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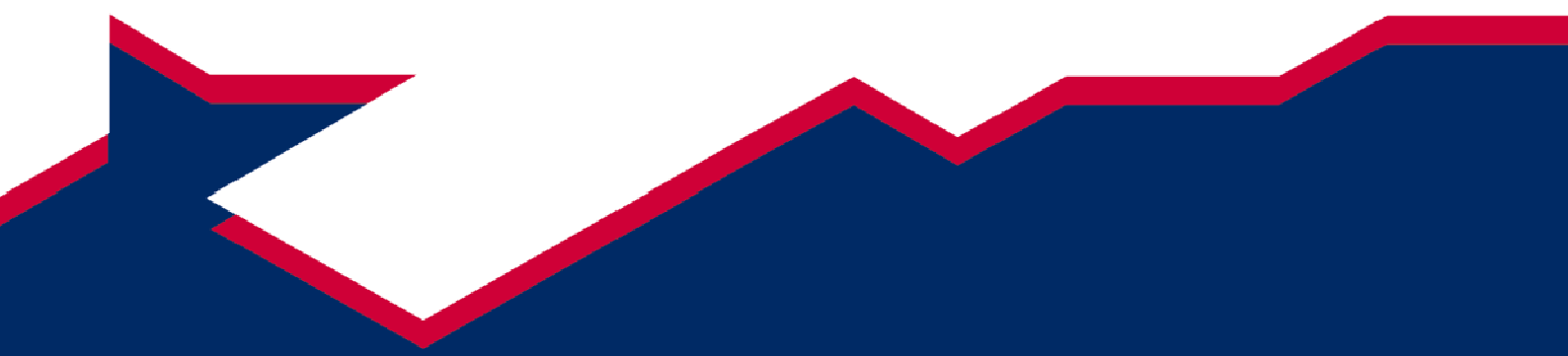


THE OCCUPIED PALESTINIAN TERRITORIES

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

2 December 2010



SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 13 November 2010. The 'Latest News' section contains further brief information on events and reports accessed from 14 November to 2 December 2010. The report was issued on 2 December 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service

UK Border Agency

St Anne House

20-26 Wellesley Road

Croydon, CR0 9XB

United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In

such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information

Independent Chief Inspector of the UK Border Agency

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Website: <http://icinspector.independent.gov.uk/country-information-reviews/>

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Latest News

EVENTS IN THE OCCUPIED PALESTINIAN TERRITORIES FROM 14 NOVEMBER TO 2 DECEMBER 2010

The Latest News provides a non-exhaustive selection of significant events since 14 November 2010. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

30 November “Despite encouraging developments in Gaza since Israel eased its blockade in June, with shops now full of consumer goods, the economic, humanitarian, and physical situation is still extremely bleak, the top United Nations official there said today, calling for speedy moves to revive the territory’s economy
“‘We have a huge amount of progress still to make to have a meaningful impact for the population on the ground,’ John Ging, Gaza Director for the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), told reporters in New York, stressing that 80 per cent of the population is dependent on aid and cannot afford to buy what is available in the shops.”

UN News Centre

Despite easing of Gaza blockade, situation still desperate, UN official warns, 30 November 2010 <http://www.un.org/apps/news/story.asp?NewsID=36910&Cr=gaza&Cr1>
Date accessed 1 December 2010

25 November “The prime minister of Israel, Benjamin Netanyahu, on Thursday strongly denounced a Palestinian Authority paper that denies any Jewish connection to the Western Wall, the iconic holy site and place of Jewish worship in the Old City of Jerusalem, describing the report as reprehensible and scandalous.’
“The episode appeared to signal a worsening atmosphere after a two-month hiatus in peace talks.”

The New York Times

Western Wall Feud Heightens Israeli-Palestinian Tensions, 25 November 2010
<http://www.nytimes.com/2010/11/26/world/middleeast/26mideast.html>
Date accessed 1 December 2010

23 November “The United Nations political chief today called for efforts to break the current impasse in Israeli-Palestinian peace talks, including a freeze on settlement activity in the occupied Palestinian territory, and urged a return to direct negotiations by the parties. ... the first direct negotiations between the two sides in over 18 months soon stalled after a partial settlement moratorium in the occupied West Bank expired later that month, despite calls on Israel from the diplomatic Quartet – comprising the UN, European Union, Russia and United States – to renew it.

“[Palestinian President Mahmoud] Abbas has indicated he will not continue with negotiations unless Israel freezes settlement activity.”

United Nations News Centre

UN political chief urges early resumption of Israeli-Palestinian peace talks, 23 November 2010

<http://www.un.org/apps/news/story.asp?NewsID=36845&Cr=palestin&Cr1>

Date accessed 29 November 2010

22 November “The Palestinian Islamist movement Hamas on Monday accused its rivals in the Fatah party of president Mahmud Abbas of sabotaging reconciliation efforts with a campaign of arrests in the West Bank. ...

“Fatah last week accused Hamas of plotting to kill one of its governors in the West Bank, an accusation which the Islamists denied. A number of suspects were rounded up in connection with the alleged plot.

“The Palestinian rival factions had agreed to resume reconciliation talks after last week's Muslim feast of Eid al-Adha, following two rounds of talks in Damascus, held earlier this month and in September.”

Agence France Press

Palestinian faction accuses rival over arrests, 22 November 2010 via

<http://www.google.com/hostednews/afp/article/ALeqM5j4tD2gK21fpKCPRQsF6YVDPkUVyw?docId=CNG.6a1c9fb0b782d89e78fda34d20d9180f.5d1>

Date accessed 1 December 2010

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex F – References to source material](#).

Aljazeera <http://english.aljazeera.net/news/middleeast/> [37]

Asharq Alawsat <http://aawsat.com/english/> [67]

British Broadcasting Corporation (BBC) http://www.bbc.co.uk/news/world/middle_east/

Integrated Regional Information Networks (IRIN)

<http://www.irinnews.org/Country.aspx?Country=OPT> [87]

MIFTAH – The Palestinian Initiative for the Promotion of Global Dialogue and Democracy

<http://www.miftah.org/> [21]

Palestine Monitor <http://palestinemonitor.org/spip/> [33]

United Nations News Centre <http://www.un.org/apps/news/> [90]

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REPORTS ON THE OCCUPIED PALESTINIAN TERRITORIES PUBLISHED OR ACCESSED BETWEEN 14 NOVEMBER AND 2 DECEMBER 2010

The Home Office is not responsible for the content of external websites.

An international coalition of 22 development, human rights and peace-building organisations including **Amnesty International (AI)**; **Catholic Agency for Overseas Development (CAFOD)**; **Christian Aid**; **Fédération Internationale des Ligues des Droits de l'Homme (FIDH)**; **Handicap International**; **Medical Aid for Palestinians (MAP)**; **Norwegian Refugee Council (NRC)**; **Oxfam**; **Pax Christi International**; **Save the Children**; **Trócaire** *Dashed Hopes: Continuation of the Gaza Blockade*, 30 November 2010 via http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=VVOS-8BNM9Q&file=Full_Report.pdf

Date accessed 1 December 2010

US Department of State

2010 Report on International Religious Freedom: Israel and the occupied territories, released 17 November 2010 <http://www.state.gov/q/drl/rls/irf/2010/148825.htm>

Date accessed 29 November 2010

Human Rights Watch

Meeting the Challenge – Protecting Civilians through the Convention on Cluster Munitions, released 22 November 2010

<http://www.hrw.org/sites/default/files/reports/armsclusters1110webwcover.pdf>

Date accessed 29 November 2010

International Committee of the Red Cross (ICRC)

Operational Update – Israel and the occupied territories: helping people to use their land safely, released 23 November 2010

<http://www.icrc.org/eng/resources/documents/update/2010/palestine-update-2010-11-22.htm>

Date accessed 29 November 2010

BADIL Resource Center for Palestinian Residency and Refugee Rights

Submission to the Committee on Economic, Cultural and Social Rights For the Convening of the Committee on its 45th Session from 1-19 November 2010 – Regarding Israel's Serious Breaches of its Obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), released 24 November 2010 <http://www.badil.org/en/documents/category/40-other?download=846%3Abadil-sub-to-cecsr-regarding-israel-icescr-4thsession-nov2010>

Date accessed 29 November 2010

A list of regularly updated sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in [Annex F – References to source material](#).

Independent Commission for Human Rights produces monthly reports on violations of human rights and Public Freedoms in the Palestinian-controlled Territory

<http://www.ichr.ps/etemplate.php?id=12> [71]

International Crisis Group (ICG) produces a monthly Crisiswatch on Israel and the Occupied Palestinian Territories (OPTs) <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bA22BA765-9955-42C0-BF38-872912FC338D%7d> [66a]

12 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

United Nations Information System on the Question of Palestine (UNISPAL) “The main collection contains the texts of current and historical United Nations material concerning the question of Palestine and other issues related to the Middle East situation and the search for peace.” <http://unispal.un.org/unispal.nsf/udc.htm?OpenForm> [39]

UN Office for the Coordination of Humanitarian Affairs (OCHA) produces weekly and monthly updates, in addition to ad hoc Special Focus reports <http://www.ochaopt.org/> [3]

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Background Information

1. GEOGRAPHY

- 1.01 For the purpose of this report the Occupied Palestinian Territories (OPTs) are formed of the West Bank (including East Jerusalem) and the Gaza Strip. The UK Foreign and Commonwealth Office's (FCO) March 2010 document, *Geographical Names & Information*, noted, "Her Majesty's Government [HMG] does not recognise these territories as an independent state. Their permanent status has yet to be agreed. In the view of HMG the status of the whole of Jerusalem also remains to be determined." [5b] (p27)
- 1.02 The Geography section, posted on 7 May 2010, of Jane's Information Group's (Jane's) Sentinel country risk assessment on the Gaza Strip and the West Bank noted: "The small area that is the Gaza Strip lies on the Eastern Mediterranean coast, to the southwest of Israel and the northeast of Egypt. ... The West Bank lies to the east of Israel on what would otherwise be that country's border with Jordan." [28a] (Geographical overview) Jane's stated that the Gaza Strip consists of 360 square kilometres (139 square miles) with a 40 kilometre coastline on the Eastern Mediterranean whilst the West Bank, which borders the Dead Sea but is otherwise land-locked, consists of 5,860 square kilometres (2,263 square miles). [28a] (Physical Summary and Coastline)
- 1.03 The United Nations Cartographic Section's (UNCS) reference map of January 2004, (see [Maps](#)) showed Gaza and Khan Unis as principal towns/cities in Gaza Strip. The same map showed Tulkarm, Nabulus, Ram Allah, Jericho, Bethlehem and Hebron in the West Bank. [2a]

WEST BANK – AREAS 'A', 'B' AND 'C'

- 1.04 Following the September 1995 signing of the Oslo II Accord (the Interim Peace Agreement [IPA]) the West Bank was divided into Areas 'A', 'B' and 'C'. [39b] (Article XI) For more detailed information consult the [Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip](#). [39b]
- 1.05 The Internal Affairs section, posted on 20 May 2010, of Jane's Sentinel country risk assessment reported:
- "Area 'A' – the PA [Palestinian Authority] has political and security control;
"Area 'B' – the PA holds political control but shares security responsibilities with Israel;
"Area 'C' – Israel has political and security control.
- "In practical terms, Israel retains control over the territories' external security, air space, sea lanes and electromagnetic sphere." [28a] (Constitution)
- See also [Maps](#) for a United Nations Office for the Coordination of Humanitarian Affairs (OCHA) map of Areas 'A', 'B' and 'C', dated May 2010; [History](#); [Political system](#) and [Freedom of Movement](#)
- 1.06 Jane's Internal Affairs section also noted:
- "Significant concessions had to be made by the Palestinians to ensure that the withdrawals [agreed in the IPA] went ahead. Moreover, a great deal of Palestinian land

was confiscated to allow for the building of a complex new road network providing access to the majority of Israeli settlements without passing through Palestinian population centres. The Israeli settlements themselves remained under Israeli control and the area controlled by the PA was hopelessly fragmented, making it virtually impossible to construct the effective institutions of a state, which are dependent on contiguous territorial integrity.” [28a] (*The Establishment of the Palestinian Authority*)

- 1.07 The International Crisis Group’s (ICG) September 2010 report, *Squaring the Circle: Palestinian Security Reform under Occupation*, noted that following the outbreak of the Al Aqsa Intifada (Second Intifada) in September 2000:

“Israel’s reoccupation of Area A in March 2002 rendered Oslo’s geographical repartition essentially obsolete, and that remains the case today. ... A Fatah Central Committee member summarised the situation as follows:

“Any reference to the PA’s growing control of Area A relates exclusively to inter-Palestinian affairs, that is, the PA’s control over other Palestinian groups, like militias and clans. Ultimate control over Area A still remains with the Israelis. Strictly speaking, there is no such thing as Area A anymore.” [66b] (p20)

- 1.08 Amnesty International’s June 2010 report, *As safe as houses? Israel’s demolition of Palestinian homes* stated, “Under the Oslo Accords, the Israeli authorities retain both civil and military control in Area C, more than 60 per cent of the West Bank. The estimated 150,000 Palestinians living there face severe restrictions on building and also on their freedom of movement.” [35d] (p4)

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Hebron

- 1.09 The undated *About Hebron* webpage of the Temporary International Presence in the City of Hebron (TIPH) reported “Since early 1997, following the Hebron Protocol, the city has been divided into two parts: H1 and H2. The H1 area, home to around 140 000 Palestinians, came under the control of the Palestinian authorities. The H2 area, which is inhabited by around 30 000 Palestinians and approximately 500 Israeli settlers in four downtown settlements, remained under Israeli military control.” [64a] (*Hebron Today*)

B’Tselem [Map of restrictions in Hebron’s Center](#), May 2007 [25b] For more information on the city of Hebron see the [TIPH website](#) [64]

Jerusalem (Arabic: *al-Quds*)

- 1.10 A United Nations Department of Public Information (UNDPI) paper *The Question of Palestine and the United Nations* of April 2008 stated, after the end of the 1948-1949 hostilities, which followed the creation of the State of Israel in May 1948, “Israel occupied the western sector of the Jerusalem area, and Jordan occupied the eastern sector, including the walled Old City. Thus, there came into existence a *de facto* division of Jerusalem.” [39a] (p111)

See also [History](#)

- 1.11 An OCHA Special Focus report of April 2009, *The Planning Crisis in East Jerusalem*, noted:

“In 1967, Israel occupied the West Bank and unilaterally annexed to its territory 70.5 km² [square kilometres] of the occupied area, which were subsequently integrated within the Jerusalem municipality. This annexation contravenes international law and was not recognized by the UN Security Council or UN member states. Irrespective of Israel's annexation, the area of East Jerusalem continues to form part of the occupied Palestinian territory (oPt) and its Palestinian residents remain protected by international humanitarian law (IHL).” [3j] (p2)

B'Tselem [Map of the Isolation of East Jerusalem](#), August 2007 [25c]

DEMOGRAPHIC INFORMATION

- 1.12 A Palestinian Central Bureau of Statistics (PCBS) press release of 29 December 2009 stated:

“The population of the Palestinian Territory is estimated to be about 4.0 million at the end of 2009 (62.1%) in the West Bank and (37.9%) in Gaza Strip; Jerusalem Governorate constitutes 9.5% of the population in the Palestinian Territory. According to data available in 2009 the percentage of the refugee population in the Palestinian Territory is 45.0% of the total Palestinian population living in the Palestinian Territory, 18.8% in the West Bank and 26.2% in Gaza Strip; the refugee population is distributed by the region at 30.2% in the West Bank and 69.2% in Gaza Strip.” [6b] (p1)

See also [Palestinian refugees](#)

- 1.13 The FCO Country Profile, last reviewed 3 February 2010, noted the people of the OPTs are Arabs, Arabic is the official language, although English is widely spoken, and the majority of the population are Muslim (97%), whilst there is also a small minority of Christians (3%). [5a] The online version of SIL International's *Ethnologue: Languages of the World* of 2009 noted that Standard Arabic is the official language of the OPTs; *Ethnologue* listed six languages for the West Bank and Gaza strip, of these four (three dialects of Arabic, and Domari) are living languages and two are extinct. *Ethnologue* also noted the existence of two immigrant languages, spoken by approximately 200,000 people, Armenian and Hebrew. [40a]

See also [Freedom of religion](#)

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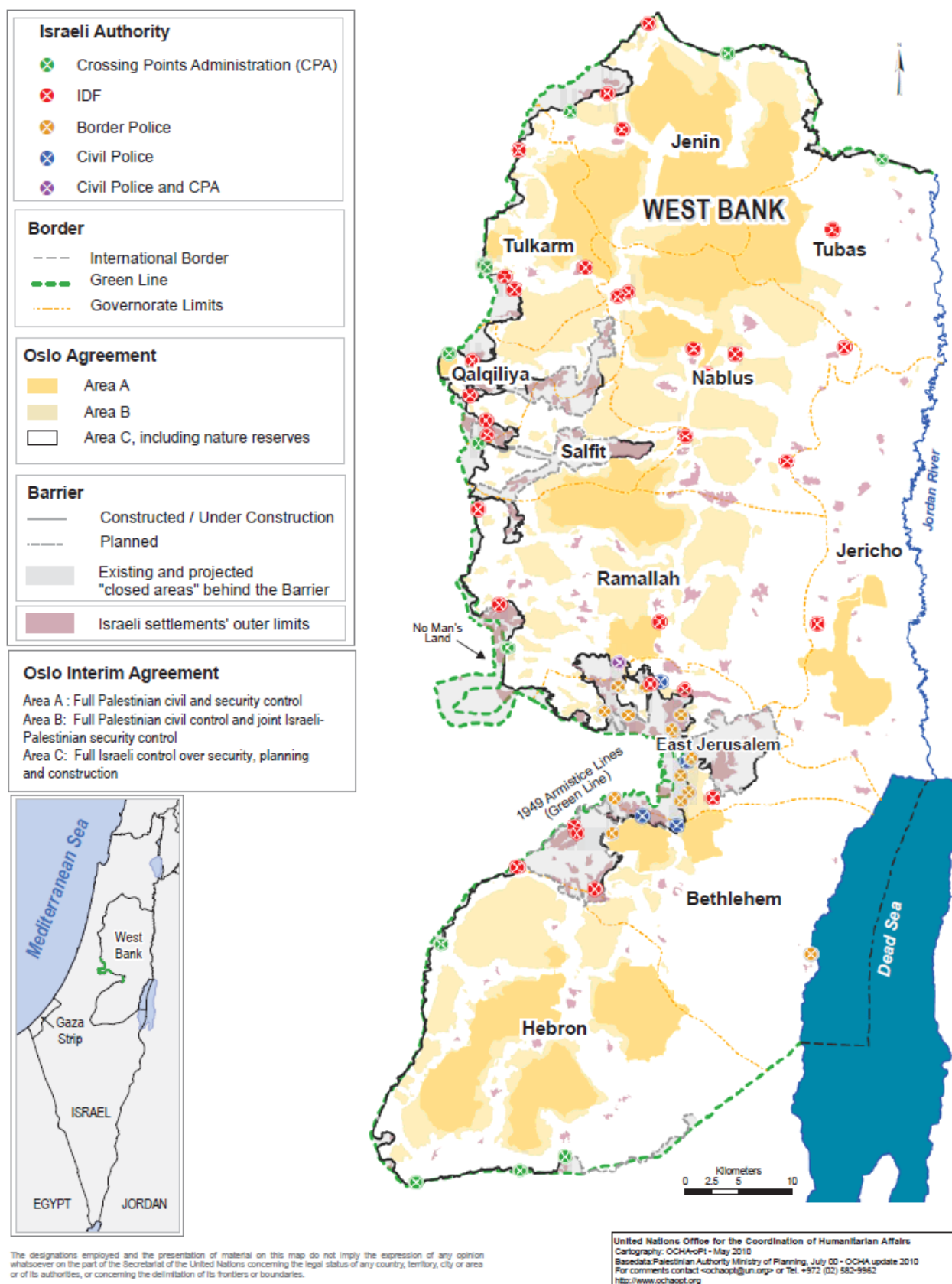
MAPS

1.14 UNCS reference map of January 2004:



[2a]

1.15 OCHA map, dated May 2010, extracted from the May 2010 Special Focus report, *Impeding Assistance: Challenges to Meeting the Humanitarian Needs of Palestinians*:



[3f] (p10)

See also [Freedom of movement](#) for OCHA *Closure and Access and Restriction* maps of July 2010.

For more maps of the OPTs see:

OCHA [3] [Map Centre](#)

B'Tselem [25] [Maps](#)

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2. ECONOMY

- 2.01 The United Nations Conference on Trade and Development (UNCTAD) July 2010 report on its assistance to the Palestinian people stated:

“The economy of the occupied Palestinian territory (oPt) continued to perform well below potential in 2009, per capita gross domestic product (GDP) remains more than 30 per cent lower than its level 10 years ago, and the long-term prospects for establishing a viable, contiguous Palestinian State appear bleak in light of the diminishing access to natural and economic resources as well as the separation and fragmentation of the Gaza Strip, West Bank and East Jerusalem. The estimated 6.8 per cent GDP growth – 1 per cent in Gaza and 8.5 per cent in the West Bank – and the smaller improvement in the West Bank per capita income should be cautiously viewed in the context of the low base of 2008 GDP, the continuing isolation of the Palestinian economy from regional and global markets, the 34 per cent decline in per capita GDP during the preceding eight years, eroded productive base, and shrinking access to land, and natural and economic resources.” [8a] (p1)

For more detail on the state of the economy in the OPTs, refer to the full [Report on UNCTAD assistance to the Palestinian people](#) of July 2010 [8a] and the World Bank Group (WBG) undated [West Bank & Gaza](#) website. [9a]

See also [Humanitarian issues](#) and [Employment rights](#)

- 2.02 The Foreign and Commonwealth Office (FCO) Country Profile of the Occupied Palestinian Territories (OPTs), last reviewed 3 February 2010, stated:

“The West Bank experienced a limited revival of economic activity in 2009, but overall standard-of-living measures remain worse than prior to the start of the second intifada in 2000. The almost decade-long downturn has been largely a result of Israeli closure policies which have which [sic] disrupted labour flows, manufacturing, and trade.

“High population density, limited land and sea access, and strict internal and external security controls have kept economic conditions in the Gaza Strip even more degraded than in the West Bank. There are many shortages of goods due to the severe restrictions imposed by Israel at its border crossings into Gaza. Some goods are smuggled through the tunnel trade under Gaza’s border with Egypt.” [5a] (Economy)

Nominal GDP per capita: US\$1,358

Exports: \$0.4bn

Import: \$2.8bn

Trade: 91.4% of GDP

Unemployment: 21.3%

Major Industries: Small family businesses producing construction materials, textiles, and metal goods

Major trading partners: Israel, Jordan

(Information based on 2006 data, extracted from the FCO Country Profile, last reviewed 3 February 2010) [5a] (Basic Economic Facts)

- 2.03 The Palestinian Central Bureau of Statistic's (PCBS) August 2010 *Press Release on the Labour Force Survey Results* reported the "... percentage of the unemployed [in the whole of the OPTs] increased from 22.0% in the 1st quarter 2010 to 22.9% in the 2nd quarter of 2010 ... The unemployment rate increased in Gaza Strip from 33.9% in the 1st quarter 2010 to 39.3% in the 2nd quarter of 2010, while in the West Bank decreased from 16.5% in the 1st quarter 2010 to 15.2% in the 2nd quarter of 2010." [6c] (p5)
- 2.04 The FCO Country Profile, last reviewed 3 February 2010, reported that the currencies used in the OPTs are the New Israeli Shekel (NIS) and, in the West Bank only, the Jordanian Dinar (JD). [5a]
- 2.05 The Occupied Palestinian Territories: Key facts undated page of the Department for International Development (DFID) website reported the:
- “● Poverty line for a family of 2 adults and 4 children is an income of 2,375 NIS [New Israeli Shekel]/US\$ 580 per annum, deep poverty is defined as 1975 NIS/US\$ 482 per annum
 - “● Households in poverty (West Bank) 47.2% (Gaza) 76.9%
 - “● Households in deep poverty (West Bank) 37.3% (Gaza) 69%” [2a]
- 2.06 The PCBS Press Release of August 2010 reported on the nominal daily net wage earned by Palestinian employees in the West Bank, Gaza Strip and Israel/Israeli settlements:

	1st Quarter 2010	2nd Quarter 2010
West Bank	87.5 NIS	84.1 NIS
Gaza Strip	56.9 NIS	58.1 NIS
Israel/Israeli settlements	160.8 NIS	155.5 NIS

[6c] (p6)

See also [Corruption](#) and [Employment rights](#)

EXCHANGE RATE, AS OF 12 NOVEMBER 2010

- 2.07 US Dollar (USD) and British Pound (GBP) to the New Israeli Shekel (NIS) and the Jordanian Dinar (JD), and vice versa:

USD 1	NIS 3.65406	GBP 1	NIS 5.89539
NIS 1	USD 0.27367	NIS 1	GBP 0.16962

USD 1	JD 0.71340	GBP 1	JD 1.15099
JD 1	USD 1.40174	JD 1	GBP 0.86882

[46a-46d]

CORRUPTION

- 2.08 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated:

“Palestinian law provides criminal penalties for official corruption.

“In Gaza local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including involvement by the Hamas Executive Force.

“Greater transparency existed in the West Bank, where PA [Palestinian Authority] ministers were subject to financial disclosure laws, and the PA attorney general's office had official responsibility for combating government corruption.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 4)*

- 2.09 Freedom House's June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA), reported:

“Corruption was rampant during the PA presidency of Yasser Arafat, and after Abbas took over in 2005, he instituted budget controls, ended the old system of cash handouts to political loyalists and security personnel, and launched a widespread corruption probe. While the Hamas-led government that took control following the 2006 PLC [Palestinian Legislative Council] elections expressed a willingness to subject itself to budgetary oversight, many foreign governments were reluctant to provide aid out of concern that it would be used for terrorist operations. Prime Minister Salam Fayad, who was appointed by Abbas after the PA schism in 2007, is highly regarded for his commitment to transparent government. Transparency International did not rank Palestine in its 2009 Corruption Perceptions Index.” [38b] *(Political Rights and Civil Liberties)*

- 2.10 Transparency International's (TI) undated Focus Countries – Palestine webpage reported that no score was available for Palestine in the Corruption Perceptions Index. [78a]

See also [Political system](#)

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3. HISTORY: 1917 – 2010

This section's purpose is to provide an overview of significant events since 1917 with the focus on more recent developments. The section is not intended to make reference to all the numerous important events that took place during this period. Users are advised to read the source documents to obtain a greater understanding of the historical context of the current situation in the Occupied Palestinian Territories (OPTs).

See also [Annex A – Chronology of major events](#)

THE PALESTINE MANDATE: 1917 – 1947

- 3.01 The United Nations Department of Public Information (UNDPI) in its April 2008 paper, *The Question of Palestine and the United Nations*, stated that:

“... the territory of Palestine was administered by the United Kingdom of Great Britain and Northern Ireland, under a Mandate received in 1922 from the League of Nations.

“Among the issues that the Mandatory Power had to deal with, particularly after the end of the Second World War, was the question of a proposed Jewish home in Palestine. (In November 1917, the British Government, in the so-called ‘Balfour Declaration’, had declared itself in favour of ‘the establishment in Palestine of a national home for the Jewish people’, on the understanding ‘that nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine’.) Increasing Jewish immigration had been consistently opposed by the Arab inhabitants of Palestine, who in the mid-1940s comprised about two thirds of the territory’s population of 2 million. Faced with escalating violence, the British Government decided, in February 1947, to bring the question of Palestine before the new United Nations.” [39a] (p3)

THE CREATION OF ISRAEL: 1948

3.02 The UNDPI’s April 2008 paper stated the UN General Assembly, “... established the United Nations Special Committee on Palestine (UNSCOP), made up of 11 Member States, to investigate all questions relevant to the problem of Palestine and to recommend solutions to be considered by the General Assembly at its regular session in September 1947.” [39a] (p4) It continued:

“At its second regular session, after an intense two-month-long debate, the General Assembly, on 29 November 1947, adopted resolution 181 (II), approving with minor changes the Plan of Partition with Economic Union as proposed by the majority in the Special Committee on Palestine. The partition plan, a detailed four-part document attached to the resolution, provided for the termination of the Mandate, the progressive withdrawal of British armed forces and the delineation of boundaries between the two States and Jerusalem. The plan included:

- The creation of the Arab and Jewish States, not later than 1 October 1948;
- Division of Palestine into eight parts: three were allotted to the Arab State and three to the Jewish State, with the town of Jaffa forming an Arab enclave within Jewish territory, and
- An international regime for Jerusalem, the eighth division, to be administered by the United Nations Trusteeship Council.” [39a] (p7)

ARAB-ISRAELI CONFLICTS AND PALESTINIAN REFUGEES: 1948 – 1967

1948 – 1949 ARAB-ISRAELI WAR

3.03 The UNDPI paper of 2008 stated, “On 14 May 1948, Britain relinquished its Mandate over Palestine and disengaged its forces. On the same day, the Jewish Agency proclaimed the establishment of the State of Israel on the territory allotted to it by the partition plan. Fierce hostilities immediately broke out between the Arab and Jewish communities.” [39a] (p9) *Israel and Palestine: A Brief History – Part I*, latest revision 10 June 2009, on the website MidEastWeb for Coexistence added “The Arabs did not accept the partition and war broke out... The Arab states refused to recognize Israel or make peace with it.” [10a]

3.04 The UNDPI paper of 2008 continued:

22 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

“By [July 1948], Israel controlled much of the territory allotted to the Arab State by the partition resolution, including the western part of Jerusalem. Egypt and Jordan respectively controlled the remaining portions of the Gaza district and the West Bank of the Jordan River (which included East Jerusalem, with its walled Old City). ... The hostilities had created a major humanitarian crisis, with almost 750,000 Palestinians being uprooted from their land and becoming refugees. ... Between February and July 1949, under United Nations auspices, armistice agreements were signed between Israel, on the one hand, and Egypt, Jordan, Lebanon and Syria on the other.” [39a] (p10)

For further information refer to the UNDP April 2008 paper, [The Question of Palestine and the United Nations](#) [39a]

- 3.05 The MidEastWeb for Coexistence’s *Israel and Palestine: A Brief History – Part I* noted that further wars between Israel and neighbouring Arab states occurred “... in 1956, 1967, 1973 and 1982, and there were many terror raids and Israeli reprisals. Each side believes different versions of the same history. Each side views the conflict as wholly the fault of the other and expects an apology”. [10a]
- 3.06 B'TSELEM – The Israeli Information Center for Human Rights in the Occupied Territories – in its undated topic, *East Jerusalem*, stated “Between 1948 and June of 1967, Jerusalem was divided in two: West Jerusalem, which covered an area of about 38 square kilometers was under Israeli control, and East Jerusalem, which contained an area of some 6 sq. km, was ruled by Jordan.” [25d] (Legal Status)

1967 Arab-Israeli war

- 3.07 UNDP’s 2008 paper reported “On 5 June 1967, hostilities broke out between Israel and Egypt, Jordan and Syria. By the time a ceasefire called for by the Security Council was accepted by the parties, Israeli military forces had occupied the Egyptian Sinai, the Gaza Strip, the West Bank including East Jerusalem, and part of the Syrian Golan Heights.” [39a] (p16)
- 3.08 B'TSELEM, in its undated topic, *East Jerusalem*, stated “In June 1967, following the 1967 War, Israel annexed some 70 sq. km to the municipal boundaries of West Jerusalem, and imposed Israeli law there.” [25a] (Legal Status) B'TSELEM continued:
- “Prior to 1967, therefore, most of the area comprising present-day Jerusalem was not part of the city (West or East), but rather part of the West Bank... In setting the borders, the committee's objective was to strengthen Israeli sovereignty over the city by creating a Jewish majority. Thus, demographic considerations were decisive, and planning considerations were only of secondary importance. In order to ensure a significant Jewish majority, the primary consideration was to prevent the inclusion of heavily-populated Palestinian areas within Jerusalem.” [25a] (Legal Status)

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THE FIRST INTIFADA: 1987 – 1993

- 3.09 The UNDP paper of 2008 report stated:

“In December 1987, after more than 20 years under military occupation, the Gaza Strip and West Bank erupted in a spontaneous popular uprising that became known as the

first intifada (an Arabic word for 'shaking off' that quickly entered the international political lexicon). Palestinians from all walks of life—youth, merchants, labourers, women and children—staged massive demonstrations, economic boycotts, tax resistance and strikes to protest the military occupation of their land and to demand national independence.

"From the start, Israeli armed forces responded harshly to the protests, which were marked mostly by the involvement of unarmed Palestinian children and youths who threw stones at the occupying forces. Between 1987 and 1993, over 1,000 Palestinians were killed and tens of thousands were injured as unarmed protests across the occupied Palestinian territory were met with force, including the use of live ammunition, beatings and sometimes the lethal use of tear gas. Thousands of Palestinians were detained, thousands were transferred to prisons in Israel and many were deported from the Palestinian territory." [39a] (p27-28)

For more information refer to the United Nations Study [*The Origins and Evolution of the Palestine Problem*](#) dated 30 June 1990 [39c]

THE MIDDLE EAST PEACE PROCESS (MEPP): 1991 – 1995

- 3.10 The undated *History of the Question of Palestine*, based on United Nations documents and sources, accessed on 14 November 2010, reported "A Peace Conference on the Middle East was convened in Madrid on 30 October 1991, with the aim of achieving a just, lasting and comprehensive peace settlement through direct negotiations along 2 tracks: between Israel and the Arab States, and between Israel and the Palestinians, based on Security Council resolutions 242 (1967) and 338 (1973) (the 'land for peace' formula)." [4a] (The Peace Process of the 1990s)

For further information refer to the UNDP April 2008 paper, [*The Question of Palestine and the United Nations*](#) [39a]

Oslo Accords I & II: September 1993 & September 1995

- 3.11 The undated Palestine Facts website *Israel 1991 to Present: Oslo Accords*, accessed 14 November 2010, stated during the September 1993 signing of the 'Declaration of Principles on Interim Self-Government Arrangements' also known as the 'Oslo Accords', "... Palestinian leader Yasser Arafat and Israeli Prime Minister Yitzhak Rabin ended decades as sworn enemies with an uneasy handshake. This agreement was the fruit of secret negotiations between Israel and the Palestinians, represented by the PLO [Palestinian Liberation Organisation], following the Madrid Conference in 1991." [11a]
- 3.12 The same source continued, "The Oslo Accords contain a set of mutually agreed-upon general principles regarding a five year interim period of Palestinian self-rule. So-called 'permanent status issues' are deferred to later negotiations, to begin no later than the third year of the interim period. The permanent status negotiations were intended to lead to an agreement that would be implemented to take effect at the end of the interim period." [11a]
- 3.13 The undated Palestine Facts website's *Israel 1991 to Present: Oslo II Agreement*, accessed 14 November 2010, reported:

“The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, called ‘Oslo II’ or ‘Taba’, was signed September 24, 1995 in Taba in Egypt, and countersigned four days later in Washington. It is an extensive and complicated document. Among its major provisions, it calls for further Israeli troop redeployments beyond the Gaza and Jericho areas. Under the accord, Israel was first scheduled to redeploy from the major Palestinian population centers in the West Bank (the ‘second redeployment’) and later from all rural areas (the ‘third redeployment’), with the exception of Israeli settlements and the Israeli-designated military areas.

“In detailing this schedule, the agreement divided the West Bank and Gaza into three areas, each with distinctive borders and rules for administration and security controls:

“Area A: includes all the areas from which Israeli military control has been transferred to the administration of the Palestinian Authority, including the areas of Gaza and Jericho, and the seven major Palestinian population centers in the West Bank – Nablus, Kalkilya, Tulkarem, Ramallah, Bethlehem, Jenin and Hebron (special arrangements for the redeployment from Hebron were concluded in the Protocol Concerning the Redeployment in Hebron and the Note for the Record, January 17, 1997). In these areas, the Palestinian Authority now has full responsibility for internal security and public order, as well as full responsibility for civil affairs.

“Area B: includes 450 Palestinian towns and villages in the West Bank. In these areas, as in Area A, the Palestinian Authority controls all civil authority[.] However, it differs from Area A in that Israel maintains overriding security authority in order to safeguard its citizens and to combat terrorism.

“Area C: comprised of the unpopulated areas of the West Bank, including areas of strategic importance to Israel and the settlements, where Israel retains full responsibility for security.

“Oslo II calls for a series of three further redeployments under which additional parts of Area C are to be transferred to the jurisdiction of the Palestinian Authority, except for settlements and Israeli-designated security areas.

“Oslo II introduces the concept of ‘safe passage’, granting the right of safe passage to Palestinians wishing to travel between the West Bank and Gaza, necessarily crossing Israeli territory to do so. But the agreement also includes this text: *The provisions of this Agreement shall not prejudice Israel's right, for security and safety considerations, to close the crossing points to Israel and to prohibit or limit the entry into Israel of persons and of vehicles from the West Bank and the Gaza Strip.*” [11b]

See also [Geography](#); [Humanitarian issues](#) and [Freedom of movement](#)

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PALESTINIAN NATIONAL AUTHORITY (PNA), THE MEPP, THE SECOND (AL-AQSA) INTIFADA AND ISRAELI DISENGAGEMENT FROM THE GAZA STRIP: 1996 – 2005

3.14 The MidEastWeb for Coexistence *Israel and the Palestinians: History since Oslo*, updated 21 June 2010, reported:

"The peace process with the Palestinians led to the withdrawal of Israeli troops from the Gaza Strip and most cities and towns of the West Bank by early 1996. In January 1996, Palestinians in the Gaza Strip and the Palestinian-controlled parts of the West Bank elected a legislature controlled by the Fatah faction, with Yasser Arafat as Chairman (titled 'Rais' – 'President' by the Palestinians) to administer these areas. As the Israelis withdrew, Palestinians took control of these areas. About 97% of the Palestinians in these areas were nominally under Palestinian rule, but the area controlled by the Palestine National Authority amounted to about 8% of the land. Israel embarked on an accelerated settlement program, building thousands of housing units in the West Bank, and doubling the number of settlers there by 2004." [10b] (The Oslo Peace Process)

- 3.15 The Congressional Research Service January 2010 paper, *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*, summarised the period following the election of the PNA in 1996, "President Clinton held a summit with Israeli and Palestinian leaders at Camp David on final status issues that July [2000], but they did not produce an accord. A Palestinian uprising or intifadah began in September. On February 6, 2001, Ariel Sharon was elected Prime Minister of Israel, and rejected steps taken at Camp David and afterwards." [31c] (Summary)

For more information on the outbreak of the Second (Al Aqsa) Intifadah, see the US Department of State (USSD) [Sharm El-Sheikh Fact-Finding Committee Report \(Mitchell Report\)](#) of 30 April 2001. [15a] (p4-12)

- 3.16 A GlobalSecurity.org undated article on the second or *Al-Aqsa Intifada*, reported:

"The Israeli government during 2003 began construction of a security barrier (or fence) to cut off the West Bank from Israel proper. The barrier was originally planned to run along the Green Line (Israel's pre-1967 border) but under Sharon's plan, the barrier would encompass some major Israeli settlements within the West Bank. In addition to the security fence plan, Sharon began to advocate for unilateral Israeli disengagement from the Gaza Strip settlements and from some settlements in the West Bank." [14a]

See also [Humanitarian issues](#) and [Freedom of Movement](#)

- 3.17 The Congressional Research Service January 2010 paper, *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*, reported:

"On April 30, 2003, the United States, the U.N., European Union, and Russia (known as the 'Quartet') presented a 'Road Map' to Palestinian statehood. It has not been implemented. Israel unilaterally disengaged (withdrew) from the Gaza Strip and four small settlements in the West Bank in August 2005. On January 9, 2005, Mahmud Abbas had become President of the PA [following the death of Yasser Arafat in November 2004 [31c] (p13)]." [31c] (Summary)

- 3.18 GlobalSecurity.org's undated article noted that Mahmoud Abbas and Ariel Sharon met at Sharm-el-Sheikh in February 2005. "Both sides announced an end to the violence. The Israeli parliament approved the disengagement plan during the same month. In March 2005, militant groups agreed to a *tahideyah* (lull in the fighting). While not a full truce, this was considered major progress and some have argued that it marked the end of the Al-Aqsa Intifada." [14a]

- 3.19 GlobalSecurity.org further reported that in July 2005 the truce was broken by a suicide bombing in Netanya, which led to raids by the Israeli Defence Force into the West Bank. Hamas responded with rocket fire from the Gaza Strip. [14a] The same source also noted, "The Al-Aqsa Intifada never officially ended and it is debatable whether the events after February 2005 should be considered part of the uprising or as independent events. From September 2000 until February 2005, approximately 3,000-3,300 Palestinians were killed and approximately 950-1010 Israelis were killed." [14a]
- 3.20 B'TSELEM observed in its undated *The Gaza Strip – Background*:
- "In September 2005, Israel completed the 'Gaza disengagement plan' that had been approved by the government and the Knesset. The two primary components of the plan were dismantling of the Gaza settlements and moving the settlers to Israeli territory and removal of all IDF forces from the area. After the plan was completed, Israel issued an order declaring the end of the military government in the Gaza Strip, and claimed that it was no longer responsible for ensuring the proper functioning of life there. ...
- "However, Israel continued to control the crossings into Israel and the air and sea space of the Strip, and decisions regarding the movement of persons and goods into and from the Strip remained in its hands." [25e]
- 3.21 The September 2009 *Report of the Independent International Fact-Finding Mission on the Gaza Conflict* (also known as the Goldstone Report) stated,
- "From the disengagement until November 2006, the Israeli armed forces fired approximately 15,000 artillery shells and conducted more than 550 air strikes into the Gaza Strip. Israeli military attacks killed approximately 525 people in Gaza. Over the same period, at least 1,700 rockets and mortars were fired into Israel by Palestinian militants, injuring 41 Israelis. The conflict culminated, in 2006, in the Israeli military incursions into Gaza, codenamed 'Summer Rains' and 'Autumn Clouds', the latter focusing on the north of the Strip around the town of Beit Hanoun...". [72a] (p51-52, paragraph 195)

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THE POLITICAL RISE OF HAMAS, DISINTEGRATION OF THE PNA AND THE GAZA BLOCKADE: 2006 – 2007

- 3.22 The Congressional Research Service January 2010 paper, *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*, reported:
- "The victory of Hamas, which Israel and the United States consider a terrorist group, in the January 2006 Palestinian parliamentary elections complicated prospects for peace as the United States, Israel, and the Quartet would not deal with a Hamas-led government until it disavowed violence, recognized Israel, and accepted prior Israeli-Palestinian accords. President Abbas's dissolution of the Hamas-led government in response to the June 2007 Hamas forcible takeover of the Gaza Strip led to resumed international contacts with the PA." [31c] (Summary)

For information on the events and successive cabinets during the disintegration of the PNA see the Palestinian Initiative for the Promotion of Global Dialogue and Democracy

(MIFTAH) Fact Sheet, [Palestinian Government Timeline Since January 2006](#), posted 9 November 2010. [21a]

- 3.23 The September 2009 *Report of the Independent International Fact-Finding Mission on the Gaza Conflict* noted, “On 19 September 2007, the Government of Israel declared Gaza ‘hostile territory.’ This was followed by the imposition of further severe reductions in the transfer of goods and supplies of fuel and electricity to the Strip. Since then, Israel has only sporadically allowed the opening of all the crossings into the Gaza Strip, at times completely closing them.” [72a] (p51, paragraph 192)

See also [Humanitarian issues](#)

THE MEPP AND THE GAZA WAR (OPERATION ‘CAST LEAD’): 2007-2009

- 3.24 The September 2009 *Report of the Independent International Fact-Finding Mission on the Gaza Conflict* stated, “In February 2008, a rocket attack from Gaza hit the Israeli city of Ashkelon causing light injuries. The Israeli armed forces launched an operation codenamed ‘Hot Winter’ during which the air force conducted at least 75 air strikes on different targets within the Gaza Strip. As a result of the military operation, more than 100 Palestinians and 2 Israelis were killed in Gaza.” [72a] (p52, paragraphs 196) Further, “In June 2008, an informal ‘period of calm’ (*Tahdiyah*) of six months was agreed through Egypt’s mediation.” [72a] (p52, paragraphs 197) “The ceasefire came into effect on 19 June 2008 at 6 a.m.” [72a] (p62, paragraphs 224)
- 3.25 The Congressional Research Service January 2010 paper, *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*, reported:
- “On November 27 [2008], at an international conference in Annapolis, MD, President Bush read a Joint Understanding in which Abbas and Israeli Prime Minister Ehud Olmert agreed to simultaneously resume bilateral negotiations on core issues and implement the Road Map. ... Later in the year, Israeli and U.S. elections appeared to disrupt negotiations on all tracks and the end of the Israeli-Hamas cease-fire in December and the subsequent outbreak of violence in Gaza led to the official suspension of peace talks.” [31c] (Summary)

The Gaza war (Operation ‘Cast Lead’): December 2008 – January 2009

- 3.26 The September 2009 *Report of the Independent International Fact-Finding Mission on the Gaza Conflict* reported on the numerous infractions of the *Tahdiyah* by both Palestinian armed groups and Israeli forces, noting “The terms of the ceasefire agreement were not set out in any formal, written document and, according to recent analysis, the Gaza authorities’ and Israel’s understanding of the terms differed substantially.” [72a] (p62-63, paragraph 225)
- 3.27 The same source reported, “On 18 December 2008, the Gaza authorities declared that the truce was at an end and would not be renewed on the grounds that Israel had not abided by its obligations to end the blockade on Gaza.” [72a] (p70, paragraph 262)
- 3.28 A Human Rights Watch report, *Turning a Blind Eye – Impunity for Laws-of-War Violations during the Gaza War* of April 2010, summarised the conflict:

“Between December 27, 2008 and January 18, 2009, Israel’s ‘Operation Cast Lead’ in Gaza killed several hundred Palestinian civilians and wounded many more, some during Israeli attacks that were indiscriminate, disproportionate or at times seemingly deliberate, in violation of the laws of war. Israeli forces also extensively destroyed civilian objects in Gaza, including homes, agricultural land and factories, without a lawful military reason.

