

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	116
Land:	Gaza-Vestbredden
Kilde:	Amnesty International
Titel:	"Annual report 2008. Palestinian Authority"
Udgivet:	28. maj 2008
Optaget på baggrundsmaterialet:	2. juni 2008

STATE OF ISRAEL

Head of State	Shimon Peres (replaced Moshe Katzav in June)
Head of government	Ehud Olmert
Death penalty	abolitionist for ordinary crimes
Population	7 million (Israel); 3.9 million (OPT)
Life expectancy	80.3 years (Israel); 72.9 years (OPT)
Under-5 mortality (m/f)	6/5 per 1,000 (Israel); 23/18 per 1,000 (OPT)
Adult literacy	97.1 per cent (Israel); 92.4 per cent (OPT)

The human rights situation in the Israeli Occupied Palestinian Territories (OPT) remained dire. Israeli forces killed more than 370 Palestinians, destroyed more than 100 Palestinian homes and imposed ever more stringent restrictions on the movement of Palestinians. In June, the Israeli government imposed an unprecedented blockade on the Gaza Strip, virtually imprisoning its entire 1.5 million population, subjecting them to collective punishment and causing the gravest humanitarian crisis to date. Some 40 Palestinians died after being refused passage out of Gaza for urgent medical treatment not available in local hospitals. Most Gazans were left dependent on international aid for survival but UN aid agencies complained that the Israeli blockade made it difficult for them to provide the much needed assistance. In the West Bank, the Israeli authorities continued to expand illegal settlements and build a 700-km fence/wall in violation of international law. Impunity remained the norm for Israeli soldiers and Israeli settlers who committed serious abuses against Palestinians, including unlawful killings, physical assaults and attacks on property. Thousands of Palestinians were arrested, most of whom were released without charge. Those charged with security-related offences often received unfair trials before military courts. Some 9,000 Palestinian adults and children remained in Israeli jails, some of whom had been held without charge or trial for years. Attacks by Palestinian armed groups killed 13 Israelis (see Palestinian Authority entry).

Background

In January, President Moshe Katzav took leave of absence after the Attorney General announced he would be charged with rape. The President resigned in June after striking a plea bargain in which he admitted responsibility for lesser offences, including sexual harassment, indecent assault and harassment of a witness, in exchange for agreement that the rape charges would be dropped and he would be spared prison. One of the plaintiffs petitioned the Supreme Court to set aside the plea bargain, and women's rights organizations called for Moshe Katzav to face trial. The case remained pending. In June, Vice Prime Minister Shimon Peres was elected President.

The Israeli government resumed talks with the Palestinian Authority (PA) and in November the two sides participated in an international meeting in Annapolis, sponsored by the US government, about resuming peace

negotiations. However, no concrete measures were announced at the meeting. Prior Israeli undertakings to ease movement restrictions on Palestinians and to remove some Israeli settlement “outposts” had not materialized by the end of the year. In December, the Israeli authorities announced further expansion of Israeli settlements in the OPT, in violation of international law.

Killings of Palestinians

Frequent air strikes and other attacks by Israeli forces killed more than 370 Palestinians, including some 50 children, and injured thousands more. The Israeli authorities maintained their strikes were in response to “Qassam” rocket and mortar attacks by Gaza-based Palestinian armed groups against nearby southern Israeli towns and villages and against Israeli army positions along the perimeter of the Gaza Strip. More than half of the Palestinians killed by Israeli forces were armed militants who were participating in armed confrontations or attacks, or who were extrajudicially executed in air strikes. The rest were unarmed civilians not involved in the hostilities. Some 50 children were among those killed.

- Five children were killed by Israeli missiles in two separate incidents in Beit Hanoun, northern Gaza, in August. Mahmoud, Sara and Yahia Abu Ghazal, aged eight, nine and 11, were killed on 29 August while grazing their sheep, and Fadi Mansour al-Kafarna and ‘Abd al-Qader ‘Ashour, aged 11 and 13, were killed and a third child was injured on 21 August while playing in a field.
- Zaher al-Majdalawi and Ahmad Abu Zubaidah, aged 13 and 14, were killed on 1 June as they were flying kites on the beach in Beit Lahia, northern Gaza.

