the resumption of transfers of tax and customs revenues collected by Israel on behalf of the PA would have a significant impact on the Palestinian economy,” but fell short of calling on Israel to immediately hand over the money.

At this writing, the newly created UN Human Rights Council already had held three special sessions in 2006, one to consider the situation in the OPT (July 5-6), one to consider the situation in Lebanon (August 11), and one to consider the situation in Gaza after Israeli artillery shelling killed 19 civilians in Beit Hanoun (November 15). All resolutions focused primarily on Israeli actions and violations, and failed to consider, let alone condemn, abuses committed by armed groups in the OPT or by Hezbollah in Lebanon.