“In Israel, three civilians were killed and dozens wounded by rocket fire from Hamas and other Palestinian armed groups. The absence of Israeli military forces in the areas struck and statements by Hamas leaders supporting the attacks are evidence of an intent to strike Israeli civilians and civilian objects. Even if military objectives had been present, the rockets launched were invariably indiscriminate when fired into populated areas. In addition, Hamas and other armed groups placed Palestinian civilians unnecessarily at risk from Israeli counter-attack by launching rockets from densely populated areas in Gaza.” [22h] (p3)

For further information on the conflict refer to the extensive [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report) of 25 September 2009. [72a]

TIGHTENING OF THE GAZA BLOCKADE, THE MEPP AND PALESTINIAN POLITICS: 2009 – 2010

- 3.29 The Summary of the CRS paper, *Israel's Blockade of Gaza and the Mavi Marmara Incident*, of June 2010 reported that the Gaza war:

“... destroyed much of Gaza’s infrastructure, but Israel has obstructed the delivery of rebuilding materials that it said could also be used to manufacture weapons and for other military purposes. Israel, the U.N., and international non-governmental organizations differ about the severity of the blockade’s effects on the humanitarian situation of Palestinian residents of Gaza. Nonetheless, it is clear that the territory’s economy and people are suffering.” [31d]

See also [Humanitarian issues](#)

- 3.30 The CRS paper, *Israel and the Palestinians: Prospects for a Two-State Solution* of January 2010, stated:

“During summer 2009, PA Prime Minister Salam Fayyad unveiled a plan to advance the goal of Palestinian self-determination. The plan contemplates achieving de facto statehood within two years by developing self-reliant PA security, political, and economic infrastructure. The PA’s reform and development efforts have been backed by considerable donor help from the United States, the European Union, and other countries, especially since Abbas named Fayyad as prime minister of the caretaker government installed for the West Bank following Hamas’s takeover of Gaza in June 2007. The plan does not discuss if and how Gaza can be involved absent a general opening of the border crossings and a political arrangement accommodating both Hamas and Fatah.” [31b] (p7)

- 3.31 The Summary of the same CRS paper reported:

“In September 2009, Obama convened a trilateral meeting with Israeli Prime Minister Binyamin Netanyahu and PLO Chairman Mahmoud Abbas in New York and addressed

the annual opening session of the United Nations General Assembly. He indicated that final-status negotiations should not be delayed further, despite the lack of resolution on preliminary issues such as the possible freeze of Israeli settlement building in the West Bank and East Jerusalem or the possible gradual normalization of ties between Israel and certain Arab states.” [31b]

See also [Humanitarian issues](#)

- 3.32 An April 2010 International Crisis Group (ICG) report, *Tipping Point? Palestinians and the Search for a New Strategy* remarked upon a hardening in the PLO’s stance toward negotiations during 2009, observing:

“In hindsight, several overlapping developments contributed to this evolution among [President] Abbas and his colleagues: the failure of the Annapolis process that was launched late in the Bush administration, capping a series of missed deadlines; the new, more hardline Israeli government; initial missteps by the Obama administration, in which some Palestinians held such high hopes; deepening divisions and polarisation among the Palestinians, which added to the Ramallah leadership’s political constraints; a looming succession struggle, which narrowed that leadership’s room for manoeuvre; as well as the Palestinian president’s personal setbacks. All these led the leadership to strongly oppose the resumption of talks under their traditional format. Instead, they have variously demanded a definite timeline, a clear delineation of the endgame and a comprehensive settlement freeze. What all these demands have in common is a desire to redress what is perceived as the inherent, structural inequality between the parties.” [66c] (Introduction)

- 3.33 The Executive Summary of Jane’s Information Group’s (Jane’s) Sentinel country risk assessment on the Gaza Strip and the West Bank, updated 21 July 2010, noted “Repeated attempts throughout 2008 to reunite the divided factions [of Fatah and Hamas] were unsuccessful. However, in the aftermath of the Israeli campaign in the Gaza Strip, the two sides held their first high level face-to-face meeting in March 2009.” The same source reported that an Egyptian-brokered agreement between Fatah and Hamas was reached in September 2009, which set elections for June 2010.

“Fatah signed the accord in early October but Hamas has resisted. In an apparent attempt to force Hamas’ hand, Abbas unilaterally announced elections to be held in January 2010. Hamas reacted angrily to this, stating that it will boycott the polls and not allow the ballot to be organised in Gaza. As a result, the divisions between the two sides have been further entrenched. Abbas subsequently announced that he will not seek re-election as president. The presidential and parliamentary elections were postponed indefinitely and Abbas’s term was extended, also indefinitely, in December 2009. Municipal elections scheduled for July 2010 in the West Bank have also been postponed indefinitely.” [28a] (Politics-Political Division)

See also [Political system](#) and [Political affiliation](#)

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4. RECENT DEVELOPMENTS: MAY – NOVEMBER 2010

For regular updates on developments concerning the OPTs see the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA OPT\)](#) [3] and the International Crisis Group (ICG) monthly update, [Crisiswatch](#). [66a]

- 4.01 The Summary of the Congressional Research Service (CRS) paper, *Israel's Blockade of Gaza and the Mavi Marmara Incident*, of June 2010 reported:

"In May 2010, the pro-Palestinian Free Gaza Movement and the pro-Hamas Turkish Humanitarian Relief Fund organized a six-ship flotilla to deliver humanitarian aid to Gaza and to break Israel's blockade of the territory. The ships refused an Israeli offer to deliver the goods to Ashdod. On May 31, Israeli naval special forces intercepted the convoy in international waters. They took control of five of the ships without resistance. However, some activists on a large Turkish passenger vessel challenged the commandos. The confrontation resulted in eight Turks and one Turkish-American killed, more than 20 passengers injured, and 10 commandos injured.

"Israel considered its actions to be legitimate self-defense. Turkey, whose nationals comprised the largest contingent in the flotilla and among the casualties, considered them to be unjustifiable and in contravention of international law. There was near-universal international condemnation of Israel's actions. The U.N. Security Council in a U.S.-Turkish compromise condemned 'the acts' that resulted in lost lives and called for an impartial inquiry. Several inquiries are underway in Israel, but Turkey will not be satisfied unless there is an international one under U.N. auspices." [31d]

- 4.02 The CRS paper noted "Shortly after the Marmara incident Egypt announced the opening of the Rafah crossing 'indefinitely,' although it only allowed travelers with special permits and continued to restrict potentially dual use goods." [31d] (p12) The same source reported that, following international pressure to end the blockade of Gaza:

"On June 17, Prime Minister Netanyahu's office announced that the Israeli security cabinet had agreed to 'liberalize the system by which civilian goods enter Gaza; expand the inflow of materials for civilian projects that are under international supervision; continue existing security procedures to prevent the inflow of weapons and war materiel; and to decide in the coming days on additional steps to implement this policy.' However, the naval blockade would not be lifted." [31d] (p11)

- 4.03 The August 2010 edition of *The Humanitarian Monitor*, published by the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported, "While the easing of the Israeli blockade of the Gaza Strip since 20 June has resulted in some economic reactivation of the private sector, the ability of humanitarian agencies to address the enormous needs of the population in the area of housing and services remains severely constrained due to the ongoing restrictions on the import of construction materials." [3] (p1)

- 4.04 The September 2010 issue of OCHA's *The Humanitarian Monitor* reported, "In the Gaza Strip, despite some reactivation of the private sector, between the first and the second quarter of 2010 ... the unemployment rate increased from 39.7 to 44.3 percent of the workforce (relaxed definition), one of the highest rates in the world." [3m] (p1)

See also [Economy](#); [Humanitarian issues](#); [Freedom of movement](#) and [Exit and return](#)

- 4.05 The International Institute for Strategic Studies (IISS) Timeline observed that, on 20 August 2010, “The Israelis and Palestinians have agreed to resume direct peace negotiations, US Secretary of State Hillary Clinton announces at a Washington press conference.” [89a] (2010)
- 4.06 The OCHA *Protection of Civilians* report covering the week of 25 – 31 August 2010 reported that, on 1 September, “Two Israeli settlers were shot and injured while driving in the Ramallah governorate, allegedly by Palestinian gunmen.” [30] (p1) Previously:
- “On 31 August, Palestinian gunmen shot and killed four Israeli settlers, including two women, who were driving on Road 60 near Bani Na'im village in the Hebron governorate. The settlers came from the settlements of Kiryat Arba' and Beit Haggay. The armed wing of Hamas movement (Izz ad-Din al Qassam) claimed responsibility for the attack. This is the first fatal shooting incident against settlers since 24 December 2009, when one settler was shot and killed while driving on a West Bank road in the Tulkarm governorate.
- “In response to this incident, Israeli forces took a number of immediate steps, affecting Palestinian movement in the Hebron area. The army sealed the entrances to the cities of Hebron and Halhul and to Al Fawar refugee camp for several hours, by deploying flying checkpoints at the entrances and along the roads leading to these areas.” [30] (p1)
- For further information on the immediate response of the Israeli authorities, see the [OCHA Protection of Civilians](#) report covering the fortnight of 1 – 14 September 2010. [3p]
- 4.07 Despite the killings of Israeli settlers in the West Bank, the IISS Timeline reported on the formal launch of the latest talks in the Middle East Peace Process (MEPP) on 2 September 2010 at the United States Department of State. [89a] (2010) The CRS paper of June 2010 observed, “However, few are optimistic about the prospects for peace given the uncompromising territorial ambitions of right-wing nationalists in the Netanyahu government and the divided Palestinian rule between Gaza and the West Bank. Even if an accord can be achieved, many wonder how successfully it can be implemented.” [31d] (p13)
- 4.08 The IISS Timeline reported on the expiry of Israel's settlement building moratorium on 27 September 2010, resulting in the resumption of full-scale work, and the discontinuation of the MEPP. The Timeline also noted, on 8 October 2010, that the “Arab League foreign ministers['] meeting in Libya back Palestinian Authority leader Mahmoud Abbas in avoiding further direct peace talks with Israel until settlement building in the West Bank is halted.” [89a] (2010) Concurrently, it was reported by *Asharq Alawsat* on 25 September 2010, the “Leaders of the two rival Palestinian movements Fatah and Hamas held reconciliation talks in the Syrian capital and said they wanted the discussions to continue.” [67b]
- 4.09 At a United Nations press conference of 22 October 2010 the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 stated:
- “The enormous cumulative effect of prolonged Israeli occupation, accelerated settlement expansion in East Jerusalem and the West Bank, and related policies to destroy homes and revoke residency permits made the vision of an Israeli-Palestinian peace based on a two-State consensus a ‘political impossibility’, the Special Rapporteur

on the situation of human rights in the Palestinian territories occupied since 1967, said today.” [90a]

Refer to the full [report](#) of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 of 30 August 2010 for more information. [39d]

- 4.10 As of 13 November 2010, the building of settlements in the West Bank continued, and the MEPP remained stalled. (The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), *Week in Review... Six Years After Arafat, Peace Still Far From Reach [November 7 – November 13]*) [21b] Additionally, talks between Hamas and Fatah were reportedly far from achieving a reconciliation. (*Al-Ahram Weekly*, 11-17 November 2010) [96a]

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5. POLITICAL SYSTEM

- 5.01 The Internal Affairs section, last updated 20 May 2010, of Jane’s Information Group’s (Jane’s) Sentinel country risk assessment on the Gaza Strip and the West Bank observed:

“The Palestinian Liberation Organisation (PLO) and Israel established the Palestinian Authority (PA) in 1994, following the 1993 Declaration of Principles known as the Oslo Accords. The PA is intended to serve as the governing body of the West Bank and Gaza until a final agreement is reached in the peace process. Under the terms of the Accords, its authority has been split according to three zones:

“Area ‘A’ – the PA has political and security control;

“Area ‘B’ – the PA holds political control but shares security responsibilities with Israel;

“Area ‘C’ – Israel has political and security control.

“In practical terms, Israel retains control over the territories’ external security, air space, sea lanes and electromagnetic sphere.” [28a] (Political System-Constitution)

See [Geography](#), including [Maps](#) and [Freedom of movement](#)

- 5.02 The US State Department’s *2009 Country Report on Human Rights Practices: Israel and the occupied territories*, released 11 March 2010, observed in its introduction to the section on the OPTs:

“The Palestinian Authority (PA) has a democratically elected president and legislative council. The president appoints the prime minister who forms a cabinet in consultation with the president; the PA exercised varying degrees of authority over the Palestinian population in the West Bank because of the Israel Defense Force’s (IDF) continuing presence, little authority in Gaza, and none over Israeli residents of the West Bank or Arab residents of East Jerusalem.” [15b] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority)

- 5.03 However, an article in *The Economist* of 12 August 2010 reported:

"The terms of the PA's presidency, parliament and municipalities have all now expired. With no date for fresh polls and in constitutionally uncharted waters, officials increasingly rule by fiat. How far, bemoans [head of Palestine's Central Elections Commission] Mr [Hanna] Nasir, has Palestine fallen from the heights of 2005 and 2006, when he ran elections that international observers hailed as being among the fairest in the Middle East. Instead of building a democratic state, the PA is fast on its way to creating just another Arab autocracy.

"Western governments which bankroll it do not seem unduly worried. Most of them view the PA as a necessary bulwark against an Islamist electoral tide, which in 2006 swept Hamas, an offshoot of the Muslim Brotherhood, into power in the Palestinian territories. Instead of accepting the Islamist victory, Western governments diverted funds from the PA's democratic institutions into the PA security forces under the control of Mahmoud Abbas, the PA's previously (and fairly) elected president, whose secular Fatah party Hamas had beaten in the 2006 general election. When, the year after, Hamas chased Fatah out of Gaza, Western governments invested in an unelected emergency government established in the West Bank under Mr Fayyad, a technocrat appointed by Mr Abbas though not in hock to Fatah." [49a]

5.04 The Executive Summary of Jane's Sentinel country risk assessment, updated 21 July 2010, noted:

"The Palestinian Territories are effectively divided into two political units: an internationally recognised and accepted Abbas-led West Bank under tight Israeli security control, and a Hamas-led internationally isolated Gaza Strip, in which Israel's presence is confined to air and land incursions. Attempts are underway to bring the two factions together, although unity talks mediated by Egypt have either been rejected by Hamas or ended without agreement. PA forces, concerned to prevent a Gaza-style takeover in the West Bank, continue to crackdown on Hamas militants and charities while Hamas keeps arresting Fatah activists in Gaza, in tit-for-tat reprisals. Although a Hamas takeover of the West Bank remains a possibility, Israel, whose forces still control large parts of that area, would undoubtedly try to prevent such a development. Repeated attempts throughout 2008 to reunite the divided factions were unsuccessful. However, in the aftermath of the Israeli campaign in the Gaza Strip, the two sides held their first high level face-to-face meeting in March 2009. Since then, numerous negotiations have taken place under Egyptian auspices to try to reconcile the two side[s], with agreement finally reached in September that set elections for June 2010. Fatah signed the accord in early October but Hamas has resisted. In an apparent attempt to force Hamas' hand, Abbas unilaterally announced elections to be held in January 2010. Hamas reacted angrily to this, stating that it will boycott the polls and not allow the ballot to be organised in Gaza. As a result, the divisions between the two sides have been further entrenched. Abbas subsequently announced that he will not seek re-election as president. The presidential and parliamentary elections were postponed indefinitely and Abbas's term was extended, also indefinitely, in December 2009. Municipal elections scheduled for July 2010 in the West Bank have also been postponed indefinitely." [28a] (Politics-Political Division)

For information on the events and successive cabinets during the disintegration of the PNA see the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) Fact Sheet, [Palestinian Government Timeline Since January 2006](#), posted 9 November 2010. [21a]

See also [Geography](#), [History](#), [Political affiliation](#) and [Freedom of movement](#)

CORRUPTION

- 5.05 A 2010 TI report, *The good governance challenge: Egypt, Lebanon, Morocco and Palestine*, noted:

“The Palestinian National Authority (PNA) operates in an environment where most of its territory and resources are under Israeli military occupation, disrupting the PNA’s ability to implement initiatives to strengthen the NIS [National Integrity System] pillars. The PNA has not yet developed the ‘institutional capacity to fulfil all of its functions and lacks the expertise needed to fully develop’ the NIS pillars. Further, the conflict among the political leaderships in the West Bank and Gaza Strip prevents the further strengthening and unification of national institutions. The result ‘is that combating corruption has taken a back seat to the issue of national division, which continues to dominate the agenda.’” [78b] (p8)

- 5.06 The same source also reported that, in addition to “certain corrupt practices, such as nepotism, that are deeply embedded in the social and political culture of these countries”:

“Anti-corruption concepts, such as integrity, transparency, and accountability, are poorly understood by public sector officials, private companies and the citizenry alike ... in Palestine where ‘[m]anagers of some institutions understand independence to mean the completely autonomous management of the institution with no oversight whatsoever. To say that controls are needed for independent institutions appears to be a complete contradiction in terms.’” [78b] (p10)

For further information on the issue of corruption in the OPTs see the full [Transparency International \(TI\) 2010 report](#) [78b], and the Coalition for Accountability and Integrity – AMAN report of the [National Integrity System Study | Palestine 2009](#) [79a] to which the TI report extensively refers

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6. PALESTINIAN REFUGEES

See also [History](#) and [Annex A – Chronology of major events](#) for information on the origins of Israel and the Occupied Palestinian Territories (OPTs), which resulted in the creation of the Palestinian refugee population.

- 6.01 The article, Who are Palestinian refugees?, from the Forced Migration Review 26 (FMR 26), *Palestinian displacement: a case apart?*, of August 2006 reported:

“During numerous negotiation sessions in the 1990s the parties failed to achieve consensus on a refugee definition. While Israel argued for a narrow definition restricted to first generation refugees – those actually displaced in 1948 and in 1967 – Palestinians advocated an inclusive or expanded definition that included children and spouses of refugees, and others in refugee-like conditions, including those deported from the OPT by Israel, persons who were abroad at the time of hostilities and unable to

return, individuals whose residency rights Israel revoked and those who were not displaced but had lost access to their means of livelihood.

“This disagreement is exacerbated by the fact that there is no comprehensive definition of a Palestinian refugee. The most commonly cited definition is that used by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the UN agency set up in 1949 – two years prior to the formation of UNHCR [UN High Commission for Refugees] – to provide relief and assistance to the refugees in the West Bank, Gaza Strip, Jordan, Lebanon and Syria. Unlike Article 1A (2) of the 1951 Refugee Convention, however, the UNRWA definition merely establishes criteria for assistance – it does not define refugee status.” [36a] (p6)

DIFFERENT ‘CATEGORIES’ OF REFUGEE

6.02 The BADIL Resource Center for Palestinian Residency & Refugee Rights (BADIL) in its *Survey of Palestinian Refugees and IDPs (2008-2009)*, released January 2010, provides a description of the different refugee categories and divides them into five groups:

“The largest group of displaced Palestinians is made up of those who were forced to leave their homes and country in 1948 (the Nakba) and their descendants. These total approximately 5.7 million, a figure that includes the 4.7 million Palestinian refugees who are registered with and assisted by the UN Relief and Works Agency for Palestine Refugees (UNRWA) (often referred to as ‘registered refugees’ or ‘Palestine refugees’), and a further one million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA.

“The second major group of displaced Palestinians is comprised of those displaced for the first time from their homes and country in the context of the 1967 war and their descendants. 1967 Palestinian refugees number approximately 955,247 persons.

“Internally displaced Palestinians can be divided into two groups. The first is composed of persons displaced in the area that became the state of Israel in 1948. This group includes those who were displaced in the 1948 Nakba, (approximately 335,000 persons) as well as those subsequently displaced by the state of Israel. No authoritative data exists for this second category. ... The second group (approximately 129,000 persons) is composed of Palestinians internally displaced [IDPs] in the OPT since 1967 as a result of Israel’s occupation, apartheid and colonization of the area. This figure includes Palestinian refugees who suffered subsequent secondary forced displacement inside the OPT, and whose numbers are estimated to be 37,000 persons at the end of 2008. ...

“[Further] an unknown number of additionally displaced Palestinians who are not 1948 or 1967 refugees, but who have also been displaced outside the area of historical Palestine (Israel and the OPT) and are also likely to qualify as refugees under international law. The majority of the latter have likely been forcibly displaced from the occupied West Bank and Gaza Strip since 1967 as a result of the policies and practices of Israel’s regime combining occupation, apartheid and colonization. They now reside abroad and are unable or unwilling to return to the OPT or Israel owing to a well-founded fear of persecution.” [17a] (Chapter 2; p57)

SIZE OF THE REFUGEE POPULATION

6.03 The BADIL Survey (2008-2009) noted, "There is no single authoritative source for the global Palestinian refugee and IDP population. Estimates of the current size of Palestinian refugee and IDP populations are based on available data which is uneven and shifting, primarily due to the absence of a comprehensive registration system, frequent forced displacement, and the lack of a uniform definition of a Palestinian refugee." [17a] (Chapter 2; p56) Further, "The majority of the Palestinian refugee and IDP population is distributed throughout the Middle East, primarily in Arab countries that border Israel and the occupied Palestinian Territory (OPT). Most Palestinian refugees (approximately 81 percent) live outside the 58 UNRWA-serviced camps." [17a] (Chapter 2; p56)

6.04 The BADIL Survey (2008-2009) reported, "By the end of 2008, at least 7.1 million (67 percent) of the entire, worldwide Palestinian population of 10.6 million were forcibly displaced persons. Among them were at least 6.6 million Palestinian refugees and approximately 427,000 IDPs." [17a] (Chapter 2; p57)

6.05 The UNRWA publication, *UNRWA in figures* provided statistical information on the number of Palestinians the organisation supported up to 1 January 2010:

	Jordan	Lebanon	Syrian Arab Rep.	West Bank	Gaza Strip	Total/Ave.
Registered Refugees (RR)	1,983,733	425,640	472,109	778,993	1,106,195	4,766,670
Increase in RRs over previous year (%)	1.6	0.82	2.2	2.1	3.1	2.0
RR as % of total RRs	41.6	8.9	9.9	16.3	23.2	100
Existing camps	10	12	9	19	8	58
RR in camps (RRCs)	341,494	226,533	127,831	197,763	502,747	1,396,368
RRCs as % of RRs	17.2	53.2	27.1	25.4	45.4	29.3
[16h] (General)						

6.06 The United Nations, in its 2008 publication *The Question of Palestine and the United Nations* stated:

"The vast majority of Palestine refugees fall under UNRWA's mandate, but there are also large numbers of Palestinian refugees living in other countries of the region, including the Arab Gulf States, Egypt, Iraq and Yemen, and even further afield in Australia, Europe and the Americas. Those falling outside the UNRWA mandate may qualify as refugees under the 1951 Convention relating to the Status of Refugees, and may be assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR). Most recently, UNHCR has been providing assistance to an estimated 15,000 Palestinian refugees remaining in Iraq, as well as, in coordination with UNRWA,

to those who fled from that country to Jordan and Syria. UNHCR has also provided assistance to some destitute Palestinians in Egypt and Libya.” [39a] (p105)

THE UNITED NATIONS RELIEF AND WORKS AGENCY (UNRWA)

6.07 BADIL’s January 2010 report noted, “UNRWA registers and delivers assistance to 1948 Palestinian refugees in line with its working definition of a ‘Palestine refugee.’ The eligibility rules issued in 1993 define a ‘Palestine refugee’ as ‘[a]ny person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.” [17a] (Chapter 4; p157)

6.08 UNRWA’s website explained in its undated *Overview*, accessed 10 September 2010, that:

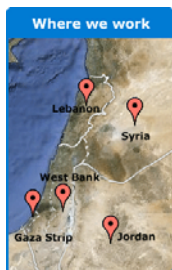
“Following the 1948 Arab-Israeli conflict, UNRWA was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA’s mandate, most recently extending it until 30 June 2011.” [16a] (Establishment)

6.09 UNRWA’s *Overview* continued:

“Since its establishment, the Agency has delivered its services both in times of relative calm in the Middle East, and in times of hostilities. ... UNRWA is unique in terms of its long-standing commitment to one group of refugees, and its contributions to the welfare and human development of four generations of Palestine refugees. Originally envisaged as a temporary organisation, the Agency has gradually adjusted its programmes to meet the changing needs of the refugees.” [16a] (UNRWA Services)

UNRWA SERVICES TO PALESTINE REFUGEES

6.10 UNRWA’s website explained in its undated *Overview*, accessed 10 September 2010, that “UNRWA provides education, health, relief and social services to eligible refugees among the 4.7 million registered Palestine refugees in its five fields of operations [see map below] ... Some 1.4 million refugees, around one third of the total, live in 58 recognised camps, and UNRWA’s services are located in or near these areas.” [16a] (Where does UNRWA work?)



[16k]

Click on the map for more information on UNRWA’s operations, or use the links below: [Lebanon](#), [Syria](#), [Jordan](#), the [West Bank](#) and [Gaza Strip](#). [16b-16f]

6.11 UNRWA’s *Overview* continued:

“Unlike other United Nations organisations that work through local authorities or executing agencies, UNRWA provides its services directly to Palestine refugees. It plans and carries out its own activities and projects, and builds and administers facilities such as schools and clinics.

“The Agency currently operates or sponsors over 900 installations with nearly 30,000 staff across the five fields. Because UNRWA services such as education and healthcare are the type of services normally provided within the public sector, the Agency cooperates closely with governmental authorities in the area of operations, who also provide some services to Palestine refugees.” [16a] (Facilities)

See also [Women](#); [Children](#); [Medical issues](#) and [Humanitarian issues](#). Additionally, [Annex C – UNRWA camp profiles – West Bank & Gaza Strip](#) for further information on the services provided by UNRWA in the OPTs, including links to the individual camps.

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Human Rights

7. INTRODUCTION

For further information on the human rights situation in the Occupied Palestinian Territories (OPTs) see the country specific pages on the websites of [Human Rights Watch \(HRW\)](#) [22a] and [Amnesty International \(AI\)](#). [35k]

Also the websites of the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA OPT\)](#) [3];

[B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories](#) [25];

The [Palestine Monitor](#) [33];

The [Palestinian Centre for Human Rights \(PCHR\)](#) [44];

The [Independent Commission for Human Rights](#) [71] and

Return to the [Contents](#) page for sections containing detailed human rights information on specific issues and groups.

- 7.01 The Palestinian Centre for Human Rights (PCHR) *Annual Report 2009*, released 3 June 2010, noted:

“Political division and conflict in the Palestinian National Authority constituted a major motive for human rights violations and the obstruction of democratic reform in 2009. Efforts to achieve national reconciliation, which PCHR supports and has contributed to, have failed to end the political division and restore national unity. Currently the Palestinian Legislative Council is paralyzed, while the political division is manifested in the existence of two Palestinian governments, with separate police and security services and two judiciaries.” [44d] (p23)

- 7.02 The Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009* released March 2010 stated, “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.” [5c] (p126)

- 7.03 The Amnesty International *Report 2010: Palestinian National Authority* (AI Report 2010: PNA) on events between January and December 2009, released 26 May 2010, noted:

“During Operation ‘Cast Lead’, the 22-day military offensive launched by Israel that ended on 18 January, Hamas forces and militias in the Gaza Strip continued to fire indiscriminate rockets and mortars into Israel, and within Gaza they abducted political opponents and former detainees alleged to have ‘collaborated’ with the Israeli intelligence services; some were summarily killed, others were beaten or shot in the legs. Throughout the year, Palestinian Authority (PA) security forces in the West Bank and Hamas security forces and militias in Gaza arbitrarily detained hundreds of members or sympathizers of rival factions without charge or trial and often tortured and otherwise ill-treated them. Security agencies under the PA in the West Bank and the de facto administration in Gaza used excessive force when confronting armed rivals, causing a number of civilian deaths. The PA in the West Bank and Hamas in Gaza

continued to clamp down on freedom of expression. Military courts in the West Bank and Gaza sentenced 17 people to death; no executions were carried out.” [35b] (p254)

- 7.04 The Human Rights Watch’s (HRW) *World Report 2010* on events in 2009, released January 2010, stated “ Hamas, Islamic Jihad and other Palestinian armed groups in Gaza fired rockets indiscriminately at Israeli cities and towns. At their peak during Operation Cast Lead, more than 100 rockets per day hit Israel, killing three Israeli civilians. Longer-range rockets placed 800,000 Israelis at risk of attack.” [22b]

For more information on the Gaza conflict/Operation ‘Cast Lead’, refer to the following reports:

The Center for Strategic and International Studies (CSIS), [*The Gaza War - A Strategic Analysis*](#), 2 February 2009 [18a]

Human Rights Watch, [*Complete coverage of Israel/Gaza: Israel – Gaza Conflict*](#), December 2008 – January 2009 [22d]

Congressional Research Service (CRS), [*Israel and Hamas: Conflict in Gaza 2008 – 2009*](#), 19 February 2009 [31a]

Amnesty International, [*Israel/Gaza: Operation ‘Cast Lead’: 22 days of death and destruction*](#), 2 July 2009

United Nations, [*Report of the Independent International Fact-Finding Mission on the Gaza Conflict*](#) (also known as the Goldstone Report), 25 September 2009. [72a]

See also [History](#), [Security forces](#) and [Humanitarian issues](#)

- 7.05 The Amnesty International *Report 2010: Israel and the Occupied Palestinian Territories* (AI Report 2010: Israel and the OPTs) stated, “Israeli forces continued to impose severe restrictions on the movement of Palestinians in the Occupied Palestinian Territories (OPT) throughout 2009, hampering access to essential services and land.” [35a] (p182) It continued:

“Throughout the year, Israeli forces used excessive and, at times, lethal force against Palestinian civilians. Allegations of ill-treatment against Palestinian detainees continued and were rarely investigated. Hundreds were administratively detained without charge; others were serving sentences imposed after unfair military trials. Israeli soldiers and settlers who committed serious human rights abuses against Palestinians enjoyed virtual impunity.” [35a] (p182)

- 7.06 The Executive Summary of a May 2009 report, *Occupation, Colonialism, Apartheid?: A re-assessment of Israel's practices in the occupied Palestinian territories under international law*, produced by the Human Sciences Research Council of South Africa (HSRC) Democracy and Governance Programme – Middle East Project stated that, “This study demonstrates that the implementation of a colonial policy by Israel has not been piecemeal but is systematic and comprehensive, as the exercise of the Palestinian population’s right to self-determination has been frustrated in all of its principal modes of expression.” [65b] (p9) The Executive Summary also concluded:

“Israel’s status as a ‘Jewish State’ is inscribed in its Basic Law and it has developed legal and institutional mechanisms by which the State seeks to ensure its enduring Jewish character. These laws and institutions are channelled into the OPT to convey privileges to Jewish settlers and disadvantage Palestinians on the basis of their respective group identities. This domination is associated principally with transferring

control over land in the OPT to exclusively Jewish use, thus also altering the demographic status of the territory. This discriminatory treatment cannot be explained or excused on grounds of citizenship, both because it goes beyond what is permitted by ICERD [International Convention on the Elimination of All Forms of Racial Discrimination] and because certain provisions in Israeli civil and military law provide that Jews present in the OPT who are not citizens of Israel also enjoy privileges conferred on Jewish-Israeli citizens in the OPT by virtue of being Jews. Consequently, this study finds that the State of Israel exercises control in the OPT with the purpose of maintaining a system of domination by Jews over Palestinians and that this system constitutes a breach of the prohibition of apartheid.” [65b] (p15)

For more detail, refer to the full May 2009 HSRC [report](#). [65a]

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WEST BANK

Palestinian Authority (PA)

- 7.07 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010 noted, “International and Palestinian nongovernmental organizations (NGOs) reported PA [Palestinian Authority] torture, arbitrary and prolonged detention, poor prison conditions, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems.” [15b] (*The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority)*)
- 7.08 Freedom House’s survey *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA) on events in 2009, released 20 June 2010 reported, “Economic and security conditions improved somewhat in the West Bank, but Palestinians’ political rights deteriorated as Palestinian Authority president Mahmoud Abbas continued to govern after the expiration of his mandate in January [2009]. Abbas loyalists subsequently removed elected municipal officials from office when their terms expired later in the year.” [38b]

Israeli forces and settlers in the West Bank

- 7.09 The HRW *World Report 2010*, on events in 2009, released January 2010 stated, “In the West Bank, Israel maintained many restrictions on freedom of movement for Palestinians, demolished hundreds of homes under discriminatory regulations, continued unlawful settlement construction, and continued to arbitrarily detain children and adults.” [22b]
- 7.10 The AI Report 2010: Israel and the OPTs noted, “Israeli forces continued to forcibly evict Palestinians, demolish their homes and expropriate their land in the occupied West Bank, including East Jerusalem, while allowing Israeli settlements to expand on illegally confiscated Palestinian land.” [35a] (p182) The Freedom House survey *Freedom in the World 2010: Israel-Occupied Territories* (Freedom in the World: Israel-OPTs) on events in 2009, released 20 June 2010, reported “... Israeli authorities continued to break up protests against the growing security barrier in the West Bank, and approved additional construction at existing Jewish settlements near Jerusalem.” [38a]

7.11 The PCHR *Annual Report 2009*, released 3 June 2010, stated:

“In the West Bank, IOF [Israeli Occupation Forces] continued to demolish Palestinian houses in Area ‘C’ – areas under full Israeli control following the Oslo Accords. In 2009, this policy was focused on occupied East Jerusalem, where IOF have demolished Palestinian homes under various pretexts, including the lack of building licenses. ...

“The Israeli government, its occupation forces and settlers living in the OPT in violation of international law have continued activities of settlement expansion in the West Bank. Armed Israeli settlers, protected by IOF, have also continued to commit crimes against Palestinian civilians and property. In 2009, Israeli settlers increased their attacks against Palestinian civilians and property, especially following the inauguration of a new Israeli government led by Benjamin Netanyahu [on 1 April 2009 [89a] (2009)].” [44d] (p19)

7.12 The website of Israeli human rights organization Yesh Din – Volunteers for Human Rights published a joint letter from themselves, the Association of Civil Rights in Israel (ACRI), B'Tselem and Rabbis for Human Rights to senior Israeli military commanders on 28 October 2010, which stated “In the last month there was a large number of incidents in which olives were harvested and stolen and many trees were vandalized and harmed [by Israeli settlers in the West Bank].” [52a] (p1) The letter provided a list of known incidents and continued:

“We have been repeatedly warning of such vandalization of Palestinian property for a long time and repeatedly demanding that the security forces deploy accordingly, at least in the known trouble spots, to fulfill your duty of protecting the law and security in the area, as well as protecting the rights of the protected residents of the occupied area. ... The negligence of the military commander in fulfilling his duty to protect the sources of livelihood of the protected [Palestinian] citizens is a direct and severe violation of their rights to live in dignity, to property and to maintain their lifestyles, their culture and their honor. The violation of those rights indirectly impacts on their ability to exercise other basic rights.” [52a] (para 6 & 7)

GAZA STRIP

Hamas

7.13 The HRW *World Report 2010*, released January 2010, noted, “During and after the war [Operation Cast Lead: December 2008-January 2009], Hamas forces in Gaza killed alleged collaborators with Israel and shot and maimed scores of political rivals.” [22b]

7.14 The USSD Report 2009, released 11 March 2010, stated:

“In Gaza there were reports that Hamas security forces continued to kill, torture, kidnap, arbitrarily detain, and harass Fatah members and other Palestinians with impunity. Hamas and other Palestinian factions in Gaza shelled civilian targets in Israel. In Gaza there were reports of corruption, abuse of prisoners, and failure to provide fair trials to those accused. Hamas also strictly restricted the freedom of speech, religion, and movement of Gaza residents, and promoted gender discrimination against women. Residents of Gaza continued to be denied the right to political participation and to choose their government.” [15b] (*The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority)*)

Israeli forces

7.15 HRW's *World Report 2010*, on events in 2009, released January 2010 stated:

"The human rights crisis in the Israeli-occupied Palestinian territories worsened in 2009, particularly in Gaza, where Israeli forces killed hundreds of Palestinian civilians and destroyed civilian homes and infrastructure during Operation Cast Lead, a major military offensive that began on December 27, 2008 and ended on January 18, 2009. Israel's continued blockade of Gaza denied basic goods to Gaza's 1.5 million residents and prevented post-war reconstruction." [22b]

7.16 The AI Report 2010: Israel and the OPTs noted:

"Among other things, they carried out indiscriminate and disproportionate attacks against civilians, targeted and killed medical staff, used Palestinian civilians as 'human shields', and indiscriminately fired white phosphorus over densely populated residential areas. More than 1,380 Palestinians, including over 330 children and hundreds of other civilians, were killed. Much of Gaza was razed to the ground, leaving vital infrastructure destroyed, the economy in ruins and thousands of Palestinians homeless." [35a] (p182)

7.17 The Freedom House survey, *Freedom in the World 2010*: PA reported, "Intense fighting between Israel and Hamas in the Gaza Strip ended with a ceasefire in January 2009, but Gaza residents continued to suffer from infrastructural damage, unexploded ordnance, and ongoing border restrictions." [38b]

7.18 The AI Report 2010: Israel and the OPTs further stated:

"The restrictions [on movement imposed by the Israeli forces] included a military blockade of the Gaza Strip, which effectively imprisoned the 1.5 million residents and resulted in a humanitarian crisis. Despite this, Israel often stopped international aid and humanitarian assistance from entering Gaza. Permission to leave Gaza to receive medical treatment was denied or delayed for hundreds of seriously ill Palestinians and at least 28 individuals died while waiting for permission to travel." [35a] (p182)

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8. SECURITY SITUATION

For further information on the security situation in the Occupied Palestinian Territories (OPTs), see the country specific pages on the websites of country specific pages on the websites of [Human Rights Watch \(HRW\)](#) [22a], [Amnesty International \(AI\)](#) [35k] and the International Crisis Group (ICG) monthly update, [Crisiswatch](#). [66a]

Also the websites of the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA OPT\)](#) [3];

[B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories](#) [25];

The [Palestine Monitor](#) [33];

The [Palestinian Centre for Human Rights \(PCHR\)](#) [44a] and

The [Independent Commission for Human Rights](#) [71]

44 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

- 8.01 The International Crisis Group (ICG) report, *Squaring the Circle: Palestinian Security Reform under Occupation* of September 2010 stated:

“Security reform was high on President Abbas’s agenda from the moment he assumed office in January 2005. Israeli uncooperativeness, resistance from Palestinian security chiefs and, a year later, Hamas’s triumph in legislative elections got in the way. But conditions changed after the Islamists’ June 2007 takeover of Gaza. Ramallah, Israel and the donor community alike all saw great urgency in bolstering Palestinian security forces (PSF). Their reasons overlapped: the PA sought to achieve a monopoly on the use of force and, importantly, pre-empt any potential Hamas challenge to its West Bank rule; Israel was intent on dismantling militant groups; and the West saw an opportunity to shore up its Palestinian allies and strike a blow against their Islamist foes. Unsurprisingly, the first phase of reform focused mainly on checking Hamas, but also on restraining Fatah militants and restoring order.” [66b] (pi)

- 8.02 Freedom House’s June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA), reported, “While armed factions continued to exercise de facto rule over significant portions of PA-administered areas, PA security forces asserted increased control in Nablus, Ramallah, Jericho, and Jenin in 2009. Frequent and violent clashes occurred between Hamas and Fatah gunmen. Violence between Palestinians and Israeli settlers in the West Bank is also common.” [38b] (Political Rights and Civil Liberties)

See also [History](#); [Recent developments](#); [Political system](#); [Security forces](#) and [Political affiliation](#)

WEST BANK

- 8.03 The Internal Affairs section, last updated 20 May 2010, of Jane’s Information Group’s (Jane’s) Sentinel country risk assessments, Gaza and the West Bank reported “[Prime Minister Salam] Fayyad’s government, ... has worked hard on a Reform and Development Plan that it brought to international donors, securing a record USD7.7 billion pledge in December 2007. The PA has also worked to impose law and order in the West Bank with some success.” [28a] (Divided polity)
- 8.04 The ICG’s September 2010 report, *Squaring the Circle: Palestinian Security Reform under Occupation*, noted:

“In the past few years, the Palestinian Authority (PA) largely has restored order and a sense of personal safety in the West Bank, something unthinkable during the second intifada. Militias no longer roam streets, uniformed security forces are back, Palestinians mostly seem pleased; even Israel – with reason to be sceptical and despite recent attacks on West Bank settlers – is encouraged. Initial steps, long overdue, have been taken to reorganise an unwieldy security sector, where overlapping, unaccountable branches had become fiefdoms of powerful chiefs. West Bankers applaud the changes but are far less comfortable with their accompaniment: unparalleled security cooperation with Israel and crackdown on opposition groups – notably but not exclusively Hamas – affecting civil society broadly. Without serious progress toward ending the occupation and intra-Palestinian divisions, support for the security measures risks diminishing, PA legitimacy could further shrivel, and ordinary Palestinians’ patience – without which none of this can be sustained – will wear thin.” [66b] (pii)

- 8.05 An article, dated 1 September 2010, in the London-based *Asharq Alawsat* reported, "Palestinian security forces arrested more than 150 Hamas members in an overnight sweep throughout the West Bank after the Islamic militant group claimed responsibility for shooting dead four Israelis on the eve of new Mideast peace talks." [67c]

See also [Security forces](#); [Arrest and detention – legal rights](#) and [Political affiliation](#)

Israeli impact

- 8.06 The August 2010 edition of the United Nations Office for the Coordination of Humanitarian Affairs' (OCHA) *The Humanitarian Monitor* reported, in the West Bank:

"August saw the lowest number of Palestinian injuries in Israeli- Palestinian violence since the beginning of the year (38). Despite rising tensions between Palestinians and Israeli settlers, the majority of Palestinian injuries were inflicted by Israeli forces (30) and primarily occurred within the context of weekly demonstrations against Barrier construction, settlement expansion and settler violence. One Israeli and three foreign activists were also injured in these protests." [31] (p3)

- 8.07 The August 2010 edition of OCHA's *The Humanitarian Monitor* stated, following the 31 August 2010 killing of four Israeli settlers in an attack claimed by Hamas' armed wing Izz ad-Din al Qassam Brigades, "... Israeli forces sealed the entrances to the cities of Hebron and Halhul and to Al Fawar refugee camp, imposed a curfew on Bani Na'im village, and raided the adjacent town of Sa'ir[.]" [31] (p3)

Israeli settlers

- 8.08 In the West Bank, the August 2010 edition of OCHA's *The Humanitarian Monitor* noted "... a total of 21 incidents perpetrated by Israeli settlers, which resulted in Palestinian injuries or damage to Palestinian property. In one of the latter, Israeli settlers set fire to some 3,000 dunums [a Palestinian/Israeli dunum is equivalent to about 0.25 acres [10d]] of cultivated land, thus undermining the livelihoods of some 100 Palestinian families from the Beit Furik village (Nablus). The frequency of this type of settler attacks is on the rise since the beginning of the year [2010]." [31] (p2) The same report stated, "Since the beginning of the year, Israeli settlers have killed three Palestinians and injured another 189." [31] (p3)

- 8.09 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, reported "Settlers committed violent acts against civilian Palestinians with reportedly little or no intervention by Israeli security forces." [15b] (*The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c*)

See also [Humanitarian issues](#)

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GAZA STRIP

- 8.10 The OCHA August 2009 Special Focus report, *Locked In: The humanitarian impact of two years of blockade on the Gaza Strip*, stated "At least 360 people were killed since 15 May 2007 (one month before the Hamas take over) in the context of inter-factional

violence. Individuals suspected of affiliation with opposition factions have allegedly been the victims of arbitrary arrests, torture and extra-judiciary executions.” [3h] (p3) A 22 September 2010 article in the London-based *Asharq Alawsat* noted, “ Hamas’ initial crackdowns were political, targeting Fatah supporters but eventually the net widened, absorbing lawless tribes, human rights groups and extremist Muslims opposed to Hamas’ rule.” [67a]

- 8.11 The Internal Affairs section, last updated 20 May 2010, of Jane’s Sentinel country risk assessments, Gaza and the West Bank reported:

“ Hamas has maintained its control over the Gaza Strip, presiding over an ever more impoverished territory suffering a total blockade by Israel. However, it has improved security conditions and its defiant stance towards Israel and the international community, as well as its daring in breaching the border to Egypt in January 2008, has proven popular with Palestinians. While Hamas is unable to break the siege imposed on Gaza, it has also proven that it cannot be ignored.” [28a] (Divided polity)

- 8.12 The OCHA August 2010 *The Humanitarian Monitor*, reported, “ In the Gaza Strip, in addition to [Israeli] shooting incidents along the perimeter fence, civilian lives are threatened by frequent incidents of internal violence, including explosions in residential areas, family feuds and reckless use of weapons; a total of six people were killed in these types of incidents during August and another 91 were injured, more than any other month in 2010.” [31] (p2) The same report stated, “ The number of injuries recorded in these types of incidents was the largest since August 2008. Overall, since the beginning of 2010, OCHA recorded 60 fatalities and 244 injuries in the context of internal violence.” [31] (p8)

See also [Security forces](#); [Arrest and detention – legal rights](#) and [Political affiliation](#)

Israeli impact

- 8.13 The August 2010 edition of OCHA’s *The Humanitarian Monitor* reported, “ Armed confrontations between Palestinian armed groups and the Israeli military, as well as shooting incidents affecting civilians working in the vicinity of the perimeter fence surrounding Gaza, continued during August. As a result, two Palestinian militants were killed, and eight other Palestinians (including five civilians) and three Israeli soldiers were injured.” [31] (p7) The same report added:

“ Firing of rudimentary rockets and mortar shells by Palestinian factions towards southern Israel was reported on a number of occasions throughout the month, one of which (on 17 August), resulted in the injury of two Israeli soldiers. Following that incident, the Israeli Air Force launched a series of air strikes targeting a Hamas military base in Khan Yunis, tunnels beneath the Gaza-Egypt border, and an open area in central Gaza; no injuries were reported.” [31] (p7)

Enforcement of access restrictions

- 8.14 The August 2010 edition of OCHA’s *The Humanitarian Monitor* stated:

“ The Israeli army continued enforcing access restrictions to areas up to 1,000-1,500 meters from the perimeter fence by opening ‘warning’ fire towards people approaching or present in these areas [resulting in the injury of five Palestinian civilians during

August 2010]. ... Access restrictions to areas along the fence are also enforced through the leveling of agricultural land and destruction of structures; this month, the Israeli military conducted 14 'leveling incursions' into these areas.