Killings of Israelis

Seven Israeli civilians and six soldiers were killed by Palestinian armed groups, the lowest annual fatality figure since the outbreak of the intifada in 2000.

- Shirel Friedman and Oshri Oz were killed in Sderot by “Qassam” rocket attacks on 21 and 27 May.

Justice system

Detentions

Thousands of Palestinians, including scores of children, were detained by Israeli forces in the OPT. The majority of those arrested were later released without charge, but hundreds were accused of security offences. Some 9,000, including more than 300 children and Palestinians arrested in previous years, remained imprisoned at the end of 2007. More than 900 were held in administrative detention without charge or trial, including some held since 2002. Among those detained were dozens of former ministers in the Hamas-led PA government and Hamas parliamentarians and mayors who were seemingly held to exert pressure on Hamas to release Gilad Shalit, an Israeli soldier captured in 2006 who continued to be held in Gaza by the armed wings of Hamas and the Popular Resistance Committees (PRC).

Almost all the Palestinian detainees continued to be held in jails inside Israel, in violation of international humanitarian law, which bars the removal of detainees to the territory of the occupying power.

In October, following a habeas corpus petition filed by a human rights organization, the Supreme Court ordered the army and the prison administration to explain why the transfers of Palestinian detainees from one place of detention to another were often not recorded. The case remained pending at the end of the year.

Denial of family visits

Israeli authorities frequently denied visiting permits to relatives of Palestinian detainees on unspecified “security” grounds. The prohibition often appeared arbitrary, with the same relatives being allowed to visit on some occasions but not others. Many parents, spouses and children of detainees had not been allowed visits by their relatives for more than four years. In June, the Israeli authorities suspended all family visits for some 900 detainees from the Gaza Strip. The suspension remained in place for the rest of the year. No Israelis serving prison sentences were subjected to such restrictions.

Unfair trials before military courts

Trials of Palestinians before Israeli military courts often did not meet international standards of fairness, and no credible investigations were carried out into allegations of torture and other ill-treatment of detainees.

Prisoner releases

In July, October and December the Israeli authorities released some 770 Palestinian prisoners, mostly members of PA President Mahmoud Abbas’ Fatah party. In a deal concluded with Hizbullah in Lebanon in October, the Israeli authorities released a Lebanese man suffering from mental illness who had been captured by Israeli forces in Lebanon and removed to Israel in August 2006, and returned the bodies of two Lebanese Hizbullah fighters in exchange for the body of an Israeli who had drowned and had been washed up on the Lebanese coast years earlier. The Israeli authorities continued to refuse to return to their families the bodies of hundreds of Palestinians killed in attacks and confrontations with Israeli forces in previous years.

Impunity for attacks on Palestinians

Israeli soldiers and other members of the security forces as well as Israeli settlers continued to enjoy impunity for human rights abuses committed against Palestinians, including unlawful killings, torture and other ill-treatment, physical assaults and attacks on their property.

Investigations and prosecutions relating to such abuses were rare and usually limited to cases publicized by human rights organizations and the media. Few investigations were known to have been initiated into such abuses

and most were closed for “lack of evidence”. In rare cases where soldiers or settlers were convicted of abusing Palestinians they received relatively lenient treatment, while no members of the General Security Service (GSS) were known to have been prosecuted for torturing Palestinians.

Torture and other ill-treatment

Detainees were often held in prolonged incommunicado detention under interrogation and denied access to their lawyers for up to several weeks. There were frequent reports of torture and other ill-treatment during this period. Methods reported included beating, tying in painful positions for prolonged periods, denial of access to toilets and threats to harm the detainees’ relatives. In some cases, detainees’ parents, wives or siblings were summoned and forced to appear before detainees while dressed in prison uniform to make the detainees believe that they too were being held and ill-treated.

In October, following a petition from a human rights organization, the Supreme Court issued an interim decision ordering the authorities to notify Palestinians held in a detention centre in the West Bank that new regulations allowed them free access to toilets. In March, following a petition from a human rights organization, the Supreme Court ordered the GSS to inform Mohammed Sweiti, a detainee who had been held incommunicado for five weeks, that his wife was not being detained. Mohammed Sweiti had begun a hunger strike and attempted suicide after he was shown his wife and his father dressed in prison uniform and was led to believe that they were being ill-treated.

