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THE INVISIBLE WALLS OF OCCUPATION:

Burqah, Ramallah District
A Case Study

October 2014

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B'TSELEM – The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of concerned Israelis. It endeavors to document and educate the Israeli public and policymakers about human rights violations in the Occupied Territories, combat the phenomenon of denial prevalent among the Israeli Public, and help create a human rights culture in Israel.

Table of Contents

Introduction.....	5
1. The village of Burqah	7
2. Road closures.....	11
3. Land grab.....	17
4. Settler violence and denial of access to land.....	25
5. Housing shortage	35
6. Water shortage and deficient municipal services.....	39
7. Dire economic straits	45
8. Education crisis	53
9. Insufficient health services.....	61
Conclusion	65

Introduction

Our community has become a ghost town, with no traffic, trade or tourists, because the roads were closed. There are no jobs in the village, and you see old people like me and young unemployed people sitting at home or running around outside.¹

This is how Salem Mu'tan, a 100-year-old resident of Burqah, sees his village today.

This report concerns the village of Burqah, Ramallah District. A rather unremarkable village, Burqah has never taken center stage in the fight against the occupation, and has not been subjected to extreme punitive measures. In fact, we chose to focus on Burqah precisely because it is unexceptional, as a case in point demonstrating what life under the occupation is like for residents of Palestinian villages.

Burqah is a small, picturesque village, set amidst fields. Like many other villages, it endures severe travel restrictions which isolate it from its surroundings. It is also subject to massive land-grabs and stifled planning, all of which have turned it into a derelict, crowded and backward village with half its population living at or below the poverty line. Lana Kan'an, 21, lives in Burqah. She described the despair that paralyzes the community:

We think a thousand times before we build, go on vacation, study, work, trade, or grow crops. It's not because of laziness, or inability. It's because of concerns about the obstacles, about harassment and attacks by the Israeli military or by settlers. It's as if we live in a big prison, with invisible walls, as a result of the restrictions imposed on us.²

The following report is a preliminary attempt to explore the overall impact of the occupation on a single Palestinian community, presenting the various effects 47 years of occupation have had on the village, its development and its residents. The report does not focus on the gravest of human rights violations – injury to life or limb. It offers a glimpse of everyday life under occupation: how travel restrictions have isolated the village, distancing it from the nearby major urban

1 Testimony taken by Iyad Hadad on 21 January 2014.

2 Testimony taken by Iyad Hadad on 21 March 2014.

center of Ramallah, and turned it into a remote, out-of-the-way community; the impact that taking land for settlements has had on a small farming village whose residents had lived off their land; the implications of Israel's control over planning and construction in Area C, where all the village's land reserves are located, on housing conditions in the village; and the cumulative effect all of this has had on the standard of living in the village, including job and education opportunities and health services.

The information used in this study was collected from three major sources: visits to the village held between December 2013 and April 2014, during which in-depth interviews were conducted with more than 40 villagers of various ages; a comprehensive survey conducted for B'Tselem by the Palestinian Center for Policy and Survey Research, headed by Dr. Khalil Shikaki, which included 484 personal interviews conducted in March 2014 in 255 village households; and figures for the village obtained from Israeli and Palestinian authorities.

1. The village of Burqah

The village of Burqah lies about three kilometers east of Ramallah. Route 60, the main traffic artery in the West Bank, runs east of the village on its land. The village is now surrounded by settlements, some of them defined as outposts: To the north – Giv'at Asaf, to the west – Psagot, to the south - Kochav Ya'akov and to the east – the remains of the Migron outpost, which was partly evacuated.

The site has been inhabited for the past 2,000 years and archeological artifacts dating back to the Hellenic-Roman period, through the Byzantine period, early Islamic era, and up until Ottoman times, have been found in the village. The artifacts include ancient structures and cisterns.³ The villagers say that the families currently residing in the village have been living at the site since the fourteenth century. The community is Muslim, and composed of two major families or clans: about 75% of the residents belong to the Mu'tan family and about 25% to the a-Nawawin family. In 1945, the village had 380 residents,⁴ in 1967 the population had reached 609⁵ and in 1997, there were 1,639 residents.⁶ The Palestinian Central Bureau of Statistics (hereafter: PCBS) estimates Burqah's 2014 population to be 2,387.⁷

Traditionally, Burqah's economy had been largely agrarian: cultivating olive groves, vineyards, fruit trees, wheat, barley and legumes. More than a third of the 600 hectares of land owned by villagers was non-arable due to its topography; some of this land was used as pasture.⁸ When the area first came under Jordanian rule, nearly all the villagers still farmed for a living, and the village had an internal, barter-based economy. Some residents subsequently

3 USC Digital Library, "The West Bank and East Jerusalem Searchable Map", <http://digitallibrary.usc.edu/cdm/map/collection/p15799coll74>.

4 *Village Statistics, April 1945*, Palestine (1917-1948) Department of Statistics, 1945, p. 26.

5 IDF Headquarters, *Census 5727-1967, Carried out by the Central Bureau of Statistics: West Bank of Jordan River, the Gaza Strip and Northern Sinai, the Golan Heights – Figures from the General Census*, Vol. 1, p. 89 [Hebrew].

6 PCBS, 1997 Census, <http://82.213.38.42/DesktopDefault.aspx?tabID=3823&lang=en>

7 PCBS, "Localities in Ramallah & Al Bireh Governorate by Type of Locality and Population Estimates, 2007-2016", http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/Ramallah.htm. The estimate is based on a survey conducted in 2007.