"The opening of 'warning fire' is used also on a daily basis by the Israeli Navy to enforce access restrictions to fishing areas beyond three nautical miles from the shore. In one such incident this month, one fisherman was injured." [31] (p7)

See also [Freedom of movement](#) and [Humanitarian issues](#)

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9. SECURITY FORCES

- 9.01 The Security and Foreign Forces section, posted on 21 July 2010, of Jane's Information Group's (Jane's) Sentinel country risk assessment on the Gaza Strip and the West Bank provided the following background information to the current situation in the Occupied Palestinian Territories (OPTs):

" Hamas' 2006 election victory posed a serious challenge to the beleaguered and ineffective security services. Dominated by Fatah, they were unwilling to submit to a new Hamas minister of the interior, and in some cases actively worked against the government. Security force personnel were among the most prominent demonstrators against the Hamas government's inability to pay civil sector wages following the imposition of international sanctions. International pressure, which had previously sought to bring the security forces under the control of the government rather than the president, switched after the Hamas victory and pressured Abbas to bring the security services back under his office's control, albeit on terms acceptable to the West. In response, the Hamas government created its own Executive Force, drawn largely from members of the movement's military wing, the Izz al-Din al-Qassam Brigades. It was deployed for the first time in the Gaza Strip in May 2006, and was under the control of the Hamas minister of the interior. By mid-2007 it was estimated to have a strength of about 6,800.

"The deployment of the Executive Force resulted in clashes with members of the traditional security forces, and running battles in the Gaza Strip. Ultimately, it led to the Hamas takeover of the Gaza Strip in June 2007. Since then, law and order and security functions in Gaza have been performed by Hamas-controlled security organisations." [28a] (Assessment)

- 9.02 Amnesty International's *Report 2010: the Palestinian Authority* (AI Report 2010: PA), released 26 May 2010, reported:

"Israel's occupation of the West Bank, including East Jerusalem, and the Gaza Strip continued. In this context, two separate non-state Palestinian authorities operated with limited powers: in the West Bank, the caretaker government of the PA under Prime Minister Salam Fayyad appointed by President Mahmoud Abbas of the Fatah party; and in the Gaza Strip, the Hamas de facto administration under former PA Prime Minister Isma'il Haniyeh." [35b] (p254)

- 9.03 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009) released 11 March 2010 stated:

“In PA-controlled areas of the West Bank, Palestinian police were normally responsible for law enforcement for Palestinians and other non-Israelis. In the Gaza Strip, forces under Hamas's control maintained security. Press and NGO [non-governmental organisation] reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity in some cases, such as the operation of smuggling tunnels.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)*

- 9.04 The same report also noted:

“In West Bank Palestinian population centers (mostly ‘Area A’ by the Oslo-era agreements), the PA has formal responsibility for security and civil control, while Israeli security forces have the right of ‘hot pursuit.’ In practice Israeli military authorities have since 2002 conducted regular security operations in Area A cities. In Area B territory in the West Bank, which is comprised mostly of small villages and farmland, the PA is assigned civil control – including civil policing – but Israel retains responsibility for security control. In Area C, which contains Israeli settlements, military installations, and open countryside, Israel retains full civil and security control.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)*

See also [Geography](#); [History](#); [Security situation](#) and [Political affiliation](#)

WEST BANK – SECURITY FORCES UNDER THE CONTROL OF THE PALESTINIAN AUTHORITY (PA)

- 9.05 The Security and Foreign Forces section, posted on 21 July 2010, of Jane’s Sentinel country risk assessment reported, “... the Palestinian Authority Prime Minister Salam Fayyad has been trying to strengthen the police force in an attempt to bring order to chaotic streets in the West Bank and fulfil the PA's obligations under Phase I of the 'road map', as called for by the November 2007 Annapolis conference.” [28a] *(Assessment)*
- 9.06 The USSD Report 2009 stated:

“Six PA security forces operated in the West Bank. The PA Civil Police have primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances which exceed the capabilities of the Civil Police. The Military Intelligence agency, which is a sub-unit of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The General Intelligence service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for these matters internally. The Presidential Guard protects facilities and provides dignitary protection. The Civil Defense service provides emergency services.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)*

Palestinian Civil Police (PCP)

- 9.07 The Security and Foreign Forces section of Jane’s Sentinel country risk assessment reported:

"The Palestinian Civil Police (Al-Shurta) is the lead law enforcement agency in the West Bank. In May 2010 it was reported to have a strength of 7,300 personnel. The force includes the Public Order Police with a reported strength of 1,000, who are trained in riot control. The PCP deals with routine policing matters, traffic control, non-political crime and the maintenance of public order. The Judicial Police (JP), which has responsibility for serving court orders, transporting prisoners, enforcing court judgements and liaising with prosecutors, are formally part of the PCP. In addition, part of the JP's role is to protect judges and judicial facilities, and JP personnel have received training in VIP protection. The PCP has a rapid deployment unit with counter-terrorism (CT) capabilities to handle emergencies." [28a] (Security forces under the control of the Palestinian Authority (West Bank))

National Security Force (NSF)

9.08 The Security and Foreign Forces section of Jane's Sentinel country risk assessment reported:

"The National Security Force (Al-Amn al-Watani) is a lightly-armed, uniformed gendarmerie-type force, with the role of supporting the civil police, combating terrorism and delivering law and order. The National Security Force (NSF) is also referred to as the 'army' or 'National Guard' of the PA. ... The mission of the NSF included patrolling the borders of the Palestinian enclave, mounting security checkpoints on the outskirts of cities and participation in the Israeli-Palestinian joint patrols, as well as other security duties.

"The NSF had been dormant since the outbreak of the Al-Aqsa intifada in 2000, having not been allowed to operate by Israel and with the suspension of joint patrols. However in 2008, the US funded a training programme for NSF recruits at the Jordan International Police Training Centre (JIPTC) which was designed to produce 3,500 Palestinian 'soldiers'. As of January 2010, 2,200 troops had passed out and another three battalions were being trained. The ultimate goal is to have 10 special battalions, each with a strength of about 500." [28a] (Security forces under the control of the Palestinian Authority (West Bank))

Military Intelligence

9.09 The Security and Foreign Forces section of Jane's Sentinel country risk assessment reported:

"Like other security branches, the role of Military Intelligence includes the arrest and interrogation of opposition activists seen as a threat to security. In addition, the unit also investigates alleged illegal activity by other PA intelligence and security units. Military Intelligence is thought to have a strength of a few hundred. The Military Intelligence service has been accused of some of the most severe cases of human rights violations. It reports to the National Security Forces." [28a] (Security forces under the control of the Palestinian Authority (West Bank))

General Intelligence Service (GIS)

9.10 The Security and Foreign Forces section of Jane's Sentinel country risk assessment reported:

“General Intelligence (Mukhabarat Salamah) is the intelligence service of the PA. Many of its duties are similar to those of Preventative Security. It is responsible for apprehending suspected terrorists and dissidents who oppose the PA. In addition, it has the role of gathering intelligence outside the borders of the Palestinian Territories. The organisation is responsible for counter-intelligence operations, and for relations with foreign intelligence services. General Intelligence has emerged as the biggest of the Palestinian intelligence services. ... The General Intelligence Service reports to the PA president.” [28a] (Security forces under the control of the Palestinian Authority (West Bank))

See also [Annex B – Political organisations and armed groups](#)

HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES UNDER THE CONTROL OF THE PA

- 9.11 The Human Rights Watch (HRW) *World Report 2010* on events in 2009, released 14 January 2010, reported “In response [to Hamas mistreatment of Fatah members in the Gaza Strip], the Fatah-run authorities in the West Bank increased repressive measures against Hamas members and supporters there.” [22b] (Gaza Strip – Palestinian Armed Groups)

See also [History](#); [Security situation](#) and [Political affiliation](#)

Arbitrary arrest and detention

- 9.12 The AI Report 2010: PA noted, “In the West Bank and Gaza hundreds of people were arbitrarily arrested and held without charge or trial. Those detained were often suspected of involvement with a rival political party.” [35b] (p255) The USSD Report 2009 stated, “There were fewer reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict than in previous years, largely due to improved security conditions in the West Bank.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1b)
- 9.13 The USSD Report 2009 also noted, “Palestinian law prohibits arbitrary arrest and detention. It allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days. A trial must start within six months or the detainee must be released. In practice the PA detained a number of prisoners without charge for more than 24 hours, and prisoners regularly failed to reach trial within the six-month limit.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

Torture

- 9.14 The USSD Report 2009 stated:

“The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that torture was a problem. During the first part of the year [2009] abuse of prisoners by PA security forces was widespread. Following the deaths of four prisoners in PA custody during the year, Prime Minister Fayyad ordered security commanders to stop the practice of torture and abuse in Palestinian jails. The PA also made public statements to the effect that mistreatment of prisoners would no longer be considered acceptable in PA detention facilities.

“In October [2009] the PA launched an investigation into prisoner abuse in PA facilities, dismissed or disciplined 43 security officers for prisoner abuse, and invited international

NGOs and media to investigate PA detention facilities. At year's end international and local media and NGOs reported improved conditions and a significant reduction in physical abuse of prisoners in PA facilities." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)

- 9.15 The AI Report 2010: PA reported, "Detainees held in the West Bank and Gaza were frequently beaten, subjected to sleep deprivation, and forced to spend long periods handcuffed in painful stress positions (*shabeh*) during the interrogation period." [35b] (p255) The Freedom House survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories*, (Freedom in the World 2010: PA) of June 2010 noted that, "According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured in Palestinian jails. These practices are not prohibited under Palestinian law." [38b] (Political Rights and Civil Liberties)

Extra-judicial killings

- 9.16 The USSD Report noted, "Killings by Palestinian security forces occurred infrequently compared to previous years." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)
- 9.17 The HRW *World Report 2010* stated, "Three men, all reportedly Hamas supporters, died in the custody of Palestinian Authority (PA) security services in the West Bank. In only one case were suspects brought to trial: the death of Haitham Amr, whose body showed signs of torture after he was arrested by the General Intelligence agency in Hebron in June [2009]. (A military trial of officials allegedly involved was ongoing in November.)" [22b] (West Bank – Palestinian Authority) The AI Report 2010: PA concurred, "In the West Bank, three detainees died while being detained by PA security forces; all three were reportedly arrested because of suspected involvement with Hamas and were alleged to have been tortured or otherwise ill-treated in custody." [35b] (p255) The USSD Report 2009 reported, "In the West Bank, four prisoners held in PA correctional facilities died in custody during the year [2009]." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

See also [History](#); [Security situation](#) and [Political affiliation](#)

AVENUES OF COMPLAINT

- 9.18 The HRW *World Report 2010* noted, "The Independent Commission for Human Rights, a Palestinian rights body, received 150 complaints of torture in PA custody in the West Bank as of October [2009]." [22b] (West Bank – Palestinian Authority) The AI Report 2010: PA stated, "Complaints of torture were rarely investigated." [35b] (p255)
- 9.19 The USSD Report 2009 stated:
- "Mohammad Jamil al-Haj died on February 8 [2009] in Preventive Security Organization (PSO) custody, and Fadi Hamadneh died on August 10 in the custody of the General Intelligence (GI) Service. An internal PA investigation ruled both deaths suicides by hanging. In two other cases, that of Majd al-Barghouti, who died on February 24 of heart failure while in the custody of the GI, and Haitham Amre, who died of injuries sustained during detention on June 15 in GI custody, an internal PA investigation found PA security forces culpable. The deaths of these two prisoners resulted in an internal PA investigation that led to the jailing, demotion, or disciplining of 43 PA security officials."

[15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

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GAZA STRIP – SECURITY FORCES UNDER THE CONTROL OF HAMAS

9.20 The USSD Report 2009 noted, “ Hamas exercised control in Gaza, including over police and security forces.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

9.21 The Security and Foreign Forces section, posted on 21 July 2010, of Jane’s Sentinel country risk assessment reported:

“In September 2007 Hamas set up the Internal Security unit, with an intelligence and security role, composed mainly of members of the Izz al-Din al-Qassam Brigades. The following month, as part of a security reshuffle, the Executive Force was merged with the remaining Gaza civilian police force. Both Internal Security and the police report to the Hamas minister of the interior. Apart from Internal Security and the Civil Police, organisations under the control of the Ministry of the Interior following the reshuffle included Civil Defence and a military force, National Security.” [28a] (Security forces under the control of Hamas (Gaza Strip))

Civil Police

9.22 The Security and Foreign Forces section of Jane’s Sentinel country risk assessment reported:

“This force’s role includes routine policing duties. It incorporates elements of the police established by the Palestinian Authority that had operated in Gaza prior to the Hamas election victory in 2006, and the Executive Force, the organisation formed by Hamas in 2006, and comprising members of the Hamas military wing and Hamas supporters. The Executive Force was subsequently merged with the police.

“Under the aegis of the Hamas regime’s Ministry of the Interior, the police force is organised on the basis of various territorial departments – Rafah Province, Gaza Province and Central Province. There is also a Municipal Police department with a particular focus on supervising markets on behalf of local authorities as well as a Traffic Police department. There are various directorates, one of the more important being the General Directorate of Investigation Service (GDIS). In addition to the investigation of crimes such as tax evasion, embezzlement and forgery, the GDIS has a role in the protection of ‘public morals’, the keeping of criminal records, the issuing of firearms licences and exercising border controls over the arrival and departure of foreigners. The Directorate of Anti-Drugs Service combats drugs trafficking. The Department of the Intervention Forces and the Maintenance of Order has the role of maintaining public order and deploys personnel equipped for riot control; it also has the role of protecting VIPs. Among other departments under the authority of the police force is the General Department of Women Police. In addition there are specialist units, including a police engineering unit, specialising in bomb disposal.” [28a] (Security forces under the control of Hamas (Gaza Strip))

Internal Security Service (ISS)

- 9.23 The Security and Foreign Forces section of Jane's Sentinel country risk assessment reported, "This is the intelligence and security agency of the Hamas regime. Established in October 2007, most of the personnel are reported to have come from the military wing of Hamas, the Izz al-Din al-Qassam Brigades. ISS comes under the control of the Hamas minister of the interior. ISS personnel have been involved in the detention and interrogation of Fatah supporters in Gaza." [28a] (Security forces under the control of Hamas (Gaza Strip))

National Security

- 9.24 The Security and Foreign Forces section of Jane's Sentinel country risk assessment reported:

"This is the lightly-armed military force of the Hamas government, which has been given the role of protecting the state from 'foreign aggression'. According to Hamas, National Security is organised on the basis of three battalions. The First Battalion is said to be deployed to secure sensitive zones adjacent to Israeli-held territory, such as the Erez crossing point in the north of the territory and the Karni crossing point in the east. The roles of this battalion include border security and providing early warning of any Israeli incursion into the Gaza Strip. The Second Battalion's role includes the protection of military installations within the Gaza Strip. The role of the Third Battalion includes patrolling the borders of the Gaza Strip and the prevention of drug smuggling. Other elements of National Security include the Military Police; Military Security, the role of which includes overseeing the security of military facilities and barracks, ensuring the loyalty of officers and other ranks and liaising with the Military Police; and a logistics branch known as Technical Affairs, with responsibility for procuring and maintaining weaponry and other equipment. A Military Medical Service forms part of National Security." [28a] (Security forces under the control of Hamas (Gaza Strip))

See also [Annex B – Political organisations and armed groups](#)

HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES UNDER THE CONTROL OF HAMAS

- 9.25 The Human Rights Watch (HRW) *World Report 2010* on events in 2009, released 14 January 2010, noted that "Hamas and other Palestinian factions have conducted no known investigations into unlawful rockets attacks against Israeli civilians, actions by Palestinian armed groups that put Palestinian civilians at unnecessary risk, or the killings or mistreatment of alleged collaborators or political rivals. Hamas pledged in October [2009] to investigate alleged war crimes including rocket attacks." [22b] (Gaza Strip – Palestinian Armed Groups)
- 9.26 The AI Report 2010: PA stated, "During and immediately following Israel's military operation in the Gaza Strip [December 2008 – January 2009], Hamas forces and militias there engaged in a campaign of abductions, deliberate and unlawful killings, torture and death threats against people they accused of 'collaborating' with Israel and other opponents and critics." [35b] (p254)

See also [History](#); [Security situation](#) and [Political affiliation](#)

Arbitrary arrest and detention

- 9.27 The AI Report 2010: PA noted, “In the West Bank and Gaza hundreds of people were arbitrarily arrested and held without charge or trial. Those detained were often suspected of involvement with a rival political party.” [35b] (p255) [2a] The HRW April 2009 report, *Under Cover of War – Hamas Political Violence in Gaza*, stated “According to the ICHR [Independent Commission for Human Rights], from December 27, 2008, to the end of January, 2009, Hamas police ordered the house arrest of more than 150 Fatah members or supporters. The PCHR said it had documented ‘hundreds of cases’ in which Hamas authorities have imposed house arrest on Fatah activists and persons suspected of having committed a criminal offense.” [22c] (p18)
- 9.28 The USSD Report 2009 stated, “Reportedly Hamas widely practiced arbitrary detention in Gaza.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d) Further, “Hamas security operatives in the Gaza Strip carried out extrajudicial detentions based on political affiliation during the year; information about the whereabouts and welfare of those detained was not consistently or reliably available, nor were those detained offered due process or access to family and legal counsel.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1b)

Torture

- 9.29 The USSD Report 2009 stated, “Torture by Gaza Hamas Executive Force was not restricted to security detainees but also included persons associated with the Fatah political party and those held on suspicion of ‘collaboration’ with Israel. Hamas took no action to investigate reports of torture. Documentation of abuses was limited, due partly to fear of retribution by victims and the lack of access to Gaza prisoners for PA officials and many NGOs.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)
- 9.30 The AI Report 2010: PA, on the treatment of known or suspected Israeli collaborators, opponents and other critics of Hamas, reported “Scores of others were shot in the legs, kneecapped or otherwise injured in ways intended to cause permanent disability, or they were severely beaten or otherwise tortured or ill-treated.” [35b] (p254) The same report also stated, “Detainees held in the West Bank and Gaza were frequently beaten, subjected to sleep deprivation, and forced to spend long periods handcuffed in painful stress positions (*shabeh*) during the interrogation period.” [35b] (p255)

Extra-judicial killings

- 9.31 The HRW *World Report 2010*, on events in 2009, stated “From late December 2008 to at least March 2009, masked gunmen apparently affiliated with Hamas, killed at least 32 alleged collaborators with Israel — including men in custody or who posed no threat at the time — and shot or severely beat scores of other Palestinians, primarily members of the rival Fatah party.” [22b] (Gaza Strip – Palestinian Armed Groups) The AI Report 2010: PA noted, “More than 30 individuals were summarily killed [as Israeli collaborators].” [35b] (p254)
- 9.32 The USSD Report 2009 also reported, “According to local media and to the quasi-governmental Independent Commission on Human Rights (ICHR), masked gunmen affiliated with Hamas unlawfully executed at least 32 persons during the year [2009]. In most cases, allegations that the victims had collaborated with Israel

accompanied the killings.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

- 9.33 Additionally, the AI Report 2010: PA reported, “In Gaza, at least four men died in the custody of Hamas security forces; three of them were alleged to have been tortured.” [35b] (p255) In a report of February 2009, AI noted “Hamas gunmen have shot dead at least two dozen men since the end of December last year [2008].” [35j] AI continued, “The targets include former detainees accused of ‘collaborating’ with the Israeli army who escaped from Gaza’s central prison when it was bombed by Israeli forces on 28 December 2008. Other targets included former members of the Palestinian Authority (PA) security forces and other activists of the Fatah party.” [35j]

See also [History](#); [Security situation](#); [Death penalty](#) and [Political affiliation](#)

AVENUES OF COMPLAINT

- 9.34 The AI Report 2010: PA stated, “These abuses [against alleged Israeli collaborators, opponents and other critics of Hamas] were committed with impunity, with the apparent approval of the Hamas leadership.” [35b] (p254) The same report also noted, “Complaints of torture were rarely investigated.” [35b] (p255)
- 9.35 The USSD Report 2009 reported,
- “On April 16 [2009], Hassan al-Sayfi, general inspector in Gaza’s Interior Ministry, told Human Rights Watch (HRW) that a committee he heads had completed investigations into two deaths in detention and authorities accepted recommendations, suspending from duty and filing charges against the police officers involved. In two other cases, the committee was continuing its investigations, but no further information was available at year’s end [2009].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

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ISRAELI FORCES

- 9.36 The USSD Report 2009 noted, “Israeli authorities maintained a West Bank presence through Israeli security forces that consisted of the IDF [Israeli Defence Force], the Israeli Security Agency (ISA or Shin Bet), the Israeli National Police (INP), and the Border Police.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

HUMAN RIGHTS VIOLATIONS BY MEMBERS OF THE ISRAELI FORCES

- 9.37 On arbitrary detention, the HRW *World Report 2010* covering events in 2009, released 14 January 2010, stated “As of November [2009] Israel held 335 Palestinians in administrative detention under Military Order Number 1591 from 2007, which authorizes detention without charge for indefinitely renewable periods of up to six months.” [22b] (West Bank – Arbitrary Detention) Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories* (AI Report 2010: Israel and the OPTs), released 26 May 2010 noted, “The number of Palestinians held in Israeli prisons without charge or trial decreased from 564 in January to 278 in December.” [35a] (p184)

- 9.38 The USSD Report 2009 reported, "Israeli law prohibits arbitrary arrest and detention. However, some reports suggested security services did not always observe these prohibitions. ... In East Jerusalem and in the West Bank, Palestinian protesters or activists alleged arbitrary detention by Israeli security officials at public demonstrations in several instances, including at weekly protests against the separation barrier held in the West Bank village of Bil'in." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)
- 9.39 The Addameer Prisoner Support and Human Rights Association report, *Presumed Guilty – Failures of the Israeli Military Court System* of November 2009 noted:
- "While arrests can occur at any time and in any place, Palestinians are most commonly arrested at checkpoints, off the street, at border crossings and from homes in the middle of the night. Upon arrest, detainees are usually cuffed with plastic handcuffs and blindfolded. They are typically not informed of the reason for their arrest, nor are they told where they will be taken.
- "Physical abuse and humiliation of detainees by Israeli forces during arrest remains common. Once bound and blindfolded, the detainee may be kept waiting, standing or kneeling, for long periods of time before being thrown on the floor of a military jeep, sometimes face down, for transfer to an interrogation center. During the transfer, which can take up to several hours, Israeli soldiers often abuse detainees. Cases of beatings, kicking, insults, threats and deliberate humiliation have been reported." [75b] (p6)
- 9.40 The AI Report 2010: Israel and the OPTs stated "Israeli forces used excessive force against Palestinian civilians, causing many injuries and some deaths. The security forces used tear gas, rubber-coated metal bullets and live ammunition, often when there was no serious threat to themselves or to others." [35a] (p184) The AI report continued: "Torture and other ill-treatment of Palestinians by the General Security Service (GSS) continued to be reported. Methods allegedly used included beatings, sleep deprivation and prolonged periods in stress positions. Israeli domestic law retains 'necessity' as a possible justification for torture." [35a] (p185)
- 9.41 The USSD Report 2009 reported:
- "Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows 'moderate physical pressure' against detainees considered to possess information about an imminent terrorist attack. The decision also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution. Human rights organizations reported that 'moderate physical pressure' has been used in practice to include beatings, requiring an individual to hold a stress position for long periods, and painful pressure on shackles and restraints applied to the forearms." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1c)
- 9.42 The UN Committee Against Torture (UN CAT) reported in its June 2009 concluding observations on Israel that "The Committee is concerned that there are numerous, ongoing and consistent allegations of the use of methods by Israeli security officials that were prohibited by the September 1999 ruling [on the prohibition on torture (p2)] of the Israeli Supreme Court, and that are alleged to take place before, during and after interrogations." [91a] (p5, paragraph 19)

West Bank

- 9.43 The HRW *World Report 2010* reported, “As of late October [2009] Israeli authorities had demolished 103 residential structures in the West Bank (including East Jerusalem), displacing 581 people, justifying the demolitions on the grounds that the structures were built without permits; in practice such permits are almost impossible for Palestinians to obtain.” [22b] (West Bank – Home Demolitions and Evacuations)
- 9.44 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) October 2010 *Humanitarian Monitor* reported, “The level of tension in the West Bank remained high in October, with three Palestinians killed in the context of Israeli-Palestinian violence, and 127 others injured; three Israelis were injured, including two members of Israeli security forces, and one Israeli settler [Israeli settler violence outside of East Jerusalem accounted for 27 Palestinian injuries (p3)].” [3n] (p3)

See also [Security situation](#)

Gaza Strip

- 9.45 The USSD Report 2009 stated, “During the year [2009] reports continued of Palestinians being killed in the Gaza perimeter zone, as in previous years. Israel declared this area off-limits to Palestinians in response to attacks against Israelis originating in those areas.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)
- 9.46 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) October 2010 *Humanitarian Monitor* reported, “In October, Israeli forces killed three members of an armed group and injured 23 civilians inside the Gaza Strip. Eleven of the injuries occurred in the course of air strikes, some of which were reportedly carried out in response to rockets fired by Palestinian factions towards southern Israel.” [3n] (p7)

See also [Security situation](#)

‘Operation Cast Lead’: December 2008 – January 2009

- 9.47 The Summary of the Congressional Research Service (CRS), Israel and Hamas: Conflict in Gaza 2008 – 2009, of February 2009 stated:
- “On December 27, 2008, Israel launched a major military campaign dubbed “Operation Cast Lead” against Hamas in the Gaza Strip. The Israeli offensive came in response to markedly increased Palestinian rocket fire following the expiration of a six-month cease-fire on December 19. On January 3, 2009, Israel began a ground offensive into Gaza. Despite international pressure to halt the fighting (including the passage of U.N. Security Council Resolution 1860 on January 8), the conflict continued until January 18, when Israel unilaterally ceased fire and Hamas followed suit shortly thereafter. Israel’s technological superiority and reliance on heavy armor and firepower contributed to a wide disparity in casualties—approximately 1,440 Palestinians have died (with some organizations estimating that at least half of the dead are civilians), compared with 13 dead (including four civilians) on the Israeli side.” [31a]
- 9.48 The HRW *World Report 2010* stated that, during ‘Operation Cast Lead’, “In several areas of Gaza, the IDF destroyed or damaged civilian structures—including a flour mill, food factories, cement factories, and greenhouses—without military necessity as

required by international law. In total, Israeli forces damaged or destroyed 14,000 homes, around 60 health facilities, 68 government buildings, and 31 offices of nongovernmental organizations, according to the UN.” [22b] (Gaza Strip – Israel Defense Forces)

- 9.49 Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories* (AI - Israel and the OPTs), released 26 May 2010, also noted “The Israeli authorities did not establish any independent or impartial investigation into the conduct of its forces during Operation ‘Cast Lead’, although there were a number of internal investigations.” [35a] (p183)

For more information on the Gaza conflict/Operation ‘Cast Lead’ refer to the following reports:

The Center for Strategic and International Studies (CSIS), [The Gaza War - A Strategic Analysis](#), 2 February 2009 [18a]

Human Rights Watch, [Complete coverage of Israel/Gaza: Israel – Gaza Conflict](#), December 2008 – January 2009 [22d]

Congressional Research Service (CRS), [Israel and Hamas: Conflict in Gaza 2008 – 2009](#), 19 February 2009 [31a]

Amnesty International, [Israel/Gaza: Operation ‘Cast Lead’: 22 days of death and destruction](#), 2 July 2009

United Nations, [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report), 25 September 2009. [72a]

See also [History](#), [Human Rights: Introduction](#) and [Humanitarian issues](#)

AVENUES OF COMPLAINT

- 9.50 The HRW *World Report 2010* noted, “Gaza residents have no direct access to the Israeli military authorities.” [22b] (Gaza Strip – Blockade) The USSD Report 2009 stated, “Human rights organizations complained the IDF — through the military judge advocate general — initiated investigation often many months (at times more than a year) from the time of the incident, making it difficult to find evidence or identify witnesses and victims, and that the unit responsible for investigations had very few Arabic speakers to take testimonies from witnesses.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

- 9.51 The AI Report 2010: Israel and the OPTs noted, “Impunity remained the norm for Israeli soldiers, police and other security forces, as well as Israeli settlers, who committed serious human rights abuses against Palestinians, including unlawful killings. Violence by settlers against Palestinians included beatings, stone throwing and damaging their crops and homes. In rare cases where Israeli security personnel were convicted, the punishments were extremely lenient.” [35a] (p185)

- 9.52 The USSD Report 2009 observed:

“Of the more than 600 complaints filed in recent years which the Official in Charge of Interrogees’ Complaints investigated, PCATI [Public Committee Against Torture in Israel] reported none were forwarded for a Police Investigation Department (PID) criminal investigation. For example, PCATI reported that an investigation had not been completed into the case of Jalal Sawafta, whom the ISA arrested in February 2008 and whose parents were brought to the interrogation room and asked to convince Sawafta

to confess to involvement in rigging a car to explode. The ISA interrogator allegedly threatened to demolish the family home if Sawafta's parents did not convince Sawafta to confess." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 The Non-State Armed Groups section, posted on 20 May 2010, of Jane's Information Group's (Jane's) Sentinel country risk assessment on the Gaza Strip and the West Bank listed the following armed groups as active in the Occupied Palestinian Territories (OPTs):

Al-Aqsa Martyrs Brigades (AMB) (Fatah's military wing)
 Democratic Front for the Liberation of Palestine (DFLP)
 Izz al-Din al-Qassam Brigade (Hamas' military wing)
 Palestinian Islamic Jihad (PIJ)
 Popular Front for the Liberation of Palestine (PFLP)
 Popular Front for the Liberation of Palestine-General Command (PLFP-GC) [28a]

See also [Annex B – Political organisations and armed groups](#)

- 10.02 The Freedom House survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA) released 30 June 2010 reported "While armed factions continued to exercise de facto rule over significant portions of [Palestinian Authority] PA-administered areas, PA security forces asserted increased control in Nablus, Ramallah, Jericho, and Jenin in 2009. Frequent and violent clashes occurred between Hamas and Fatah gunmen. Violence between Palestinians and Israeli settlers in the West Bank is also common." [38b] (Political Rights and Civil Liberties)
- 10.03 The US Department of State *2009 Country Reports on Human Rights Practices* (USSD Report 2009), released 11 March 2010, stated "Palestinian terrorist groups' killings remained a serious problem, particularly in the Gaza Strip, ...". [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a) Further, "There were 20 documented cases of masked gunmen shooting and killing escaped prisoners from December 28, 2008 to the end of January, during the unrest accompanying the Israeli military operations in Gaza; at least 12 of the victims were imprisoned for allegedly 'collaborating with the enemy.'" [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)
- 10.04 The report also stated, "Palestinian factional violence resulted in 12 Palestinian fatalities and 29 Palestinian injuries in the West Bank over the period from January until September 28 [2009]." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1a)

For further information on terror attacks against Israel, and Israel's response to such incidents, see Chapter 2. Country Report: Middle East and North Africa Overview of the [USSD Country Report on Terrorism 2009](#), released on 5 August 2010. [15c] (Israel, West Bank, and Gaza)

See also [Israeli forces and settlers in the West Bank](#) and [Annex B – Political organisations and armed groups](#)

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11. JUDICIARY

- 11.01 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated: “The Palestinian Basic Law of 2002, amended in 2005, provides for an independent judiciary. Both Hamas authorities in Gaza and the PA [Palestinian Authority] in the West Bank apply a Palestinian legal code that is composed of elements of Ottoman, Egyptian (in Gaza), Jordanian (in the West Bank), British Mandate, Israeli military, and modern Palestinian law.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e) Amnesty International’s Report 2010: Palestinian Authority* (AI Report 2010: PA), released 26 May 2010, reported “The judicial systems in the West Bank and Gaza remained extremely problematic.” [35b] (p255)

See also [Death penalty](#)

WEST BANK

Organisation

- 11.02 The USSD Report 2009 stated:

“In the West Bank, a High Judicial Council maintained authority over most court operations. Military courts, established in 1995 and guided by the 1979 Palestine Liberation Organization (PLO) Penal Code, have jurisdiction over security personnel and crimes by civilians against security forces. There is a nine-judge court for election issues. The High Judicial Council maintained authority over most legal proceedings. The PA generally respected judicial independence and the autonomy of the High Judicial Council in practice.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)*

- 11.03 The same report also noted, “The PA civil and magistrate courts handled civil suits. A citizen can file a suit against the government including on matters related to alleged abuses of human rights.” [15b] *(The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)*

- 11.04 The Internal Affairs section, last updated 20 May 2010, of Jane’s Information Group’s (Jane’s) Sentinel country risk assessments, Gaza and the West Bank reported:

“Ramallah Appeal and High Court is the only appeal court in the northern West Bank and also hears cases for the High Court, while Magistrates Courts and Courts of First Instance deal with other judicial matters. Restriction of movement and disruption of public transport and lack of PA control over the occupied territories have severely affected the running of the Palestinian judicial system which requires the presence of three justices, a prosecutor, a defence lawyer and a clerk for trials to be legal.

“Serious judicial reforms are needed, however, to fortify the chain of justice in the eyes of ordinary Palestinians, with decree issuing and arrest making backed up by legitimate trials with an independent judiciary, issuing sentences that will actually be carried out. The judiciary has been powerless to stem lawlessness and lacks credibility in the eyes of the Palestinian public.” [28a] (Judiciary)

Independence

- 11.05 The USSD Report 2009 reported, “The Independent Judiciary Law provides for the right to a fair trial, and an independent judiciary generally enforced this right.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e) Freedom House’s June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA), reported, “The judicial system is not independent, and Palestinian judges lack proper training and experience.” [38b] (Political Rights and Civil Liberties)

Fair trial

- 11.06 The USSD Report 2009 noted:

“PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. A severe shortage of funds and judges and an absence of lawyers and witnesses, due in part to restrictions or delays on the movement of judges, lawyers, defendants, witnesses, and evidence, resulted in significant backlogs in both criminal and civil cases.

“Progress was made in some areas, notably in prosecutorial record-keeping and judicial coordination, but significant shortfalls remained. ...

“Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party’s or witness’s right to privacy, or protection of a victim of a sexual offense or ‘honor’ crime. The law provides for legal representation, the right to question and present witnesses, to review government-held evidence, and to appeal. Authorities generally observed these rights in practice.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

- 11.07 The AI Report 2010: PA noted, “In the West Bank, PA security forces frequently failed to comply with court decisions calling for them to release specific detainees.” [35b] (p255)

- 11.08 The Freedom House survey (Freedom in the World 2010: PA), reported:

“Israeli demands for a crackdown on terrorism have given rise to state security courts, which lack almost all due process rights. There are reportedly hundreds of administrative detainees currently in Palestinian jails. The same courts are also used to try those suspected of collaborating with Israel or accused of drug trafficking. Defendants are not granted the right to appeal sentences and are often summarily tried and sentenced to death. According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured in Palestinian jails. These practices are not prohibited under Palestinian law.” [38b] (Political Rights and Civil Liberties)

See also [Security forces](#)

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GAZA STRIP

Organisation

11.09 The USSD Report 2009 stated:

“Prior to the Hamas takeover of Gaza in 2007, Palestinian law in the Gaza Strip was administered by judges affiliated with the Palestinian High Judicial Council, whose head is appointed by the PA President. In 2007 Hamas Prime Minister Ismail Haniyeh replaced PA-appointed prosecutors and judges in Gaza with Hamas appointees. The PA declared the action illegal; however, courts operated by Hamas appointees continued to function in Gaza throughout the year [2009].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

Independence

11.10 The USSD Report 2009 reported, “In Gaza civil suits may be filed, but the judiciary was reportedly not impartial and independent.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e) The Freedom House survey, Freedom in the World 2010: PA stated, “In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008.” [38b] (Political Rights and Civil Liberties)

Fair trial

11.11 The AI Report 2010: PA noted, “The PA continued to prohibit former members of the judiciary and security forces from working for the Hamas de facto administration in Gaza, and to pay them for not working. Hamas continued to use alternative prosecutors and judges who often lacked the necessary training and qualifications.” [35b] (p255)

ISRAELI COURTS’ TREATMENT OF PALESTINIANS

11.12 The USSD Report 2009 stated:

“Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF [Israeli Defence Force] tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts. Israeli law defines security offenses as including a range of charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal. Israeli civil law, as applied to the Palestinian residents of East Jerusalem, provides for an independent judiciary, and the government generally respected the independence of the civil courts in practice.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

11.13 Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories* (AI Report 2010: Israel and the OPTs), released 26 May 2010, reported “Palestinians from the OPT, including juveniles, continued to be interrogated without a lawyer present and to be tried in military rather than civil courts, where they suffered other violations to their right to fair trial.” [35a] (p185)

- 11.14 In November 2009, the Addameer Prisoner Support and Human Rights Association released the report, *Presumed Guilty – Failures of the Israeli Military Court System*, which stated:

“The Israeli military court system has operated since its 1967 inception with frightening impunity. As an Occupying Power, Israel has the right under international humanitarian law to establish military courts in the OPT. However, applicable international human rights and humanitarian law restrict the jurisdiction of such courts, and guarantee certain fundamental fair trial rights. Moreover, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law to a trial before an independent and impartial tribunal.” [75b] (p5)

Refer to the full [Addameer report](#) for further information on the Israeli military court system, including jurisdiction and fair trial guarantees. [75b]

The Defence for Children International (DCI/PS) June 2009 report, [Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities](#), also provided information on the Israeli military court system, both in general and specific to the treatment of juveniles. [26b]

- 11.15 The USSD Report 2009 also noted:

“Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF, but a 2002 law denies Palestinians the possibility of obtaining compensation in most cases for injuries resulting from illegal acts by Israeli security forces. Amendments in 2005, which the High Court in 2006 partially overturned, added obstacles to Palestinian plaintiffs seeking compensation.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e)

See also [Humanitarian issues](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

PALESTINIAN LAW

- 12.01 The US Department of State 2009 *Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated:

“Palestinian law prohibits arbitrary arrest and detention. It allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days. A trial must start within six months or the detainee must be released. In practice the PA [Palestinian Authority] detained a number of prisoners without charge for more than 24 hours, and prisoners regularly failed to reach trial within the six-month limit. PA officials rejected Hamas’ charges that the PA detained individuals during the year [2009] solely on the basis of their Hamas affiliation, and presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes.