Blockades and other restrictions

More than 550 Israeli military checkpoints and blockades restricted or prevented the movement of Palestinians between towns and villages in the West Bank. The Israeli authorities continued to expand illegal settlements in the occupied West Bank and to build a 700-km fence/wall, 80 per cent of which runs inside the West Bank. For this purpose, large areas of Palestinian land were seized or rendered inaccessible to Palestinians, depriving them of their source of livelihood and restricting their access to their workplaces, education and health facilities and other necessary services. Palestinians were barred from or had restricted access to more than 300km of roads in the West Bank, which were mostly used by Israeli settlers.

In June the Israeli authorities further strengthened the blockade previously imposed on the Gaza Strip to an unprecedented level. They closed the border with Egypt, the only point of entry/exit for Gaza’s inhabitants, and the Karni merchandise crossing. Thousands of Palestinians were left stranded on the Egyptian side of the border for months. Most were allowed to return to Gaza in August but scores remained stranded at the end of the year and thousands of students and workers could not leave Gaza to return to their studies and jobs abroad. Except in some urgent cases, even patients in need of medical care not available in Gaza were prevented from leaving the area and more than 40 died as a result.

The blockade caused a sharp deterioration in the already dire humanitarian situation in Gaza. The few factories that had continued to function despite restrictions imposed in previous years were forced to close because they could not import raw materials or export finished products. Vast amounts of flowers and other agricultural produce were wasted because they could not be exported. There were shortages of meat, dairy products and other basic foodstuffs, and of most other goods, including paper, pencils, clothes, spare parts for hospital equipment and medicine. Extreme poverty, malnutrition and other health problems increased. Eighty per cent of the population was forced to rely on international assistance, but UN aid agencies and humanitarian organizations were also negatively affected by restrictions and the increased operational costs these caused.

Destruction of homes

Israeli forces demolished more than 100 Palestinian homes throughout the West Bank, including in East Jerusalem, because of lack of building permits – which were systematically denied to Palestinian residents of these areas of the OPT. The demolitions left hundreds of Palestinians homeless.

- In August, Israeli forces destroyed several homes and animal pens in Humsa, a small village in the Jordan Valley area of the West Bank. The families of Abdallah Hsein Bisharat and Ahmad Abdallah Bani Odeh, totalling some 40 people, most of them children, were made homeless. The army also confiscated the villagers' water tanks and tractor. The villagers had been forced to move from nearby Hadidiya to Humsa after the Israeli army threatened to destroy their homes. The army considers the site a "closed military area" to be used by Israeli forces for shooting practice. In October, the families were again forced to move from Humsa and returned to Hadidiya.
- In October, more than 200 Palestinians were forced from their homes in Khirbet Qassa, a small village established in the 1950s by Palestinian refugees. The village had been separated from the rest of the West Bank by the fence/wall and for more than a year Israeli forces had harassed the villagers to induce them to move. Their homes were mostly demolished on the grounds that they had been built without licences, which the Israeli authorities refuse to Palestinians in those areas.

Family reunification denied

Foreign nationals, mostly of Palestinian origin married to Palestinian inhabitants of the OPT, were increasingly denied entry to the OPT. Spouses with European and North American nationalities who had previously been able to reside in the OPT by leaving and re-entering Israel every three months in order to renew their visas, were often denied entry to the OPT. After a sustained campaign by those concerned and by human rights organizations, in October the Israeli authorities approved some 3,500 requests for family unification submitted in previous years. However, some 120,000 other outstanding cases were not addressed.

Amnesty International visits/reports

- Amnesty International delegations visited Israel and the OPT in June, July and December.
- Israel and the Occupied Palestinian Territories: Enduring Occupation – Palestinians under siege in the West Bank (MDE 15/033/2007)
- Israel/Occupied Palestinian Territories: Right to family life denied – foreign spouses of Palestinians barred (MDE 15/018/2007)

- Israel/Occupied Palestinian Territories: Update to Comments by Amnesty International on Israel's compliance with its obligations under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) (MDE 15/007/2007)
- Occupied Palestinian Territories: Torn apart by factional strife (MDE 21/020/2007)