



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	93
Land:	Gaza - Vestbredden
Kilde:	USCRI
Titel:	"Refailement/physical protection"
Udgivet:	6. september 2006
Optaget på baggrundsmaterialet:	6. september 2006

Newsroom

Anti-Warehousing

Resettlement

Immigration

USCRI Network

Publications & Archives

World Refugee
Survey

Refugee Reports

Refugee Voices

Anti-Warehousing
Bulletin

Archives

End Warehousing

Involve Congress

Investigate > Publications & Archives > World Refugee Survey

Refugee Funding



Refoulement/Physical Protection In February, the Israeli Defense Forces (IDF) reportedly deported a Palestinian from Dheisheh refugee camp near Bethlehem to Gaza, following completion of a prison sentence, under the Defense (Emergency) Regulations of 1945. These regulations vested

authority in the discretion of the military commander and did not require prior judicial review or conviction. Later that month, Israel allowed 16 prior deportees to Gaza to return to the West Bank. At year's end, about 40 others remained in Gaza, waiting to return.

Israeli military operations killed 190 Palestinian noncombatants, including 69 in refugee camps. Palestinian terrorist attacks killed 41 Israeli civilians, including 17 in the territories and 24 in Israel, and 2 foreigners in the territories. Between December 30, 2004 and January 2, 2005, following Palestinian rocket fire into an Israeli settlement, the IDF entered Khan Younis refugee camp in Gaza, killing 10 Palestinians and injuring 23. Also in January, the IDF killed a ten-year-old Palestinian girl and injured a second, an eight-year-old, inside their UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) school in Rafah. The IDF opened an investigation into the shooting, but did not conclude it by year's end. In February, Palestinian gunmen attacked the Gaza Central Prison and killed two prisoners awaiting trial for two shootings and took another individual from the prison to the Bureij refugee camp and killed him there. Reportedly, the perpetrators were family members of the shooting victims and, by year's end, there had been no arrests. In August, the IDF raided Tulkarm refugee camp in the West Bank, killing five Palestinians and claiming they were connected to terrorist attacks in Israel; later investigation revealed that three of the five killed were unarmed teenagers and the two adults, shot at close range, were unarmed, low-ranking militants. The IDF chief of staff ordered a special inquiry but there were no results at year's end. Throughout the year prior to the August withdrawal, Palestinians in Gaza fired rockets and mortar shells into Israel and at Jewish settlements in the Gaza Strip, killing several Israelis, Palestinians, and foreign workers. In September, the IDF shot and killed an unarmed 13-year-old Palestinian boy in a West Bank predawn raid on the Askar refugee camp, near Nablus, in violation of rules of engagement according to the initial IDF inquiry. Later, assailants reportedly from the al-Aqsa Martyrs' Brigades kidnapped a Palestinian suspected of collaborating with the Israelis from the Askar refugee camp and killed him. In October, an Israeli missile strike on a car in Gaza's Jabalia refugee camp reportedly carrying an Islamic Jihad operative killed 6 other persons and wounded 19. In November, another Israeli missile strike in Jabalia killed an al-Aqsa Martyrs' Brigades commander and a local Hamas leader, injuring nine bystanders.

Israeli Occupied Territories	
Refugees and Asylum Seekers:	1,685,800
Gaza Strip:	986,000
West Bank:	699,800
Gaza as Source:	280,000
1951 Convention:	Yes
Reservations:	Articles 8, 12, 28, 30
1967 Protocol:	Yes
UNHCR Executive Committee:	Yes
Population:	3.8 million
GNI:	\$5.8 billion
GNI per capita:	\$992

INVESTIGATE

Country

Israel

» 2006

- 2005
- 2004
- 2003
- 2002
- 2001
- 2000
- 1999
- 1998
- 1997

Refugee
by Count

-- Choose

Search by

REGIONS



In September, Israel evacuated all 21 settlements in Gaza, and Palestinian Authority (PA) security forces assumed responsibility. The Rafah border crossing was closed September 7, but by mid-November the PA and Egypt controlled it, and by year's end it was open to limited Palestinian transit. Israel, however, controlled movement into and out of the Strip, the air and sea space, utilities, and the population registry. In addition to claiming the right to reenter Gaza militarily, it shelled and made aerial bombardments into the northeastern corner since the withdrawal. According to Human Rights Watch (HRW), "under international humanitarian law (IHL) Gaza remains occupied and Israel retains its responsibilities for the welfare of Gaza residents."