“Reportedly Hamas widely practiced arbitrary detention in Gaza.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

12.02 The same report noted:

“PA law provides for prompt judicial determination of the legality of detention, and this provision was largely but not uniformly observed in practice. ... In several reported cases, PA security forces detained persons without warrants and without bringing them before judicial authorities within the required timeframe. Due largely to limited judicial capacity, those detained rarely saw their cases go to trial within the six-month limit, and were not generally released when this limit expired. Bail and conditional release were available in cases in which judicial authorities deemed it appropriate. Suspects were in some cases denied access to lawyers, families, or doctors. Authorities informed detainees of the charges against them, although sometimes not until interrogation.

“In a number of security-based cases, the PA sought military judicial review and court orders for detention for civilians suspected of terrorist activity. In several of these cases, the PA disregarded civilian court orders requiring the release of these suspects, citing countervailing military court orders.

“In Gaza, Hamas reportedly detained a large but unverifiable number of persons during the year [2009], largely without recourse to legal counsel, judicial review, or bail. Many of these detentions were apparently politically based, and targeted former PA officials or Fatah party members, according to various sources. Abusive conditions were widespread, as were allegations of torture.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

See also [Human rights violations by security forces under the control of the PA](#) and [Human rights violations by security forces under the control of Hamas](#)

ISRAELI LAW

12.03 The USSD Report 2009 stated:

“Israeli law prohibits arbitrary arrest and detention. However, some reports suggested security services did not always observe these prohibitions. Palestinian security internees were under the jurisdiction of military law, which permits 10 days' detention without allowing access to a lawyer or appearing before court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The ICRC [International Committee of the Red Cross] must be notified of arrests within 12 days after they occur and be allowed to visit detainees within 14 days after an arrest.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

12.04 The Defence for Children International (DCI/PS) June 2009 report, *Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities*, provided a pre-trial detention comparison between Israeli domestic law and the military orders applied to Palestinians in the West Bank and, in some cases, to those living in occupied East Jerusalem:

Event	Israeli domestic law	Military orders applied to Palestinians
Detention until brought before a judge	24 hours	8 days
Total period of detention before indictment (charge)	30 days (up to 75 days on the authority of the Attorney General)	180 days (up to 90 days on the authority of a judge of the Military Court and a further 90 days on the authority of the Military Court of Appeals)
Detention from the end of investigation until indictment	5 days	10 days
Detention from filing indictment until arraignment (entering of a plea of guilty or not guilty)	30 days	2 years
Detention from arraignment until end of proceedings	9 months	
Judge's approval of extension of detention if proceedings have not concluded	3 months (Supreme Court judge)	6 months (judge of the Military Court of Appeals)

[26b] (p17)

12.05 The USSD Report 2009 continued:

"Israeli Military Order 1507 permits detention for 10 days before detainees are allowed to see a lawyer or appear before court. Israeli Military Order 1369 provides for a seven-year prison term for anyone not responding to a summons in security cases.

"Suspects in Israeli military custody are entitled to an attorney, but authorities can defer access to an attorney during interrogation, which can last up to 90 days. Israeli authorities stated that policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days. A military commander may request a judge to extend this period indefinitely. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but available to the court.

"A military judge can issue administrative security detention orders for up to six-months, renewable indefinitely." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

12.06 The USSD Report 2009 also reported:

"Palestinian lawyers representing Palestinians held in Israeli military custody inside Israel were generally provided access to their clients, although impediments to movement and access on West Bank roads and/or at crossings often made consultation difficult and caused trials and hearings to be postponed. The government frequently delays notification to foreign government officials after detaining their citizens in the occupied territories." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

12.07 The same report noted:

“According to the MOJ [Ministry of Justice], in some cases the IPS [Israel Prison Service] will keep the person interrogated separate for a few days in order to prevent leakage of information that may disrupt the interrogation. In such cases, according to the Justice Ministry, the detainee meets with representatives of the ICRC, IPS personnel and, if required, medical personnel. The MOJ states that ISA interrogations are conducted according to clear directives, which prohibit sleep deprivation and insulting behavior. According to the government, the IPS does not hold detainees in separate detention punitively or to induce confessions, but rather only when a detainee threatens himself or others and only when other options have been exhausted.

“Israeli human rights organizations reported that Israeli interrogators used psychological abuse more frequently in recent years, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1d)

The DCI/PS June 2009 report, [Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities](#), also provided information on the process of arrest, transfer and interrogation by Israel, specifically regarding the treatment of juveniles. [26b]

See also [Human rights violations by members of the Israeli forces](#) and [Humanitarian issues](#)

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13. PRISON CONDITIONS

13.01 The *Annual Report 2009: Israel and the occupied territories* of the International Committee of the Red Cross (ICRC), released in May 2010 stated, “People detained by Israel, as well as people held by the Palestinian Authority in the West Bank and by the de facto authorities in the Gaza Strip, continued to receive regular visits from the ICRC, which in particular enabled them to exchange news with and receive visits from family members. Following ICRC visits, delegates shared their findings and recommendations confidentially with the relevant detaining authorities.” [70b] (p366)

WEST BANK

13.02 The US Department of State *2009 Country Reports on Human Rights – Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated:

“PA [Palestinian Authority] prison conditions were poor, and the PA prison system remained significantly inadequate for the prison population it served (many prisons were destroyed during the Second Intifada and not rebuilt). Conditions of detention and imprisonment varied widely. PA Civil Police prisons remained severely overcrowded during the year, due to a lack of facility space[.] Space and capacity issues also negatively affected the availability of medical care and vocational and other programs for inmates in civil police prisons.

“During the year [2009] the PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees within 14 days following their arrests as the law provides. The PA also permitted monitoring of its prisons by the ICHR [Independent Commission on Human Rights] and by Palestinian NGOs [non-governmental organisations]. Human rights groups, humanitarian organizations, and lawyers in past years reported difficulties gaining access to specific detainees varied, depending on which security organization managed the facility. The PA Civil Police held as many as 700 prisoners in its eight prisons during the year; juveniles were approximately 4 percent of the prison population, and women less than 2 percent, according to PA statistics. Women and juveniles were housed separately from male prisoners.

“At the end of the year [2009], PA intelligence services, including the PSO [Preventive Security Organisation], GI [General Intelligence], and MI [Military Intelligence], held an estimated 230-240 security detainees separately from the general population. Persons held by the intelligence services were detained according to the same legal framework as those in civil police prisons, and their cases were subject to review by civilian and military courts, depending on the case.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

GAZA STRIP

- 13.03 The USSD Report 2009 reported, “Gaza prison conditions were reportedly poor, and little information was available. Detention facilities were reportedly inferior compared to international legal or humanitarian standards.” Further, “The ICRC conducted monitoring visits to some prisoners in Gaza but was denied permission by Hamas authorities to visit captured IDF soldier Gilad Shalit.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

ISRAELI PRISONS AND DETENTION CENTRES

- 13.04 The Addameer Prisoner Support and Human Rights Association November 2009 report, *Presumed Guilty – Failures of the Israeli Military Court System* reported:

“Palestinian detainees from the West Bank are usually taken to one of eight interrogation and detention centers after arrest: Huwwara (near Nablus), Etzion (near Bethlehem), Salem (near Jenin), Ofer (near Ramallah), Ashkelon (inside Israel), Kishon (inside Israel), Moskobiyyeh (West Jerusalem, Israel), and Petah Tikva (inside Israel). Palestinians from East Jerusalem are typically taken to one of the above locations, or to Moskobiyyeh, depending on the location of the alleged offense. Detainees from the Gaza Strip are taken to Ashkelon or Ketziot, both of which are inside Israel.” [75b] (p6)

- 13.05 The USSD Report 2009 stated:

“IDF [Israeli Defence Force] detention centers were reportedly less likely than Israeli Prison Service (IPS) prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. The Israeli MOJ [Ministry of Justice] stated that the IDF is continuously maintaining and improving the living conditions in two detention centers for the temporary holding of detainees in the West Bank. ... A 2007 petition filed by PCATI [Public Committee Against Torture in Israel] before the High Court that asked for improved holding cells,

regular toilet access, drinking faucets, three daily meals, and improved ventilation for detainees was still pending in November [2009].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

- 13.06 The Defence for Children International – Palestine Section (DCI/PS) Briefing paper to the European Parliament Sub-Committee on Human Rights, *Hearing on Situation in Prisons in Israel and Palestine*, of October 2010 reported:

“The conditions of detention for Palestinian detainees in IPS facilities are regulated by Israeli domestic law and general IPS regulations as well as regulations specific to ‘security detainees.’ Specific regulations apply to various aspects of the conditions of detention, including: physical conditions; medical care; personal hygiene; possession of personal belongings; food; daily exercise; use of telephones; family visits; letters; religion; restraint and disciplinary measures. These regulations are modified in respect of ‘security detainees’ as follows:

- The right to a daily walk at the place of detention does not apply to security detainees;
- The right to use a telephone does not apply to security detainees; and
- Security detainees are entitled to visits every two weeks, but only from first degree relatives.” [26e] (p7)

- 13.07 Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories* (AI Report 2010: Israel and the OPTs), released 26 May 2010, reported “Around 900 Palestinian prisoners continued to be denied family visits, some for a third year, because Gazans have not been allowed to travel into Israel since the blockade was imposed.” [35a] (p185)

See also [Humanitarian issues](#) and [Exit and return](#)

- 13.08 The USSD Report 2009 reported:

“Israel permitted independent monitoring of prison conditions by the ICRC. The Israeli Bar Association and NGOs [non-governmental organisations] sent representatives to meet with prisoners and inspect conditions in prison, detention center, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of Palestinians imprisoned in Israel to visit. ...

“Palestinian prisoners in Israeli custody 16 years and older were treated and housed as adults. Legislation requires that detained minors under the age of 16 must be separate from adult detainees. The government stated that the IPS held 318 security prisoners under the age of 18, of which 285 were between the ages of 16-18 (168 detained and 117 convicted), and 33 were under the age of 16 (18 detained and 15 convicted). ...

“Since 2004 Israel has authorized several private doctors to visit prisons and has increased medical attention; however, prisoners continued to claim inadequate medical care.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1c)

- 13.09 The DCI/PS *Annual Report 2009*, released in June 2010, reported:

"Palestinian children are held in different Israeli prisons and detention centers. DCI-Palestine's lawyers conduct monthly visits to the main prisons: Telmond boys and girls, Damoun, Offer, Majedo and Remoneem, and visits to the interrogation and detention centers as a response to family calls. During 2009, 45 visits were conducted to the main prisons, and 42 to the detention and interrogation centers. 273 children were visited, and 107 affidavits were collected by DCI-Palestine's lawyers on torture and ill-treatment." [26a] (p21)

See also [Children](#)

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14. DEATH PENALTY

14.01 The US Department of State 2009 Country Reports on Human Rights Practices – Israel and the occupied territories (USSD Report 2009), released 11 March 2010, stated "PA [Palestinian Authority] law allows the death penalty for certain offenses, including types of treason and murder." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 1e) Amnesty International's undated *The Death Penalty in the Middle East and North Africa in 2009* reported the Palestinian Authority (PA) was known to have imposed 17 death sentences during 2009. [35c]

14.02 A Palestinian Centre for Human Rights (PCHR) position paper of October 2010 reported:

"The ongoing Palestinian fragmentation has resulted in an unprecedented deterioration of the human rights situation in the West Bank and the Gaza Strip. There has been an increase in the number of officials in the Gaza government and leaders of Hamas calling for the implementation of death sentences for different reasons, through looking for means that enable the government to implement death sentences. The last year, 2009, witnessed a debate on the President's constitutional right to ratify death sentences in light of the President[s] abstention from ratifying death sentences issued in the Gaza strip and the West Bank since 2005, before the beginning of the Palestinian fragmentation in June 2007." [44e] (p6)

14.03 Amnesty International's *Report 2010: Palestinian Authority* (AI Report 2010: PA), released 26 May 2010, reported "Courts in the West Bank and Gaza continued to sentence people to death, particularly for murder and 'collaboration', although no executions were carried out [during 2009]." [35b] (p256) Nevertheless, the Hamas authorities began to carry out executions again as of April 2010. (Hands off Cain, 2010 Report) [53a]

WEST BANK

14.04 The USSD Report 2009 noted, "In recent years, a number of PA death penalty convictions have been issued by military courts applying the PLO [Palestinian Liberation Organisation] Revolutionary Penal Code of 1979. In April 2008 a PA military court in Hebron sentenced Imad Saad to death for collaboration with Israel. At year's end [2009] his sentence had not been carried out because it had not been ratified by PA President Abbas." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian

authority – Section 1e) The AI Report 2010: PA noted that, during 2009, “In the West Bank, PA military courts handed down three death sentences for alleged ‘collaboration’ and treason...”. [35b] (p256)

14.05 The *Jerusalem Post* reported in September 2010:

“The Palestinian Authority on Sunday [19 September] reaffirmed the death penalty for any Palestinian found guilty of selling land to Israelis. The decision came in response to a ruling by a Palestinian court according to which such acts were only a ‘minor offense.’ PA Prosecutor-General Ahmed al-Mughni appealed against the ruling to a higher court, arguing that the sale of land to Israelis was a ‘major offence’ punishable by death. The appeal was accepted. ...

“Although the PA has thus far refrained from executing those convicted of selling land to Jews, there have been many extrajudicial killings of Palestinian suspects over the past decades.” [69a]

GAZA STRIP

14.06 The AI Report 2010: PA noted that, during 2009, “...in Gaza, Hamas military courts sentenced 14 people to death on charges of ‘collaboration’, treason and murder.” [35b] (p256)

14.07 A PCHR position paper of October 2010 explained:

“The Ministry of Justice in the Gaza government issued a press release on 18 April 2010, in which it indicated that the President's term had expired: ‘The Palestinian President's term expired on 09 January 2009. The President's post is considered to be vacant in the time being since the expiry of the presidential term which is 4 years in accordance with Article 36 of the Basic Law. Whereas Article 46 of the Basic Law stipulates that ‘the Council of Ministers shall assist the President in the performance of the President's duties and exercise of powers, in the manner stipulated in this Basic Law,’ the Government refers to this Article which grants it powers to assist the President to undertake his functions which are stipulated in the Basic Law. These functions include ratification of death sentences.’ ...

“On 24 March 2010, the website of the Interior Ministry quoted statements given by the Attorney General in Gaza, Counselor Mohammed Abed, as saying that ‘Two months ago, the Office of the Attorney General in Gaza has started the ratification of death sentences issued against collaborators and those who committed willful killing crimes.’” [44e] (p7)

14.08 The undated *Hands Off Cain 2010 Report – The most important facts of 2009 (and the first six months of 2010)* noted “In April 2010, in Palestine the Hamas government in Gaza took it upon itself to resume executions after a de facto moratorium that had lasted five years.” [53a] An AI article of 14 April 2010 stated that two men were executed and observed “While a number of people accused of ‘collaboration’ have been killed in Gaza by Hamas militias and other armed groups since its takeover of power in June 2007, Thursday's [13 April] executions represent the first formal executions carried out by the Hamas de facto authority in Gaza.” [35i]

14.09 The PCHR position paper of October 2010 reported:

“Indicators show that 2005 and the current year, 2010, witnessed the highest rates in the implementation of death sentences in comparison with other years. In 2010, five death sentences have been implemented, while no death sentences were implemented in 2006. On the other hand, the year 2009 witnessed the highest rate in the issuance of death sentences. Seventeen death sentences were issued in 2009, including three sentences in the West Bank and 14 others in the Gaza Strip.” [44e] (p5)

14.10 A September 2010 article by Ynetnews.com reported:

“ Hamas approved a law permitting the death sentence for drug dealers and up to seven years behind bars for drug users, thereby stepping up its war on drugs in the Gaza Strip. Ministry of the Interior spokesman Ihab al-Rasin said that Hamas had in fact adopted an Egyptian law. ...

“ Hamas Justice Minister Muhammad Faraj al-Ghoul said the Hamas government uses religion and the Koran to keep people away from drugs, and that in addition to deterrent sentencing, rehabilitation programs will be set up in detention centers.” [68a]

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

15.01 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories*, released 11 March 2010, reported “The Basic Law for the PA [Palestinian Authority] provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form.” [15b] (*The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2a*)

15.02 Freedom House’s June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA) reported:

“The PA president is elected to four-year terms, and international observers judged the 2005 presidential election to be generally free and fair. The prime minister is nominated by the president. The unicameral, 132-seat Palestinian Legislative Council (PLC) also serves four-year terms. While the January 2006 PLC elections were deemed largely fair by international observers, there were credible reports of PA resources being used for the benefit of Fatah candidates, as well as campaigning by Hamas candidates in mosques, in violation of electoral rules. Some voters reported having difficulty reaching polling stations because of Israeli roadblocks, though Israel was generally credited with allowing relatively free access during the elections.” [38b] (*Political Rights and Civil Liberties*)

15.03 The same source continued:

“After the fracturing of the PA in 2007, elected officials on both sides of the split were prevented from holding office and performing their duties. Hamas forcibly expelled Fatah officials from the Gaza Strip, while President Mahmoud Abbas appointed a new cabinet in the West Bank, creating an unelected authority in that territory. In 2008, Hamas forces in Gaza arrested hundreds of Fatah members and supporters and shut

down the Fatah office in northern Gaza, while in the West Bank, forces aligned with Abbas arrested hundreds of Hamas members and supporters. The rift, combined with Israel's detention of many Palestinian lawmakers, has prevented the PLC from functioning in recent years, leaving the PA without an elected legislature." [38b] (Political Rights and Civil Liberties)

See also [History](#); [Political System](#) and [Security forces](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.04 The USSD Report 2009 stated, "Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, but authorities rarely denied them." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)

15.05 Freedom House's Freedom in the World 2010: PA reported:

"Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. There are no laws in the PA-ruled areas to protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law. The Fatah-aligned Palestinian General Federation of Trade Unions (PGFTU) is the largest union body in the territories. In 2007, the PGFTU building in Gaza City was taken over by Hamas militants, and operations generally ceased in the territory. In December 2008, the building was severely damaged in an Israeli air raid." [38b] (Political Rights and Civil Liberties)

Palestinian Authority (PA) in the West Bank

15.06 The USSD Report 2009 noted, "The PA [Palestinian Authority] prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions." The report also stated, "In the West Bank, the PA law allowed for freedom of association, but it was sometimes limited in practice." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 2b) Freedom House's Freedom in the World 2010: PA reported, "The PA requires permits for rallies and demonstrations and prohibits violence and racist sloganeering. Nevertheless, large rallies, often marked by violent rhetoric, are regular occurrences in Palestinian areas." [38b] (Political Rights and Civil Liberties)

15.07 A Middle East Research and Information Project (MERIP) Middle East Report Online (MERO) article of 2 September 2010 reported:

"In 2007, following Hamas' rout of his security forces in Gaza, Abbas dissolved the government of [Hamas leader, Isma'il] Haniyya and appointed Salam Fayyad in his stead. A relentless three-year campaign of measures then aimed at diluting the clout that propelled Hamas to win the 2006 elections in the West Bank as well as Gaza. Fayyad's government has taken over scores of Hamas-run welfare institutions, detained hundreds of Hamas cadres and suspended the Palestinian Legislative Council, the Palestinian parliament that was intended to hold the Palestinian Authority executive to account.

"After three years of hiding below the parapets, Hamas's political leaders in the West Bank had looked to intra-Palestinian reconciliation to deliver a respite from the political onslaught. Their parliamentarians tiptoed back into mainstream politics by joining Fatah

counterparts in negotiating a joint program for establishing a Palestinian state within the pre-June 1967 borders. To circumvent a ban on demonstrations, Hamas supporters joined weekly protests of 'popular resistance,' Palestinian parlance for civil disobedience, against continued Israeli expropriation of West Bank land for settlement building." [76a] (West Bank Next?)

- 15.08 The Human Rights Watch (HRW) *World Report 2010*, released 14 January 2010, noted:

"Three men, all reportedly Hamas supporters, died in the custody of Palestinian Authority (PA) security services in the West Bank [during 2009]. In only one case were suspects brought to trial: the death of Haitham Amr, whose body showed signs of torture after he was arrested by the General Intelligence agency in Hebron in June. (A military trial of officials allegedly involved was ongoing in November.) [22b] (West Bank – Palestinian Authority)

- 15.09 The April 2009 Human Rights Watch (HRW), report, *Under Cover of War – Hamas Political Violence in Gaza*, reported, "Between December 28, 2008, and February 28, 2009, Palestinian human rights groups recorded ... the arbitrary detention of two journalists from a private television station considered pro-Hamas." [22c] (p2)

See also [Security forces](#) and [Freedom of speech and media](#)

- 15.10 The MERO September 2010 article, when discussing eroding confidence not only in a future peace deal with Israel but also in the Palestinian leadership itself, continued:

"To maintain stability [in the West Bank], the president's men have resorted to an increasingly oppressive hand. The PA's security forces suppress not only Islamist unrest but general dissent -- in late August [2010] disrupting a meeting called to protest the resumption of negotiations. Detainees emerge from prisons testifying to interrogators drilling through kneecaps. For all of Fayyad's claims to have built institutions, in his bid to maintain power and prevent a vote of no confidence, he has neutered the most important, the Palestinian Legislative Council, Palestine's prime expression of sovereignty. Local elections, designed to showcase the West Bank as the more democratic half of the Palestinian polity, were annulled after its main faction, Fatah, lost confidence in its ability to win, even though Hamas had declared a boycott." [76a] (West Bank Next?)

- 15.11 The US Department of State *2009 Country Reports on Human Rights Practices* (USSD Report 2009), released 11 March 2010, reported "PA officials rejected Hamas' charges that the PA detained individuals during the year [2009] solely on the basis of their Hamas affiliation, and presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 1d)

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Hamas in the Gaza Strip

- 15.12 The USSD Report 2009 stated, "Following 2007 Fatah-Hamas clashes in Gaza, Hamas banned rallies and impeded freedom of assembly for Fatah members. In April 2008 Hamas decreed that any public assembly or celebration in Gaza required prior permission, in contradiction to the PA Basic Law." The same report also noted, "In July 2008, after an explosion on a Gaza beach, Hamas closed at least 45 NGO offices. Most

74 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

of the NGOs were Fatah-affiliated, but a number were politically independent.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)

- 15.13 An April 2009 Human Rights Watch (HRW) report, *Under Cover of War – Hamas Political Violence in Gaza*, noted:

“After Israel began its major military offensive in Gaza on December 27, 2008, Hamas authorities in the territory took extraordinary steps to control, intimidate, punish, and at times eliminate their internal political rivals and those suspected of collaboration with Israel. ... Hamas security forces have also used violence against known Fatah members, especially those who had worked in the Fatah-run security services of the Palestinian Authority (PA). Of particular concern is the widespread practice of maiming people by shooting them in the legs, which Hamas first used in June 2007, when it seized control inside Gaza from Fatah.” [22c] (p1)

“According to the Independent Commission for Human Rights (ICHR), the human rights ombudsman organization of the Palestinian Authority, unidentified gunmen in masks deliberately inflicted bullet wounds to the legs of at least 49 people between December 28, 2008 and January 31, 2009.” [22c] (p1)

- 15.14 Freedom House’s Freedom in the World 2010: PA reported:

“Hamas has significantly restricted freedoms of assembly and association in Gaza, with security forces dispersing public gatherings of Fatah and other groups and killing a number of people. There is a broad range of Palestinian nongovernmental organizations and civic groups, and Hamas itself operates a large network that provides social services to certain Palestinians. Following the January 2009 ceasefire between Hamas and Israel, Hamas restricted the activities of aid organizations that would not submit to its regulations or coordinate with its relief efforts. Many civic associations have been shut down for political reasons in both the West Bank and Gaza since the 2007 split in the PA.” [38b] (Political Rights and Civil Liberties)

Israeli forces in the West Bank and Gaza Strip

- 15.15 The USSD Report 2009 stated, “Prominent Palestinian institutions in East Jerusalem, such as the Chamber of Commerce and Orient House, remained closed by Israel on grounds they operated under PA supervision, in contravention of Oslo Agreements.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b) The same report also noted:

“Israeli security forces used force against Palestinians and others involved in demonstrations, and military orders banned public gatherings of 10 or more persons without a permit. Since 2005 Palestinian, Israeli, and international activists demonstrated each week in Bil’in and other Palestinian villages to protest the construction of the separation barrier. On several occasions, soldiers tear gassed, beat, or injured demonstrators with rubber bullets. Israeli forces detained activists, holding some of them without charge for periods of up to three weeks.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 2b)

- 15.16 The Human Rights Watch (HRW) *World Report 2010* on events in 2009, released 14 January 2010, reported “Between May and August 2009 the UN reported that Israeli

security had injured 94 Palestinians during anti-barrier demonstrations.” [22b] (West Bank – Freedom of Movement)

- 15.17 The report, *Violation of media freedoms in OPT during October 2009*, of the Palestinian Center for Development and Media Freedoms (MADA) stated:

“The chairman of the Palestinian Journalists Committee, photographer Awad Awad, said that a group of citizens confirmed the involvement of a number of ‘musta’rbeen’ (Israeli security forces unit usually dressed like Arabs) in the middle of the Palestinian demonstrators who were protesting against the Israeli practices against the Al-Aqsa Mosque on Thursday and Friday (8-9/10), and that they dressed as uniformed photojournalists and have cameras and arrested a number of young people.” [77b]

Treatment of members of the Palestinian Legislative Council (PLC)

- 15.18 The USSD Report 2009 stated, “As of 2008, 37 of the 132 members of the PLC [Palestinian Legislative Council] remained in jail in Israel, including 33 from the terrorist group Hamas, three from Fatah and one from the terrorist group Popular Front for the Liberation of Palestine (PFLP). Of those, 20 were awaiting trial, four remained in administrative detention, and 13 were serving sentences.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian Authority) – Section 1d)
- 15.19 The Addameer Prisoner Support and Human Rights Association *Quarterly Update on Palestinian Prisoners* of October 2010 reported that nine members of the PLC were in detention as of 30 September 2010, although it did not record the political affiliation of those members. [75a] (p1) The October 2010 Addameer [*Quarterly Update on Palestinian Prisoners*](#) also provided other detailed information on the arrest, detention and treatment of members of the PLC during the period 15 July-15 October 2010. [75a] (p2-3)

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16. FREEDOM OF SPEECH AND MEDIA

For further information on the situation regarding freedom of speech and the media in the Occupied Palestinian Territories (OPTs) see the website of the [Palestinian Center for Development and Media Freedoms \(MADA\)](#) [77] and the country specific pages on the websites of [Reporters sans Frontières](#) [51a] and the [Committee to Protect Journalists](#) [58b]

- 16.01 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, noted:

“The Basic Law for the PA provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA [Palestinian Authority] does not have laws providing for freedom of press. In 1995 a press law was approved by then PA president Yasser Arafat. Although never ratified by the Palestinian Legislative Council, PA institutions have applied aspects of it as de facto law. Self-censorship continues to occur as a result of continued imposed social, political, and security pressures.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

- 16.02 The Freedom House survey, *Freedom of the Press 2010: Israel-Occupied Territories and Palestinian Authority*, released 1 October 2010, reported "... restrictions are allowed if press activity threatens 'national unity' and 'Palestinian values.' This vague terminology gives authorities ample leeway to impede journalistic activity." [38d]
- 16.03 Amnesty International's *Report 2010: Palestinian Authority* (AI Report 2010: PA), released 26 May 2010, reported "The Palestinian authorities in both the West Bank and Gaza curtailed media freedom and took action against media and journalists who criticized them." [35b] (p255)
- 16.04 Freedom House's *Freedom of the Press 2010* continued:
- "Press freedom in the Palestinian territories continued to suffer in 2009. Journalists faced harassment, detentions, and assaults in connection with the partisan power struggle between Fatah, which controls the West Bank, and Hamas, which controls the Gaza Strip, as well as with the Israeli occupation of parts of the West Bank. At least four journalists were killed covering the Israeli military offensive in Gaza in January, and media access to the territory was restricted throughout the year." [38d]
- 16.05 The USSD Report 2009 stated:
- "Both the PA security forces in the West Bank and members of the Hamas security apparatus in Gaza continued to restrict freedom of speech and press. In the West Bank, PA security forces closed media offices, confiscated equipment, and prevented the delivery of newspapers and reportedly assaulted journalists during demonstrations. In Gaza individuals publicly criticizing authorities risked reprisal, and Hamas affiliates assaulted journalists during demonstrations. ...
- "Violence between Hamas and Fatah resulted in polarization of the Palestinian press. Working conditions for journalists in Gaza deteriorated noticeably during the year [2009]; however, some international news outlets maintained offices in Gaza." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.06 Reporters sans Frontières' (RSF) *Country Report – Palestinian Territories* released 5 January 2010 concurred, noting "Since June 2007, the media has been split in two between those close to the Palestinian Authority and those linked to Hamas." [51c] The same source concluded by stating, "Arrests of journalists have become a means of score settling and nobody is safe. The absence of an agreement between Fatah and Hamas to hold presidential and legislative elections in 2010 means there is a danger of this situation continuing." [51c]
- 16.07 The USSD Report 2009 further stated, "Israeli authorities placed limits on certain forms of expression, ordering that in East Jerusalem displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and of support for terrorist groups." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.08 The Committee to Protect Journalists' (CPJ) undated *Attacks on the Press 2009: Israel and the Occupied Palestinian Territory* reported:
- "Israel's blanket news media restrictions severely limited coverage of the Gaza offensive and contravened a ruling by the Israeli Supreme Court as well as international legal principles. The Foreign Press Association in Jerusalem declared in a statement

that ‘the unprecedented denial of access to Gaza for the world’s media amounts to a severe violation of press freedom and puts the state of Israel in the company of a handful of regimes around the world which regularly keep journalists from doing their jobs.’” [58a]

- 16.09 In its *Annual report (2009) of violations of media freedoms in the Occupied Palestinian Territories*, the Palestinian Center for Development and Media Freedoms (MADA) reported it had “...monitored 173 violations of media freedoms in the occupied Palestinian territories during the past year 2009, 97 of which were committed by the Israeli occupation forces and settlers, and 76 were committed by the Palestinian security apparatuses in the West Bank and Gaza, and the Palestinian armed groups.” [77a] (p1)

See also [Political affiliation](#) and [Human rights institutions, organisations and activists](#)

PRINT MEDIA

- 16.10 The USSD Report 2009 noted, “Three Palestinian daily and several weekly newspapers, monthly magazines, and three tabloids were published in effectively one media market. Several official and independent news agencies and online news websites functioned.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.11 The USSD Report 2009 stated, “Since the Hamas military takeover of the Gaza Strip in June 2007, the PA has maintained a distribution ban in the West Bank on the pro-Hamas *Al-Risala* twice-weekly and *Filistin* daily, both Gaza-based publications.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a) The same report continued:
- “In July 2008, Hamas banned distribution of the three West Bank dailies in Gaza. ... According to officials from those newspapers, Hamas demanded that its own newspapers, *Al-Risalah* and *Filistin*, be allowed to circulate in the West Bank before it would lift the ban against the two West Bank-based papers. ... On February 12 [2009], Hamas once again permitted *Al-Ayyam* to distribute its daily while keeping its ban on *Al-Hayat Al-Jadida*, the official PA daily [The ban on *Al-Quds* was lifted in August 2008 (Section 2a)].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.12 The USSD Report 2009 noted the Israeli “Authorities reviewed Arabic publications for security-related material.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a) Freedom House’s *Freedom of the Press 2010* survey reported, “...Al-Quds, a privately owned paper based in Jerusalem that is subject to Israeli military censorship.” Also, “Travel restrictions imposed by Israeli forces often curtail newspaper distribution.” [38d]

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RADIO AND TELEVISION

- 16.13 The USSD Report 2009 noted, “The PA operated one television and one radio station. There were approximately 30 independent television and 25 independent radio stations. Since 2008 several factional satellite stations have been launched, including the pro-Hamas Al-Quds, started in November 2008, and pro-Fatah Al-Filastiniya, which

closed at year's end [2009]." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.14 The Freedom House *Freedom in the World 2010* survey reported, "In the West Bank, the Ministry of Information of the Fatah-led Palestinian Authority (PA) regulates all television and radio station licenses." [38d]

16.15 The USSD Report 2009 stated:

" Hamas closed down all Fatah-affiliated broadcast outlets in Gaza. The Fatah-allied Palestinian TV and Voice of Palestine radio buildings in Gaza City were taken over by Hamas gunmen and closed. Both stations have since continued operating from Ramallah. Two other Fatah-affiliated radio stations in Gaza, Al-Hurriyah and Al-Shabab, were forced off the air by Hamas at the same time and did not resume operations during the year [2009].

"Only pro-Hamas broadcast media and PFLP [Popular Front for the Liberation of Palestine]-affiliated radio outlet Voice of the People have operated in Gaza since June 2007. In 2007 Hamas closed Voice of the People for two and a half months and again between August 2 and August 6. It has since resumed broadcasting." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.16 The USSD Report 2009 reported, " Hamas security personnel broke into the Ramattan News Agency office in Gaza on October 10 [2009], prompting the agency to close its West Bank and Gaza offices in November. A Ramattan spokesperson stated that such practices violate the law and freedom of the press and speech. Citing continued harassment, Ramattan said they would be unable to operate." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.17 Freedom House also noted, "... the Israeli military has utilized coercive tactics to restrict broadcasting by stations deemed to be advocating terrorism." [38d]

INTERNET

16.18 The USSD Report 2009 noted:

"There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. No information was available on restrictions on access to the Internet in Gaza. The IDF [Israel Defence Force] central military censor began to monitor blogs, according to a March 25 [2009] IDF announcement. According to 2008 International Telecommunication Union data, there were nine users per 100 Palestinians." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)

16.19 Freedom House's *Freedom of the Press 2010* survey reported, "About 8.3 percent of the population in the Palestinian territories uses the internet, and its use is not subject to restriction." [38d]

JOURNALISTS

16.20 RSF's *Country Report – Palestinian Territories*, released 5 January 2010 reported "Since Hamas took power in the Gaza Strip in June 2007, journalists have suffered as a

result of the power struggle between Fatah and Hamas in the Palestinian Territories. Palestinian reporters are also extremely vulnerable to abuse from the Israeli army.” [51c] The same source continued:

“In 2009 as in 2008, Hamas and Fatah carried out constant reprisals in the Palestinian Territories with the number of arrests reaching a record level of 61 cases in 2009. Journalists with links to Hamas are summoned, questioned and arrested on the West Bank by the security forces of the Palestinian Authority, while pro-Fatah journalists are regularly threatened by Hamas police. The very tense political situation made work very difficult for journalists not wishing to adopt a partisan line.” [51c]

- 16.21 CPJ’s *Attacks on the Press 2009* reported, “Journalists operating in the Palestinian territories were subject to harassment and censorship by Hamas officials in Gaza and by Palestinian Authority officials in the West Bank. Each party maintained a ban on the distribution of publications they perceived as partisan, and they detained numerous journalists, generally for short periods, with a few held for days at a time.” [58a] The same source further noted, “Journalists working in the Palestinian territories also faced harassment from Israeli authorities.” [58a]

See also [History](#); [Political system](#); [Security forces](#) and [Political affiliation](#)

Israeli forces in the West Bank and Gaza Strip

- 16.22 The USSD Report 2009 noted, “As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 2a)
- 16.23 The RSF *Country Report – Israel*, released 7 January 2010, stated “...Israeli security forces operate in a near arbitrary fashion [in the OPTs]. In addition, for more than two years, Israeli journalists have been, because of their nationality, banned from entering the Territories. Only Amira Hass, of the newspaper *Haaretz*, flouts this ban by living in Ramallah.” [51b] The same report also noted, “At least 33 Palestinian journalists were physically assaulted and injured by Israeli soldiers on the West Bank during 2009.” [51b]
- 16.24 The Freedom House *Freedom of the Press 2010* survey reported:
- “Israeli security policies and military activities continued to restrict Palestinian media freedom in 2009. Israeli journalists have been prohibited from entering the Gaza Strip since 2006 under a military decree that cites journalists’ personal safety. This ban was extended to all foreign journalists in November 2008, and—though lifted briefly by court order in December 2008—was maintained until the ceasefire in Gaza in late January 2009, when the restrictions on foreign journalists were removed. However, Israeli journalists are still barred from entering.” [38d]
- 16.25 The USSD Report 2009 stated, “The [Israeli] government prohibited all citizens, including journalists, from entering Gaza; those who entered were subject to legal penalties such as fines and restraining orders. The Supreme Court reviewed and upheld this policy, based on the ongoing, armed conflict between Israel and the terrorist organizations.” [15b] (Section 2a) However, the CPJ’s *Attacks on the Press 2009* reported, “Even after the January 25 [2009] ruling [of the Israeli Supreme Court], Israeli

authorities declined to commit publicly to the free movement of journalists throughout the Occupied Palestinian Territory.” [58a]

- 16.26 Additionally, Freedom House stated, “Israeli security services continued to harass reporters during the year [2009]. Freedom of movement is restricted by the Israeli checkpoint system, which requires military permission for passage into Israeli territory and often hinders travel within the West Bank.” [38d]

For further information on the treatment of journalists by Israeli forces, refer to the Palestinian Centre for Human Rights (PCHR) [Silencing the Press Report on Israeli Attacks against Journalists](#) of September 2009. [44g]

See also [History](#) and [Security situation](#)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 A May 2010 Special Focus report by the UN Office for the Coordination of Humanitarian Affairs (OCHA), *Impeding Assistance: Challenges to Meeting the Humanitarian Needs of Palestinians*, reported, “Since the Hamas takeover of the Gaza Strip in 2007, a number of issues arising from the political rift between the PA in Ramallah and the Hamas authorities in the Gaza Strip have made humanitarian operations more difficult. Most of these issues concern competing attempts by the parties to exercise control over certain operations or functions in the Gaza Strip.” [3f] (p15)
- 17.03 The same source continued, “... all parties to the conflict must abide by their international legal obligations to ensure the smooth passage of humanitarian relief and personnel, and that the humanitarian community is able to carry out its work effectively and efficiently.” [3f] (p3)

For more detailed information on the impediments to humanitarian assistance in the OPTs, including the bureaucratic and political issues as well as physical barriers to the movement of goods and staff, see the full [OCHA Special Focus May 2010](#) report. [3f]

See also [Humanitarian issues](#)

PALESTINIAN AUTHORITY (PA) IN THE WEST BANK

- 17.04 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated:

“Palestinian human rights groups and several international organizations generally operated without PA [Palestinian Authority] restriction, and officials cooperated with their efforts to monitor the PA’s human rights practices. According to the PA Ministry of Interior, approximately 4,700 NGOs [non-governmental organisations] are registered and 1,700 were active in the West Bank at the end of the year.

“PA officials usually cooperated with and permitted visits by UN representatives or other organizations such as the ICRC [International Committee of the Red Cross]. Several PA

security agencies, including the General Intelligence Service and the Civil Police, appointed official liaisons with human rights groups.

“The quasi-governmental s [sic] ICHR [Independent Commission on Human Rights] serves as the PA’s ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas. ICHR also issued formal recommendations to the PA, including a public letter in December [2009] calling on the PA to reconsider the use of the death penalty. PA security forces in the West Bank entered UNRWA [UN Relief and Works Agency] facilities four times.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

- 17.05 The May 2010 OCHA Special Focus report noted, “At times over the course of the past two years, community-based organizations allegedly affiliated with Hamas in the West Bank have been the target of raids by both Israeli and Palestinian security forces. Some of the organizations had property confiscated, while others were closed, impacting in some cases, thousands of beneficiaries.” [3f] (p15)

HAMAS IN THE GAZA STRIP

- 17.06 The USSD Report 2009 stated:

“In Gaza, Hamas authorities increasingly required international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas-controlled ‘Ministry of Social Affairs.’ Several Gaza-based NGOs reported that Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to ensure compliance and summoned NGO representatives to police stations for questioning. In December [2009] the Hamas-controlled ‘Ministry of National Economy’ in Gaza confiscated several shipments of aid entering Gaza, although in most cases Hamas authorities returned the shipments to the distributing organization within days. ...

“Gaza-based contacts reported that Hamas has effectively taken control of approximately two dozen Gaza-based development and civil society organizations.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

- 17.07 The OCHA May 2010 Special Focus report noted, “... the ‘no contact’ policy of some donors, prohibiting contact with the Hamas authorities, continues to affect some humanitarian organizations, while Hamas’s requests for compliance with its administrative procedures from UN agencies and NGOs have intensified. This ‘two-way’ tension is narrowing the operational independence of some organizations and, at times, restricts on-going humanitarian operations.” [3f] (p2)

“National NGOs and community-based organizations and associations have come under a range of pressures, requiring considerable follow-up by humanitarian agencies. In July/August 2008, up to 200 local organizations were ‘raided’ by the authorities and many of them had property, including administrative files, confiscated. Although subsequently, many re-opened and resumed activities, some had to change board members and/or activities and control and oversight over them remains high. Those known to, or perceived to be, linked to Fatah, have had a particularly difficult time. Also local organizations working for INGOs [international non-governmental organisations]

were increasingly pressured throughout 2009 to share beneficiary lists with the authorities. A few of those who did not share the requested information were closed and/or had members taken in for questioning.

