

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	122
Land:	Gaza-Vestbredden
Kilde:	Freedom House
Titel:	Freedom in the World - Israel-Occupied Territories (2008)
Udgivet:	1. juli 2008
Optaget på baggrundsmaterialet:	15. september 2008



Freedom in the World - Israeli-Occupied Territories [Israel] (2008)

Capital:
N/A

Population:
4,149,000

Political Rights Score: 6
Civil Liberties Score: 6
Status: Not Free

Explanatory Note

The areas and total number of persons under Israeli jurisdiction changed periodically during the year as a result of the fluid nature of Israel's military presence in the West Bank and Gaza Strip.

Ratings Change

The civil liberties rating for the Israeli-occupied territories declined from 5 to 6 due to a combination of Israeli military incursions, restrictions on the delivery of food aid, and violent dispersals of protests.

Overview

Israeli military action increased in both the West Bank and the Gaza Strip in 2007, resulting in hundreds of Palestinian casualties. Following the fracturing of the Palestinian Authority in June and Hamas's takeover of the Gaza Strip, Israel restricted fuel and electricity supplies to that territory and temporarily sealed its borders.

Israel declared its statehood in 1948 on land allotted for Jewish settlement under a UN partition plan. It gained additional territory in the ensuing conflict with neighboring Arab states. Meanwhile, Jordan captured East Jerusalem and the West Bank, and Egypt took the Gaza Strip. In the 1967 Six-Day War, Israel seized the West Bank, East Jerusalem, and the Gaza Strip, as well as the Sinai Peninsula (from Egypt) and the Golan Heights (from Syria). The Sinai was later returned to Egypt.

After 1967, Israel began establishing Jewish settlements in the West Bank and Gaza Strip, an action regarded as illegal by most of the international community. Israel has maintained that the settlements are legal since under international law the West Bank and Gaza are disputed territories. In what became known as the first *intifada* (uprising), Palestinians living in the West Bank and Gaza began attacking mainly Israeli settlers and Israel Defense Forces (IDF) troops in 1987. Israel and Yasser Arafat's Palestine Liberation Organization (PLO) reached an agreement in 1993 that provided for a PLO renunciation of terrorism and recognition of Israel, Israeli troop withdrawals, and gradual Palestinian autonomy in the West Bank and Gaza.

In subsequent years, the IDF granted the new Palestinian Authority (PA) control over most of Gaza and up to 40 percent of West Bank territory, including 98 percent of the Palestinian population outside of East Jerusalem. However, the IDF reentered most PA areas after the September 2000 eruption of the second intifada.

Israeli and Palestinian leaders engaged in far-reaching negotiations under U.S. sponsorship in 2000 and early 2001, but the talks failed to produce a final settlement. The Palestinians' armed uprising continued, and violence flared throughout the occupied territories. Meanwhile, Likud party leader Ariel Sharon was elected Israeli prime minister in 2001. Insisting that the PA was not preventing terrorism, Israel responded to Palestinian suicide bombings by staging raids into PA-ruled territory. The incursions targeted Islamist and secular militant groups but also caused the deaths of many civilians.

In 2003, Israel and the PA agreed to abide by a "road map" to peace put forward by the United States, Russia, the United Nations, and the European Union (EU). The plan demanded coordinated Palestinian and Israeli steps toward peace, and the eventual creation of an independent Palestinian state.

After Arafat's death in 2004 and the election of Mahmoud Abbas as the new PA president in 2005, violence declined markedly. In February 2005, Sharon and Abbas agreed on a formal truce that lasted through June 2006. Israel unilaterally withdrew all settlers from the Gaza Strip in August 2005, and by September all IDF troops had pulled out of the territory. However, while Israel handed control of Gaza's southern border to the PA and the EU (subject to Israeli surveillance), it retained control over the airspace and coastline.

The Islamist faction Hamas won 74 of 132 seats in the 2006 elections to the Palestinian Legislative Council (PLC). Abbas's Fatah party won only 45 seats, allowing Hamas to form a government without Fatah support. Israel, the United States, and the EU refused to recognize the Hamas-led government, citing the group's involvement in terrorism and refusal to recognize Israel or past Israel-PA agreements.