Detention/Access to Courts While it did not direct its detention policies against refugees specifically, at the end of the year, Israel held more than 700 Palestinians, including refugees, in the territories in administrative detention without charge or trial on state security grounds, including alleged violations of restrictions on freedom of movement. According to Amnesty International (AI) the IDF had administratively detained Adnan Na'im 'Abdallah, a staff member of a West Bank YMCA Vocational Training Centre in Aqabat Jabr refugee camp near Jericho, for more than three years since his arrest in 2003. The original detention order stated "he is a danger to the security of the area" but contained no evidence. In March 2006, he was serving his 12th consecutive administrative detention order. In April 2005, AI reported IDF's arrest of Nawaf Isma'il al-Qaysi in Beit Jibrin refugee camp, near Bethlehem, and noted that the Israel Security Agency's incommunicado administrative detention and interrogation put him "at grave risk of torture."



Although, in theory, administrative detainees could appeal their detention, Israel did not define the "state security" and kept the evidence against them secret. According to the U.S. State Department, "no detainee has ever successfully appealed a detention order under this process." Israel imposed detention for up to six months at a time, but military judges could extend it indefinitely in six-month increments.

In July, the Israeli Knesset amended the 1952 Civil Wrongs (Liability of State) Law with the effect of barring Palestinians from the territories from suing Israel for death, injury, or damages caused by Israeli security agents. According to HRW, the IDF had criminally investigated fewer than ten percent of Palestinian civilian deaths since 2000 and convicted only a handful of soldiers for causing death or injury. In August, an Israeli court sentenced the soldier responsible for killing Briton Tom Hurndall in Gaza in 2002 to eight years imprisonment, the longest such sentence in five years. The IDF maintained the policy of investigating only those killings of Palestinians under undefined "exceptional circumstances."

Freedom of Movement and Residence

While not targeting refugees specifically, Israel's hundreds of checkpoints and physical roadblocks strictly curtailed or altogether prohibited Palestinian traffic on 41 roads—covering over 420 miles (700 km) of roadway and including many of the main traffic arteries; conversely, Israelis could travel freely on all of them. As of August, the UN Office for the Coordination of Humanitarian Affairs reported 376 closure obstacles, down from 605 in February, but this was offset by an average of 60 "flying checkpoints" (typically, military jeeps blocking roads and checking all traffic) per month and an increase in concrete military towers and barriers blocking Palestinian traffic from settler-only roads.



The 408-mile-long (681 km) partially constructed West Bank separation barrier further restricted many Palestinian refugees' movement, including their ability to work, farm, graze animals, and

receive services. During the year, more than 2,400 Palestinian households had to relocate due to construction of the barrier. In 2004, the International Court of Justice's advisory opinion ruled the 85 percent of the of the wall's construction inside the West Bank an act leading to annexation of occupied territory in violation of international humanitarian law, expressly citing its impingement on residents' rights to freedom of movement and to earn livelihoods.

In February, the Israeli Cabinet approved a new route for the barrier in response to a local court order, but it still ran mostly inside the West Bank and not on the Green Line. The route of the barrier put three-quarters of all Israeli settlers outside of East Jerusalem on the Israeli side, cut off more than 13 percent of the territory of the West Bank entirely, and enclosed another nearly 3 percent on 3 sides, including entire villages. Israel imposed complex permit requirements on Palestinians seeking access to the area between the barrier and the Green Line. Israel also announced plans to surround a 3,000-acre parcel of the West Bank between Jerusalem and Maaleh Adumim settlement, effectively dividing the West Bank between north and south.

To enter Israel from the occupied territories—including crossing between the West Bank, the Gaza Strip, and East Jerusalem—Israeli authorities required a special permit, but issued few to Palestinians. Overstay or residence without a permit resulted in expulsion, detention, or fines. Despite the withdrawal from Gaza, according to the Israeli human rights group, B'Tselem, "The visitation rights in Gaza are stricter than any maximum security prison facility. In fact, for Palestinians from Israel or the West Bank, it is easier to visit a relative in prison than one in Gaza." Palestinians crossing the border to Egypt had to pass through Israeli passport control, which refused tens of thousands for unspecified security reasons. Those requiring urgent medical treatment unavailable in Gaza had to petition Israel's High Court of Justice for approval to travel abroad.