“There have also been a range of ongoing requests for information about the activities of local and international NGOs and concern expressed over specific activities or practices, among other issues raised.” [3f] (p14)

See also [Political affiliation](#)

- 17.08 The USSD Report 2009 also stated, “Palestinian militants entered UNRWA installations on three occasions in Gaza from January to June.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

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ISRAELI FORCES

- 17.09 The USSD Report 2009 stated:

“Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the Occupied Territories and published their findings, although restrictions on freedom of movement in the West Bank, fighting, and access restrictions in Gaza made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences and provided the ICRC with access to most detainees.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

- 17.10 The OCHA May 2010 Special Focus report noted, “A complete lifting of Israel's blockade on the Gaza Strip and improved Palestinian access to land and resources in the West Bank and external markets are just a few examples of measures that could significantly improve Palestinian livelihoods through a reduction in unemployment and poverty.” [3f] (p2)

West Bank

- 17.11 The May 2010 OCHA Special Focus report stated:

“In the West Bank, humanitarian organizations face ongoing restrictions on movement and access. Policies include a permit regime required for staff from the West Bank to enter East Jerusalem, and continued access difficulties stemming from the deployment of hundreds of closure obstacles, among others. In particular, agencies mandated with service provision are limited in doing so in Area C, due to the restrictive planning regime applied by Israel and restrictions to obtaining building permits and difficulties accessing certain areas.” [3f] (p2)

- 17.12 The USSD Report 2009 noted, “The IDF [Israel Defence Force] entered UNRWA facilities seven times between January and October [2009], usually in the course of arrest operations in the West Bank. The Israeli MOJ [Ministry of Justice] stated any interference in UN facilities was based on an examination by appropriate authorities. UNRWA recorded multiple incidents during the year of IDF soldiers at checkpoints harassing or pointing weapons at UN staff.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)

Gaza Strip

- 17.13 The OCHA May 2010 Special Focus report noted, “The situation in the Gaza Strip, in particular, presents severe impediments to humanitarian operations. Sweeping import restrictions imposed by Israel since June 2007 have either prevented the implementation of planned humanitarian projects or resulted in significant delays.” [3f] (p2) Further, “Israel’s modest relaxation in recent months of some import restrictions, which have allowed for the entry to Gaza of a number of much needed, previously-restricted items, including glass, wood, and aluminum, among others, have been welcome improvements.” [3f] (p2-3)
- 17.14 The May 2010 OCHA Special Focus report noted, “At times over the course of the past two years, community-based organizations allegedly affiliated with Hamas in the West Bank have been the target of raids by both Israeli and Palestinian security forces. Some of the organizations had property confiscated, while others were closed, impacting in some cases, thousands of beneficiaries.” [3f] (p15)
- 17.15 On the Gaza war, also referred to as Operation ‘Cast Lead’, the USSD Report 2009 reported:
- “Israeli forces damaged a number of UNRWA facilities during hostilities in December [2008]-January [2009] in the Gaza Strip. Three installations suffered direct hits from Israeli ordnance causing death or injury to those in the installations, and two installations were struck by debris or the effect of Israeli ordnance landing adjacent to the installation, killing six persons and injuring 35. ... During the period from January 1 to January 19, a further 23 UNRWA installations suffered property damage from Israeli strikes on or near the UN installations.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 5)
- 17.16 Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories* (AI 2010: Israel and the OPTs), released 26 May 2010, stated “Israeli forces deliberately blocked and otherwise impeded emergency relief and humanitarian assistance. They also attacked aid convoys and distribution centres, and medical personnel, prompting UNRWA and the ICRC to cut back on their operations in Gaza during the offensive.” [35a] (p183)

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18. FREEDOM OF RELIGION

- 18.01 The Demography section, last updated 7 May 2010, of Jane’s Information Group (Jane’s) Sentinel country risk assessments, Gaza and the West Bank reported, “Islam is the dominant religion in the Gaza Strip, with 99 per cent of the population predominantly following the Sunni faith. The rest is Christian. In the West Bank 75 per cent of the population is Muslim. Of the remainder, 17 per cent are Jewish and eight per cent Christian.” [28a] (Religion)
- 18.02 The US Department of State’s *2009 Report on International Religious Freedom: Israel and the occupied territories* (USSD IRF 2009) released 26 October 2009, stated:

"The Palestinian Authority (PA) does not have a Constitution but has stated that the Palestinian Basic Law functions as its temporary constitution. The Basic Law states that Islam is the official religion and the principles of Shari'a (Islamic law) shall be the main source of legislation, but provides for freedom of belief, worship and the performance of religious rites, unless they violate public order or morality. The Basic Law also proscribes discrimination based on religion and stipulates that all citizens are equal before the law and that basic human rights and liberties shall be protected." [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

18.03 The USSD IRF 2009 report also noted:

"PA government policy contributed to the generally free practice of religion, although problems persisted during the reporting period. The PA did not take sufficient action during the reporting period to investigate and bring to justice persons who harassed, intimidated, and perpetrated attacks against some Christian residents of Bethlehem and Ramallah as described in previous International Religious Freedom reports. The PA judiciary also failed to adjudicate numerous cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs." [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority) - Section II)

For information on the attitude of Palestinian society to religious freedom in the OPTs, refer to the [USSD IRF 2009 report](#). [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

18.04 Freedom House's June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA), reported:

"The PA [Palestinian Authority] generally respects freedom of religion, though no law specifically protects religious expression. The Basic Law declares Islam to be the official religion of Palestine and also states that 'respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained.' Personal status law, which governs marriage and divorce, is based on religious law; for Muslims, it is derived from Sharia (Islamic law), and for Christians, from ecclesiastical courts. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials. Since the 2007 fracturing of the PA, Hamas-controlled security forces and militants have increasingly harassed Muslim worshippers at non-Hamas-affiliated mosques in Gaza, while Fatah-controlled authorities have directed similar pressure at Hamas-affiliated religious bodies." [38b] (Political Rights and Civil Liberties)

18.05 The March 2010 Freedom House *Women's Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories)* (Freedom House Women's Rights 2010 report) stated:

"Marriages between Christian and Muslim Palestinians are uncommon, although they do occur. They are generally frowned upon, and Christian women have been killed under the pretext of protecting family honor as a result of such marriages. Christian men must convert to Islam if they wish to marry Muslim women. While Christian women marrying Muslim men are not obliged to convert, law prevents Christian wives from inheriting from their husbands." [38c] (Autonomy, Security, and Freedom of the Person)

18.06 The USSD IRF 2009 report noted:

“Terrorists did not systematically attack anyone in the Occupied Territories for religious reasons. Hamas authorities often failed to effectively investigate or prosecute religiously driven crimes committed by Muslim extremist vigilante groups in Gaza.

“Due to the Hamas take-over of the Gaza Strip, the PA was unable to pursue cases of religious discrimination there. Some Gazan Christians stated that they believed their Muslim neighbors were discriminating against them for their faith; they also raised concerns that no authority was willing or able to reign in extremist groups. Hamas did not adequately address the cases of discrimination against or intimidation of Christians that occurred during the previous reporting period.” [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

See also [Geography](#); [Security forces](#); [Political affiliation](#); [Ethnic groups](#) and [Women](#)

ISRAELI IMPACT

18.07 The USSD IRF 2009 report noted:

“The Israeli Government generally respected the right to freedom of religion in the Occupied Territories during the reporting period. However, despite provisions for freedom of religion in the PA’s Basic Law and the Israeli Government’s Declaration of Independence, religious freedom restrictions continued in the Occupied Territories. In particular, Israel’s strict closure policies and the separation barrier constructed by the Government of Israel had the effect of severely restricting the ability of Palestinian Muslims and Christians to reach places of worship and to practice their religious rites. Israeli law also restricted the ability of Israeli Jews to reach places of worship in areas under Palestinian control.” [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

18.08 The Minority Rights Group International’s (MRG) report, *State of the World’s Minorities 2010: Middle East*, released 1 July 2010 stated, “Palestinian Muslim and Christian residents of the occupied West Bank were also unable to reach places of worship and to practise their religious rites owing to Israel’s strict closure policies.” [63a] (p189)

18.09 The MRG 2010 report also noted, “In December 2009, [Israeli] settlers set fire to a mosque in the northern West Bank village of Yasuf.” [63a] (p189)

For more information on the Israeli impact on religious freedom in the OPTs, refer to the [USSD IRF 2009 report](#). [15e] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority))

See also [Geography](#); [History](#); [Human Rights – Introduction](#); [Security situation](#); [Freedom of religion](#); [Humanitarian issues](#) and [Freedom of movement](#)

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19. ETHNIC GROUPS

19.01 The Demography section, last updated 7 May 2010, of Jane’s Information Group (Jane’s) Sentinel country risk assessments, Gaza and the West Bank reported, “The large majority of the population in the West Bank and the Gaza Strip is Palestinian Arab.

86 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

Nine per cent of the population is Jewish, as a result of Israeli settlement.” [28a] (Ethnic Groups)

- 19.02 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009) noted, “The [Israeli] High Court on August 6 [2009] ruled that an ultra-orthodox school in the West Bank settlement of Emmanuel must stop separating students based on their ethnicity and remove all signs of discrimination. Since 2007 the school had separated students of different ethnic backgrounds and required them to wear different uniforms.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

See also [Geography](#); [History](#); [Human Rights – Introduction](#); [Security situation](#); [Freedom of religion](#); [Humanitarian issues](#) and [Freedom of movement](#)

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20. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 20.01 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated, “Palestinian law, based on the Jordanian Penal Code of 1960, prohibits homosexual activity, although in practice the PA [Palestinian Authority] did not prosecute individuals suspected of homosexuality.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)
- 20.02 However, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) May 2010 report, *State-sponsored Homophobia – A world survey of laws prohibiting same sex activity between consenting adults* reported homosexual acts were legal in the West Bank, as of 1951. [29a] (p44) Nevertheless, ILGA reported that, in the Gaza Strip, male to male sex was illegal although female to female sex was legal, by virtue of Section 152 of the Criminal Code Ordinance of 1936, which stated:
- “(2) Anyone who:
 - “(a) commits sexual intercourse with another person against the order of nature, or
 - “(b) commits sexual intercourse with an animal, or
 - “(c) permits or allows the above mentioned acts is considered to have committed a felony punishable by imprisonment for a term of ten years.” [29a] (p24)
- 20.03 The undated Palestine page of the website Globalgayz.org reported, “Male homosexuality is illegal in Gaza, with laws dating to the British Criminal Code Ordinance of 1936, and it is reported to be legal in the West Bank but there are conflicting reports. Palestine has no civil right laws that protect LGBT people from discrimination or harassment.” [32a] Further, “Recently, a handful of LGBT-organizations have arisen to aid LGBT Arabs and Palestinians, all of which are headquartered in Israel: Jerusalem Open House, Black Laundry, Aswat (‘Voices’) for women. Same-sex marriages, civil unions or domestic partnerships are not remotely given legal recognition in Gaza or the West Bank.” [32a]

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

- 20.04 The undated Palestine page on the website Globalgayz.org reported, “The Palestinian political organizations, both secular and fundamentalist, tend to avoid the issue of LGBT-rights.” [32a]
- 20.05 The USSD Report 2009 noted, “Cultural and religious traditions reject homosexuality, and Palestinians alleged that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 6))

SOCIETAL TREATMENT AND ATTITUDES

- 20.06 The undated Palestine page of the website Globalgayz.org reported, “The topic of LGBT rights in Palestine remains one of the more taboo issues in the region. ... Gay Palestinians frequently seek refuge in Israel fearing for their lives, especially fearing death from members of their own families.” [32a]
- 20.07 The USSD Report 2009 stated, “Israeli press reported that an unidentified homosexual Palestinian male from the West Bank petitioned the State of Israel for protection, due to fear that his community would reject and possibly harm him. Israeli courts were reviewing the case at the end of the year [2009].” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority – Section 6))

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21. WOMEN**OVERVIEW**

- 21.01 The March 2010 Freedom House report *Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories)* (Freedom House Women’s Rights 2010) reported, “Palestinian women currently face two major types of obstacles to their rights: those arising from within their own culture and society, and those imposed as the result of occupation, war, and civil unrest.” Further, “Ongoing political tensions between Fatah and Hamas — coupled with Israeli restrictions and incursions — have seriously affected women’s health, employment opportunities, access to education, and political and civil liberties throughout the Palestinian territories.” (Freedom House Women’s Rights 2010) [38c] (Introduction)

Additionally, “The increased number of checkpoints over the last five years and the construction of a West Bank separation wall, which is over 50 percent complete, have worsened social and economic conditions for all Palestinians. In particular, women now experience further separation from their families, farmlands, water resources, schools, and hospitals.” [38c] (Introduction)

See also [Freedom of movement](#)

- 21.02 The Freedom House Women’s Rights 2010 report stated, “President Abbas signed the United Nations Convention on the Elimination of All Forms of Discrimination against

Women (CEDAW) in March 2009, but it is unclear what effect this move will have on Palestinian laws, and whether it is legally valid given the PA's [Palestinian Authority] lack of full statehood and other impediments. [38c] (Nondiscrimination and Access to Justice)

For information from the United Nations (UN), refer to the UN Economic and Social Commission for Western Asia (UN ESCWA) July 2009 report, [Social and Economic Situation of Palestinian Women 2006-2009](#)

LEGAL RIGHTS

21.03 The Freedom House Women's Rights 2010 report noted:

"The supreme law of Palestine is the Basic Law, ratified in 2002 and amended in 2003 and 2005. It acts as a temporary constitution until the establishment of a Palestinian state, after which the latest draft constitution will take force. Under Article 9 of the Basic Law, Palestinians are 'equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views or disability.' ... Article 4, however, stipulates that Shari'a (Islamic law) is a main source of legislation, opening the door to discriminatory provisions based on conservative interpretations of Islamic principles.

"Despite the Basic Law's guarantees, many laws currently in force do not penalize gender discrimination, while those that do are difficult to enforce due to weak institutional mechanisms for handling such cases. Four different sets of laws control the lives of Palestinians: those of the PA, Israel, Egypt, and Jordan. This creates confusion and makes it more difficult for women's rights activists to focus their advocacy efforts." [38c] (Nondiscrimination and Access to Justice)

21.04 The Geneva Centre for the Democratic Control of Armed Forces (DCAF) 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, concurred:

"Palestinian law is not unified as it is a mixture of Ottoman, British Mandate, Jordanian, Egyptian and Israeli military laws. Marriage and family issues in the West Bank and the Gaza Strip are governed by two different legal systems, the Jordanian Law of Personal Status of 1976 and the Egyptian Law of Family Rights of 1954, respectively. The personal status laws affect women and girls disproportionately because they encompass issues related to marriage, polygamy, divorce, child custody, inheritance, and, in some cases, murder in the name of honour. The legal system is perceived by women as unfair with regard to women's rights and legal recourse." [74a] (p47)

21.05 Freedom House's Women's Rights 2010 report highlighted that the Egyptian and Jordanian laws applied in the OPTs have not necessarily been updated in tandem with the laws of those countries. [38c] (Nondiscrimination and Access to Justice) Additionally:

"... Hamas drafted a 'unified penal code' in 2008 that would incorporate *hudud*, a seventh-century Islamic penal code featuring punishments such as amputation, whipping, and stoning. Persons found to have committed adultery would be subject to execution by stoning under this system. The third reading of the law has not passed, and women's organizations in Gaza believe that the issue has been put to rest. However, even the consideration of such a legal regime indicates a trend of growing conservatism in Gaza that may seriously affect women in the future." [38c] (Nondiscrimination and Access to Justice)

- 21.06 The same report also noted, “Some of the laws drafted in recent years are more sensitive to gender issues, often specifying that gender-neutral terms refer to both men and women.” [38c] (Nondiscrimination and Access to Justice) Further:

“In 2008, a more progressive personal status law was drafted by the National Campaign for the Family Law. If approved, it would raise the age of marriage to 18 for both men and women and place restrictions on polygamy, requiring the approval of the first wife for a second marriage. However, the draft has not been discussed in the PLC to date. Until the council members currently incarcerated by Israel are released and the rift between Gaza and the West Bank is repaired, the PLC will remain relatively ineffective and many personal status rights will continue to be regulated by legislation enacted prior to the 1967 occupation.” [38c] (Autonomy, Security, and Freedom of the Person)

See also [Social and economic rights](#)

- 21.07 The Freedom House Women’s Rights 2010 report stated, “Palestinian women do not have the same citizenship rights as men.” [38c] (Nondiscrimination and Access to Justice)

For information on citizenship and residency rights of persons married to Israeli citizens, or permanent residents of Israel, see [Citizenship and nationality](#).

- 21.08 The Freedom House Women’s Rights 2010 report noted:

“As a practical matter, access to justice is limited for Palestinian men and women, particularly since the start of the second intifada against Israeli occupation in 2000. Women face unique challenges in light of the male-dominated and sometimes discriminatory law enforcement structure, which further weakens the already inadequate legal framework for women’s rights. At a basic level, women are not recognized as full persons before the Shari’a courts, where the testimony of two women is equal to the testimony of one man in matters related to marriage, divorce, and custody of children. However, in all other matters, the testimonies of men and women are regarded as equal. Women are sometimes reluctant to seek help from courts or law enforcement agencies, in part because the overwhelming majority of lawyers and judges are men, and women are only marginally represented among police officers. Moreover, Israel’s actions, combined with the volatile political situation, have often undermined the efficacy and credibility of PA institutions. In response, there has been a resurgence of informal justice through tribal and customary laws that are often biased against women, and marital and family disputes are left to the meddling of elders or the intervention of local notables. So-called ‘honor killings,’ which typically involve the murder of women by relatives as punishment for extramarital sex, have also escalated.” [38c] (Nondiscrimination and Access to Justice)

See also [Social and economic rights](#) and [Violence against women](#) below

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POLITICAL RIGHTS

- 21.09 The Freedom House Women’s Rights 2010 report stated, “Equal voting rights are guaranteed under Article 26(3) of the Basic Law, which establishes universal suffrage and states that all Palestinians may vote, nominate candidates, and run for elections. Women living under the PA first exercised these rights in 1996, when the first PLC

elections were held. Five female candidates were elected that year.” [38c] (Political Rights and Civic Voice) The same organisation’s June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA), reported “A political quota system was instituted in 2005, guaranteeing women a certain degree of representation on each party’s candidate list for PLC elections.” [38b] (Political Rights and Civil Liberties)

For more information on the political rights of women in the OPTs, see the Freedom House [Women's Rights Report 2010](#). [38c] (Political Rights and Civic Voice)

See also [Political system](#) and [Political affiliation](#)

SOCIAL AND ECONOMIC RIGHTS

21.10 The Freedom House Women’s Rights 2010 report stated:

“The autonomy, security, and freedom of Palestinian women have been regularly threatened in recent years. The personal status laws discriminate against women in their freedom of movement and their rights in marriage, divorce, and child custody. Their situation is worsened by Israeli barriers and the West Bank separation wall. At a basic legal level, women’s security is poorly protected by the penal code, and domestic violence is not outlawed.” [38c] (Autonomy, Security, and Freedom of the Person)

21.11 The same report noted, “The separation wall in particular has made women the ‘most isolated social group’ in Palestine, as families prefer to let men rather than women request travel permits to work on the opposite side of the wall.” [38c] (Autonomy, Security, and Freedom of the Person)

See also [Violence against women](#) and [Freedom of movement](#)

21.12 The DCAF 2010 report *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure* reported, “Control of the Gaza Strip by Hamas has reportedly contributed to increasing social pressure on women living there. Following a particular dress code, primarily wearing the hijab or jilbab (veil or long coat), is perceived to be a protective factor for women and girls on the streets of the Gaza Strip.” [74a] (p21)

21.13 The Freedom House Women’s Rights 2010 report concurred, “The new, more conservative social order imposed by Hamas has led to greater restrictions on women’s rights in Gaza. ... Women in the West Bank, by contrast, have continued to enjoy a more liberal environment.” [38c] (Introduction)

21.14 Additionally, the DCAF 2010 report noted:

“Tribal law features prominently in Palestinian life, both within the family and within the community. Many women and girls mentioned the mukhtar, or clan head, as a resource for mediating family disputes. They believe that resorting to these tribal conflict-resolution mechanisms is dictated by religion. ... [Also] Keeping problems within the family, by utilising family resources, was mentioned as a preferable way for women and girls to resolve familial issues. However, recourse within the family was mentioned for the sake of keeping the peace and not causing scandals, rather than because women and girls believed justice would be served.” [74a] (p48)

21.15 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010, stated, "Prostitution is illegal and it was not openly practiced." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

21.16 A June 2008 report, *Trafficking and Forced Prostitution of Palestinian Women and Girls: Forms of Modern Day Slavery* released in December 2009, by the Palestinian organization SAWA – All Women Together Today and Tomorrow noted, "Gauging the level of trafficking and prostitution in the oPt with precision is difficult since it is not visible but rather an underground problem. Not only are these considered immoral activities but both are regarded as illegal under Palestinian and Israeli laws." [73a] (p10) The report continued:

"Despite the fact that trafficking and prostitution constitute illegal activities in the oPt, reality shows that they exist and that they appear to operate informally on a small-scale basis rather than as a sophisticated and organized activity. Based on the cases identified by this study, girls and women are being facilitated through escort services, brothels in hotels, rented houses, private apartments and even house cleaning companies. There exist many of these locations though they differ in modus operandi, structure and management." [73a] (p10)

21.17 The Freedom House Women's Rights 2010 report stated:

"Although Article 20 of the Basic Law guarantees freedom of residence and movement within the limits of the law, there are legal and practical restrictions on women's freedom of movement. The principle of 'house of obedience,' an archaic provision derived from Egyptian and Jordanian family laws, enables husbands to force their wives to return to the marital home, although it is rarely invoked or enforced in courts. The same principle entitles men to bar their wives from leaving the country with a court order. In addition, government officials often demand proof that a male 'guardian has given his permission to a woman before she can obtain a passport. This requirement was legally abolished in 1996, thanks to lobbying by the WATC [Women's Affairs Technical Committee], but the political disorder of subsequent years allowed the practice to return without consequences." [38c] (Autonomy, Security, and Freedom of the Person)

21.18 Further, on checkpoints, roadblocks and closure of crossings in the West Bank and Gaza Strip, Freedom House stated that "Such restrictions on free movement have prevented some women from reaching hospitals and health care centers in time to give birth; as a result, several have died in transit at checkpoints." [38c] (Autonomy, Security, and Freedom of the Person)

See also [Medical issues](#), [Humanitarian issues](#) and [Freedom of movement](#)

Education and employment

21.19 Freedom House's survey, *Freedom in the World 2010*: PA reported, "While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have fuller access to higher education." [38b] (Political Rights and Civil Liberties) The Freedom House Women's Rights 2010 report stated:

"The rights of Palestine's female workforce are governed by one of the most advanced labor laws in the region. While economic participation among women remains low due to socioeconomic, cultural, and political factors, the rate of participation increased from

2005 to 2007, particularly in the West Bank. In addition, the PA's new scholastic curriculum, introduced in 2002, reflects a greater degree of gender equality, and a growing number of young women are enrolling in colleges and universities. As with other rights, a more politically stable situation and open borders will be crucial to advancing women's economic and academic rights in the future." [38c] (Economic Rights and Equal Opportunity)

Education

21.20 Freedom House's Women's Rights 2010 report stated:

"The literacy rate among women reached 89.8 percent in 2006, a nearly six-point increase from 2000, though a gender gap still exists. The literacy rate among men increased from 94.4 percent to 97.1 percent during the same period. The more rapid growth in female literacy is a result of the efforts of the Ministry of Education and civil society organizations to advocate females' right to education, as well as an increased societal awareness of the importance of female education. Men now prefer educated wives who are able to help them earn a living, especially in light of the worsening economic situation. Significantly more women than men attend the 20 universities and colleges that offer undergraduate degrees in the Palestinian territories; families with means tend to send their male children abroad for higher education." [38c] (Economic Rights and Equal Opportunity)

21.21 In 2006, the UN Organisation for Education, Science and Culture (UNESCO) released a consolidated report of [Studies on the Palestinian Curriculum and Textbooks](#) from 2001 to 2004, which noted one paper of 2003 "...identifies some inconsistencies in the way in which women are treated in the religious education textbooks and the way they are treated in the civic education textbooks." [27a] (p13)

See also [Children](#)

Employment

21.22 The Freedom House Women's Rights 2010 report noted, "Women are legally free to choose their profession, but they face social pressure, particularly from their family, to pursue work that is related to their future roles as mothers and caretakers. The Palestinian security forces have recently started to recruit women, but their numbers remain low." [38c] (Economic Rights and Equal Opportunity)

21.23 The results of the Palestinian Central Bureau of Statistics (PCBS) *Labour Force Survey: Annual Report: 2009*, released April 2010, indicated "... the labour force participation rate was 41.6% in 2009 compared with 41.3% in 2008. The males [sic] participation rate was 67.0% in 2009 compared with 66.8% in 2008, and for females it was 15.5% in 2009 compared with 15.2% in 2008." [6a] (p27 of English section) The survey also noted, "The distribution of the participation in the labour force by region in 2009 revealed that labour force participation rate in the West Bank reached 43.8%; of which 69.5% for males and 17.4% for females. The results indicated that the labour force participation rate in Gaza Strip is much lower than in the West Bank. The rate in Gaza Strip reached 37.6%; 62.5% for males and 12.2% for females." [6a] (p27 of English section)

21.24 With regard to type of employment, the PCBS *Labour Force Survey: Annual Report: 2009* stated, "The results indicated that services are the main field of employment for females; about 61.8% of employed women work in services. Agriculture provides job

opportunities to about 20.5% of females in the Palestinian Territory.” [6a] (p27 of English Section)

See also [Economy](#)

- 21.25 The Freedom House Women’s Rights 2010 report stated, “Gender-based discrimination within employment is specifically prohibited under Article 100 of the Palestinian Labor Law (No. 7 of 2000). Article 25 of the Basic Law guarantees all citizens the right to work, allows for the creation of labor unions, and grants the right to conduct strikes within the limits of the law. Despite these guarantees, the comparatively progressive labor law retains discriminatory provisions.” [38c] (Economic Rights and Equal Opportunity) Further, “The labor law provides a variety of gender-based protections for women, though cultural norms and delays in the establishment of planned labor courts restrict their practical benefits.” [38c] (Economic Rights and Equal Opportunity)
- 21.26 Moreover, “There are no specific legal protections from sexual harassment in the workplace, despite calls for such a law by women’s rights organizations like the Palestinian Working Woman Society for Development (PWWSD) and the WCLAC. Accusations of sexual harassment are seldom made public because female victims are often stigmatized as a result.” [38c] (Economic Rights and Equal Opportunity)

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Marriage, divorce, child custody, inheritance and economic independence

- 21.27 The Freedom House Women’s Rights 2010 report stated:

“The right to adequate housing is assured to all Palestinians under Article 23 of the Basic Law. However, most houses are registered in the name of the man, even if husband and wife worked together to purchase or build it. Recently, as a growing number of women move into cities to seek greater income-generating opportunities, more houses and apartments have been purchased or rented by single, divorced, or widowed women, and it has become more socially acceptable for such women to live on their own. However, social norms that favor male ownership of housing and female habitation with husbands or male relatives still prevail. Male ownership perpetuates women’s economic dependence, since it is more difficult to obtain loans without property as collateral.” [38c] (Social and Cultural Rights)

- 21.28 The same report also noted, “Women often lack control over their income and rarely enter into business contracts and activities. This is mainly due to the customary belief that men, as the traditional family breadwinners, are in charge of financial decisions, even those involving the income and assets of their female family members.” [38c] (Economic Rights and Equal Opportunity) Further:

“Poverty affects more women than men in part because of discriminatory laws and traditions that limit women’s access to employment, property through inheritance, and financial compensation upon divorce. Women must deal with a labor market and legal system that favor men and are often unable to afford the childcare that would allow them to pursue careers. Women also suffer greater health effects from poverty in households headed by men, as the health of the male breadwinner and the children takes precedence over that of the financially dependent mother.” [38c] (Social and Cultural Rights)

- 21.29 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported “It is a common cultural practice for Palestinian women to not claim their share of an inheritance, regardless of their religion; it is often left to their brother for ‘safe keeping.’ This practice is commonly based on the fear of money or property leaving the family’s possession since when women wed they become a part of their husband’s family.” [74a] (p37)

See also [Children](#) for information on the legal age for marriage in the West Bank and Gaza Strip

Muslims

- 21.30 The USSD Report 2009 noted, “For Muslims in the West Bank and Gaza, personal status law is derived from Shari’a (Islamic law), as set out in the governing 1976 Jordanian Status Law, which includes inheritance and marriage laws.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

- 21.31 However, Freedom House’s Women’s Rights 2010 report stated:

“Muslim women in the West Bank are subject to the Jordanian personal status law of 1976, which is based on the Hanafi school of Islamic jurisprudence, while those in the Gaza Strip are subject to the unmodified Egyptian family law of 1954. Although Jordan, Egypt, and other neighboring countries have made certain progressive changes to their personal status laws in recent decades, the laws applied in Palestine remain essentially unaltered.

“Palestinian women lack the freedom to negotiate their equal marital rights. According to the concept of *qawama*, women of all ages must obtain the consent of their closest relative from their father’s side. A woman’s male guardian, or *wali*, executes the marriage contract on her behalf, while men are free to act independently. In the absence of a wali, a judge may act as the guardian. To be valid, a marriage contract must have at least one male witness or two female witnesses. The local interpretation of Shari’a allows women to make stipulations within their marital contracts, such as the right to finish their education or work outside the home. However, as a practical matter, prevailing customs discourage women from taking advantage of this right. For instance, men are reluctant to marry a woman who has the right to divorce, and families discourage women from adding conditions that may drive away potential husbands.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.32 The same report continued, “Polygamy is legal for Muslims but rarely practiced; although men may take up to four wives at one time, less than 4 percent exercise this right.” [38c] (Autonomy, Security, and Freedom of the Person) The USSD Report 2009 concurred, “Men may take more than one wife but rarely do in urban areas (the practice is more common in small villages).” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

- 21.33 On divorce, the Freedom House Women’s Rights 2010 report stated:

“Men and women have grossly unequal divorce rights. A Muslim husband may unilaterally divorce his wife without judicial certification by declaring ‘I divorce you’ three times, a practice known as *talaq*. By contrast, a Muslim woman can only divorce under Jordanian law if she is able to establish harm based on authorized grounds: impiety; incurable skin or sexual disease; mental disease; desertion for more than one year;

inability to pay the *mahr*, or dowry; inability to provide financial maintenance; or inability of the wife to live with the husband. Articles 103 to 107 provide for a mechanism known as *khula* whereby a couple agrees to divorce and the woman surrenders her dowry and any claim to financial maintenance. However, unlike the current, reformed laws in Egypt and Jordan, the laws applicable in Palestine offer no option that allows women to undergo *khula* when their husbands do not consent.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.34 Further, “Divorced women are entitled to custody over their children until girls reach the age of 12 and boys reach the age of 10. However, with a judicial decree, she may retain custody until the boy turns 18 or until the girl gets married. A divorced mother loses custody of her children upon remarriage.” [38c] (Autonomy, Security, and Freedom of the Person) The USSD Report 2009 noted, “Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Children often stayed with the mother; according to local practice, men were considered responsible for paying child support and alimony.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

- 21.35 The DCAF 2010 report *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure* reported:

“If divorced, a Palestinian woman would need to return to her natal family or to the home of her brother. The stigma surrounding divorce for women is so great that it is often very difficult for a divorced woman to remarry since she is no longer a virgin and especially if she has children. ... Moreover, women are often unaware of their legal rights. The common interpretation of Shari’a law in the Palestinian Territories allows brides and grooms to agree upon the distribution of income between them. Their mutual agreement should be enshrined in their marriage settlement. However, in many cases, women are not aware of the Shari’a precepts, and marriage settlements do not reflect the financial rights women are entitled to under Shari’a law.” [74a] (p36)

- 21.36 The USSD Report 2009 also stated, “[Muslim] Women can inherit but not equally.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6) The DCAF 2010 report expanded upon this, noting “Women mentioned that even though they know they are legally entitled to inherit from their parents (Muslim women are granted half the share of their brothers), they are traditionally discouraged from claiming this right.” [74a] (p37)

Christians

- 21.37 The USSD Report 2009 noted, “Ecclesiastical courts rule on personal status issues for Christians.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

- 21.38 The Freedom House Women’s Rights 2010 report stated:

“Palestinian Christian women are governed by the laws established by their respective churches. In general, the Orthodox Church permits divorce if a woman is found to be unfaithful, refrains from getting pregnant, is found not to be a virgin upon marriage, or refuses to obey her husband in a dispute for a period of three years after being instructed to do so by the Church. The Catholic Church and its ecclesiastical courts offer no possibility for divorce, but annulment is possible if the marriage was contracted with legal flaws; men and women enjoy exactly the same rights in this respect. Because

the Catholic Church allows only a separation when spouses have an irreconcilable dispute, whereas the Orthodox Church has granted divorces in such cases, some Catholics have converted to Orthodoxy to obtain a divorce. Protestant church law allows a divorce if one of the spouses is found to be adulterous and the husband and wife do not engage in sex after the adultery is revealed. Other possible grounds include abandonment for two years, eloping with another, or attempted murder. When a marriage is ended in this way, either of the spouses is able to marry again.” [38c] (Autonomy, Security, and Freedom of the Person)

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Health and reproductive rights

21.39 The Freedom House Women’s Rights 2010 report stated:

“Problems including a high—though declining—fertility rate, early marriages, and poverty persist in society, particularly in Gaza. Women’s health is affected by the lack of adequate local facilities and limited access to health care across the Israeli border. The health status of women is further compromised by continuing Israeli incursions and prevailing laws and customs that restrict women’s ability to make free decisions regarding their reproductive rights.” [38c] (Social and Cultural Rights)

21.40 Further:

“Sociopolitical, cultural, and economic factors encourage women to bear multiple children. The pressure to get pregnant—preferably with male children—begins as soon as women get married. Multiple births are valued as a means of compensating for deaths related to armed conflict, and more children are traditionally perceived as bringing strength to the family. They are also seen as a means of discouraging polygamy.” [38c] (Social and Cultural Rights)

21.41 The USSD Report 2009 stated, “High workload, poor compensation, and resource shortages continued to affect skilled attendance during labor and postpartum care (much of which was provided by midwives) in the Occupied Territories.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6) The Freedom House report also noted, “Beyond the limitations to their reproductive rights, women are generally able to make their own decisions regarding health care. Although they do not need permission from a husband or guardian to undergo medical procedures, economic factors limit their access to health care as a practical matter.” [38c] (Social and Cultural Rights)

See also [Medical issues](#)

Abortion

21.42 The Freedom House Women’s Rights 2010 report stated:

“Abortion is not allowed in the Palestinian territories and is considered a crime unless the physical health of the mother is threatened by the pregnancy itself, as opposed to the circumstances surrounding the pregnancy. Consequently, abortions in instances of rape or incest — which put the pregnant woman at risk of becoming the victim of an honor killing — are impermissible. Nevertheless, women’s organizations that assist

victims of rape and incest have established a support network among physicians and gynecologists, who help the victims end unwanted pregnancies.” [38c] (Social and Cultural Rights)

VIOLENCE AGAINST WOMEN

21.43 The Freedom House survey, *Freedom in the World 2010: PA*, reported “Rape, domestic abuse, and ‘honor killings,’ in which women are murdered by relatives for perceived sexual or moral transgressions, are not uncommon. These murders often go unpunished. ... The UN Development Fund for Women (UNIFEM) and other groups reported an increase in domestic violence and sexual assault in Gaza during and after the war between Hamas and Israel.” [38b] (Political Rights and Civil Liberties) The same organisation’s *Women’s Rights 2010* report also noted, “Violence against women has escalated in the past five years, and this trend has included a rise in the number of unpunished honor crimes.” [38c] (Autonomy, Security, and Freedom of the Person)

21.44 The USSD Report 2009 stated, “PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. ... A woman must provide two eyewitnesses (who are not relatives) to initiate divorce on the grounds of spousal abuse.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

See also [‘Honour’ crimes](#) and [Assistance available](#) below

21.45 The Palestinian Central Bureau of Statistics (PCBS) in its *Domestic Violence Survey – (December 2005-January 2006) Summary of Main Findings*, released June 2006, reported “61.7% of ever married women in the Palestinian Territory were exposed to psychological violence, 23.3% exposed to physical violence, and 10.9% exposed to sexual violence at least once by husband during the year 2005.” [6d] (p6 of English section) Further, “25.0% of unmarried females (aged 18 and over) in the Palestinian Territory were exposed to physical violence compared with 52.7% exposed to psychological violence at least once by one of the household members during the year 2005.” [6d] (p7 of English section)

21.46 A Geneva Centre for the Democratic Control of Armed Forces (DCAF) report of 2010, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported:

“Women and girls described Palestinian society’s tacit acceptance of physical violence against them within the family circle as eliciting feelings of powerlessness. It is an unwritten rule that speaking out against this type of violence will cause more problems, as women and girls will likely be stigmatised by their families and by their communities. The stigma of asking for help outside of the family, coupled with a lack of confidentiality among response mechanisms, leaves women feeling re-victimised and suspicious. The very real fears of losing one’s children, or facing divorce, increased abuse or even murder, cause women to employ the strategy of keeping quiet.” [74a] (p31)

Rape

21.47 The USSD Report 2009 stated, “Rape is illegal under PA law, but the legal definition does not address spousal rape.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

- 21.48 The DCAF report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, of 2010 stated:

“As in most societies, the issue of sexual violence in general, and within the family specifically, is highly sensitive in Palestinian society. When discussing family sexual violence, women mentioned cultural taboos as an important motivation for not speaking out about abuse, as the fear of scandal compels women to remain silent. Women frequently perceived the consequences of denouncing the abuse as more severe than the abuse itself. Many, thus, believe that there is no way of fighting sexual violence perpetrated by family members.” [74a] (p34)

‘Honour’ crimes

- 21.49 Amnesty International’s *Report 2010: Palestinian Authority* (AI Report 2010: PA), released 26 May 2010, reported “Five women and a 16-year-old girl were reported to have been victims of so-called honour killings [during 2009], most carried out by male relatives. Perpetrators of such killings, when tried and convicted, generally receive inappropriately lenient sentences, often being imprisoned for less than three years.” [35b] (p256)

- 21.50 The Independent Commission for Human Rights’ (ICHR) *The Status of Human Rights in Palestine – The Fifteenth Annual Report: 1 January-31 December 2009* stated, “Murders committed against women under the pretext of the so-called ‘protection of family honor’ escalate annually. ICHR monitored (9) murders (4 in the West Bank and 5 in the Gaza Strip) perpetrated against women under such a pretext.” [71a] (p73)

- 21.51 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, reported:

“Murder in the name of honour, also referred to as femicide, has captured the attention of many Palestinian women and girls, despite the lack of a clear sense on the prevalence of the practice. Mentioned during focus groups sessions and in-depth interviews, discussion of murder in the name of honour tended to revolve around women’s fears more than actual cases, with a few exceptions. Women perceive the issue of femicide as a real danger. If their behaviour is viewed as a threat to the family’s honour and reputation, they feared being subjected to this kind of violence. Rumours might grow out of proportion, affecting the woman’s family, and ultimately putting her own life at risk. The prevalent feeling is that the whole community places female behaviour under scrutiny and that there is no recourse for women whose conduct is deemed unacceptable.” [74a] (p37)

- 21.52 When discussing ‘honour’ killings, Freedom House’s Women’s Rights 2010 report noted, “In response to the violence, seven women’s rights and human rights organizations submitted a memorandum to President Abbas, urging the issuance of a presidential decree treating honor killings as murders. However, no such decree had been issued as of October 2009.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.53 Freedom House’s Women’s Rights 2010 report continued, “In a front-page article published in 2008, the [Arabic-language] Birzeit University newspaper *Al-Hal* reported that 19 more women had been killed that year, and that a woman in the Palestinian territories is killed each week ‘under the pretext of honor killing’ and ‘under the protection of the law.’ Some were killed for merely demanding their legal share of

inheritance.” [38c] (Autonomy, Security, and Freedom of the Person) ICHR’s Annual Report 2009 stated, “In 2009, ICHR also monitored (3) murders with suspicious circumstances committed against women, compared to (5) murders in 2008. In addition, there was (1) murder caused under the pretext of ‘protection of family honor’, which was later discovered to be committed for robbery; ‘protection of family honor’ is used as a pretext as murderers are granted impunity with sentences of imprisonment for short periods.” [71a] (p73)

- 21.54 The DCAF 2010 report concurred, “Sometimes femicide is used to cover up other types of familial disputes, most often concerning inheritance and other economic issues. One of the main reasons for this is the likelihood that murders in the name of honour are less severely punished than other types of murder.” [74a] (p38)

Assistance available

- 21.55 The Freedom House survey, *Freedom in the World 2010: PA*, reported “Women’s treatment in instances of rape or abuse is often determined by tribal leaders or PA-appointed governors, and not by the courts. Legal options for victims of domestic abuse are extremely limited.” [38b] (Political Rights and Civil Liberties)

- 21.56 The same organisation’s Women’s Rights 2010 report stated:

“Women are theoretically able to press ordinary assault and battery charges against their abusers, but several factors keep domestic violence victims from doing so. Social norms shame women who report abuse to the police and encourage them to remain silent for the sake of their children. Moreover, women often have no alternative place to live. There is a lack of private or government-sponsored shelters, with only three shelters operating in the West Bank and none in Gaza. Women who are reluctant or unable to file domestic violence or sexual violence complaints on their own have little recourse, since the law allows only close relatives to file such complaints on their behalf, and most of these crimes are perpetrated by close relatives.” [38c] (Autonomy, Security, and Freedom of the Person)

- 21.57 Further, the DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, noted “Although the police are tasked with protecting the community, young women and girls actually see them as perpetrators, having warded off their sexual and verbal harassment in the streets ...” and “Similar to perceptions of the police’s role in protecting women and girls, accessing the courts system is seen as bringing shame and scandal upon the family.” [74a] (p42)

- 21.58 With regard to medical staff in hospitals, the DCAF report stated, “Women mentioned verbal abuse by hospital staff and an overall insensitivity to their situation as chronic problems when accessing medical services for abuse. Reaching out for assistance in hospitals did not appear to be an option for women; in fact, abuse experienced by women was commonly denied, taunted and effectively erased from medical reports.” [74a] (p44)

- 21.59 The USSD Report 2009 also noted, “There were a handful of NGO [non-governmental organisation]-funded women’s shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

21.60 The DCAF 2010 report, *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, stated “Women and girls, for the most part, were unaware of any shelter services in the Palestinian Territories. In fact, some denied that such an institution could exist. ... Women who had heard of the shelters mentioned them in a way that implied their existence was ‘rumoured.’ ... Or they expressed scepticism that the shelters have any power to protect women from their families or provide empowering services”. [74a] (p44-45) Further:

“Women’s organisations and human rights organisations are plentiful in the Palestinian Territories ... Women and girls, the very individuals they are meant to benefit, do not feel the presence of such organisations. A 2008 [Arab World for Research & Development (AWRAD)] survey revealed that nearly 74% of female and male respondents did not know of any women’s or human rights organisations that defend women’s rights. ... In light of this, many women and girls were unable to even identify a single women’s or human rights organisation that provides services”. [74a] (p45)

21.61 The Freedom House Women’s Rights 2010 report, citing a 2008 Arabic-language *Al-Ha/* article on ‘honour’ crimes, reported, “The article claimed that political parties have not addressed the issue of amending the penal code to eliminate tolerance of honor killings for fear of losing their support among men. By offering a weak legal framework and poor enforcement mechanisms, the PA has failed to uphold its duty to protect women from violence and has left them without redress or justice.” [38c] (*Autonomy, Security, and Freedom of the Person*)

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22. CHILDREN

OVERVIEW

22.01 The undated Overview page on the United Nations Children’s Fund (UNICEF) website on the Occupied Palestinian Territory (OPT), accessed 24 November 2010, provided the following statistical information:

- “Population (2009): 3,934,249
- “Total Gaza population (June 2009): 1,486,816
- “Total WB [West Bank] population (June 2009): 2,448,433
- “Percentage of Palestinian children in oPt (June 2009): 49.3%
- “Percentage of Palestinian children in West Bank (June 2009): 47.3%
- “Percentage of Palestinian children in Gaza (June 2009): 52.5%” [34b]

For recent information from UNICEF, refer to the organisation’s [Occupied Palestinian Territory](#) undated webpage. [34a]

22.02 The Defence for Children International – Palestine Section (DCI/PS) *Annual Report 2009*, released in June 2010, reported:

“As a corollary of occupation (i.e. military incursions, border closures, checkpoints, permits system, discriminatory policies and movement restrictions) the Palestinian economy is weak and the infrastructure inadequate and deficient. The conditions

resulting from the Oslo accords are far from ideal: the PA [Palestinian Authority] has limited autonomy, lacks capacity and resources as a proper government, and Israel still retains ultimate control over the whole oPt [occupied Palestinian territory]. The fragmentation of the territory, the different legislations applied in the West Bank and the Gaza Strip, and the fighting between the political factions are factors that add up to the difficulties in establishing a fully operational child protection system in Palestine. As a result, there are no government-led income-generating projects to help the poorest families, and social and cultural services to help juveniles cope with the adverse environment are scarce. This situation is exacerbated by domestic violence, which is recurrent in Palestinian society.” [26a] (p11)

Basic legal information

22.03 The March 2010 Freedom House *Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories)* (Freedom House Women’s Rights 2010) report noted, “The age of legal capacity for marriage in the West Bank is 15 for girls and 16 for boys, according to Article 5 of the 1976 Jordanian personal status law. In Gaza it is 17 years for girls and 18 for boys, as stipulated in Article 6 of the 1954 Egyptian law and relevant judicial rulings.” [38c] (Autonomy, Security, and Freedom of the Person)

22.04 The DCI/PS report, *Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities*, of June 2009, provided the following information:

“In 2008, the arbitrary nature of the military court system persisted, exemplified by the fact that a Palestinian child’s sentence continued to be determined on the basis of the child’s age at the time of sentencing and not at the time when the alleged offence was said to have occurred. In this system a child who is accused of committing an offence when he or she is 15, is punished as an adult if he or she has a birthday whilst awaiting sentence.” [26b] (p15)

Sentences for children under Military Order 132

Age	Maximum sentence	Notes
12 - 13	6 months	–
14 – 15	12 months	(For offences that carry a maximum penalty of less than 5 years.) For more serious offences, the maximum sentence is unlimited. Note that under Military Order 378, the maximum sentence for throwing stones at a moving vehicle is 20 years.
16	Adult	–
(DCI/PS report, June 2009) [26b] (p15)		

Identity documents

22.05 An April 2010 letter to the UK Border Agency from the Palestinian General Delegation Office (PGDO) in London, UK explained:

“Children under 16 do not have to carry a separate ID card but are listed on their parents’ cards. They are still however given their own unique identity number and this is included on the child’s birth certificate. If a child is born to Palestinian parents from the

OPT with ID number but he has never lived in Palestine and has not been registered there, they may not be issued with an ID card without entering the OPT using his birth certificate.” [94a] (p1)

See also [Freedom of movement](#); [Citizenship and status](#) and [Exit and return](#)

LEGAL RIGHTS

22.06 The DCI/PS *Annual Report 2009* noted:

“An assessment of the current situation shows a number of problems related to the administration of juvenile law in the Palestinian territories. One key issue is the law itself. In Palestine, each colonial, administrative or military power has imposed a legal system or set of administrative orders, making our legislation a confusing amalgamation of Ottoman Codes, British amendments, Mandatory and Emergency Regulations, Jordanian laws and constitutional principles, and Israeli military orders. In addition, due to the fact that they were historically administered by different powers, the West Bank and Gaza have different penal codes. As a result, there are substantial discrepancies between the norms applicable in both territories. Thus, from the first PLC [Palestinian Legislative Council] elections in 1996, the development of a unified legal framework has been a priority.