In June 2006, in response to the killing of eight Palestinian civilians by an artillery shell, Hamas declared an end to the 2005 truce with Israel and accelerated the firing of Qassam rockets at Israel from Gaza. The source of the artillery fire remains disputed. Hamas and other militant groups subsequently carried out a raid near Gaza, killing two IDF soldiers and capturing a third, Corporal Gilad Shalit. Israel responded by invading Gaza, where the IDF destroyed Qassam launchers and ammunition sites but failed to locate Shalit. The fighting killed dozens of unarmed civilians. Human rights groups condemned Israel for these deaths and the destruction of a major power plant in Gaza. PA-controlled areas of the West Bank also faced Israeli incursions in 2006.

The IDF in 2007 continued to stage violent incursions into Gaza and the West Bank, and conduct "targeted assassinations" of suspected terrorists, mostly in the Gaza Strip. IDF operations in the West Bank dropped precipitously following the fracturing of the PA in June between the Hamas-controlled Gaza Strip and the Fatah-controlled West Bank (see separate report on PA). By contrast, Israeli forces attacked targets in the Gaza Strip throughout the year. In addition, Israeli troops and Palestinian militants clashed repeatedly near the Gaza-Israel border. Israel claimed its operations were aimed at stopping heavy Qassam rocket fire from Gaza, blocking the smuggling of weapons into the territory, and preventing terrorist attacks in Israel. Hamas claimed the actions were intended to overthrow its government, kill civilians, and crush resistance to Israeli occupation. According to the human rights group B'Tselem, about 350 Palestinians were killed by Israeli forces in 2007, including many civilians.

Following Hamas's June takeover of the Gaza Strip, Israel closed down its borders with the territory. It allowed food deliveries for the remainder of the year, but shut off almost all fuel deliveries, leaving most residents with only sporadic electricity. In August, the EU similarly halted fuel aid to Gaza, citing Hamas's plans to generate revenue by taxing electricity bills. The following month, Israel declared the Gaza Strip a "hostile entity" in response to the continued barrage of Qassam rockets. The classification would allow Israel to cut off all utility supplies to Gaza short of causing a humanitarian crisis; however, the declaration was suspended by the Israeli attorney general on legal grounds. In November, the Israeli Supreme Court ruled that the government could continue to restrict fuel supplies as a legal economic sanction against Hamas. The government's plans for electricity cutbacks, however, were ruled too vague to ensure a minimal humanitarian impact. In August, the UN warned that Israeli border restrictions had almost completely stalled Gaza's economy, making the territory dependant on international aid.

Israel in 2007 continued construction of a controversial security barrier roughly along the West Bank side of the 1949 armistice line (Green Line). The barrier's stated purpose was to prevent terrorists from infiltrating Israel. In some areas, it jutted farther into the West Bank and restricted Palestinian access to agricultural property, schools, and jobs. Palestinians complained that the barrier was a means to expropriate West Bank land and collectively punish ordinary Palestinians for acts committed by terrorists. Analysts have suggested that the barrier would ultimately incorporate 8 percent of West Bank land and put 99.5 percent of Palestinians outside the barrier. Once complete, however, the barrier would cut off approximately 55,000 Palestinians living in East Jerusalem from the rest of the city. Israel continued to insist that the fence was a temporary solution to an ongoing terrorist threat, not a permanent border.

Peace negotiations between Israel and Abbas accelerated during the year, particularly after Hamas's Gaza takeover in June. Confidence building measures—including Israel's release of hundreds of Palestinian prisoners and tens of millions of dollars in PA tax funds—preceded both sides' participation in a U.S.-brokered peace conference in late November; also attending were representatives of nearly every Arab state and the Arab League. The conference yielded a joint commitment by Abbas and Israeli prime minister Ehud Olmert to begin final status negotiations and try to complete them by the end of 2008. The agreement was immediately rejected by Hamas. In December, Hamas proposed a ceasefire and talks with Israeli officials. Despite the support of some government ministers, Olmert rejected the offer unless Hamas recognized Israel.