Right to Earn a Livelihood Restrictions on freedom of movement and residence hindered all residents', especially refugees', ability to earn livelihoods. The unemployment rate for Palestinian refugees was about 45 percent in West Bank camps (compared with 20 percent overall); in Gaza, where most of the population consisted of refugees, it was 39 percent. In July, a study found that 39 percent of refugees were living in "complete hardship" as compared with 31 percent of non-refugees. According to B'Tselem, "the sweeping restrictions on freedom of movement that Israel has imposed since the outbreak of the al-Aqsa *intifada* are the principal cause of deterioration of the Palestinian economy and the unprecedented increase in unemployment and poverty in the Occupied Territories." Sieges and closures not only prevented people from getting to work or getting their products to the local market, but Israeli control of the territories' borders with Israel, Jordan, and Egypt also damaged the export-import trade and derivative manufacturing that comprise 80 percent of the GDP.



The destruction of refugee camp housing as collective retaliation was down to 5 incidents in 2005, as compared with 563 since the beginning of the al-Aqsa *intifada* in 2000. In February, the Minister of Defense ordered that such collective retaliation cease altogether, but Israel destroyed without compensation another 17 homes and many acres of farmland owned by noncombatants in the territories for alleged military purposes. Israel claimed to act under the military necessity justification of the Hague Regulations, but also declared punitive and deterrent objectives. Israel also demolished homes between Rafah refugee camp and the Egyptian border—alleging that some of them concealed tunnels for weapons smuggling or provided cover for attacks against Israeli soldiers.

Israel also used its control of the building authority in the West Bank

systematically to deny construction permits to Palestinians. According to AI, during the last five years, the majority of victims were families of refugees. In 2005, UNRWA recorded the IDF demolition of 224 Palestinian structures in the West Bank, including 39 belonging to refugees, for lack of construction permits, proximity to the path of the barrier, or ownership by a detainee. Over the years, the authorities have retroactively approved thousands of houses built without permits by Israeli settlers.

The evacuation of settlements in Gaza freed up agricultural land, decreased house demolitions, and eased movement restrictions within the territory. According to B'Tselem, however, "there is likely to be little change in the dire economic situation, which stems primarily from extremely tight Israeli control over the movement of people and goods." Israel retained control of all the land borders and ports and severely restricted imports and exports. Gaza tomato exporters had to sell their produce in Gaza markets for a third of the export price. Israel held up imports to Gaza as long as six weeks. According to one Palestinian merchant, it was easier to bring goods from New Zealand to the Ashdod port, in Israel, than the 20 miles (32 km) from the port to Gaza.

In January, Israel extended the limit of Palestinian fishing off the coast of Gaza from 6 to 10 nautical miles, although the Oslo Accords entitled them to 20.

Public Relief and Education UNRWA ran 281 tuition-free elementary and preparatory schools, 4 vocational training centers, 54 primary health facilities, and 1 hospital in the territories for refugees. Palestinian refugees could also enroll in Palestinian-only public or private schools, each of which required varying amounts of tuition. Israel had a parallel educational system restricted to Jewish settler children in separate schools.



UNRWA reported thousands of incidents of the IDF delaying or denying access, including several that affected the delivery of emergency humanitarian aid, the transport of food aid and medicine, and the access of mobile health and food distribution teams. During 2005, the PA's Ministry of Health recorded 12 cases of Palestinians who died at checkpoints.

Palestinians also harassed and kidnapped UNRWA staff. In May, three Palestinian gunmen entered an UNRWA clinic in the Far'a refugee camp in the northern West Bank, threatened a doctor, fired shots in the air, went to the girls' school, threatened the principal, and demanded the school dismiss a teacher. In August, ICRC suspended operations in Gaza for more than a week after unidentified Palestinians shot at its offices in Khan Yunis.

After Palestinian elections in January 2006, in which the designated terrorist organization Hamas won a majority of seats in the legislature, the United States and the European Union cut off hundreds of million dollars in aid to the PA. In April, however, the U.S. State Department announced that the U.S. contribution to UNRWA's annual emergency appeal for food parcels and mobile health services would increase to \$51 million from \$20 million the year before. Qatar and Iran also pledged \$50 million each to the PA.

NEWS AND REPORTS

05.29.2003 ■ [Middle East: International Community Fails to Protect Palestinian Refugees; Iran Continues to Host World's Largest Refugee Population \(Press Releases\)](#)



U.S. Committee for Refugees and Immigrants
1717 Massachusetts Ave. NW, 2nd Fl, Washington, DC 20036-2003
Phone (202)347-3507 | Fax (202)347-3418



[CONTACT](#) | [SUPPORT US](#) | [PRIVACY POLICY](#) | [FEEDBACK](#)