“The Palestinian Child Law, approved in 2004, encompasses the rights of the child as articulated in the CRC [UN Convention on the Rights of the Child], and sets out the basic principles of the domestic juvenile justice legislation, currently being drafted. At present, however, the legal system does not comply with international juvenile justice standards, and there is little awareness among lawyers, judges, prosecutors, police, and other professionals about the rights and needs of children in conflict with the law. Children are increasingly being dealt with as criminals, and they enter the same system as adults under the Ministry of Interior instead of the Ministry of Social Affairs. Furthermore, cases of torture of children in conflict with the law have been documented by DCI/PS, and cases unlawful and arbitrary arrests for political reasons have been followed up.” [26a] (p12-13)

22.07 The Human Rights Watch (HRW) *World Report 2010* on events in 2009, released 14 January 2010, stated:

“While Israeli civil courts define Israelis under 18 years of age as children, Israeli military courts continue to treat Palestinians over the age of 16 as ‘adults,’ and sentence them on the basis of their age at sentencing rather than when they committed the offense. ... In July [2009] the IDF [Israel Defence Force] established a separate military court for the prosecution of Palestinian West Bank children. Previously the IDF had prosecuted Palestinian children and adults in the same court system.” [22b] (West Bank – Arbitrary Detention)

22.08 The DCI/PS *Annual Report 2009* reported:

“The policy of arresting Palestinians, including children, has been implemented since the outset of the Israeli occupation of the Palestinian territory. Indeed, around 700 Palestinian children are arrested every year by the Israeli occupation forces. They are charged with offences under Israeli military law and tried in Israeli military courts. From the moment of arrest, Palestinian children encounter ill-treatment and in some cases

torture, at the hands of Israeli soldiers, policemen and interrogators. In most cases, children are interrogated in absence of a lawyer, and they are generally denied the right to see a lawyer until after they have provided a confession to the interrogator.” [26a] (p15)

22.09 The same report also stated:

“On 29 July 2009, the Israeli military commander in the West Bank, Gadi Shamni, issued Military Order 1644 purporting to establish a juvenile military court. The order came into effect on 1 October 2009, and has now been in operation for four months. Since coming into effect on 1 October 2009, lawyers for DCI-Palestine have noticed few substantive changes to the procedures in the military courts other than that children are now generally (but not always) tried separately from adults. No other significant discernable changes have occurred in the practice or procedure of the military courts in relation to juveniles.” [26a] (p24)

The DCI/PS [Annual Report 2009](#) went on to outline the organisation’s strategy, methodology and main activities to address the issue of child justice in the OPTs during 2009. [26a] (p13-15 & 16-18)

The DCI/PS’ June 2010 report regarding [Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities](#) also provided detailed information on the legal rights of children in terms of the Israeli justice system. [26b] (p9-18)

See also [Judiciary](#) and [Prison conditions](#)

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VIOLENCE AGAINST CHILDREN

22.10 The DCI/PS *Annual Report 2009* reported, “Studies have shown that within the Palestinian society violence is generally perceived as an acceptable measure to discipline and control children. ... Another aspect of this would be the heightened vulnerability of female children to sexual abuse within the home, and to the practice of honor killing.” [26a] (p31) The report also stated, “Although there is data available on cases of abuse and neglect, many cases of domestic physical and psychological violence, including sexual abuse and other forms of gender-based violence, either go unreported due to the social dishonor that might arise for the family, or are solved through informal conflict resolution means, without reaching official channels of redress.” [26a] (p31)

22.11 The DCI/PS *Annual Report 2009* reported:

“In addition [to domestic violence], certain traditional and cultural practices, such as those deriving from the patriarchal structure, increase the domestic vulnerability and the social exclusion of certain categories of children. In some areas, early marriage is a common practice, and there is little awareness of its negative impact on children, especially on girls. ... [M]entally and physically disabled children are also amongst the most neglected within Palestinian society.” [26a] (p31)

See also [Women](#)

- 22.12 The DCI/PS *Annual Report 2009* acknowledged, “While the Palestinian Child Law offers a relatively strong legal framework addressing violence against children, it requires considerable effort and resources in order to be properly implemented. Unfortunately, in Palestine these are minimal. Thus, as a child rights actor, DCI-Palestine strives to fill the void by playing a complementary role to the Ministry of Social Affairs’ role in protecting children victims of violence.” [26a] (p31-32)
- 22.13 The HRW *World Report 2010* noted, “The nongovernmental organization Defense for Children International reported multiple cases where Israeli authorities allegedly mistreated Palestinian children in custody to coerce them to sign confessions in Hebrew, which they did not understand.” [22b] (West Bank – Arbitrary Detention) The DCI/PS’ June 2010 report regarding [Palestinian Child Prisoners – The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities](#) provided such case studies and summarised the main abuses committed against children by the Israel Defence Force. [26b] (p24-92)
- 22.14 Additionally, the DCI/PS published a July 2010 update report, [Under Attack: Settler Violence against Palestinian Children in the Occupied Palestinian Territory](#), which provided detailed background on the settlements, as well as data and case studies on violence perpetrated by Israeli settlers against Palestinian children in the West Bank. [26d]

See also [Security forces](#)

- 22.15 The UNICEF-led *Children Affected by Armed Conflict* (CAAC) Bulletin on the period July-August 2010 also provided information on violence perpetrated against children in the context of the Israel-Palestine conflict, including by Israeli settlers, and in incidents involving unexploded ordnance (UXO). [34c] The Bulletin also reported on the numbers of children arrested and detained during the period, and stated:

“Twenty cases of ill-treatment and torture of Palestinian children during arrest, interrogation and detention by the Israeli authorities were documented during the reporting period, involving hand-ties (20), blindfolding (19), beating (11), position abuse (6), kicking (5), and threats to self (5), solitary confinement (3) and threats of sexual violence (1). In all instances where affidavits were taken children reported ill treatment and torture.” [34c]

CHILDCARE AND PROTECTION

- 22.16 UNICEF’s Monthly Update of October 2010 focused on psychosocial care, providing the following information:

“In 2004 and 2005, in order to improve the quality, accessibility, timeliness of psychosocial support targeting children and their caregivers, UNICEF integrated psychosocial support into its child protection programme, and together with partners, developed 16 psychosocial teams in the West Bank and Gaza (11 in West Bank and 5 in Gaza). The programme includes group counselling sessions; individual counselling; emergency interventions; non-formal education and recreational activities.

“In addition in 2009, and in partnership with community based organizations, UNICEF supported 20 family centres that are implemented by Save the Children - Sweden, Ma’an Development Centre and Tamer Institute for Community Education. The centres

provide a one-stop shop for families working to rebuild their lives – a place where children and their caregivers can come together for psychosocial care and support; a place where children can improve their mathematics, reading and writing skills; and a place where they can learn critical life skills ranging from how to avoid drugs and other risky behaviour, to how they can participate positively, in their communities.” [34d] (p1)

22.17 The bulletin continued:

“In 2010, UNICEF and its partners reached more than 20,000 children with creative/psychosocial group activities; enabled more than 16,000 caregivers and parents to strengthen their coping mechanisms; built the capacity of more than 800 psychosocial professionals and volunteers to intervene in crisis situations; carried out more than 4,000 family visits following violent or distressing events; and in Gaza, the socio legal defence centres and the toll free line reached more than 4,000 children.” [34d] (p2)

See also Mental health below, and [Medical issues](#)

22.18 The DCI/PS *Annual Report 2009* noted that the DCI/PS acts “... as a focal point for referral of cases to other service providers as well as to the Child Protection Network, and by promoting a multi-disciplinary approach among community based organizations and professionals working in the field of child protection.” [26a] (p32)

The DCI/PS [Annual Report 2009](#) went on to outline the organisation’s strategy, methodology and main activities to address the issue of child protection in the OPTs during 2009. [26a] (p32-34)

Adoption

22.19 The undated website Adopt.com provided the following information on Palestinian adoption procedures, according to the United States Consulate in Jerusalem:

“Christian Adoption:

“Prospective adoptive parents can obtain an adoption decree from the ecclesiastical court of their community (e.g. Latin, Greek, Armenian, etc). On the basis of the adoption decree issued by the court of the respective church, a Palestinian Birth Certificate can be issued and subsequently a Palestinian Passport (please note that there are sometimes difficulties in receiving civil documents from the Palestinian Authority). Children may be located for adoption from the Orphanage in Bethlehem ...

“The orphanage can only grant a child for adoption if the child is known to have been born to a Christian mother, as a child from another religion will not be given to a Christian family for adoption.

“Muslim Adoption:

“The Palestinian Authority opposes adoption by foreign parents, because, according to an unnamed source, Palestinian children must remain in Palestine. Additionally, Islamic Shari’a Law does not allow for adoption as it is recognized in the United States; rather, they allow for ‘guardianship’ [*kafala*].” [92a]

22.20 An undated article by Christine Huda Dodge, M.Ed, on the About.com website explained the principles of *Kafala*:

“In essence, it describes more of a foster-parent relationship. Some of the rules in Islam surrounding this relationship:

- “● An adopted child retains his or her own biological family name (surname) and does not change his or her name to match that of the adoptive family.
- “● An adopted child inherits from his or her biological parents, not automatically from the adoptive parents.
- “● When the child is grown, members of the adoptive family are not considered blood relatives, and are therefore not *muhrim* to him or her. ‘Muhrim’ refers to a specific legal relationship that regulates marriage and other aspects of life. Essentially, members of the adoptive family would be permissible as possible marriage partners, and rules of modesty exist between the grown child and adoptive family members of the opposite sex.
- “● If the child is provided with property/wealth from the biological family, adoptive parents are commanded to take care and not intermingle that property/wealth with their own. They serve merely as trustees.

“These Islamic rules emphasize to the adoptive family that they are not taking the place of the biological family – they are trustees and caretakers of someone else’s child. Their role is very clearly defined, but nevertheless very valued and important.” [93a]

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EDUCATION

22.21 The March 2010 Freedom House report *Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli Occupied Territories)* (Women’s Rights 2010) stated, “Article 24 of the Basic Law mandates that public education be free to all citizens and compulsory through the basic level (up to the age of 12 or 13). As a practical matter, access to education for all Palestinians is restricted by the ongoing armed conflict and by the construction of the separation wall. The wall has negatively affected access to education for 48.4 percent of households located on its eastern side.” [38c] (Economic Rights and Equal Opportunity)

22.22 The WHO Country Profile on Palestine, last updated August 2010, provided the following statistical information:

“Adult literacy rate 15+ years, total (%)	71	2006
“Adult literacy rate 15+ years, males (%)	78	2006
“Adult literacy rate 15+ years, females (%)	63	2006
“Gross primary school enrolment ratio – total (%)	94	2006
“Gross primary school enrolment ratio – male (%)	95	2006
“Gross primary school enrolment ratio – female (%)	93	2006
“Gross secondary school enrolment ratio – total (%)	92	2006
“Gross secondary school enrolment ratio – males (%)	93	2006
“Gross secondary school enrolment ratio – females (%)	91	2006”
[20c] (Socioeconomic indicators)		

22.23 Freedom House's June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA), reported:

"The PA has authority over all levels of education. Some Palestinian schools teach hatred of Israel. Israeli military closures, curfews, and the West Bank security barrier restrict access to Palestinian academic institutions. Israeli authorities have at times shut universities, schools have been damaged during military operations, and schoolchildren have periodically been injured or killed during fighting. In September 2009, the UN Office for the Coordination of Humanitarian Affairs reported that at least 280 of Gaza's 641 schools were damaged and 18 were destroyed during the conflict that ended in January, and that many schools lacked essential materials in the aftermath." [38b] (Political Rights and Civil Liberties)

22.24 The DCI/PS September 2009 report, *Bearing the Brunt Again – Child Rights Violations during Operation Cast Lead*, reported:

"Following Operation Cast Lead, and because of Israel's ongoing blockade of the Strip, Gaza suffers from a shortage of school facilities and educational supplies which are essential in helping children recover from the assault. Due to the damage and widespread destruction, some schools were operating in tents for the rest of the school year, while others were working in double or even triple shifts in order to accommodate over 5,200 students whose schools were completely destroyed." [26c] (p77)

22.25 The same source provided the following statistical information:

- At least 260 schools were damaged and 18 destroyed in Israel's offensive;
- The Gaza Strip education system serves over 440,000 children through 640 schools – some operated on double shifts;
- 36 out of 124 UNRWA school buildings sustained physical damage; five of these schools were operating as temporary emergency shelters;
- At least 26 children were killed in Israeli attacks either while they were in school, near a school or on their way to or from school;
- 105 new schools must be built to cater for the increase in the population of Gaza schoolchildren. [26c] (p77)

22.26 The report concluded, "To this day, the ongoing Israeli blockade of the Gaza Strip is compounding the devastation created by the three-week Israeli offensive by preventing reconstruction and imports of basic education material." [26c] (p78)

22.27 The UNICEF-led CAAC Bulletin on the period July – August 2010 reported:

"Three incidents involving interferences with the normal operation of schools and recreational facilities were documented in the West Bank and Gaza during the reporting period. In one incident the Israeli military surrounded the elementary and secondary school in Beit Duqqu village. One child was injured and several cases of gas inhalation were reported when confrontations erupted. In Gaza, there were two cases of attacks on schools and recreational facilities ... No casualties were reported in either of the [Gaza] cases." [34c]

HEALTH AND WELFARE

- 22.28 The WHO Country Profile on Palestine last updated August 2010, provided the following statistical information:

"Population with sustainable access to improved water source (%)"	94	2006
"Population with access to improved sanitation (%)"	94	2006...
"Newborns with low birth weight (%)"	6.0	2009
"Children underweight (%)"	7.5	2008
"Perinatal mortality rate per 1000 total births"	3.5	2009
"Neonatal mortality rate"	7.2	2008
"Infant mortality rate (per 1000 live births)"	17.0	2008
"Under five mortality rate (per 1000 live births)"	21.8	2008"

[20c] (Demographic indicators, Socioeconomic indicators (concluded) & Health status indicators)

- 22.29 The WHO Country Profile on Palestine also provided the following statistical information regarding one-year-olds immunised in 2008:

Bacille Calmette-Guerin – BCG (%)	100
Three doses of combined diphtheria–pertussis–tetanus vaccine – DPT3 (%)	86
Three doses of oral poliovaccine, not including supplemental immunization doses – OPV3 (%)	86
Measles vaccine (%)	95
Three doses of hepatitis 3 vaccine – HBV3 (%)	86
Pregnant women immunized with two or more doses of tetanus toxoid (%)	77

[20c] (Coverage with primary health care services indicators (concluded))

- 22.30 The UNICEF-led CAAC Bulletin, covering the period July – August 2010, reported:

"Children in need of specialized medical care outside of Gaza continue to face severe and fatal access restrictions. In July, the Israeli District Liaison Office approved 344 out of 352 applications for children to cross Erez for medical treatment outside of Gaza. One case was denied and seven applications were delayed. In August, 360 out of 373 applications were approved. Four cases of children were denied and nine applications were delayed. Whereas no cases were denied during the first quarter of 2010, ten cases involving children have been denied since May 2010. Both delays and denials in processing applications can be life threatening for child patients who are waiting for urgent medical treatment. WHO has made a request to the Israeli authorities for an explanation for this trend and is awaiting a response." [34c]

- 22.31 The undated website of the Middle East Children's Alliance (MECA) reported:

"In the West Bank and Gaza, the Israeli Occupation systematically denies Palestinian[s] adequate quality and quantities of water. Palestinian communities inside the state of Israel have less access to water than their Jewish counterparts, as well. Water is diverted from Palestinian resources the West Bank (and previously in Gaza) to illegal Israeli settlements and into Israel. Israel denies materials, fuel, and permits to sustain and expand water systems. Military attacks predictably—and often deliberately—destroy wells, water tanks, pipes, treatment plants, and sewage systems. Widespread poverty prevents people from purchasing clean water or repairing their wells and plumbing. The health and well being of virtually every Palestinian child and adult is affected by the shortage of clean, safe water." [50b] (The Maia Project)

See also [Humanitarian issues](#)

22.32 The UNICEF-led CAAC Bulletin, primarily covering the period July – August 2010, observed, “So far this year [2010], at least 276 Palestinian structures have been demolished in East Jerusalem and Area C. As a result, more than 1,371 Palestinians, including 533 children, have been forcibly displaced or otherwise affected owing to extensive damage of property or destruction of livelihood.” [34c]

22.33 The DCI/PS September 2009 report, [Bearing the Brunt Again – Child Rights Violations during Operation Cast Lead](#), reported on the impact of the December 2008-January 2009 Gaza war on the child population of Gaza, not only in terms of deaths and injuries, [26c] (p28-50) but also the destruction of civilian homes, and the water and sanitation infrastructure. [26c] (p80-100) On the health situation, the report concluded:

“The two-year siege, coupled with the destruction inflicted on the water and sanitation sector during Operation Cast Lead continues to seriously affect the health and threaten the lives of Gaza’s children. ... Gazan medical personnel and facilities, already at breaking point due to the siege, do not have the capacity to comprehensively monitor the impact of this grave public health situation on Gaza’s children. It is therefore not known how many children may have already died, or suffered debilitating diseases as a result. It is, however, certain that the lives of Gaza’s youngest residents are seriously at risk; a risk that is entirely man-made and can be averted if the State of Israel ends its siege on Gaza.” [26c] (p99 &100)

22.34 The undated website of the MECA reported on its Maia Project, the goal of which “...is to provide safe clean, drinking water for tens of thousands of Palestinian children by working in partnership with community organizations to build water purification and desalination units in schools and towns throughout the Gaza Strip.” [50b] (The Maia Project) MECA provided the following background information to the water crisis in Gaza:

“Numerous military attacks on the Gaza Strip have devastated Gaza’s water infrastructure. ... As a result of all these assaults, the water in Gaza is polluted with untreated sewage, agricultural chemicals, and it is brackish from seawater. Gaza’s water contains high levels of nitrates, chloride and fluoride, and other pollutants that cause significant health problems, including parasitic infections, kidney disease, heart disease, damage to the nervous system, cancers, weakened bones and teeth and a life-threatening type of anemia.

“After six decades of pressure on a limited water source, diversion of the water for Israeli use, the blockade on supplies to repair and maintain water systems, and military attacks, the quantity of water in Gaza is inadequate and the quality is dangerous.” [50b] (The Maia Project)

Mental health

22.35 The undated website of the MECA reported on its “... partnership with the Welfare Association, a group of prominent Palestinian businessmen and other professionals, to launch ‘Playgrounds for Peace.’” [50c] (Playgrounds) The website continued:

“This project was driven by the conviction that the ability to play – the right to play – is crucial to the health and development of all children, and only healthy children who grow

up knowing more than anger, hatred, violence and fear, are children who can make peace that will be truly just and lasting.

“Playgrounds were built in Gaza, Nablus and Ramallah combining the best of US design and child development expertise with Palestinian tradition and input from municipal leaders, parents, teachers and youth. Since then, MECA has provided funds for the first and only playground in Dheisheh Refugee Camp in the West Bank.” [50c] (Playgrounds)

- 22.36 Additionally, the MECA website reported on the Afaq Jadeeda (New Horizons) project, ‘Let the Children Play and Heal’:

“Teams of Afaq Jadeeda's trained staff members, supervised by a psychologist, have already visited 120 schools and community centers throughout Gaza to work directly with 110,000 children age 4-15. In addition to the group art activities, the teams identify children who need follow-up for their physical and psychological wounds and refer them for specialized ongoing care and treatment.

“Afaq Jadeeda is also working with parents in Gaza because the best way for children to heal from their invisible wounds — their terror, their anger, and their deep and prolonged sadness — is to involve their families and their community. Experts have led 20-hour training courses for mothers in different areas of Gaza that gave 480 women new ideas for ways to support their children and children in their communities during this difficult time. Additionally, Afaq Jadeeda created and distributed 10,000 pamphlets for parents that gives advice on dealing with children during crisis situations such as last year's three-week assault [December 2008-January 2009].” [50a] (Let The Children Play and Heal)

See also [History](#); [Women](#) and [Medical issues](#)

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23. MEDICAL ISSUES

- 23.01 The *Health and economic situation in the occupied Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan* – Fact-finding report, which is the annex to the World Health Organisation's (WHO) *Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan – Report by the Secretariat* of 7 May 2009 stated:

“No new data on health status indicators (such as life expectancy, infant mortality rate, maternal mortality rate and malnutrition) have been published since the last report. It can be assumed that the trends observed during the recent years continue.

“The number of Palestinian deaths in 2007 was 10 357 and the crude death rate was 2.8 per 1000 population (2.5 in the West Bank and 3.2 in the Gaza Strip). The number increased from 2006 by about 10%. The leading causes of deaths among Palestinians are cardiovascular and cerebrovascular diseases, accidents (including conflict and violence-related deaths) and cancers.” [20f] (p9, paragraphs 20-21)

For the most recent WHO information, refer to the [WHO West Bank & Gaza Office: Occupied Palestinian Territory](#) website. [20a]

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 23.02 A UN Office for the Coordination of Humanitarian Affairs (OCHA) Special Focus report, *The Impact of Barrier on Health* of July 2010 reported:

“The [West Bank Separation] Barrier has also adversely affected the access of the entire population to urban areas, in particular East Jerusalem, whose six non-government hospitals are the main providers of routine, emergency, secondary and tertiary care for Palestinian[s] from the West Bank and Gaza Strip. ...

“East Jerusalem, with its six hospitals, is the main provider of specialized care to the population of the oPt [Occupied Palestinian territories]. The hospitals have 624 beds, 12.4 percent of the total available in the oPt and provide a range of specialized treatment unavailable elsewhere in the West Bank and Gaza Strip: dialysis and oncology at Augusta Victoria hospital; open-heart surgery at Maqassed Hospital; neurosurgery at St. Joseph Hospital; neonatal intensive care at the Red Crescent and Maqassed Hospital, eye surgery at St. John Hospital and rehabilitation for handicapped children at Princess Basma Hospital.” [3d] (p4, 9)

The July 2010 [OCHA Special Focus report](#) also provided details on the permit application process and other difficulties accessing health services due to the Barrier in the West Bank. [3d] (p9)

See also [Freedom of movement](#)

- 23.03 The UN Relief and Works Agency (UNRWA) Health Director’s May 2010 report Health conditions of, and assistance to, Palestine refugees in the Occupied Palestinian Territory for 2009 stated:

“The difference between the West Bank and the Gaza Strip in terms of Millennium Development Goals and other health indicators is still evident. Overall, the Gaza Strip compares unfavourably with the West Bank, despite the fact that they share the same health-care providers and have comparable populations. The Gaza Strip has consistently higher infant mortality rates (UNRWA data for the West Bank, 19.5/1000; for the Gaza Strip, 20.2/1000; United Nations Millennium Development Goal data for the occupied Palestinian territory, 24.0/1000) and a lower life expectancy (West Bank, 74.5 years; the Gaza Strip, 73.4 years). Both territories compare unfavourably with Israel (Infant mortality rate monitored for the Millennium Development Goals, 4.0/1000; life expectancy, 80.73 years).

“The factors contributing to the observed differences in health indicators between Palestinian refugees in the Gaza Strip and the West Bank are diverse. It is relevant to note that West Bank residents have some level of access to Israeli health services of higher quality that are more difficult to access for Gazans. Moreover the Gaza Strip has to cope with siege-like conditions and a prolonged humanitarian crisis that lead to death, disability, infrastructure damage and that worsen dysfunctions in the provision of health care.” [16g] (paragraph 9-10)

- 23.04 The WHO Fact-finding report annex of May 2009 stated:

112 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

"The deterioration of the primary health care network – mainly due to the shortage of vital medical supplies, antenatal care, laboratory and dental services, and to non-functioning medical equipment and periodic strikes in the public sector – has led to an increased demand for services from providers other than the Ministry of Health; for example, the demand for UNRWA's primary health care services increased by 10% between 2007 and 2008.

"At the end of 2007, there were 77 hospitals in the occupied Palestinian territory with a total capacity of 4942 beds. The rate of 13 hospital beds per 10 000 population is in the low range within the Eastern Mediterranean Region. The occupancy rate is about 72.5% in Ministry of Health hospitals, but is less than half that figure in nongovernmental and private hospitals. Each month an average of 22 052 people are admitted to the Ministry's hospitals, and 8404 surgical operations and 4933 deliveries are performed. ...

"Since 2005, the cost of treatment abroad has constituted the third-highest item of expenditure of the Ministry of Health. In 2007, the most common medical reasons were cardiology, ophthalmology and oncology and haematology; these accounted for more than 50% of the total cost. About 67% of the cases were referred to local institutions, 19.5% to Israel, 6.8% to Jordan and 6.7% to Egypt." [20f] (p7, paragraphs 11-12 & 15)

23.05 The WHO Fact-finding report annex of May 2009 also noted:

"The operation of two separate health-care systems, one in the Gaza Strip and the other in the West Bank (including east Jerusalem), further complicates attempts by the Ministry of Health to coordinate its activities; this is also leading to duplication of services, loss of efficiency, and increased costs. The reduction in revenue from the insurance scheme, as a result of increased unemployment and poverty, is aggravating the increase in costs. Furthermore, the ability of Palestinians to pay out-of-pocket expenses is being compromised, limiting their access to those services that are only available in the private sector (e.g. regular screening for breast cancer)." [20f] (p7, paragraph 14)

West Bank

23.06 The WHO Fact-finding report annex of May 2009 reported:

"Access to secondary and tertiary care centres in the West Bank is affected by the restrictions on movement as most hospitals are located in cities; this includes east Jerusalem, which has 19.7% of the West Bank's hospital beds. Jerusalem is important for the Palestinian health-care delivery system because its six hospitals are the main providers of tertiary health care to the Palestinian population. The restrictions on movement for both health providers and patients lead to difficulties in accessing and providing health-care services. Israeli policies have recently tightened access to the hospitals. Every day, more than 300 hospital staff and more than 310 patients cross the checkpoints around Jerusalem in order to reach the hospitals. The entrance of hospital staff to Jerusalem has been restricted to certain checkpoints where they are exposed to close security inspection, causing them daily delays of between 90 and 120 minutes." [20f] (p7, paragraph 13)

23.07 The WHO Fact-finding report also noted, "In the West Bank, the Ministry of Health reported that, during October [2008], 65 drug items and 100 disposables were out of stock." [20f] (p8, paragraph 16)

The Separation Barrier

- 23.08 The July 2010 OCHA Special Focus report stated, “In the northern West Bank, since October 2003, Palestinians have been obliged to obtain ‘visitor’ permits to access their farming land between the Barrier and the Green Line, which was declared a ‘closed military area’ or ‘Seam Zone’.” [3d] (p5) Further:

“The requirement for ‘visitor permits’ to enter the ‘Seam Zone’ generally prevents doctors from providing house calls, ambulances from collecting patients and mobile teams providing health services. ... If the Barrier is completed as planned, approximately 33,000 West Bank Palestinians will reside between the Barrier and the Green Line, in addition to the majority of the Palestinian residents of East Jerusalem. ... Some health facilities are available within these communities: level 1 clinics in Al Jaba’a and Husan, level 2 in Fukin and level 3 in Nahhalin and Batir. Al Walaja however – which will be completely surrounded by the Barrier and separated from these other communities – is only served by a mobile medical team every two weeks. Specialized medical care for all of these communities is located in Bethlehem, to which access will be restricted.” [3d] (p7)

- 23.09 The July 2010 OCHA Special Focus report asserted:

“As the single largest obstacle to Palestinian movement within the West Bank, including to and from East Jerusalem, the Barrier constrains Palestinians from accessing health facilities and health providers from servicing the Palestinian population. The Barrier, with its associated permit and gate/checkpoint regime directly infringes the right to health of the Palestinian population as a whole, as it isolates East Jerusalem from the remainder of the oPt.” [3d] (p13)

For further information on access to medical care in the West Bank refer to the paper [Accessibility to Health Services in the West Bank, Occupied Palestinian Territory, 2010](#) by Lina Eklund of Lund University. [81a]

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GAZA STRIP

- 23.10 In January 2010, the World Health Organisation (WHO) published a *Gaza Health Fact Sheet*, which noted “Recent events have resulted in a severe deterioration of the already precarious living conditions of the people in Gaza and have further eroded a weakened health system.” [20d] (p1)
- 23.11 The WHO Fact Sheet continued, “Supplies of drugs and disposables have generally been allowed into Gaza. However, there are often shortages on the ground mainly because of shortfalls in deliveries. The table below shows the drugs and disposables that are out of stock as a percentage of the essential list. The essential drugs list contains 480 items, and the medical disposables list is 700 items.” [20d] (p2)

Store

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drugs	30%	14%	17%	15%	16%	22%	29%	16%	26%	-
Disposables	10%	13%	14%	16%	20%	15%	14%	17%	17%	18%

[20d] (p2)

114 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

- 23.12 On the training of health staff, the WHO's January 2010 Fact Sheet stated, "Health professionals in Gaza have been cut off from the outside world. Since 2000, very few doctors, nurses or technicians have been able to leave the Strip for training eg to update their clinical skills or to learn about new medical technology. This is severely undermining their ability to provide quality health care. An effective health care system cannot be sustained in isolation from the international community." [20d] (p3)
- 23.13 Additionally, the WHO reported that Operation 'Cast Lead' in December 2008-January 2009, damaged the Gaza Strip's health services infrastructure as follows:
- 15 of 27 Gaza's hospitals
 - 43 of its 110 Primary Health Care services
 - 29 of its 148 ambulances [20d] (p4)
- 23.14 Further, "The lack of building materials is affecting essential health facilities: the new surgical wing in Gaza's main Shifa hospital has remained unfinished since 2006. Hospitals and primary care facilities, damaged during operation 'Cast Lead', have not been rebuilt because construction materials are not allowed into Gaza." [20d] (p4)
- 23.15 Médecins Sans Frontières (MSF) reported in its January 2010 article, *Gaza: One Year After The War*:
- "The health care system's ability to function properly has been weakened considerably. Most medical equipment is unreliable and the embargo makes it impossible to obtain certain spare parts. Similarly, medical units also face drug shortages.
- "More than 5,000 people were wounded during the January [2009] war. Many are disabled and the only rehabilitation center in the Gaza Strip also finds it difficult to import raw materials and the components required to manufacture artificial limbs. The waiting time for a prosthetic now extends to mid-2010." [86a]
- 23.16 The MSF article also noted, "Patients who cannot be treated in the Gaza Strip should be cared for outside the Occupied Territory, but requests for authorization to travel are so complicated to obtain – on both the Israeli and Palestinian sides - that some cannot leave Gaza in time to arrive for their appointment." [86a] The WHO Fact-finding report annex of May 2009 stated, "For the Gaza Strip, of the 9954 patients who applied for permits for secondary and tertiary treatment at hospitals in Israel, the West Bank, including east Jerusalem, 6506 (65.4%) have been granted permits in 2008. During 2008, the proportion of patients who received permits decreased by 20% compared with 2007 (7176 patients were granted permits out of the 8803 that applied in 2007)." [20f] (p7-8, paragraph 15)
- 23.17 The UNRWA Health Director's May 2010 report stated:
- "Access restrictions for Palestinians and the aftermath of the conflict in the Gaza Strip have put strain on an already overstretched health-care delivery system in the occupied Palestinian territory. Difficulties in the movement of UNRWA's staff and goods and increases in the prices of goods – including medicines and food commodities – are two of the main issues that affected UNRWA's health programme in 2009, alongside the complication of logistics and consequent increases in operational costs stemming from the restrictions on movement and the closure regime imposed on the occupied Palestinian territory." [16g] (paragraph 21)

23.18 The MSF *International Activities Report 2009*, released 27 July 2010, reported:

“MSF has been providing post-operative care and physiotherapy to the war-wounded at its three health centres and through mobile teams. More than 120 patients are still being cared for within this programme. A microbiology programme was also set up to improve the care of wound infections and research resistance to antibiotics. In 2009, more than 1,900 people received treatment: three times as many as in 2008.

“In 2009, improved local paediatric services and the arrival of new aid workers helped to strengthen the only specialised paediatric hospital in the Gaza Strip. From January until the end of the programme in September, more than 9,000 children under 12 years old were seen.” [86b] (p75)

23.19 On 1 June 2010, WHO released a press statement calling for unimpeded access of medical supplies needed for Gaza:

“The World Health Organization renews a call to allow for the unimpeded access into the Gaza Strip of life-saving medical supplies, including equipment and medicines, as well as more effective movement of people in and out of the territory for medical training and the repair of devices needed to deliver appropriate healthcare.

“Hundreds of items of equipment have been waiting to enter Gaza for up to a year, procured by WHO and other organizations, says Mr Tony Laurance, head of WHO's office for Gaza and the West Bank. These items include CT scanners, x-rays, fluoroscopes, infusion pumps, medical sterilization gasses, laboratory equipment, UPS (uninterrupted power supply) batteries, and spare parts for support systems like elevators.

“‘It is impossible to maintain a safe and effective healthcare system under the conditions of siege that have been in place now since June 2007,’ Mr Laurance says. ‘It is not enough to simply ensure supplies like drugs and consumables. Medical equipment and spare parts must be available and be properly maintained.’” [20e] (p1)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

23.20 The National Composite Policy Index (NCPI), dated 11 June 2010, submitted by the Palestinian Authorities (PA) in Ramallah to UNAIDS reported that the Occupied Palestinian Territories had “a policy of free services” for HIV prevention services, antiretroviral treatment and HIV-related care and support interventions. [88a] (p28) The report listed the following HIV treatment, care, and support services as accessible to the “majority of people in need”:

- Antiretroviral therapy
- Paediatric AIDS treatment
- Sexually transmitted infection management
- Psychosocial support for people living with HIV and their families
- HIV testing and counselling for TB patients
- TB screening for HIV-infected people
- TB preventive therapy for HIV-infected people
- TB infection control in HIV treatment and care facilities
- Cotrimoxazole prophylaxis in HIV-infected people
- Post-exposure prophylaxis (e.g. occupational exposures to HIV, rape)

- HIV treatment services in the workplace or treatment referral systems through the workplace [88a] (p19)

23.21 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009) stated, "The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was high." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6) The same report also noted, "While both governmental authorities and community and international NGOs [non-governmental organisations] operated HIV/AIDS education, prevention, and screening programs, limited information was available about the gender breakdown of these efforts." [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 6)

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CANCER TREATMENT

23.22 The WHO Fact-finding report annex of May 2009 noted, "Among women, breast cancer is the most prevalent cancer (7.5 deaths per 100 000), while lung cancer is the most common cancer among males (5.2 deaths per 100 000). Cancers of the trachea, bronchus and lung constitute 14.3% of overall cancer mortality." [20f] (p9, paragraph 23)

23.23 *Gaza: One year after the war*, an MSF article of January 2010, reported, "'Chemotherapy, which often combines three drugs although only two are available in Gaza, is partially available,' Lambert says. 'And while 30% of the cancers in Gaza are breast cancers, we cannot import the chemical used for the X-rays required for mammography.'" [86a] An United Nations Integrated Regional Information Networks (IRIN) article of August 2009 reported, "'The largest number of deaths due to the siege is among cancer patients,' Gaza deputy health minister Hassan Halifa said. 'Radiotherapy for cancer patients is not available due to the lack of equipment, and chemotherapy is generally not available due to the lack of drugs.'" [87a]

23.24 The October 2010 *Humanitarian Monitor* published by OCHA reported, "Each month about 10 percent of referrals are patients suffering from cancer; most of them have to leave Gaza as cancer treatment is almost completely unavailable." [3n] (p10)

MENTAL HEALTH

23.24 The WHO Fact-finding report annex of May 2009 reported:

"Mental health remains a major concern. A recent study of the blockade's economic and social impact, including its effect on the quality of life of Palestinian families, revealed that it had had influenced all facets of life, affecting the whole society and suspending people's lives. Sadness was affecting up to 96% of the citizens. Among children, 51% did not have the desire to participate in any activities; 47% were no longer able to perform the duties of school and family; 41% complained of aches and physical pains; 61% showed signs of fear and 45.5% signs of anger; 43% complained of sleeping problems; and about 63% presented symptoms of anxiety." [20f] (p9, paragraph 24)

23.25 The WHO's most recent comprehensive publication on mental health care provision in the OPTs is the 2006 WHO AIMS (Assessment Instrument for Mental Health Systems)

report, *Mental Health System in West Bank and Gaza*, which stated, “The mental health policy (MH Services Organization Plan) for West Bank and Gaza was formulated in 2002 – 2003, and officially adopted by the Palestinian Ministry of Health (MoH) in 2004. ... Essential medicines and an essential drug list, including psychotropic drugs, are available. These include 1) antipsychotic, 2) anxiolytic, 3) antidepressants, and mood stabilizers.” [20b] (p5)

23.26 The report continued:

“There are 42 outpatient mental health facilities available in the West Bank and Gaza. These outpatient facilities treat 33,167 users in 2004 (911.8 users per 100,000 population). The users treated in outpatient facilities are primarily diagnosed as suffering from neuroses, stress-related disorders and somatoform disorders (35%); and other disorders like epilepsy, organic mental disorders, mental retardation, behavioural and emotional disorders (35%); mood disorders (12%); schizophrenia (12%); and approximately 6% are diagnosed with personality of substance abuse disorders.” [20b] (p5)

23.27 Further:

“In terms of affordability of mental health services, the population has free access to services and to essential psychotropic medicines. For those that have to pay for their medicines out of pocket, the cost of antipsychotic medication is two USD per day (23% of daily minimum wage), and the cost of antidepressant medication is USD 1.33 per day (15% of daily minimum wage). All mental disorders are covered in social insurance schemes.” [20b] (p12)

23.28 The UNRWA Health Director’s May 2010 report noted:

“Post-traumatic stress and other psychological and behavioural disorders, a documented consequence of exposure to traumatic events, are an emerging health priority. The year 2009 was an extremely difficult one for Palestinian refugees in the Gaza Strip, while refugees in the West Bank continued to suffer the effects of closures and curfews. UNRWA offered psychological support operations in the midst of the 2009 conflict in the Gaza Strip. About 16,000 people received support within shelters, 20% of the adults manifested ‘disturbing psychological symptoms’ and 30% of children expressed symptoms that were absent before the war experience. Twelve people were referred to psychiatric services for severe post-traumatic reactions.” [16g] (paragraph 8)

23.29 The report further stated that, in the West Bank and Gaza Strip during 2009, “Over 8000 refugees benefited from individual mental health counselling sessions, over 30,000 from group counselling and almost 6000 received home visits from UNRWA mental health staff.” [16g] (paragraph 17)

23.30 A Palestine Monitor article of October 2010, *Mental Health Treatment in Palestine: Electroshocks and Out-dated Medicine*, stated, “Currently two mental hospitals are operational, the Bethlehem Psychiatric Hospital in the West Bank, founded 12 years ago, and the Gaza Hospital. Both institutions employ a worryingly old-fashioned approach, based around conventional pharmacological therapies and electroshock therapy.” [33a]

23.31 The article provided details of the level and type of care available at Bethlehem Psychiatric Hospital, noting, “Inadequately trained staff, resource shortages and an

attachment to old-fashioned treatments mean that the most vulnerable members of Palestinian society receive appalling care.” [33a]

The Palestine Monitor article provided a link to a report from the November 2004 issue of the *Humanitarian Exchange Magazine*, which discussed [Mental health needs in Palestine](#). [83a]

23.32 The Palestine Monitor article of October 2010 reported, “Psychiatrists are limited to diagnoses and prescribing medication. In Bethlehem Psychiatric Hospital, 75% of patients have been declared schizophrenic. Jorge Castro, psychologist, believes that the hospital staff frequently label people as schizophrenic without the necessary evidence. Consequently patients are given incorrect medicines. No equipment for more sophisticated treatment is available.” [33a]

23.33 Regarding its provision of health services in the West Bank, MSF’s *International Activities Report 2009* released in July 2010 reported, “In Nablus, MSF runs a programme for people suffering from trauma related to the conflict. In 2009, more than 300 new patients received psychotherapy, and MSF psychologists carried out 2,100 consultations.” Further, “MSF is also working in Hebron on the southern West Bank, operating a psychosocial programme for the victims of the ongoing violence.” [86b] (p75)

23.34 The Gaza Community Mental Health Programme (GCMHP) was established in 1990 and is part funded by the US-based Gaza Mental Health Foundation, whose website stated:

“The GCMHP now has hundreds of paid staff, a main facility in Gaza City, a research center, and community mental health clinics in Gaza City, Khan Younis, the Deir el Balah refugee camp, and the Jabalya refugee camp. It has also established the Rachel Corrie Women’s Empowerment Project as well as crisis intervention programs, a rehabilitation program for drug abusers, a Children’s Project, and a Training and Education Department that offers a postgraduate diploma in Community Mental Health and Human Rights and courses for teachers and nurses.” [85a] (About Gaza Mental Health Foundation)

23.35 The GCMHP published an [Annual Report 2009](#) on its activities during 2009; including its work with children and women [84a] (p11-16 & 23-28), and in the fields of human rights and institutional capacity building. [84a] (p17-22 & 29-34)

23.36 A July 2010 Aljazeera article noted:

“Although the GCMHP has embarked on a public programme to raise awareness about mental health issues – which [a psychologist at the GCMHP, Dr. Hasan] Zeyada refers to as ‘normal reactions to the abnormal situation here in Gaza’ – a cultural taboo against discussing them remains. Those in chronic pain seek out not psychologists but physicians, who then prescribe painkillers. Habituation and drug abuse start from there.

