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[Previous - Home](#)

Amnesty International

ISRAEL AND THE OCCUPIED TERRITORIES

STATE OF ISRAEL

Head of state: Moshe Katzav

Head of government: Ariel Sharon

Death penalty: abolitionist for ordinary crimes

International Criminal Court: signed but declared intention not to ratify

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Overview - Covering events from January - December 2005

[Background](#) : [Killings and attacks by the army](#) : [Killings and attacks by Palestinian armed groups](#) : [Attacks by Israeli settlers in the Occupied Territories](#) : [Administration of justice and impunity](#) : [Imprisonment of conscientious objectors](#) : [Expansion of settlements and construction of the fence/wall](#) : [Restrictions on movement and violations of economic and social rights](#) : [Destruction of homes and properties](#) : [Violence and discrimination against women](#) : [AI country visits](#)

Israel withdrew its settlers and troops from the Gaza Strip and dismantled four small settlements in the northern West Bank. However, it continued to build and expand illegal settlements and related infrastructure, including a 600km fence/wall, on Palestinian land in the occupied West Bank. Military blockades and restrictions imposed by Israel on the movement of Palestinians within the Occupied Territories continued to cause high unemployment and poverty among the Palestinian population. There was much less violence between Israelis and Palestinians, although attacks by both sides continued. Some 190 Palestinians, including around 50 children, were killed by Israeli forces, and 50 Israelis, including six children, were killed by Palestinian armed groups. Israeli forces carried out unlawful attacks and routinely used excessive force against peaceful demonstrators protesting against the destruction of Palestinian agricultural land and the Israeli army's construction of the fence/wall. Israeli settlers frequently attacked Palestinian farmers, destroying orchards and preventing cultivation of their land. Israeli soldiers and settlers responsible for unlawful killings and other abuses against Palestinians and their property generally had impunity. Thousands of Palestinians were arrested by Israeli forces throughout the Occupied Territories on suspicion of security offences. Israeli conscientious objectors continued to be imprisoned for refusing to serve in the army.

Background

Following negotiations between the Palestinian Authority (PA), Egyptian mediators and the main Palestinian armed groups early in the year, the latter declared an open-ended *tahadiyeh* (quiet), a pledge not to initiate attacks against Israel. The Israeli army likewise announced that it would refrain from attacking Palestinian targets. Despite this, both sides carried out new attacks, claiming these were in response to attacks by the other. Nevertheless, the year saw a marked reduction in attacks and killings by both sides.

The removal of Israeli settlers and troops from the Gaza Strip under Prime Minister Sharon's "disengagement plan" sharply divided the governing Likud party. In November, Prime Minister Sharon resigned from Likud and formed a new party, prompting early elections, scheduled for March 2006.

Israeli forces and Palestinian armed groups committed acts that were part of a pattern of war crimes and crimes against humanity.

Killings and attacks by the army

Some 190 Palestinians, including around 50 children, were killed by the Israeli army in the Occupied Territories. Many were killed unlawfully, in deliberate and reckless shootings, shelling and air strikes in densely populated residential areas, or as a result of excessive use of force. Some were extrajudicially executed and others died in armed clashes with Israeli soldiers. Hundreds of others were injured.

- Seven children aged between 10 and 17 were killed and five others seriously wounded in an Israeli air strike as they were picking strawberries in the northern Gaza Strip town of Beit Lahiya on 4 January. Those killed included six members of the Ghaben family – Rajah, Jaber, Mahmoud, Bassam, Hani and Mohammed – and Jibril al-Kaseeh.
- On 27 October, Karam Mohammed Abu Naji, 14, Salah Said Abu Naji, 15, and Rami Riyad Assaf, 17, were killed when the Israeli army launched an air strike on a car travelling near the Jabalya refugee camp in the Gaza Strip. As well as the three child bystanders, all four people in the car were killed. Nineteen other bystanders, including seven children, were injured. Two members of a Palestinian armed group were believed to be the intended target.

- On 3 November, 12-year-old Ahmed al-Khatib was fatally wounded by Israeli soldiers during a raid in Jenin refugee camp and died three days later. The army stated that he had been playing with a toy gun and soldiers had mistaken him for a gunman.

Killings and attacks by Palestinian armed groups

Palestinian armed groups killed 41 Israeli civilians, including six children, in suicide bombings, shootings and mortar attacks in Israel and the Occupied Territories. Most of the attacks were carried out by al-Aqsa Martyrs Brigades, an offshoot of Fatah, and Islamic Jihad. Nine Israeli soldiers were also killed by Palestinian armed groups, most of them in the Occupied Territories.

- On 12 July, Rachel Ben Abu and Nofar Horowitz, both aged 16, Julia Voloshin, 31, Anya Lifshitz, 50, and Corporal Moshe Maor, 21, were killed in a suicide bombing carried out by Islamic Jihad in a shopping mall in Hasharon, near Natania.
- Palestinian gunmen shot dead Oz Ben-Meir, 15, Matat Rosenfeld-Adler, 21, and Kineret Mandel, 23, at the Gush Etzion Junction in the West Bank on 16 October. A 14-year-old boy, another civilian and a soldier were also injured in the attack. Al-Aqsa Martyrs Brigades claimed responsibility for the killings.