A number of Israel-PA agreements demand a freeze on settlements, a condition that Israel has not generally honored. A January 2007 report by the Israeli organization Peace Now claimed that 40 percent of settlements have been built on privately owned Palestinian land, in contravention of Israeli law. A subsequent report in November found that construction in 88 of about 150 settlements was continuing despite Israeli promises to halt such expansion; most of these settlements were located in large blocs west of the security barrier. In December, Peace Now reported that Israeli forces had carried out only 3 percent of government orders to demolish unauthorized settler outposts in the West Bank over the past 10 years. However, the IDF did forcibly remove dozens of settlers from two homes in Hebron in August. That same month—soon after the Annapolis peace conference—Israel announced plans to build several hundred homes in the East Jerusalem neighborhood of Har Homa and the nearby settlement of Maaleh

Adumim, prompting opposition from Palestinian and international authorities.

Political Rights and Civil Liberties

Since they are not citizens of Israel, Palestinians under Israeli control in the West Bank and Gaza cannot vote in Israeli elections. They are permitted to vote in elections organized by the PA. Balloting held in 2005 resulted in the election of Mahmoud Abbas as president of the PA. According to the U.S.-based National Democratic Institute (NDI), "despite some problems during the campaign and with electoral preparations, Israeli authorities generally eased travel through checkpoints on election day to facilitate freedom of movement." Elections for the Palestinian Legislative Council (PLC) in 2006 similarly saw an easing of Israeli restrictions on Palestinian travel. While some voters reported encountering difficulty in reaching polling stations because of Israeli roadblocks, Israel was generally credited with allowing relatively free access during the elections.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship. However, by law, Israel strips Arabs of their Jerusalem residency if they remain outside the city for more than three months. Those who do not choose Israeli citizenship have the same rights as Israeli citizens except the right to vote in national elections (they can vote in municipal elections). Many choose not to seek citizenship out of solidarity with Palestinians in the West Bank and Gaza Strip, believing East Jerusalem should be the capital of an independent Palestinian state. East Jerusalem's Arab population does not receive a share of municipal services proportionate to its numbers.

Arabs in East Jerusalem have the right to vote in PA elections, but are subject to restrictions imposed by the Israeli municipality of Jerusalem. In advance of the 2006 PLC elections, Israeli authorities announced that polling could take place at five designated post offices in East Jerusalem, in keeping with a compromise reached prior to the 1996 PA elections. Israel initially announced its intention to bar campaigning in Jerusalem, in response to Hamas's intention to field candidates. However, a compromise was reached on this issue, whereby only those parties that registered with the Jerusalem municipality would be allowed to campaign; Hamas was not allowed to register.

Druze and Arabs in the Golan Heights cannot vote in Israeli national elections, but they are represented at the municipal level.

International press freedom groups regularly criticize Israel for blocking journalists' access to active conflict zones, for harming and sometimes killing reporters during battles, and for harassing Palestinian journalists. Israel insists that reporters risk getting caught in crossfire but are not targeted deliberately. In February 2007, Israeli forces detained Sanabel TV director Nabegh Break during a raid in Nablus and interrupted broadcasts on several local television stations to demand information about wanted militants. In May, the IDF raided five West Bank radio and television stations aligned with Hamas or other Islamist factions, confiscating transmission equipment; a similar raid occurred in December. A cameraman for Hamas-affiliated Al-Aqsa TV, Imad Ghanem, was allegedly targeted and shot several times in the legs by Israeli troops in July; the IDF is investigating the incident.

Israel generally recognizes the right to freedom of worship and religion. On several

occasions during the latest intifada, Israel has restricted Muslim men under 45 from praying on the Temple Mount/Haram al-Sharif compound in Jerusalem for fear of violent confrontations. In September 2007, authorities restricted access for the first day of Ramadan to older men and women only. While academic freedom is generally respected, IDF closures and curfews and the West Bank security barrier restrict access to Palestinian academic institutions. Schools have sometimes been damaged during military operations, and student travel between the Gaza Strip and the West Bank has been restricted. Following the Hamas takeover of Gaza, Israel's border shutdown prevented Palestinian students studying abroad from leaving Gaza; in December, they were allowed to return to school. Throughout the intifada, schoolchildren have been injured or killed during fighting.