“Operation Cast Lead exacerbated the effects of the siege and continues to take its toll on the mental health of Gazans. Approximately 13 per cent of the population now suffers from post-traumatic stress disorder – a condition characterised by severe anxiety, flashbacks, and sleep disturbances, amongst other symptoms.” [37b] (Psychological toll)

- 23.37 The MSF *International Activities Report 2009*, released July 2010, reported, “The psychological effect of the Israeli offensive in January has been substantial, especially on children. Additional MSF staff were brought in to help cope with the influx of patients. 400 new patients, more than half of whom were under 12 years old, received psychological support.” [86b] (p75)

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24. HUMANITARIAN ISSUES

- 24.01 A May 2010 Special Focus report by the UN Office for the Coordination of Humanitarian Affairs (OCHA), *Impeding Assistance: Challenges to Meeting the Humanitarian Needs of Palestinians*, reported:

“The current humanitarian operation in the oPt is one of the largest in the world; at the time of its launching in November 2009, the oPt Consolidated Appeal (CAP) for 2010 ranked fifth out of 12 appeals globally, in terms of requested assistance. Through the oPt CAP, UN agencies and international and national NGOs [non-governmental organisations] requested over US\$ 660 million for 2010. This support is intended to help mitigate the worst impacts of on-going conflict on the most vulnerable Palestinians, who continue to face a human dignity crisis, characterized by the erosion of livelihoods and the continued denial of basic human rights; nearly 40 percent of the Palestinian population is food-insecure and unemployment levels in the West Bank and Gaza Strip remain high.” [3f] (p2)

- 24.02 Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories* (AI Report 2010: Israel and the OPTs), released 26 May 2010, reported:

“Israel continued to deny Palestinians in the OPT [Occupied Palestinian Territories] fair access to adequate, safe water supplies, hindering social and economic development and posing threats to health, in violation of its responsibilities as the occupying power. Palestinian water consumption barely reached 70 litres a day per person – well below the WHO’s [World Health Organisation] recommended daily minimum of 100 litres. Israeli daily per capita consumption was four times higher.” [35a] (p184)

For further information on restricted access to water in the OPTs refer to the following:

Amnesty International: [Demand Dignity: Troubled waters – Palestinians denied fair access to water](#), 27 October 2009 [35e]; [Thirsting for justice: Palestinian access to water restricted \(Demand Dignity campaign digest\)](#), 27 October 2009. [35f]

- 24.03 Freedom House’s June 2010 survey, *Freedom in the World 2010: Palestinian Authority-Administered Territories* (Freedom in the World 2010: PA) reported, “The intifada and Israeli restrictions have exacted a serious toll on the Palestinian economy in recent years.” [38b] (Political Rights and Civil Liberties) The United Nations World Food Programme’s undated webpage on the OPTs reported, “Palestinians are experiencing a dramatic decline in their living standards and a regression of the economy due to internal and external movement restrictions, limited control over natural resources, restricted access to local and international markets, low rates of economic production and limited access of Palestinian labourers to their former work in Israel.” [7a] (Overview)

See also [Economy](#)

WEST BANK

- 24.04 The AI Report 2010: Israel and the OPTs stated, “The Israeli army repeatedly destroyed rainwater harvesting cisterns used by Palestinians in the West Bank on the grounds that they had been built without permission.” [35a] (p184)

See also [Women](#); [Children](#) and [Medical issues](#)

Settlements, evictions and demolitions

- 24.05 The AI Report 2010: Israel and the OPTs noted, “Israeli forces forcibly evicted Palestinians and demolished their homes, particularly in East Jerusalem, on the grounds that the buildings lacked permits. Such permits are systematically denied to Palestinians. Simultaneously, Israeli settlements were allowed to expand on illegally confiscated Palestinian land.” [35a] (p184)

- 24.06 Al’s June 2010 report, *As safe as houses? Israel’s demolition of Palestinian homes* opened by stating:

“Palestinians living under Israeli occupation in East Jerusalem and the rest of the west bank face such tight restrictions on what they can build that their right to adequate housing is being violated. The Israeli authorities condemn as ‘illegal’ homes and other structures built without the permits that they control and rarely allow to Palestinian residents, and then order their destruction. Demolition crews, accompanied by security officials, may arrive at any time, giving families little notice or opportunity to remove their possessions.

“Under Israeli military law applied to Palestinians in most of the west bank, evicted families are not rehoused or compensated. So, those evicted would face homelessness and destitution were it not for relatives, friends and charities. Palestinians in East Jerusalem fare little better under the Israeli civil authorities.” [35d] (p2)

See also [Security situation](#)

For further information on planning, settlement and demolitions refer to the following:

OCHA Special Focus: [Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank](#), December 2009 [3g]; [Shrinking Space: Urban Contraction and Rural Fragmentation of Bethlehem Governorate](#), May 2009 [3i] and [The Planning Crisis in East Jerusalem](#), April 2009. [3j]

B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories: [East Jerusalem](#), undated [25d] and [By Hook and by Crook – Israeli Settlement Policy in the West Bank](#), July 2010 [25i].

Amnesty International: [As safe as houses? Israel’s demolition of Palestinian homes](#), 16 June 2010 [35d]

Checkpoints, roadblocks and the Separation Wall

- 24.07 Freedom House’s survey, Freedom in the World 2010: PA, reported:

"The easing of checkpoints and roadblocks in the West Bank and the wider deployment of PA security forces there led to increased economic activity in 2009, particularly in Nablus, Ramallah, and Jenin. However, despite the removal of six central checkpoints in 2009, Israel maintains about 35 external and 50 internal checkpoints in the West Bank, and has constructed over 450 roadblocks. These measures impose extensive delays on local travel, stunt trade, and restrict Palestinian access to jobs, hospitals, and schools. Israel's security barrier has also cut off many Palestinians from their farms and other parts of the West Bank." [38b] (Political Rights and Civil Liberties)

See also [Medical issues](#) and [Freedom of movement](#)

For further information on the impact of checkpoints, roadblocks and the Separation Wall refer to the following:

OCHA Special Focus: [The Impact of Barrier on Health](#), July 2010 [3d]; [West Bank Movement and Access Update](#), June 2010 [3e] and [Reported Access Incidents of Humanitarian Organizations](#), May 2009 to May 2010 [3k]
B'Tselem: [Restrictions on Movement](#), undated [25f]

GAZA STRIP

24.08 Freedom House's survey, Freedom in the World 2010: PA, reported:

"In Gaza, the Israeli blockade in place since 2007 grew even more stringent after a period of eased restrictions during the truce in the second half of 2008. The extensive damage inflicted during the conflict that ended in January 2009 became a major impediment to freedom of movement in the territory. The UN Development Programme reported in August that unexploded ordnance was still a serious hazard and was responsible for at least 17 deaths and 15 injuries, many of them suffered by minors. According to the United Nations, Israel's campaign destroyed some 1,700 hectares [sic] of agricultural land in Gaza, some of which could not be planted in time for the fall harvest. In August [2009], the Rafah crossing on Gaza's border with Egypt was opened for five days, the longest period since June 2007." [38b] (Political Rights and Civil Liberties)

See also [History](#); [Security situation](#) ; [Security forces](#) and [Freedom of movement](#)

For further information on the impact of the Gaza conflict/Operation 'Cast Lead' of December 2008 – January 2009 refer to:

OCHA: [The Humanitarian Monitor](#), January 2009 [3r]
The Internal Displacement Monitoring Centre (IDMC): [Gaza offensive adds to scale of displacement – A profile of the internal displacement situation](#), 30 December 2009 [19b]
World Health Organisation (WHO): [Gaza Health Fact Sheet](#), 20 January 2010 [20d]
Human Rights Watch (HRW): ["I Lost Everything" – Israel's Unlawful Destruction of Property during Operation Cast Lead](#), 13 May 2010. [22i]
United Nations: [Report of the Independent International Fact-Finding Mission on the Gaza Conflict](#) (also known as the Goldstone Report), 25 September 2009. [72a]

Blockade

24.09 The Human Rights Watch (HRW) *World Report 2010* on events in 2009, released 14 January 2010, reported:

122 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

"Israel's comprehensive blockade of the Gaza Strip, imposed since June 2007, continued to have severe humanitarian and economic consequences for the civilian population, particularly during the war. Hundreds of thousands of people lacked electricity, running water, cooking gas, gasoline and other goods for weeks on end; raw sewage flooded some city streets; hospitals were overcrowded, lacked essential medicines, and were often inaccessible to the wounded." [22b] (*Gaza Strip – Blockade*)

- 24.10 Amnesty International's *Report 2010: Israel and the Occupied Palestinian Territories*, released 26 May 2010, stated "The continuing Israeli military blockade of Gaza, in force since June 2007, deepened the ongoing humanitarian crisis. Mass unemployment, extreme poverty, food insecurity and food price rises caused by shortages left four in five Gazans dependent on humanitarian aid." [35a] (p184) The report continued:

"Operation 'Cast Lead' pushed the crisis to catastrophic levels. After it concluded, the blockade hampered or prevented reconstruction efforts. As a result, there was a further deterioration of water and sanitation services; more power cuts, causing severe problems in the summer heat and for public and health institutions; greater overcrowding in schools; more challenges for an already overstretched health system struggling with damaged facilities and higher demand; and little or no chance of economic recovery." [35a] (p184)

See also [Economy](#); [History](#); [Children](#); [Medical issues](#); [Freedom of movement](#) and [Exit and return](#)

For further information on the impact of the Blockade refer to:

OCHA's [Gaza Crossings Online Database](#) [3q]

OCHA Special Focus: [Between the Fence and the Hard Place – The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip](#), August 2010 [3c] and [Locked In: The humanitarian impact of two years of blockade on the Gaza Strip](#), August 2009 [3h]

World Health Organisation (WHO): [Gaza Health Fact Sheet](#), 20 January 2010 [20d]

Palestinian Centre for Human Rights (PCHR): [Closure Updates](#) [44c] and [Position Paper on the Easing of the Closure of the Gaza Strip](#), 1 July 2010 [44i]

International Committee of the Red Cross: [GAZA 1.5 million people trapped in despair](#), June 2009. [70a]

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25. FREEDOM OF MOVEMENT

The [UN Office for the Coordination of Humanitarian Affairs](#) (OCHA) regularly reported on the impediments to freedom of movement in the Occupied Palestinian Territories (OPTs). [3]

- 25.01 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009), released 11 March 2010 reported:

"The Basic Law provides for freedom of movement, and the PA [Palestinian Authority] generally did not restrict freedom of movement.

“The IDF [Israel Defence Force] restricted the movement of Palestinians and heightened these restrictions at times, citing military necessity. Barriers to movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism and NGO [non-governmental organisation] activities. During the year [2009] the IDF relaxed restrictions at several checkpoints that had posed significant barriers to movement.” [15b] (The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority – Section 2d)

TRAVEL PERMITS AND ID CARDS

- 25.02 The paper, Identity and movement control in the OPT, in the Forced Migration Review issue 26 (FMR 26) *Palestinian displacement: a case apart?* of August 2006 reported:

“Since it occupied the OPT in 1967 – and regardless of the Oslo process – Israel has reserved exclusive power of civil registration and issuing of IDs for Palestinians. ... In September 1967 Israel conducted a snap census in the territories it had just occupied. Anyone not registered had their residency rights revoked. Tens of thousands of Palestinians who were studying, working or travelling abroad immediately lost any entitlement to residency and today have no official identity. ...

“As a result of the Oslo Accords the act of issuing identity cards passed to the Palestinian Authority [PA]. Nonetheless, because Israel retained – and continues to retain – control over the Palestinian population registry, it is Israel that determines the rights and status of all Palestinians living on occupied land. The PA has no power to intervene on behalf of its people. Information on the name, age, date and place of birth, political affiliation and security record of all individuals are stored on a computer database accessed by Israeli officials at checkpoints and border crossings.” [36a] (p24)

See also [History](#); [Palestinian refugees](#); [Citizenship and status](#) and [Exit and return](#)

- 25.03 The August 2006 FMR 26 article, Identity and movement control in the OPT, noted:

“Today, ID-holding residents of the West Bank and Gaza are entitled to change the colour of their ID cards to green, the colour of ID cards issued by the PA, though some still carry the older Civil Administration versions [West Bank residents had orange cards, those in the Gaza Strip had maroon]. East Jerusalemites still hold blue ID cards. The PA-issued ID cards contain a photograph and relevant personal information. While they appear to be identity documents issued by a sovereign authority, in fact they are still directly linked to the Israeli-controlled population registry and corresponding information database. The information printed on the cards appears in Hebrew, Arabic and English.” [36a] (p24)

See also [Annex D – Identity \(ID\) cards](#)

- 25.04 An April 2010 letter from the Palestinian General Delegation Office (PGDO), London, UK to the UK Border Agency stated, “Every Palestinian who has an ID number (those residing in OPT) should know it or be able to confirm it via extended families/contacts in Palestine.” [94a]
- 25.05 A September 2008 position paper by B’Tselem – The Israeli Information Center for Human Rights in the Occupied Territories – illustrated that Israeli control over the

Palestinian population register applied to both the West Bank and Gaza Strip, regardless of Israeli 'disengagement' in 2005 from the latter:

"As of November 2007, a resident of the Gaza Strip who is present in the West Bank is required to hold a 'permit to remain in Judea and Samaria', and the permit is designed for this purpose only.' This was stated in an official letter from the Spokesperson for the Coordinator of Government Activities in the Territories. The permit must be obtained from the military and is valid for three months only. Receiving such a permit is conditional upon the applicant's proving that he or she has been present in the West Bank for the past eight years continuously; the applicant must also be married and have children; he or she must have security and police clearance; and he or she must provide 'humanitarian' grounds for granting the application. Even if an applicant meets all the abovementioned conditions, the military may still refuse the application." [25g] (p2)

A footnote in the same document stated, "The letter also states that family ties (including marriage) to Palestinians whose registered address is in the West Bank do not constitute, in and of themselves, humanitarian grounds justifying approval of the application." [25g] (p2)

25.06 The September 2008 B'Tselem position paper continued:

"According to Article 28 of Annex III of the Interim Agreement (the Oslo Accord), the Palestinian Authority (PA) is empowered to update the registered addresses of its residents in the Palestinian population registry. The Israeli side is obligated to update its copy of the registry in accordance with the PA's notifications of change of address. Following the outbreak of the second intifada, Israel froze the procedure for updating addresses switched from Gaza to the West Bank in its copy of the registry. As the new requirement for a permit to be present in the West Bank is based on a person's registered address, Israel is effectively barring Palestinians whose registered address is Gaza from moving to the West Bank. It is also retroactively turning many Palestinians who already live in the West Bank into criminals." [25g] (p2)

Conversely, the same paper noted, when a Palestinian whose registered address is in the West Bank agrees to permanently relocate to the Gaza Strip "Israel is willing to change the applicant's address". [25g] (p4) "...Israel has now eliminated the possibility of entering the Gaza Strip for a visit and returning to the West Bank. Thus, it has left these families with one option only – in order to live together, they must move to the Gaza Strip with no possibility of returning to the West Bank, as long as Israel upholds the unacceptable separation policy." [25g] (p3-4)

25.07 An April 2010 article by B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories reported:

"On Tuesday, 13 April 2010, the Order Regarding the Prevention of Infiltration (Amendment No. 2) and the Order Regarding Defense Regulations (Amendment No. 112) came into force. The orders were signed by former OC Central Command Maj. Gen. Gadi Shamni in October 2009. Under the orders, any Palestinian who enters the West Bank 'unlawfully' and any person who is present there without an Israeli permit is deemed an 'infiltrator' and may be deported from the West Bank by Israel. The definitions in the orders are vague: they do not determine, for example, what is considered a valid permit and whether a Palestinian identity card constitutes one. ...

“Given Israel's current policy, B'Tselem is concerned that the orders will be used primarily against Palestinians who have lived in the West Bank for many years and have established their lives there, but whose official address remains in the Gaza Strip because Israel refuses to change their address in the population registry. It is also feared that Israel will use the orders to deport spouses of residents of the West Bank when the spouse holds a foreign passport and Israel refuses to grant their application for family unification. It is estimated there are tens of thousands of persons in these categories.” [25h]

- 25.08 The OCHA Special Focus report, *West Bank Movement and Access Update* of June 2010 stated:

“Access to East Jerusalem for Palestinians holding West Bank IDs, who obtained an entry permit, remained limited to three of the 16 checkpoints along the Barrier. As has been the case in the last few years, overcrowding, along with the multiple layers of checks and security procedures at these checkpoints have made entry into East Jerusalem a long and difficult experience. Restricted access to East Jerusalem has had a particularly negative impact on patients and medical staff trying to reach the six specialized Palestinian hospitals located in the city, as well as on Muslims and Christians willing to access Jerusalem's holy sites.” [3e] (p2)

See also [Humanitarian issues](#)

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WEST BANK

- 25.09 The Human Rights Watch (HRW) *World Report 2010* on events in 2009, released 14 January 2010, reported “Israel maintained onerous restrictions on the movement of Palestinians in the West Bank. In September [2009] Israeli authorities announced the imminent removal of 100 closure obstacles (ranging from checkpoints to earth mounds and concrete blocks), which if carried out, would leave 519 closure obstacles.” [22b] (*West Bank – Freedom of Movement*)
- 25.10 Amnesty International's *Report 2010: Israel and the Occupied Palestinian Territories*, released 26 May 2010, noted “Israel's 700km fence/wall in the West Bank, which separates many Palestinians from their land, jobs and relatives, combined with long curfews, around 600 Israeli checkpoints, roadblocks and other closure obstacles, continued to disrupt the ability of Palestinians to access basic services, including educational and health facilities.” [35a] (p184)
- 25.11 The OCHA [Special Focus report](#) of June 2010 provided “... data and analysis on the main trends concerning the system of internal movement and access restrictions within the West Bank that took place between April 2009 and the end of March 2010.” [3e] (p1) The report noted:

“Measures implemented by the Israeli authorities during this period reduced the travel time between most urban centers, particularly in the north of the West Bank, thus improving access to services and livelihoods. However, no significant improvement took place in the access of Palestinians to land and communities behind the Barrier, including East Jerusalem, in the Jordan Valley, and in the vicinity of Israeli settlements.

The latter, constitute the single major factor configuring the system of movement and access restrictions in the West Bank.” [3e] (p1)

25.12 The August 2010 edition of OCHA's *The Humanitarian Monitor* reported:

“As of the end of the month [August 2010], there were some 500 closure obstacles throughout the West Bank, 70 fewer than at the beginning of the year. Overall, the removal of obstacles, along with the lifting of some access restrictions over the past two years, has improved Palestinian movement between the main urban centers in the West Bank (excluding East Jerusalem).

“By contrast, access of Palestinians to areas behind the Barrier, including East Jerusalem, to land and rural communities in the Jordan Valley, and within the Israeli-controlled area of Hebron City (H2) has remained very restricted. Israeli settlements and their continuous expansion have the single largest impact on the configuration of the system of access restrictions applied to the Palestinian population.” [3l] (p6)

OCHA released *Closure* maps, dated July 2010, of each Governorate in the West Bank: [Bethlehem](#) [3t] [East Jerusalem](#) [3u] [Hebron](#) [3v] [Hebron Old City H2](#) [3w] [Jenin](#) [3x] [Jericho](#) [3y] [Jerusalem](#) [3z] [Nablus](#) [3aa] [Qalqiliya](#) [3ab] [Ramallah](#) [3ac] [Salfit](#) [3ad] [Tubas](#) [3ae] and [Tulkarm](#) [3af]

See below for the July 2010 [Access restriction](#) maps of the Gaza Strip

The Separation Wall

25.13 The HRW *World Report 2010* stated “Israel continued construction of the wall or separation barrier [during 2009]. Its ostensible purpose was to protect against suicide-bombing attacks, but rather than build it along the Green Line separating Israel from the West Bank, some 87 percent of it has been built on territory within the West Bank. The confiscation of private land meant, among other things, that farmers and pastoralists were separated from their lands.” [22b] (West Bank – Freedom of Movement)

25.14 OCHA map of the *West Bank Barrier Route Projections*, July 2010:



[3b]

See also [Human rights institutions, organisations and activists](#); [Humanitarian issues](#) and [Exit and return](#)

25.15 An OCHA Special Focus report, *The Impact of Barrier on Health* of July 2010, provided detailed information on the humanitarian implications of the Separation Wall, with particular emphasis on Palestinians access to health care. [3d] The report noted:

“Since the last OCHA Barrier report [of July 2009 [3s]], construction of new sections has almost completely halted as a result of a number of financial constraints, concerns

raised by the international community and lack of demand by Israeli society. Most of the recent construction involved re-routings ordered by the Israeli High Court of Justice (HCJ). In addition, new construction has taken place in the north of East Jerusalem and in the northwest of Bethlehem governorate.” [3d] (p2)

25.16 The OCHA Special Focus report continued:

“The intrusive route, together with its associated permit and gate regime, is the main cause of the humanitarian impact on Palestinians. The majority of the area between the Barrier and the Green Line has been designated a ‘closed military area’ or ‘Seam Zone’, where Palestinians have been obliged to obtain ‘visitor’ permits to access their farming land and water resources. Access is channelled through a particular gate designated on the permit. Restricted allocation of these visitor permits and the limited number and opening times of the Barrier gates have severely curtailed agricultural practice and undermined rural livelihoods.

“In addition, approximately 7,800 Palestinians reside in the closed area between the Barrier and the Green Line. Those aged 16 and above require permanent resident permits from the Israeli authorities to continue to live in their homes. Residents have to pass through Barrier checkpoints to reach workplaces and essential services, and to maintain family and social relations on the ‘Palestinian’ side of the Barrier.” [3d] (p2-3)

GAZA STRIP

25.17 The August 2010 edition of OCHA's *The Humanitarian Monitor* reported, “... since late 2008, the Israeli military has totally or partially prevented access to areas up to 1,500 meters from the fence, with devastating consequences on the livelihoods of the population and its physical security; ... these restrictions have impeded the conduct of need assessments, the delivery of aid packages and the monitoring and evaluation of programs by humanitarian staff.” [3f] (p1-2)

See also [Human rights institutions, organisations and activists](#) and [Humanitarian issues](#)

25.18 The USSD Report 2009 stated:

“Since 2007 Israel has enforced a strict blockade of Gaza, seriously impeding persons and goods from entering or leaving. Following hostilities in Gaza in January [2009], Israel severely tightened restrictions at crossings into the Gaza Strip. International and Israeli human rights organizations described this action as ‘collective punishment’ of the residents of Gaza, as it restricts access to basic goods and restricts civilians desiring to go abroad temporarily or change their place of residence permanently.” [15b] (*The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority – Section 2d)*)

See also [Human rights institutions, organisations and activists](#); [Humanitarian issues](#) and [Exit and return](#)

Access restrictions

25.19 The OCHA-World Food Programme (WFP) Special Focus report, *Between the Fence and the Hard Place – The humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip* of August 2010, reported:

“Over the past ten years, the Israeli military has gradually expanded restrictions on access to farmland on the Gaza side of the ‘Green Line’, and to fishing areas along the Gaza Strip coast, with the stated intention of preventing attacks by Palestinian armed factions. The findings of this study indicate that this regime has had a devastating impact on the physical security and livelihoods of nearly 180,000 people, exacerbating the assault on human dignity triggered by the blockade imposed by Israel in June 2007.” [3c] (p1)

25.20 The same report summarised the Israeli restrictions; “Since late 2008, Palestinians have been totally or partially prevented from accessing land located up to 1,000-1,500 meters from the Green Line (depending on the specific area), and sea areas beyond 3 nautical miles from shore.” [3c] (p5) Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories*, released 26 May 2010, also reported “Israel continued to deny farmers access to their land within 500m of the Gaza-Israel border, and to ban fishing further than three nautical miles from the shore.” [35a] (p184)

25.21 The OCHA-WFP report continued:

“Access restrictions are primarily enforced by opening live fire on people entering the restricted areas. While in most cases it is ‘warning shots’ that force people from the area, since the end of the ‘Cast Lead’ offensive in January 2009, the Israeli army has also killed a total of 22 civilians and injured another 146 in these circumstances. Despite the potential for civilian casualties, the Israeli authorities have not informed the affected population about the precise boundaries of the restricted areas and the conditions under which access to these areas may be permitted or denied.” [3c] (p5)

25.22 OCHA maps of the *Gaza Strip: Access and Movement*, July 2010:



[3ag]

Land

25.23 The USSD Report 2009 stated:

“In response to Qassam rocket fire, the IDF announced in 2005 that Palestinians should keep a distance of 140 meters (450 feet) from the Gaza perimeter fence and declared the former northern settlement block a ‘no-go’ zone. Entry into this area for the 250 Palestinian residents requires prior coordination with the IDF. Although the official buffer remained 140 meters, Palestinians were in some instances prevented from approaching areas as far as one kilometer (0.62 mile) from the fence.” [15b] (*The Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority – Section 2d)*)

25.24 The International Committee of the Red Cross reported in June 2009:

“Many farmers are effectively denied access to parts of their land because of the Israeli-imposed ‘no-go’ zone on the Gaza side of the border fence with Israel. At least 30 per cent of the arable land in Gaza lies within this buffer zone, which can extend up

to one kilometre from the fence. A farmer never knows for sure if it is safe to work his land or to harvest within the zone. Farmers risk being shot at when tending to their land and incursions by the army often leave fields and parts of the harvest destroyed.” [70a] (p9)

- 25.25 The OCHA-WFP Special Focus report of August 2010 stated, “Overall, the land restricted area is estimated at 17 percent of the total land mass of the Gaza Strip and 35 percent of its agricultural land.” [3c] (p5) Regarding Israeli ‘warning shots’ at Palestinians in restricted areas, the same report also noted, “No comprehensive and accurate account of the frequency of this type of incident exists. Representatives of local organizations interviewed for this study estimate that these incidents occur almost on a daily basis.” [3c] (p13)

Sea

- 25.26 The OCHA-WFP Special Focus report of August 2010 reported:

“Under the 1994 Gaza-Jericho Agreement between Israel and the PLO, areas within 20 Nautical Miles (NM) off Gaza's coast should be open to Palestinian use for fishing, recreation and economic activity. Since the beginning of the second Intifada in 2000, there has been a progressive restriction of fishermen's access to the sea. In 2002, Israel committed to allow fishing activities in sea areas up to 12 NM from shore ('Bertini Commitment'); however this commitment was never implemented and more severe restrictions were imposed during most of the time subsequently.” [3c] (p10)

- 25.27 The OCHA-WFP report continued, “Overall, Palestinians are totally prevented from accessing 85 percent of the sea areas on which they are entitled to carry out maritime activities, including fishing, according to the 1994 Gaza-Jericho Agreement.” [3c] (p11) The same report also noted, “The Fishermen's Syndicate reported that in the first three months of 2010 it recorded 48 incidents involving the opening of ‘warning fire’ at fishermen entering the restricted area by sea, or an average of four incidents a week.” [3c] (p13)

For further information on the access restrictions imposed by Israel, and the related risks and loss of livelihoods, in the Gaza Strip refer to the full [OCHA-WFP Special Focus report](#) of August 2010. [3c]

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26. INTERNALLY DISPLACED PERSONS (IDPs)

For further information on the situation regarding the situation of Internally Displaced Persons (IDPs) in the Occupied Palestinian Territories (OPTs) see the website of the [UN Office for the Coordination of Humanitarian Affairs](#) [3] the UN Relief and Works Agency's *Where UNRWA works* web pages on the [West Bank](#) [16c] and [Gaza](#) [16b], and the [Internal Displacement Monitoring Centre](#) country specific page on the OPTs. [19a]

- 26.01 The Internal Displacement Monitoring Centre's *Occupied Palestinian Territory: Gaza offensive adds to scale of displacement – A profile of the internal displacement situation* (IDMC Profile), which compiles information from a variety of sources, reported:

130 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

"IDMC considers Palestinians who have been forcibly and arbitrarily displaced from their homes in Gaza and the West Bank, and who have remained in the OPT [Occupied Palestinian Territories], to be internally displaced people (IDPs). Under the Oslo Accords, Gaza and the West Bank are considered a single territorial unit and so forced displacement between the two areas does not create refugee status. Figures of displacement include refugees from 1948 and the 1967 war who have subsequently been displaced within the OPT. These people, though not IDPs, are considered 'secondary displaced refugees' to whom the Guiding Principles on Internal Displacement apply by way of analogy. ...

"There are no confirmed statistics on the number of IDPs in the OPT and the numbers provided by various sources are only estimates. Lack of profiling makes it hard to say where IDPs are. Generally, IDPs are forced to relocate away from the vicinity of Israeli settlements, related infrastructure, military zones, and the Separation Wall." [19b] (Displacement figures. p9)

See also [Geography](#); [History](#); [Palestinian refugees](#); [Security situation](#); [Humanitarian issues](#); [Freedom of movement](#) and [Exit and return](#)

26.02 The IDMC Profile of December 2009 also noted:

"International bodies and NGOs have repeatedly condemned Israel's occupation of the OPT as a breach of international law ... According to the international community, Israel remains bound as the occupying power by obligations derived from international humanitarian law and applicable human rights law ... As Israel retains 'effective control' it is primarily responsible for securing and providing for the basic needs of the occupied population or, if unable or unwilling to do so, it is obliged to allow external providers of such assistance free passage of objects necessary to the survival of the civilian population ...

"Yet the Israeli state remains the primary perpetrator of forced displacement, and generally does not recognise the phenomenon of displacement or provide remedy for situations of displacement ... In rare instances, compensation has been provided to those affected by the construction of the Separation Wall, but applicants have been limited by onerous procedures and requirements ...". [19b] (National and international responses, p14)

26.03 With regard to the Palestinian Authority and Hamas' response to the needs of IDPs, the IDMC Profile reported:

"The PNA has been marred by political turmoil, jurisdiction limited to Areas A and B, poor governance, and a fiscal crisis which reached its peak as a result of its international exclusion during the post-2006 period of Hamas control. Nevertheless, land has been allocated in Gaza for re-housing displaced people, and financial assistance provided to victims of house demolitions, subject to its limited means ... The current Fatah-led PNA envisages programmes to support those affected by the Wall, Israeli demolitions and documentation policies ... The PNA's Early Recovery and Reconstruction Plan for Gaza aims to address the situation of IDPs as well as those of host families ... It is, however, too early to judge the effectiveness of these measures.

"The continued separation of Palestinian authority between Gaza and the West Bank has hindered the provision of assistance to displacement-affected communities. Since Hamas took control of Gaza, the lack of funding and of coordination between

Palestinian bodies have limited their ability to respond to displaced and non-displaced groups alike. The authorities in Gaza have nevertheless sought to assist victims of displacement, through providing rental subsidies, compensation, and reconstruction or rehabilitation. In January 2009, the Gaza authorities pledged \$5,200 to each family whose home was destroyed and \$1,300 for every family with a member killed during the Israeli incursion ... During the year, they also increased their role in coordinating aid delivery.” [19b] (National and international responses, p14-15)

26.04 The IDMC Profile also noted:

“Agencies trying to respond to forced displacement face considerable constraints caused by lack of resources, restrictions in access, the magnitude of displacement and the reluctance of donors to address central issues. UNRWA [UN Relief and Works Agency] provides assistance to secondary displaced refugees and IDPs in emergency situations. The International Committee of the Red Cross (ICRC) has responded to the immediate emergency needs of IDPs and has undertaken projects which are preventive in nature ... Several Palestinian and Israeli NGOs, as well as a number of international NGOs have provided legal aid to contest house demolition orders and revocation of residency rights, and emergency assistance to support construction and rehabilitation.” [19b] (National and international responses, p15)

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27. CITIZENSHIP AND STATUS

27.01 The March 2010 Freedom House report *Women’s Rights in the Middle East and North Africa: Palestine (Palestinian Authority and Israeli occupied territories)* (Freedom House Women’s Rights 2010) reported:

“Citizenship rights are still governed by the laws and regulations in effect before the 1967 Israeli occupation: the Jordanian nationality code (No. 6 of 1945) and its amendments are applied in the West Bank, while the Egyptian nationality code applies in Gaza. Both codes allow only men, not women, to pass their nationality to their spouses or children. In addition, a woman loses her nationality if she marries a non-Palestinian, unless she submits a written application to the minister of interior within one year following her marriage. In practice, however, women married to non-Palestinians are not always asked by the Ministry of Interior to give up their Palestinian nationality.” [38c] (Nondiscrimination and Access to Justice)

27.02 Further:

“Palestinian women and men from the West Bank and Gaza who marry Palestinians with Israeli citizenship face difficulty in transferring citizenship to their family members. Although the 1952 Israeli nationality law provided citizenship rights to Palestinians residing in Israel at that time, it did not entitle Palestinian citizens of Israel to family reunification with foreign spouses and children. In July 2003, the Israeli government enacted the Citizenship and Entry into Israel Law (Temporary Order) following a May 2002 freeze on applications for family reunification between Israeli citizens and Palestinians from the West Bank and Gaza. The law prohibits Palestinians from the occupied territories who are married to Israeli citizens or permanent residents (such as

Palestinian residents of East Jerusalem) from receiving Israeli citizenship or residency. This measure affected 21,000 families as of 2004, and applies to even more today, forcing spouses as well as parents and children to live apart. On May 15, 2005, the Israeli cabinet endorsed a continuation of the law with limited exceptions depending on the age and sex of the Palestinian spouse.” [38c] (Nondiscrimination and Access to Justice)

See also [Women](#) and [Children](#)

STATELESS PALESTINIANS

27.03 The paper, *Stateless Palestinians in the Forced Migration Review issue 26 (FMR 26) Palestinian displacement: a case apart?* of August 2006 reported:

“Palestinians are the largest stateless community in the world. Statelessness has dominated and shaped the lives of four generations of Palestinian refugees since their exodus in 1948. ... Today more than half of the eight million or so Palestinians are considered to be *de jure* stateless persons. These fall broadly into three categories:

- “● holders of the ‘Refugee Travel Document’ (RTD) issued by Syria, Lebanon, Egypt, Iraq and some other Arab countries
- “● holders of nationalities of convenience – mainly temporary Jordanian passports
- “● holders of the Palestinian passport issued by the Palestinian Authority (PA) which is considered as a travel document pending formation of a fully-fledged Palestinian state.

“All persons legally resident and registered, born or naturalised in Palestine under the British Mandate (1919-1948) were British Protected Persons, holders of British (Palestine) passports. Citizenship in both Jewish and Arab states – proposed by the Partition Plan set out in UN Res. 181 in 1947 – was meant to be granted to all inhabitants. However, when Britain promptly ended its mandate on 15 May 1948, it was left to the successor state, Israel, to determine entitlement to nationality.” [36a] (p8)

27.04 The paper, *Identity and movement control in the OPT*, in the FMR 26 stated:

“In September 1967 Israel conducted a snap census in the territories it had just occupied. Anyone not registered had their residency rights revoked. Tens of thousands of Palestinians who were studying, working or travelling abroad immediately lost any entitlement to residency and today have no official identity. Some of this group arbitrarily dispossessed of any nationality later applied to return through a ‘family reunification’ programme. Some were granted the right to live in the OPT as temporary visitors or tourists but even this right has been difficult to obtain or to sustain.” [36a] (p24)

See also [History](#); [Palestinian refugees](#)

STATUS OF PALESTINIANS IN EAST JERUSALEM

27.05 The Council on Foreign Relations (CFR) in an undated transcript of the April 2008 video, *Crisis Guide: the Israeli-Palestinian Conflict*, accessed 14 November 2010, stated:

“From 1948 to 1967 the city was divided: Israel controlled the western section and located many of its government institutions there; Jordan controlled the east and denied

Jews access to their holy sites in the Old City. The Israeli military victory of 1967 gave it physical control of the entire city. Israel promptly declared Jerusalem its undivided, eternal capital, and annexed it in 1980. However Israel has allowed the Jordanian monarchy to retain custodial control of Islamic holy sites in the old city. Few governments recognize Israel's claim over all of Jerusalem. Since shortly after the 1967 war, Israel has encouraged Jewish residents to live in East Jerusalem and created legal hurdles for Arabs to claim residency, pass down property to descendants, or establish businesses. Almost entirely Arab between 1949 and 1967, the population of the section of Jerusalem annexed by Israel has grown steadily more Jewish in the past four decades.” [24a] (Regional Complexities)

- 27.06 B'TSELEM noted in an undated entry on its website, accessed 14 November 2010, with regard to Palestinian residents in areas of East Jerusalem and West Bank annexed by Israel in 1967:

“After the annexation, Israel conducted a census in these areas and granted permanent residency status to residents in the annexed areas present at the time the census was taken. Persons not present in the city for whatever reason forever lost their right to reside in Jerusalem. Permanent residents were permitted, if they wished and met certain conditions, to receive Israeli citizenship. These conditions included swearing allegiance to the State, proving that they are not citizens of any other country, and showing some knowledge of Hebrew. For political reasons, most of the residents did not request Israeli citizenship. Setting the municipal boundary to run through neighbourhoods and villages also created a distinction between Palestinians regarding their rights, since residents living in the un-annexed area continued to be residents of the West Bank, and were subject to military rule.” [25d]

- 27.07 The same source continued:

“Palestinians hold the status of ‘permanent resident’ of the State of Israel. This is the same status granted to foreign citizens who have freely chosen to come to Israel and want to live there. Israel treats Palestinian residents of East Jerusalem as immigrants who live in their homes at the beneficence of the authorities and not by right. The authorities maintain this policy although these Palestinians were born in Jerusalem, lived in the city, and have no other home ...

“Permanent residency differs substantially from citizenship. The primary right granted to permanent residents is to live and work in Israel without the necessity of special permits. Permanent residents are also entitled to social benefits provided by the National Insurance Institute and to health insurance. Permanent residents have the right to vote in local elections, but not in elections to Knesset [Parliament]. Unlike citizenship, permanent residency is only passed on to the holder's children where the holder meets certain conditions. A permanent resident with a non-resident spouse must submit, on behalf of the spouse, a request for family unification. Only citizens are granted the right to return to Israel at any time.” [25d]

See also [Palestinian refugees](#)

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28. EXIT AND RETURN

- 28.01 An article on identity and movement control in the OPT from the Forced Migration Review 26 (FMR 26), *Palestinian displacement: a case apart?*, of August 2006 reported, “[Israel] unilaterally administers entry visas and work permits for the tens of thousands of Palestinian non-ID holders in the OPT and for foreign visitors. Israel controls all access to and from the OPT, to and from enclaves/cantons it has established within it and – despite ‘disengagement’ – has total control over all human and vehicular traffic into and out of the Gaza Strip.” [36a] (p24)
- 28.02 In an April 2010 letter to the UK Border Agency, the Palestinian General Delegation Office (PGDO) in London, UK provided the following information:
- “To re enter the Occupied Palestinian Territories [OPTs] the individual concerned must be in possession of a travel document issued by the Palestinian authorities. In order to obtain a travel document the individual must have an ID card or ID card number. Some Palestinians travel using Jordanian passports – known as temporary Jordanian passports. Holders of these temporary passports neither are not Jordanian citizens nor treated as such by the Jordanian Kingdom. Those individuals require an advance special permit to leave and re-enter, which is easily acquired. Therefore, some people re-enter OPT using Jordanian passports if they wish to.” [94a] (p1)
- 28.03 The PGDO letter also noted, “The West Bank and Gaza Strip are under Israeli occupation. Therefore, Israel controls who enters, resides and leave[s] the OPT [Occupied Palestinian Territories].” [94a] (p2)

TRAVEL DOCUMENTS

- 28.04 On obtaining travel documents from the Palestinian Authorities (PA) whilst outside of the OPTs, the PGDO letter of April 2010 stated:
- “A Palestinian (who is eligible i.e. from the OPT and with ID number) living in the UK can apply for a Palestinian Passport by Power of Attorney, where the relevant nominee currently resides in the OPT. The person concerned makes an application at the Palestine General Delegates Office (PGDO) in London. Having confirmed that the person is Palestinian and has an ID card number the PGDO issues a Power of Attorney Form which must be signed by the applicant. Because the individual concerned has to sign the Power of Attorney form, UK Border Agency cannot make an application on their behalf.
- “The Power of Attorney form is then sent by the nominee to the nominated person in the OPT. The person nominated in the Power of Attorney then applies on the applicant’s behalf at the relevant office in the OPT. The travel document once issued (we understand this may take only a couple of days) will be sent to the UK to the applicant, or if directed the Palestine General Delegation, London.” [94a] (p2)

WEST BANK

- 28.05 The PGDO letter of April 2010 reported, “There are no commercial air or sea services operating into the West Bank. The only route in is overland, via the King Hussein (also known as Allenby) Bridge into the West Bank from Jordan. Holders of travel documents

issued by the Palestinian Authority reside in the West Bank are allowed to enter Jordan without a visa provided they comply with passport and transit restrictions.” [94a] (p2)

GAZA STRIP

28.06 The PGDO letter of April 2010 reported, “As regards holders of travel documents issued by the Palestinian Authority and reside in the Gaza Strip they are only allowed to enter the Rafah border to Gaza provided they comply with passport and transit restrictions in Egypt and provided that the Rafah border is opened.” [94a] (p2)

28.07 The summary of a report published by Israeli Gisha and Physicians for Human Rights-Israel (PHR) in March 2009, *Rafah Crossing: Who holds the keys?*, stated:

“Even though Israeli forces are not stationed on the Egypt Gaza border permanently, Israel continues to exert substantial and indirect control over the possibility of opening Rafah Crossing and uses that control to exert pressure on the residents of Gaza, as part of a policy of collective punishment. Israel controls all the other Gaza Strip crossings and closes them, thereby creating dependence upon Rafah Crossing as the only channel between the Gaza Strip and the outside world.” [95a] (p11)

28.08 The report summary continued:

“Egypt, which has the physical capacity to open Rafah Crossing, closes it as the result of pressure exerted on it by Israel and other parties and in order to promote its own interests, not to recognize the Hamas government in the Gaza Strip and not to allow a connection between it and Egyptian entities that oppose the government. The closure of the Gaza Strip and the suffering of its residents create pressure on Egypt to open the crossing, and it does so for humanitarian purposes, sporadically and ad hoc, informing Israel of these openings. Those openings satisfy the travel needs of only a fraction of the residents of Gaza.” [95a] (p12)

The report summary also highlighted the role the Rafah Crossing played in the political struggle between Hamas and the Palestinian Authority. [95a] (p12-14)

See also [History](#); [Political system](#); [Security forces](#) and [Political affiliation](#)
For more information, refer to the extensive [Israeli Gisha-PHR report](#) of March 2009. [95a]

28.09 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories* (USSD Report 2009) released 11 March 2010 noted:

“In September [2009] the IDF Gaza District Coordination Office informed three Israeli human rights organizations that petitions for Palestinians to leave the Gaza Strip would only be accepted from the PA Civil Affairs Commission, the official PA body responsible for coordination with Israel on civilian issues. Israeli human rights organizations characterized this action as an attempt to impede the activities of human rights organizations and registered their protest with the Israeli government and military authorities, citing the right of Palestinians to choose an advocate to represent their interests.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 5)

28.10 Amnesty International’s *Report 2010: Israel and the Occupied Palestinian Territories*, released 26 May 2010, stated “Among those trapped in Gaza were people with serious

illnesses who needed medical care outside Gaza, and students and workers needing to travel to take up university places or jobs in the West Bank or abroad.” [35a] (p184)

See also [Medical issues](#) and [Employment rights](#)

Impact of the *Mavi Marmara* incident of 31 May 2010

28.11 The Congressional Research Service (CRS) June 2010 report, *Israel's Blockade of Gaza and the Mavi Marmara Incident*, reported, “Shortly after the *Marmara* incident [see [Recent developments: May – November 2010](#)] Egypt announced the opening of the Rafah crossing ‘indefinitely,’ although it only allowed travelers with special permits and continued to restrict potentially dual use goods.” [31d] (p12)

28.12 The report continued:

“Some PA officials are concerned that efforts to lift the blockade will lead to a more autonomous Gaza Strip that is permanently separate from the West Bank. Such concerns may have animated Prime Minister Fayyad’s suggestion, also proposed by Tony Blair and others, to reinstate the 2005 Agreement on Movement and Access, which called, *inter alia*, for the Rafah border crossing to operate with EU monitors and Israeli surveillance as well as for a link between Gaza and the West Bank.⁴⁸ PA forces also were situated at the border. The EU Border Assistance Mission (EU-BAM) operated until suspended when Hamas took over the Gaza Strip in 2007. Its revival would be a way for the PA to reestablish its forces at the border. However, a Hamas spokesman quickly declared, ‘any international intervention, especially by the Europeans, must come through the government of Gaza,’ which would be problematic for both the PA and the Europeans.” [31d] (p12)

See also [History](#); [Political system](#); [Security forces](#); [Political affiliation](#) and [Humanitarian issues](#)

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29. EMPLOYMENT RIGHTS

29.01 The US Department of State *2009 Country Reports on Human Rights Practices: Israel and the occupied territories*, (USSD Report 2009) released 11 March 2010, reported, “The law permits workers to form and join independent unions of their choice, and this was respected in practice. Labor unions in Gaza continued to operate despite a severely weakened economy. ... PA law provides for the right to strike. In practice, however, strikers had little protection from retribution. ... The law protects collective bargaining, and this has been enforced in certain cases.” [15b] (*The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Sections 7a & 7b*)

29.02 The USSD Report 2009 continued, “The law states that work is a right and that the PA will strive to provide it to any capable individual. MOLSA [Ministry of Labor and Social Affairs] interpreted this statement to prohibit forced and compulsory labor, including by children. PA labor law prohibits forced or compulsory labor.” [15b] (*The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 7c*)

See also [Children](#)

29.03 The USSD Report 2009 further stated:

“There was no minimum wage in Palestinian-controlled areas. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past nine years due to increases in cost of living that outpaced salary increases. Average wages in the occupied territories were approximately [US]\$1,100 per month [in 2009]. ... Palestinians reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2007 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories.” [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 7e)

29.04 The Kav LaOved (Worker's Hotline) Annual report, *Palestinian Workers in Israeli West Bank Settlements – 2009*, released 13 March 2010 noted:

“Palestinian workers employed in West Bank settlements suffer from hardships stemming not only from problematic employer-employee relationships but also from political and social realities which make their situation even more difficult. ... The difficult economic situation and high unemployment lead Palestinians to work in the settlements. In principle, the workers believe that the settlements were built on Palestinian land, but the harsh economic reality and the lack of alternatives force them to inadvertently facilitate settlement growth.” [80a]

For further information on employment rights in the OPTs, including in Israeli settlements, see the [USSD Report 2009](#) [15b] (The occupied territories (including areas subject to the jurisdiction of the Palestinian authority) – Section 7) and Kav LaOved (Worker's Hotline) [Annual report](#) of 2009. [80a]

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Annex A

CHRONOLOGY OF MAJOR EVENTS

The following list of events is extracted from the Mideastweb for Coexistence [Timeline of Palestinian Israeli History and the Israel-Arab Conflict](#), updated 4 September 2010 [10c], unless otherwise noted.