Attacks by Israeli settlers in the Occupied Territories

Israeli settlers in the West Bank repeatedly attacked Palestinians and their property. They destroyed crops, cut down or burned olive trees, contaminated water reservoirs and prevented farmers from cultivating their land, in order to force them to leave. Such attacks increased during the olive harvest months of October and November.

- In March and April, Israeli settlers spread toxic chemicals in fields around Palestinian villages in the southern Hebron Hills and near Salfit. The chemicals were spread in areas where Palestinian farmers graze their sheep, effectively depriving them of their livelihood. The farmers were forced to quarantine their flocks and stop using the milk, cheese and meat during the productive season.
- On 16 October some 75 acres of olive groves belonging to Palestinian villagers near Salem in the northern West Bank were burned by Israeli settlers. Much of the villagers' land was cut off from the village by a settlers' road leading to the nearby Elon Moreh settlement. For years, Israeli settlers from Elon Moreh had prevented Palestinian villagers from accessing their land under threat of attacks. Israeli settlers also attacked Israeli and international peace activists and human rights defenders who sought to document their attacks on Palestinians.
- On 26 September settlers from the Havat Ma'on settlement outpost assaulted Israeli peace activists and a film crew. Ra'anana Alexanderovitch was severely beaten and injured by a settler armed with an M16 assault rifle, and some of the crew's equipment was stolen by the attackers.

Israeli soldiers and police at times intervened to stop settlers attacking Palestinians, often when Israeli or international peace activists were present. However, in most cases they failed to intervene and often responded to settlers' attacks by imposing further restrictions on the local Palestinian population, as demanded by the settlers.

Administration of justice and impunity

The Israeli army detained hundreds of Palestinians. Many were released without charge but hundreds were charged with security offences. Trials before military courts often did not meet international standards of fairness, with allegations of torture and ill-treatment of detainees inadequately investigated. Some 1,000 Palestinians were detained administratively without charge or trial during the year. Family visits for Palestinian detainees were severely restricted and in many cases forbidden as relatives were denied permits to enter Israel, where thousands of Palestinians were imprisoned.

In July Israel passed a discriminatory law denying Palestinian victims compensation for abuses inflicted by Israeli forces.

Israeli soldiers, police and settlers who committed unlawful killings, ill-treatment and other attacks against Palestinians and their property commonly did so with impunity. Investigations were rare, as were prosecutions of the perpetrators, which in most cases did not lead to convictions. By contrast, Israel used all means at its disposal, including assassinations, collective punishment and other measures that violate international law, against Palestinians who carried out attacks against Israelis or who were suspected of direct or indirect involvement in such attacks. Palestinians convicted of killing Israelis were usually sentenced to life imprisonment by Israeli military courts, whereas in the exceptional cases when Israelis were convicted of killing or abusing Palestinians, light sentences were imposed.

- In August, Israeli soldier Taysir Hayb was sentenced to eight years' imprisonment for the killing of UK peace activist Tom Hurndall in the Gaza Strip in 2003. He was convicted of manslaughter, not murder, as well as obstruction of justice, providing false information and unbecoming conduct.

- In November an Israeli army company commander was acquitted of all charges in relation to the killing of a 13-year-old girl, Iman al-Hams. She had been shot dead by Israeli soldiers in October 2004 in Rafah in the southern Gaza Strip while walking near a fortified Israeli army tower opposite her school. According to an army communication recording of the incident, the commander had stated that "anything that's mobile, that moves in the zone, even if it's a three-year-old, needs to be killed". Neither the commander nor any other soldier was charged with the girl's murder as the court accepted that the commander had not breached regulations on when to open fire. The court focused on whether he had acted improperly by repeatedly shooting at the child as she lay injured or dead.
- In September, Yehoshua Elitzur, an Israeli settler, was convicted of killing Sayel Jabara, a 46-year-old Palestinian, near the West Bank village of Salem in September 2004. Even though Yehoshua Elitzur was armed with an M16 assault rifle and shot dead an unarmed man, the court contended that there was no proof that he intended to kill Sayel Jabara. It convicted him of manslaughter, not murder. He remained free as he had been released on bail within a day of his arrest and did not appear in court for his verdict.

Imprisonment of conscientious objectors

Several Israelis who refused to serve in the army because they opposed Israel's occupation of the Occupied Territories and refused to serve there were imprisoned for up to four months. They were prisoners of conscience.

Expansion of settlements and construction of the fence/wall

While international attention focused on the Gaza "disengagement plan", Israel continued to expand illegal Israeli settlements and stepped up construction of a 600km fence/wall through the West Bank, including in and around East Jerusalem. The construction compounded the military blockades and other stringent restrictions imposed by the Israeli army on the movement of the Palestinian population throughout the Occupied Territories, including measures which increasingly cut off East Jerusalem from the rest of the West Bank.