Freedoms of assembly and association are generally respected. However, Israel has imposed strict curfews in the West Bank at various times since September 2000. In February 2007, Israeli police broke up a rally of several hundred international activists protesting the security barrier near the village of Bilin. The following month, authorities forcibly dispersed a group of about 3,000 Jewish settlers attempting to "reclaim" a recently demolished settler outpost. There are many Palestinian nongovernmental organizations (NGOs) and civic groups, and their activities are generally not restricted by Israel. Labor affairs in the West Bank and Gaza are governed by a combination of Jordanian law and PA decisions. Workers may establish and join unions without government authorization. Palestinian workers in Jerusalem are subject to Israeli labor law.

Israel's Supreme Court hears petitions from non-Israeli residents of the occupied territories to protest home demolitions, outposts on confiscated land, and Israeli military tactics. Decisions in favor of Palestinian petitioners are rare. Rights groups often charge that such petitions are not adjudicated in a timely fashion and are sometimes dismissed without sufficient cause. In recent years, the Israeli Supreme Court has repeatedly ordered that the proposed route of the security barrier be changed to reduce its negative effects on Palestinian residents, having heard well over 100 petitions filed by NGOs and Palestinian civilians on the issue. The Ministry of Defense continues to alter the route in response to the rulings. In February 2007, the court ordered rerouting of the barrier near Bilin, the site of much protest.

Palestinians accused of broadly defined security offenses in Israeli-controlled areas are tried in Israeli military courts. Some due process protections exist in these courts, though there are limits on the rights to counsel, bail, and appeal. Administrative detention is widely used. Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. In 2000, Israel outlawed the use of torture as a means of extracting security information, but milder forms of physical coercion are permissible when the prisoner is believed to have vital information about impending terrorist attacks. Human rights groups criticize Israel for continuing to engage in what they consider torture. In May 2007, human rights groups B'Tselem and the HaMoked Center reported that Palestinian prisoners are held in terrible conditions and are subject to abusive interrogation techniques. The government disputed the accuracy of the report. In October, hundreds of Palestinian prisoners in Ketziot Prison clashed with guards, injuring 15 prisoners and 15 guards; guards used rubber bullets to quell the riot.

Israel holds somewhere between 7,000 and 10,000 Palestinians in jail. Many suspected of involvement in terrorism are held in administrative detention without

charge or trial. Israel frequently releases prisoners in the context of peace negotiations or mutual exchanges. In 2007, about 800 prisoners were released, almost all of whom belonged to factions of Abbas's Fatah movement. Israel arrested over 30 PA lawmakers in 2007, nearly all of them members of Hamas. In June, an Israeli military court ruled that three of the Hamas lawmakers—including two members of the PA cabinet—would remain in custody through year's end.

According to B'Tselem, Israeli security forces have killed more than 4,260 Palestinians since the beginning of the second intifada (about 50 percent of them civilians and/or noncombatants, including over 860 minors). In March 2007, B'Tselem accused IDF soldiers of using young Palestinians as "human shields" during a raid in Nablus; in April, an IDF commander was suspended for complicity in the crime. Violence between Palestinians and Israeli settlers is not uncommon; B'Tselem places the number of Palestinians killed by Israeli civilians in the occupied territories between the start of the second intifada in 2000 and December 2007 at 41, while the number of Israeli civilians killed by Palestinians in the West Bank and Gaza during the period was 234.

Freedom of movement improved measurably in 2005 following Israel's withdrawal from Gaza, but the trend was reversed somewhat following the reentry of the Israeli military in June 2006. Israel continues to man 35 external and 58 internal checkpoints in the West Bank and has constructed over 460 roadblocks. These measures deny Palestinians easy passage from one town to another, making access to jobs, hospitals, and schools difficult. Construction of Israel's security barrier has also cut off many Palestinians from their farms and denied them and others easier access to other parts of the West Bank. All West Bank and Gaza residents must have identification cards in order to obtain entry permits to Israel, including East Jerusalem. Israel often denies permits without explanation.

While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have full access to universities and to many professions. Palestinian societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which unmarried women who are raped or who engage in premarital sex are murdered by a relative, are not uncommon; these murders often go unpunished. Human Rights Watch released a report in 2006 that cited widespread abuse of women in Palestinian society, with reference to instances of rape victims being forced to marry assailants, and light sentences for men who kill female relatives suspected of adultery. The report pointed out that women's fates in instances of rape or abuse are increasingly determined by tribal leaders, a situation that Human Rights Watch claims is detrimental to Palestinian women.