1917

November British issued the Balfour Declaration, viewed by Jews and Arabs as promising a 'National Home' for the Jews in Palestine.

1948

May Israel War of Independence (1948 War) – Declaration of Israel as the Jewish State; British leave Palestine; Egypt, Syria, Iraq, Lebanon, Jordan, Saudi Arabia declared war on Israel. Egyptian, Syrian and Jordanian invasion began.

1949

April Israel and Arab states agree to armistice. Israel gained about 50 percent more territory than was originally allotted to it by the UN Partition Plan.

1956

October Suez Campaign – In retaliation for a series of escalating border raids as well as the closure of the straits of Tiran and Suez canal to Israeli shipping, and to prevent Egyptian use of newly acquired Soviet arms in a war, Israel invades the Sinai peninsula and occupies it for several months, with French and British collaboration.

1964

May Palestine Liberation Organisation (PLO) founded with the aim of destroying Israel. The Palestinian National Charter (1968) officially called for liquidation of Israel.

1967

June The Six-day War – Israel destroys the Egyptian air force on the ground, conquers and occupies Sinai and Gaza, then conquers the West Bank from Jordan, and Golan Heights from Syria. UN resolution 242 called for Israeli withdrawal, establishment of peace.

1973

October Yom Kippur War (October War) – In a surprise attack on the Jewish day of atonement, Egypt retook the Suez canal and a narrow zone on the other side. Syria reconquered the Golan Heights. Following massive United States (US) and Soviet resupplying of the sides, Israel succeeded in pushing back the Syrians and threatening Damascus. In Sinai, the Israel Defence Force (IDF) crossed the Suez Canal and cut off the Egyptian Third Army.

1978

March Israel invaded Lebanon (Operation Litani) after the PLO hijacked a bus on the main Tel-Aviv to Haifa highway. UN resolution 425 called for withdrawal of Israeli forces; Israel did not fulfill the terms of Resolution 425 until May 2000.

1979

March Peace treaty signed between Egypt and Israel

1982

June Massive Israeli invasion of Lebanon to fight PLO

1987

December First Intifada – Stone-throwing Palestinian teens led by local groups took on the Israeli occupation, attacking Israeli soldiers relentlessly. The triggering incident may have been the death of four Palestinian workers in a road accident with an Israeli vehicle. Israel responded with massive arrests as well as the killing of approximately one thousand Palestinians.

1993

September Oslo Declaration of Principles - Israel and PLO agree to mutual recognition.

1995

September Oslo Interim Agreement signed. Palestinian Authority to be established.
November Israeli Prime Minister (PM) Yitzhak Rabin assassinated by right-wing Israeli fanatic Yigal Amir.

1996

January Palestinian elections held in Gaza Strip and the Palestinian-controlled parts of the West Bank elected a legislature controlled by the Fatah faction, with Yasser Arafat as Chairman (titled 'Rais' – 'President' by the Palestinians) to administer these areas. (MidEastWeb for Coexistence, *Israel and the Palestinians: History since Oslo*, updated 21 June 2010) [10b] (The Oslo Peace Process)

1997

January Israel and Palestinians reach agreement on Israeli redeployment in the West Bank city of Hebron

2000

March Israeli-Syrian peace negotiations fail when Hafez Assad rejects an Israeli offer relayed by US President Clinton in Geneva.

May Israeli withdrawal from Lebanon to international border is completed after many years of harassment by Hizballah guerillas. UN declares Israel is compliant with Resolution 425, but Hizballah continues to harass Israeli positions, kidnapping three Israeli soldiers later in the summer.

September Start of the Second Intifada – Palestinians initiated riots after Israeli opposition leader Ariel Sharon visited the Temple Mount, which is also the location of the Haram as Sharif holy to Muslims. Violence was apparently encouraged by Fatah, as admitted by Marwan Barghouti. Violence escalated rapidly from rock throwing to machine gun and mortar fire, suicide bombings and lethal road ambushes, including some incidents instigated by settlers against Palestinians. Israelis killed 15 Israeli Arabs in riots in September/October 2000, and nearly 5,000 Palestinians in retaliatory raids thereafter. Palestinians kill over 1,000 Israelis. Violence continued for several years and abated, but did not end, following the death of Yasser Arafat in November 2004.

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2002

March-April Israel conducts operation Defensive Shield in the West Bank, following a large number of Palestinian suicide attacks on civilian targets. Saudi peace initiative adopted at Beirut summit.

2004

July International court of Justice (ICJ) rules that the Israeli security barrier violates international law and must be torn down

November Palestinian Authority President Yasser Arafat dies.

2005

January Mahmoud Abbas elected President of the Palestinian National Authority.

February Sharm El Sheikh Summit Conference/'End' of the Second Intifada – Israeli PM Ariel Sharon, Palestinian President Mahmoud Abbas, President Mubarak of Egypt and King Abdullah II of Jordan meet in Sharm El Sheikh. Abbas and Sharon announce an end to the violence. Israel will release over 900 Palestinian prisoners and withdraw from Palestinian cities. Jordan and Egypt will return ambassadors to Israel.

June Israeli settlers in Gaza initiate violent clashes. IDF raids Maoz Yam hotel in Gaza where about 100 right-wing Israeli disengagement activists have gathered, and evicts them.

July Israel closes the Gaza strip to Israeli citizens other than residents. This follows extensive settler violence and is intended to thwart a mass march organized by the Yesha (settler's) councils intended to thwart the disengagement.

August Disengagement – Israeli evacuation of Gaza settlements and four West Bank settlements.

September Israeli Supreme court, sitting as the High Court of Justice, rules that the security fence is not contrary to international law.

2006

January The Islamist Hamas movement won an upset victory in Palestinian Legislative Council elections. Hamas spokesmen sent mixed signals, but vowed never to recognize Israel and never to give up their claim to all of Palestine. Donor countries suspend direct aid to Hamas until they are willing to recognize Israel and participate in peace process.

March Over 40 Qassam rockets fall on Sderot, this number increases in the next months. IDF responds with shelling of launching sites and Israel Air Force (IAF) raids to kill leaders of the Popular Resistance Committees, Islamic Jihad, Hamas and Fatah Al-Aqsa brigades involved in the attacks.

June Israel begins operation 'Summer Rains', invading Gaza strip to recover kidnapped soldier Gilad Shalit and stop Qassam rocket fire. Hamas, Fatah sign Palestinian Prisoners' Document, supposedly cementing national unity.

July-August Hizballah-Israel conflict – Border raid by Hizballah in which three Israeli soldiers are killed and two abducted. Israel responds with a massive bombing campaign against Lebanon, with Hizballah sending several hundred rocket attacks into Israeli territory until a ceasefire is agreed on 14 August.

November Israelis and Palestinians announce truce to apply to Gaza strip. Israeli incursions and arrests continue in West bank, as do Palestinian terror attempts. In Gaza, Israel holds to the truce, but rocket fire from Gaza continues.

2007

- February Palestinian Unity Agreement in Mecca. Hamas and Fatah agree to share power, based on vaguely worded agreement. Hamas officials reiterate that they will never recognize Israel. US and Israel insist that the new government must recognise right of Israel to exist, disarm terrorist groups and agree to end violence.
- June Hamas Coup – Hamas forces attack Fatah and drive them out of the Gaza Strip. President Mahmoud Abbas dissolves the unity government, but Prime Minister Haniyeh insists that the government is still in power.

2008

- January Hamas blasts holes in the Gaza/Rafah barrier, allowing hundreds of thousands of Gazans to enter Egypt freely. Border breach is eventually resealed by Egypt.
- July Fatah arrests about 50 Hamas activists in West Bank. Hamas forces in Gaza detained 160 supporters of Fatah.
- August Two boats of volunteer activists break the Gaza blockage for the first time; Israel permits them to arrive and depart. Gaza doctors affiliated with Fatah begin strike against Hamas government.
- December Hamas announces that the 'lull' (tahidiya) has expired and that it will not be renewed. Rocket fire from Gaza is stepped up. Israel launches Operation 'Cast Lead' with continuous air strikes on Gaza. About 400 Palestinians are killed by December 31. Hamas broadens rocket strikes to include Israeli towns and cities as far away as Beersheba and Yavneh.

2009

- January Israel announces unilateral cease fire in Operation 'Cast Lead', after killing about 1,300 Palestinians and losing a total of 13 Israeli dead. Hamas declares a cease fire later the same day, but sporadic rocket fire continues, along with IDF retaliations.
- June UN Human Rights Council investigative panel led by Judge Richard Goldstone enters the Gaza strip to investigate alleged Israeli war crimes, leaving 4 June; Israel refused to cooperate.
- November Israeli P.M. Netanyahu announces settlement construction freeze to end 26 September 2010.

2010

- May Turkish ship Mavi Mamara, chartered by The Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH) is boarded by Israeli commandos after attempting to run the Gaza blockade. Nine activists were killed by gunfire, sparking an international outcry.
- June-July Israel announces that it is easing the Gaza blockade, following international pressure.
- July Israel announces public investigation (Turkel commission) of Mavi Mamara incident. The investigation is closed in August with no public acknowledgement of serious intelligence failures. UN launches independent probe.
- August U.S. announces direct Israeli-Palestinian talks
Drive-by shooting Palestinian attack kills four Israelis including pregnant woman in south Hebron area. Fatah al Aqsa brigades and later Hamas claim responsibility. Palestinian Authority arrests hundreds of alleged Hamas members.

- September Direct Israeli-Palestinian talks open in Washington with Egyptian President Mubarak and Jordan's King Abdullah in attendance at the initial ceremonies. The sides agree to meet every two weeks.
West Bank settlement building 'freeze' comes to an end, jeopardising the peace talks. (International Institute for Strategic Studies (IISS) Timeline, 2010) [89a]
- November Hamas-Fatah reconciliation talks continuing but reportedly far from reaching a resolution. (*Al-Ahram Weekly*, 11-17 November 2010) [96a]

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Annex B

POLITICAL ORGANISATIONS AND ARMED GROUPS

The following information was extracted from the Internal Affairs and Non-State Armed Groups sections last updated 20 May 2010, of Jane's Information Group (Jane's) *Sentinel country risk assessments, Gaza and the West Bank*:

"The political scene in the Palestinian Authority (PA) is complex, uniting groupings that are part of the Palestine Liberation Organisation (PLO) with new parties that have only emerged since the establishment of the PA, but which play a role in the democratic process, as well as Hamas which has so far not entered the PLO, but which is the largest party inside the territories. Only one of the original PLO factions, Fatah, was actually active in elections in 1996. The other major factions – the Popular Front for the Liberation of Palestine (PFLP) under George Habash, the Democratic Front for the Liberation of Palestine (DFLP) under Naif Hawatmeh, the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) under Ahmed Jibril – did not take part, nor did minor factions linked to the PFLP-GC in the National Salvation Front (which is no longer part of the PLO), such as the Syrian-backed Al-Saiqa and the Palestine Revolutionary Communist Party. Most were protesting both the content of the Oslo Accords and the suspected rigging of the ballot in Fatah's favour.

"Hamas and the PFLP entered the political process with the second parliamentary elections in 2006 and rewrote the political landscape. Islamic Jihad, the DFLP and other smaller groups, remain outside the PA but are increasingly insignificant, except for some intermittent military activity.

"Other minor political factions include the Palestine Liberation Front of Abu Abbas (until his death in March 2004), the Arab Liberation Front, the Palestine Popular Struggle Front and the Palestine People's Party (PPP, the former communist party). New parties established in the run-up to the 2006 elections were mostly built around personalities, such as Prime Minister Salam Fayyad's Third Way party, and Mustapha Barghouti's Independent Palestine." (Jane's, Internal Affairs) [28a] (Political Parties)

For information on groups designated as terrorist organisations by the United States, refer to Chapter 6. Terrorist Organizations of the [*USSD Country Report on Terrorism 2009*](#), released on 5 August 2010. [15d]

PALESTINE LIBERATION ORGANISATION (PLO)

"The PLO is an umbrella grouping of various factions, dominated by Fatah and led by Mahmoud Abbas. Prior to the establishment of the PA, the PLO was considered the sole political representative of the Palestinian people, and was the body that reached an agreement with Israel in 1993. While the advent of the PA had somewhat obscured the relation between the two bodies, the emergence of the Hamas government once again caused the PLO to reassert itself in that role. The PLO was established by Arab leaders in 1964 to address the Palestinian issue but the organisation remained a pawn of the Arab governments until 1968 when it was taken over by Palestinian guerrilla groups, led by Fatah. Other members of the PLO include the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP). Neither Hamas nor Palestinian Islamic Jihad are members. Yasser Arafat was head of the PLO from 1968 until his death in 2004." (Jane's, Internal Affairs) [28a] (Political Parties)

144 The main text of this COI Report contains the most up to date publicly available information as at 13 November 2010. Further brief information on recent events and reports has been provided in the Latest News section to 2 December 2010.

The main political organisations and armed groups in the OPTs are listed below in alphabetical order:

Democratic Front for the Liberation of Palestine (DFLP)

Founded in 1969 when it broke from the Popular Front for the Liberation of Palestine (PFLP) – “The military wing is known as the National Resistance Brigades. The DFLP continues to carry out small scale attacks on Israeli targets in collaboration with larger militant groups, but no major attacks have been carried out in the name of the DFLP in several years.” (Jane’s, Non-State Armed Groups) [28a] (Democratic Front for the Liberation of Palestine (DFLP))

“Nayif Hawatmeh has been the group's leader since its inception and holds the official title of secretary general. By all accounts, he is no longer actively involved in detailed planning of operations. Other, more junior, leaders include intellectuals of mainly petty-bourgeoisie background such as Yasser Abed Rabbo (Abu Bashir), Qais Samarral (Abu Leila) and Abd-al-Karim Hammad (Aba Adnan).” (Jane’s, Non-State Armed Groups) [28a] (Democratic Front for the Liberation of Palestine (DFLP))

“The DFLP's political and ideological objectives are essentially fourfold: revolutionary change in the Arab world, especially in the conservative monarchies, as a precursor to the achievement of Palestinian objectives; the placing of the Palestinian struggle on the international agenda within a general world context of liberation in Africa, Asia and Latin America; resistance to US policy in the region, including American support for the non-aligned bloc; and solidarity with all national liberation movements that fight against imperialism and racism.” (Jane’s, Non-State Armed Groups) [28a] (Democratic Front for the Liberation of Palestine (DFLP))

Fatah

Founded in 1950 by Yasser Arafat – “Fatah (the Palestinian National Liberation Movement), is a reverse acronym of the Arabic 'Harekat at-Tahrir al-Wataniyyeh al-Falastiniyyeh'. This translates as victory or conquest by jihad. The Fatah movement is the dominant faction in the Palestinian Liberation Organisation (PLO) and its institutions.” (Jane’s, Non-State Armed Groups) [28a] (Al-Aqsa Martyrs Brigades (AMB))

“Although initially formed for armed guerrilla resistance against Israel, the organisation gradually developed its platform of a two-state solution through negotiation with Israel. One of Fatah's most influential leaders, Marwan Barghouti, the general secretary of Fatah in the West Bank and leader of its Tanzim militia force, is currently serving five consecutive life sentences in an Israeli prison on terrorism charges. Unlike Arafat and his successor Mahmoud Abbas, Barghouti supported Fatah military action against Israel in the current intifada.” (Jane’s, Internal Affairs) [28a] (Political Parties)

“Following the death of [Yasser] Arafat, Fatah is characterised by internal divisions between activists and technocrats, older Arafat loyalists and younger members. This division has existed and continually deepened for several years, and the brief contest between the Barghouti and Abbas candidacies merely served to highlight its existence. Therefore, even with Barghouti out of the running, many still appear to be bracing themselves for a split within Fatah or even its gradual disintegration.” (Jane’s, Non-State Armed Groups) [28a] (Al-Aqsa Martyrs Brigades (AMB))

Fatah lost control of the PLC legislative body of the Palestinian Authority in elections in 2006. (Jane’s, Internal Affairs) [28a] (Political Parties)

"Fatah's leadership created the Tanzim in 1995 as a counterweight to the growing military might of home-grown militant Islamist groups Hamas and Palestinian Islamic Jihad. Force 17, the Presidential guard force and Al Aqsa Brigades are other armed factions aligned with Fatah." (Jane's, Internal Affairs) [28a] (Political Parties)

Al-Aqsa Martyrs Brigades (AMB)

"The Tanzim Brigade forms the militia branch of Fatah and Force-17 (F-17) (officially called Amn al-Riasah, or Presidential Security) provides protection to Fatah leaders. F-17 are believed to have taken their name from the telephone extension of their founder, Ali Hassan Salameh. The Al-Aqsa Martyrs Brigades is an armed faction politically affiliated to Fatah. While the group is considered by Israel to be the armed wing of Fatah, it has not been officially recognised as such by the party's mainstream leadership." (Jane's, Non-State Armed Groups) [28a] (Al-Aqsa Martyrs Brigades (AMB))

"The Al-Aqsa Martyrs Brigades' original leadership was effectively broken up when the group's key figures were arrested or killed by the Israelis in 2001-2002. Subsequently, the AMB was organised and run along local lines, comprised of autonomous, largely independent terrorist cells." (Jane's, Non-State Armed Groups) [28a] (Al-Aqsa Martyrs Brigades (AMB))

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Hamas

Hamas (Arabic: enthusiasm, zeal) is an abbreviation of Harakat al-Muqawama al-Islamiyya (Islamic Resistance Movement). Founded 14 December 1987, a few days after the beginning of the first Palestinian uprising (intifada) but officially established in August 1988, when the movement's charter was first published. (Jane's, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas' military wing))

"Hamas is a social, political and religious movement, as well as an armed resistance group. It was born out of the Islamic Muslim Brotherhood movement which began its activities in the occupied territories in the 1950s by creating charities and providing social services. It is believed the Muslim Brotherhood received tacit Israeli backing to act as a counterpoint to Fatah and the PLO. Hamas emerged as a political and resistance force in 1988 after the first intifada, following its opposition to the Oslo Accords. That opposition formally stands, though the movement's decision to contest PA parliamentary elections in 2006 was widely understood as a tacit acceptance of the tenets of those accords.

"Furthermore, while the group's main platform continues to centre around the destruction of the state of Israel and the creation of an Islamic Palestinian state on all of its territory, the majority of Hamas leaders in Gaza have acknowledged that the reality of a future Palestinian state will be one within the 1967 Green Line." (Jane's, Internal Affairs) [28a] (Political Parties)

"The group's main military arm is the Izz al-Din al-Qassam Brigades, which has been responsible for many suicide bomb attacks inside Israel. As a result, Israel began systematically targeting senior Hamas figures and in March 2004, assassinated its spiritual and political leader, the half-blind paraplegic Sheikh Ahmed Yassin, killing 15 Palestinian civilians in the process. Abd al-Aziz Rantisi took over as Hamas leader in Gaza, but was assassinated by Israel a month later. Hamas then took the strategic decision to rely on its leadership in exile, appointing Damascus-based Khaled Mashaal as its overall leader, although the party has effectively been

run in Gaza by former prime minister Ismail Haniyah since January 2006.” (Jane’s, Internal Affairs) [28a] (Political parties)

Izz al-Din al-Qassam Brigade (Hamas' military wing)

The Izz al-Din al-Qassam Brigades were formally established in 1992 – “The Izz al-Din al-Qassam Brigades were proscribed as a terrorist organisation by the UK government in March 2001 and by the Australian government on 9 November 2003. Hamas (in its entirety) has been listed as a foreign terrorist organisation by the US government since 8 October 1997.” (Jane’s, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas' military wing))

“Mohammad Deif has commanded the military wing of Hamas in Gaza since the assassination of Saleh Shehada in July 2002. High on Israel's most-wanted list, he was injured in one of many Israeli assassination attempts in September 2002. Deif's mentor had been Yehya Ayyash, a renowned Hamas bomb maker known as 'the Engineer' and head of the Qassam brigades until his assassination in late 1995. On 3 September 2005, Hamas took the unusual step of posting the names of the Izz al-Din al-Qassam Brigades' top seven leaders on its website. Deif's deputies were named as Ahmad al-Jabari, Marwan Isa, central Gaza Strip; Raed Saad, Gaza City; Ahmad Galdour, northern Gaza Strip; Mohammed Abu Shamala, southern Gaza Strip; and Mohammed al-Sanwar, Khan Younis. All seven currently remain in these positions.” (Jane’s, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas' military wing))

“Despite its current cessation of rocket attacks, members of Hamas' armed wing, the Izz al-Din al-Qassam Brigades, have engaged in sporadic small arms clashes with Israeli security forces. A notable example of such a clash came on 26 March 2010 when two Israeli soldiers were killed by al-Qassam Brigades militants near Khan Younis. There was no indication, however, that this clash signalled an intention by Hamas to resume offensive operations against Israel.” (Jane’s, Non-State Armed Groups) [28a] (Izz al-Din al-Qassam Brigade (Hamas' military wing))

Palestinian Islamic Jihad (PIJ)

Founded 1979 – Islamic Jihad in Palestine (Harakat al-Jihad al-Islamic al-Filastini in Arabic),, more commonly known as Palestinian Islamic Jihad (PIJ). PIJ's armed wing is known as Saraya al-Quds (The Jerusalem Brigades), or the Al-Quds Brigades. (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

“PIJ was established by Fathi Shiqaqi, who led the movement until his assassination in Malta by Israel's secret intelligence service, Mossad, on 26 October 1995. He was succeeded by its current leader, Ramadan Abdallah Shallah, one of Shiqaqi's early associates. Shallah is based in Damascus, Syria. PIJ's organisational leadership is formed by the General Bureau (Al-Maktab al-Am), consisting of eight persons and akin to a politburo.” (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

“PIJ's strategic objective is the complete liberation of Palestine as defined by the borders of the British Mandate (contemporary Israel and Gaza and the West Bank). It considers armed struggle by the Palestinian people, conducted with the active support of the Arab and Muslim worlds, as the only viable strategy for achieving this objective. PIJ also seeks the establishment of an Islamic regime in a liberated Palestine but states it will not impose this by force.” (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

“PIJ is considered to be one of the militarily more effective of the Palestinian militant groups despite its relatively small size. It has a significant presence in the Gaza and the West Bank,

and maintains closer organisational relations and ideological affinity with the Lebanese Hizbullah movement and Iran than other Palestinian movements.” (Jane’s, Non-State Armed Groups) [28a] (Palestinian Islamic Jihad (PIJ))

Popular Front for the Liberation of Palestine (PFLP)

Also, Popular Front for the Liberation of Palestine-Special Command (PFLP-SC). Its military wing is known as the Abu Ali Mustafa Brigades. Founded 1967; the PFLP-SC was founded in 1979. (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine (PFLP))

“The ultimate aim of the PFLP and the PFLP-SC is the destruction of the state of Israel and the establishment of a democratic society achieved through a social revolution in its place. The Palestinian rights to self-determination, an independent Palestinian state with Jerusalem as its capital and the return of refugees are seen as measures necessary to establish a democratic state. The Palestinian situation is therefore viewed as part of a greater proletarian struggle.” (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine (PFLP))

“Since the outbreak of hostilities in 2000, the PFLP has returned to hardline and radical policies. As the group’s popularity has grown, so the movement’s potential to threaten stability in Israel has increased. Despite carrying out the high profile assassination of Rehavam Zeevi, Israel’s tourism minister, the group has shown little propensity to undertake further similar attacks. While both the PFLP and PFLP-SC continue to pose a significant risk in the Palestinian territories, their threat level is lower than that of PIJ and Hamas.” (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine (PFLP))

Popular Front for the Liberation of Palestine – General Command (PFLP-GC)

Founded 1968 – “The group’s left wing orientation is, in part, a reflection of its relationship with Syria. However, one of the factors prompting the group’s establishment was the rejection of the Popular Front for the Liberation of Palestine’s (PFLP) concentration on doctrine.” (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine – General Command (PFLP-GC)) Its leader is “Ahmed Jibril, a Palestinian born in 1928 in Jaffa, whose family moved to Syria where he became an officer in the Syrian army...”. (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine – General Command (PFLP-GC))

Its aims are “The destruction of the state of Israel and the establishment of a Palestinian state, with a pro-Syrian foreign policy. The PFLP-GC was founded on the principles of rejecting compromise with Israel.” (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine – General Command (PFLP-GC))

“... its well trained operatives pose a threat to US and Israeli targets in Israel, the Palestinian areas and Lebanon. It has not played a particularly active role in the Al-Aqsa intifada that commenced in October 2000.” (Jane’s, Non-State Armed Groups) [28a] (Popular Front for the Liberation of Palestine – General Command (PFLP-GC))

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Annex C

UNRWA CAMP PROFILES – WEST BANK AND GAZA STRIP

The following information was extracted from the UN Relief and Works Agency (UNRWA) website on 18 November 2010. [16b-16c] [16i-16j]

GAZA STRIP

“The Gaza Strip, a narrow piece of land on the Mediterranean coast, is home to a population of more than 1.5 million. Gaza covers an area of just 360 square kilometres and is considered one of the most densely populated areas in the world.

“An estimated 1.1 million people, or three-quarters of the entire population, are Palestine refugees registered with UNRWA. About half a million refugees live in Gaza’s eight refugee camps.

“For the last decade, the socio-economic situation of ordinary Palestinians in Gaza has been in steady decline. Years of occupation, conflict and an ongoing blockade have left the vast majority of the population in need of international assistance. Refugees remain the most vulnerable under present circumstances and the community continues to experience rising levels of unemployment, food insecurity and poverty.

“Israel’s 22-day military action against the Gaza Strip, which began on 27 December 2008, left about 60,000 homes damaged or destroyed. Since then the blockade of the Gaza Strip has prevented the United Nations from conducting any significant repairs or reconstruction. It also places severe restrictions on goods and services which UNRWA supplies. An estimated 325,000 refugees are believed to be living in abject poverty, unable to meet their basic food needs. A further 350,000 are now below the official poverty line.

“Operating through more than 10,000 staff in over 200 installations, UNRWA delivers education, health care, relief and social services, microcredit and emergency assistance to registered Palestine refugees in Gaza.” [16b]

Education

“Educational standards in Gaza have been falling. To address this, UNRWA is giving pupils extra help through the Schools of Excellence project, including:

- “● school meals
- “● summer learning programmes
- “● extra classes in difficult subjects
- “● support materials to simplify the curriculum.

“Yet, due to lack of funding for extra teachers and facilities, as well as the ongoing blockade, about 90 per cent of UNRWA schools are run on a double-shift basis, leaving students with a truncated education. The average class size in Gaza is 38 pupils.

“UNRWA also provides technical and vocational training opportunities to about 1,300 students through the Gaza and Khan Younis Training Centres.” [16b]

Health

“UNRWA’s past achievements in health have been impressive, particularly in the areas of maternal and child health, but the impact of deteriorating socio-economic conditions on physical and mental health in Gaza poses a growing challenge. Nearly 200 community mental health counsellors in UNRWA schools assist troubled and special needs children through targeted individual and group interventions.” [16b]

Relief and social services

“Direct relief and social services assistance remains critical to tens of thousands of refugee families in Gaza. The Agency works to alleviate refugees’ burdens and protect the most vulnerable. Food and cash assistance is based on needs determined through a poverty survey.

“Community-based organisations specifically targeting women, children, youth, orphans and people with disabilities offer social services. UNRWA also oversees the operations of the Rehabilitation Centre for the Visually Impaired and its school.” [16b]

Microfinance

“The microfinance department provides working capital loans to small businesses and microenterprises. It is the largest financial intermediary to these sectors in Gaza. Its solidarity-group lending specifically targets women entrepreneurs, providing them with critical employment and income opportunities.” [16b]

Infrastructure

“The Agency spearheads camp improvement efforts in all eight camps, through:

- environmental health services
- shelter reconstruction and rehabilitation
- infrastructure maintenance and construction.

“Large-scale, donor-funded re-housing projects remain frozen as a result of the blockade on Gaza and its associated ban on imports of building materials.” [16b]

Emergency programme

“In the last ten years UNRWA in Gaza has implemented emergency measures in response to security and economic crises caused by Israeli military actions and the ongoing closure regime:

- “● short-term job creation
- “● food and cash distribution
- “● shelter for refugees with damaged or destroyed homes.

“Each month, more than 750,000 refugees receive basic food rations and 14,000 people receive short-term employment. Through its job creation programme, UNRWA provides much needed support to farmers, fishermen, the private sector, and new graduates.” [16b]

Facts and figures

- “● 1.1 million registered refugees
- “● Eight camps
- “● 228 schools with 206,000 pupils
- “● Two vocational and technical training centres (Gaza and Khan Younis)
- “● 20 primary health centres
- “● Six community rehabilitation centres
- “● Ten women’s programme centres
- “● Ten distribution centres

“Figures as of 31 December 2009” [16b]

Camp profiles

“The refugee camps have one of the highest population densities in the world. For example, over 82,000 refugees live in Beach camp, whose area is less than one square kilometre. This high population density is reflected in UNRWA’s overcrowded schools and classrooms.

“All the camps have been affected by the blockade of Gaza. With a ban on importing building materials, it is not possible to build new homes and maintain infrastructure for the growing population.

“Residents of the overcrowded camps also lack access to adequate drinking water and electricity supplies.

“Unemployment is at unprecedented levels, with more than 40 per cent of the labour force out of work.” [16i]

Click on the camp names below for further details:

- [Beach](#)
- [Bureij](#)
- [Deir El-Balah](#)
- [Jabalia](#)
- [Khan Younis](#)
- [Maghazi](#)
- [Nuseirat](#)
- [Rafah](#) [16i]

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WEST BANK

“The West Bank covers 5,500 square kilometres with an estimated population of 2.4 million. A quarter of the refugees live in 19 refugee camps, with most others in West Bank towns and villages.” [16c]

Facts and figures

- “● 779,000 registered refugees
- “● 19 camps

- “● 97 schools, with 55,600 pupils
- “● Three vocational and technical training centres
- “● 41 primary health centres
- “● 15 community rehabilitation centre
- “● 16 women’s programme centres

“Figures as of 31 December 2009” [16c]

Challenges

“West Bank camp residents have been hard hit by closures imposed on the West Bank by the Israeli authorities, as they are largely dependent on income from work inside Israel.

“The camps are extremely overcrowded, with a lack of space, particularly parks and playgrounds, for children to play.” [16c]

Unemployment

“Unemployment levels are particularly high among West Bank refugees. Households spend an average of half their income on food, leaving very little to spend on other essentials such as shelter and education. This encourages a cycle of debt, further entrenching poverty.” [16c]

Overcrowding

“Overcrowding is a huge problem in UNRWA’s schools, with an average of 50 pupils per classroom. A number of schools share the same school building, which reduces teaching time, while others operate in rented premises.

“Many schools have also been damaged by Israeli military activity since September 2000.” [16c]

Infrastructure

“The high population density and rapidly growing population has massively strained the camp infrastructure. Residents frequently expand their homes with no proper planning and old sewage networks are unable to cope.” [16c]

Camp profiles

“While the West Bank has the largest number of camps in UNRWA’s five fields of operation, the largest camp, Balata, has a similar population as the smallest camp in Gaza.

“After the signing of the Oslo Accords in 1993 and subsequent related agreements, parts of the West Bank, including the refugee camps, were divided into three different zones of authority. Far’a and Nur Shams were initially in zone B, but following the implementation of the first phase of the 1998 Wye River Memorandum, they came under zone A, raising the total number of camps under full Palestinian Authority control to thirteen.” [16j]

Click on the camp names below for further details.

Israeli control

- [Shu’fat](#) – within the municipal boundaries of Jerusalem
- [Kalandia](#) – under zone C

Joint Palestinian/Israeli control (zone B)

- [Arroub](#)
- [Fawwar](#)
- [Jalazone](#)
- [Deir 'Ammar](#)

Exclusive Palestinian Authority control (zone A)

- [Aida](#)
- [Far'a](#)
- [Jenin](#)
- [Askar](#)
- [Balata](#)
- [Am'ari](#)
- [Tulkarm](#)
- [Dheisheh](#)
- [Beit Jibrin](#)
- [Ein el-Sultan](#)
- [Nur Shams](#)
- [Camp No. 1](#)
- [Aqbat Jaber](#)

“UNRWA does not administer the camps, only its own installations and programmes.” [16j]

See also [Geography](#); [History](#); [Security situation](#) and [Freedom of movement](#) for more information on zones ‘A’, ‘B’ and ‘C’.

Camp committees

“The West Bank camps are active social units. Camp residents run their own activities and committees in each camp are regarded as an official body representing the camp population.

“UNRWA sponsors a number of women's programme centres, community rehabilitation centres and youth activities in the camps to cater to the needs of women, refugees with disabilities and young people.

“Several Palestinian non-governmental organisations (NGOs) as well as Palestinian Authority ministries are active in the West Bank camps and provide various services to residents.” [16j]

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Annex D

IDENTITY (ID) CARDS

The following information was extracted from the The Open Society Archives (OSA) [54a]

“Movement between the West Bank and Jerusalem is regulated by a system of ID cards. A person's ID card also determines his/her ability to move from one side of the Wall to the other. Any discussion of the access implications caused by the Wall, therefore, must include an understanding of the ID card system and how it functions. There are four variations of ID cards: West Bank Palestinian, Jerusalem Palestinian, Palestinian 'Arab' Israeli and Jewish Israeli.” [54a]

PALESTINIAN WITH WEST BANK ID CARD



“Palestinians living in the occupied Palestinian territory (oPt) carry ID cards with orange covers (issued by the Israeli authorities) or green covers (issued by the Palestinian Authority). The cards issued by the PA are nearly identical to the Israeli card (they are written in Hebrew), except for a Palestinian Authority seal on top. The ID number on the PA cards, essential to regulate access and movement, is linked with the Israeli computer system.

“A West Bank ID holder requires a permit to pass through any of the numerous military checkpoints along the Green Line into Israel and Jerusalem. To obtain a permit, a person needs to pass a security check and obtain a magnetic card. Since September 2000, these permits have been difficult to obtain and often have been cancelled without notice. In addition, further movement restrictions have been imposed on West Bank ID holders. For most of this time, Palestinians above the age of 16 require a permit to travel from one Palestinian city to another within the West Bank. A permit is also needed to enter any Israeli settlement or industrial zone located in the West Bank where they may be employed.

[The footnote '11' above refers to the original source]

“Each ID card states whether the cardholder is Muslim or Christian. The bottom half of the ID card lists the marital status and names of other family members. The card contains no information about citizenship.

“West Bank ID holders are prohibited (since 1993) to access Jerusalem health and educational services. Instead, they have had to travel to West Bank towns – Bethlehem and Ramallah. The

Wall will now put at risk those Palestinians with West Bank IDs located on the Jerusalem side of the Wall to access services in the West Bank. These difficulties raise concern that the Jerusalem Wall will force Palestinian populations to leave their homes.” [54a]

PALESTINIAN WITH JERUSALEM ID CARD

“In 1967, the Israeli Government incorporated part of the West Bank into Israeli municipal Jerusalem. Palestinians residing within these newly defined municipal boundaries were given a special Jerusalem residency status. They were provided with Israeli-issued ID cards with a blue cover. Until a year ago, they were listed as ‘Arab’ in the nationality section of their ID card. The bottom half of these cards list citizenship only for those who have Jordanian passports. They are not, therefore, citizens of Israel.



[The footnote '12' above refers to the original source]

“As residents of Jerusalem, these Palestinians ostensibly have freedom to move in and out of Jerusalem and throughout most of the oPt. In practice, however, they are often stopped by border and civil police in Jerusalem.

“Palestinians with Jerusalem IDs can also work in Israel, pay taxes to the Israeli Government and receive national insurance benefits. Their services are administered though a separate and under-resourced administration in the eastern part of Jerusalem. The more than 170,000 Israelis residing in adjacent areas of East Jerusalem, use the more efficient government offices in West Jerusalem.

“The right of Jerusalem ID holders to live in Jerusalem is not guaranteed. Under Israeli law, if they reside outside of Jerusalem for seven years, they lose their ID card and residency.

“The construction of the Wall will leave thousands of Palestinians with Jerusalem IDs on the West Bank side of the Wall. They face losing access to education and health services. They also risk losing their Jerusalem residency which could result in a separation from the person's home, employment and family.” [54a]

PALESTINIAN WITH ISRAELI ID CARD

“Palestinians with Israeli ID cards are considered citizens of Israel. The Israeli Government, categorises Israeli citizens by religious and national-ethnic affiliation. Each Israeli ID card states in the nationality section whether the citizen is a Jew, Arab, Druze or a member of other ethnic groups. In April 2002, the Israeli Ministry of Interior issued new regulations which leave the ‘nationality’ section blank. This change affected only newly-issued ID cards. Most ID cards still

in use list the national-ethnic or religious identity. The bottom half of the ID card lists citizenship as Israeli.



[The footnote '14' above refers to the original source]

ISRAELI – JEWISH CITIZEN WITH ISRAELI ID CARD

“Jewish Israeli citizens carry Israeli ID cards with blue covers. The nationality section of their ID card lists them as ‘Jewish’, but this has been left blank for new ID cards issued after April 2002. Israeli citizenship is listed on the bottom part.

“There are approximately 384,000 of these Israelis classified as Jewish, who live in settlements in the West Bank including Jerusalem. They hold Israeli ID cards and are allowed free movement throughout the West Bank but are restricted from entering Palestinian cities. The Jerusalem Wall will have little, if any, effect on these ID cardholders.” [54a]

“These cardholders have total access to Jerusalem and freedom of movement in most of the West Bank. Although a holder of an Israeli ID card, someone listed as ‘Arab’ is more likely to be questioned, delayed and at times denied access.¹⁶ While there is no restriction on the movement of persons with Israeli ID cards, there is a military order prohibiting entry into West Bank Palestinian cities. The Jerusalem Wall will restrict their movement in Palestinian areas.” [54a]



[The footnote '15' above refers to the original source]

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Annex E

LIST OF ABBREVIATIONS

AI	Amnesty International
AMAN	Coalition for Accountability and Integrity
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CFR	Council on Foreign Relations
CPJ	Committee to Protect Journalists
CRS	Congressional Research Service
CSIS	Center for Strategic and International Studies
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DCI/PS	Defence for Children International – Palestine Section
EU	European Union
EBRD	European Bank for Reconstruction and Development
EMRO	Regional Office for the Eastern Mediterranean
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
FMR	Forced Migration Review
GCMHP	Gaza Community Mental Health Programme
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HPN	Humanitarian Practice Network
HRW	Human Rights Watch
HSRC	Human Sciences Research Council of South Africa
IAG	Illegal Armed Group
ICG	International Crisis Group
ICHR	Independent Commission for Human Rights
ICRC	International Committee for Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IHH	The Foundation for Human Rights and Freedoms and Humanitarian Relief
IISS	International Institute for Strategic Studies
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IMF	International Monetary Fund
IOM	International Organisation for Migration
IRIN	Integrated Regional Information Networks
MADA	Palestinian Center for Development and Media Freedoms
MERIP	Middle East Research and Information Project
MRG	Minority Rights Group International
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
ODIHR	Office for Democratic Institutions and Human Rights

ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSA	Open Society Archives
OSCE	Organisation for Security and Cooperation in Europe
PCBS	Palestinian Central Bureau of Statistics
PCHR	Palestinian Centre for Human Rights
PGDO	Palestinian General Delegation Office
PHR	Physicians for Human Rights
RSF	Reporters sans Frontières
SAWA	All the Women Together Today and Tomorrow
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
TIPH	Temporary International Presence in the City of Hebron
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UN CAT	United Nations Committee Against Torture
UNCS	United Nations Cartographic Section
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNESCWA	United Nations Economic and Social Commission for Western Asia
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNISPAL	United Nations Information System on the Question of Palestine
UNODC	United Nations Office on Drugs and Crime
UNRWA	United Nations Relief and Works Agency
USAID	United States Agency for International Development
USSD	United States State Department
WBG	World Bank Group
WFP	World Food Programme
WHO	World Health Organization

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