Israel seized and destroyed large areas of Palestinian land to build roads for Israeli settlers, military checkpoints and the fence/wall through the West Bank. Palestinians were increasingly confined to restricted areas and denied freedom of movement between towns and villages within the Occupied Territories. Many Palestinians were cut off from their farmland, their main source of livelihood, and others were prevented from accessing their workplaces, education and health facilities, and other services.

Israeli government officials repeatedly reiterated their determination to strengthen most of the Israeli settlements in the West Bank, where some 450,000 Israeli settlers live, and to build new ones, notably in and around East Jerusalem. The Israeli government took no steps to fulfil its commitment to dismantle settlement outposts established since 2001 in the West Bank. In March former State Prosecutor Talia Sasson published a report, commissioned by the government, which noted that unauthorized settlement outposts continued to be established and expanded by the authorities, contrary to the government's promise to dismantle them.

Restrictions on movement and violations of economic and social rights

Restrictions on the movement of people and goods remained the primary cause of high unemployment and poverty in the Occupied Territories, with about 50 per cent of Palestinians living below the poverty line and forced to depend on charity. The restrictions hindered the access of Palestinians to hospitals, schools and jobs. Cases of malnutrition and other health problems resulted from the extreme poverty.

With few exceptions, Palestinians were not allowed to move between the West Bank and the Gaza Strip and had to obtain special permits from the Israeli army to move between towns and villages within the West Bank. Travel on main roads in the West Bank, which were freely used by Israeli settlers living in illegal settlements, was forbidden to Palestinians or restricted. Such restrictions were increased in reprisal for attacks by Palestinian armed groups and during Jewish holidays.

Increasing restrictions were also imposed by the Israeli army on the movement of Israeli and international peace activists to prevent them from participating in peaceful demonstrations and other solidarity activities with Palestinian villagers in the West Bank.

During and after its withdrawal from the Gaza Strip, Israel closed the Gaza-Egypt border, the sole point of exit and entry for Palestinians living in the Gaza Strip. The border was allowed to reopen at the end of November under the supervision of a European Union force. Israel maintained control of the Gaza Strip's sea and airspace, and of the passage of goods in and out of the Gaza Strip.

Destruction of homes and properties

Although far less extensive than in previous years, destruction of Palestinian homes and land by Israeli forces continued. Large areas of agricultural land were seized and destroyed, and thousands of trees uprooted, to make way for the fence/wall and for settlers' roads through the West Bank. Israeli settlers also destroyed Palestinian farmland in order to open new roads to connect recently established settlement outposts. Even though these outposts contravened government policy, the army rarely intervened to prevent

such actions.

Scores of Palestinian homes were demolished by the Israeli army and security forces in the West Bank, including in and around East Jerusalem, on the grounds that they were built without a building permit. The Israeli authorities denied permission to Palestinians to build on their own land in large areas of the West Bank, and at the same time continued to approve the construction and expansion of illegal Israeli settlements on Palestinian land.

- On 5 April the Israeli army destroyed the Zaatreh family home in the East Jerusalem suburb of 'Azariya to make way for the fence/wall, which was built on the ruins of the house. The demolition left 29 members of the family homeless, including 16 children. Although the land belongs to the family, they could not obtain a building permit so their house was demolished.
- During the week beginning 4 July the Israeli army demolished some 35 stone and metal structures/shacks in the village of Tana, near Nablus, in the northern West Bank. Fourteen of the structures were home to the villagers and the rest were used to store fodder or shelter sheep and goats, which provide the main source of livelihood for the village. A school, which had been built in 2001 and had served the village's children since then, was also demolished, along with two water reservoirs. The army took advantage of the absence of the villagers, who live a semi-nomadic life and spend the hottest months of July and August in nearby Beit Furik, to destroy much of their habitat. The reason given for the destruction was that the structures had been built without a permit.

Violence and discrimination against women

The UN Committee on the Elimination of Discrimination against Women examined Israel's report in July. It expressed concern about laws governing personal status which are based on religion and about the 2003 law which bars family unification for Israelis who marry Palestinians from the Occupied Territories. It called on the Israeli government to intensify efforts to combat trafficking in women and girls; to take measures to improve the status of Israeli Arab women, especially in the fields of education and health, and to eliminate discrimination against Bedouin women; and to enforce adherence to the minimum age of marriage.

AI country visits

AI delegations visited Israel and the Occupied Territories in March and April.

Israel and the Occupied Territories
Archive information

[Israel: Briefing to the Committee on the Elimination of Discrimination against Women](#)
(AI Index: MDE 15/037/2005)

[Israel and the Occupied Territories: Conflict, occupation and patriarchy – Women carry the burden](#)
(AI Index: MDE 15/016/2005)

[Previous](#) - [Home](#)

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