8 *Village Statistics, April, 1945*, Palestine (1917-1948) Department of Statistics, Jerusalem 1945, p. 26.



Remains of Ottoman Era homes in the center of the village, Al-'Alali Group. Photo by Sharon Azran, B'Tselem, 6 March 2014.

sought other sources of income, such as exporting olive oil to Jordan, Syria and Lebanon.⁹ Trade with Jordan continued after Israel occupied the West Bank in 1967 as part of Israel's Open Bridge Policy, albeit on a much smaller scale.¹⁰

In the years after 1967, Burqah's residents underwent similar processes to those experienced throughout the West Bank: increasing dependency on work inside Israel – mostly in agriculture, construction, sanitation and industry – which resulted in less traditional farming. Between 1970 and 1979, the percentage of farmers in the Palestinian work force dropped from 40% to less than 30%.¹¹

In the early 1980s, Israel began building settlements on and near land privately owned by Burqah residents, thereby restricting their access to land they had previously farmed. At present, only a negligible portion of the population relies on farming as their primary source of income. Most of Burqah's employed

9 See, e.g.: J. Metzger, M. Orth and C. Sterzing, *This Land Is Our Land: The West Bank under Israeli Occupation*, Pitman Press, 1983, p. 97.

10 *This Land Is Our Land*, p. 97.

11 Figures taken from *This Land Is Our Land*, p. 95.

residents work in the West Bank's private sector, as day laborers, merchants and professionals. Some of these workers have told B'Tselem that they continue to farm their land, mostly for personal consumption.

The Oslo Accords defined the built-up area of the village and a small section of farmland around it as Area B, leaving most of the village's land reserves for future development, as well as extensive farmland, in Area C. Under this division, the Palestinian Authority (hereafter: PA) received civil powers only for the built-up area of the village and its immediate surroundings. These powers extend to planning and law enforcement with respect to offenses committed between Palestinians. Israel retained security control of the village and its land, as well as planning powers in the land that remained in Area C, where Civil Administration approval is required for any construction or development.

Israel's use of its security powers in the village is selective. The military has the authority to enter the village, search residents' homes and detain them. In a survey conducted for B'Tselem, about 18% of the families in the village stated that military forces had entered their home in the last five years, usually in order to search the house. About 55% of the residents said they were concerned about the military entering the village. About 17% of the residents said that either they or their immediate family had been apprehended by Israel at some point. This is a relatively low figure for the West Bank, where, in 2007, the average was 33.3%.¹² In contrast, the military does not protect residents of the village from settler violence. Only about 20% of the surveyed residents reported that they had seen the military intervene in instances of settler attacks in the village. (The PA has no power to intervene in such cases).

The village is governed by a democratically elected village council. Elections have taken place every four years since 1994. The council has nine seats, two of them reserved for women by law. Burqah's council is promoting the approval of a new master plan for the village, the establishment of schools and the planning of public spaces and facilities, including a new mosque which also has a medical clinic and a school. The council encourages young adults in the village to acquire higher education and conducts fundraising for community needs. The village has a philanthropic society, established in 1978, which provides assistance to the needy. A youth sports club was started in the village in 2011. It has 60 members, all male, and offers table tennis and tutoring for high school

12 Palestinian Center for Policy and Survey Research, Survey No. 26, December 2007.

students. Club members also do volunteer work for the benefit of the village population at large. The council also initiates activities for young women who are not members of the club, including cleaning the new medical center and helping families in need.

The village has no entertainment facilities or open public spaces. Residents mostly stay in their homes during the day, and village streets are empty. The desire to leave the village was repeated time and again in the interviews B'Tselem conducted, particularly among the younger population. In the survey conducted for B'Tselem, about a quarter of the residents said they would be interested in relocating to a different community in the West Bank. A quarter of them said the main reason for this was "the availability of services and commodities" in the places to which they wish to relocate.

2. Road closures

In the past, Burqah had direct access to Ramallah and al-Bira, and from there to the rest of the West Bank through two roads: an unpaved 3-kilometer footpath, blocked off after the establishment of the Psagot settlement in 1981, and the main road, an old road that goes through Beitin, connecting Burqah directly to the City-Inn intersection at the entrance to al-Bira, about 7 kilometers away.¹³ The road's route was cleared during Ottoman rule, laid with paving stones during the British Mandate and paved with asphalt under Jordanian rule. The road currently runs through Area C, under Israeli control, and has become dilapidated through years of neglect.

After the second Intifada broke out in September 2000, Israel erected physical obstacles and installed staffed roadblocks on the roads to the village, as it did throughout the West Bank. The DCO Checkpoint was placed on the main road from Burqah to Ramallah and al-Bira. In 2001, when the Giv'at Asaf outpost was established, the only way out of Burqah by car was blocked off. Other obstacles on the old road – a dirt mound and an iron gate between Beitin and the DCO Checkpoint, and an iron gate on the old road near Deir Dobwan – have rendered this road unusable. These restrictions led to the clearing of a new road connecting Burqah to nearby Deir Dobwan (see below). The commute from the village to Ramallah, once a brief trip only a few minutes long, now takes about 45 minutes via winding bypass roads that cannot accommodate large traffic volumes.

This change in traffic is the result of Israel's policy of keeping most Palestinian traffic in the West Bank apart from the roads serving settlers, reserving the main roads for settlers and directing Palestinian traffic to alternative bypass roads.¹⁴ The change has had a crucial impact on all aspects of life in the village.

13 For the impact the road closure had on the village of Beitin, see B'Tselem website, http://www.btselem.org/freedom_of_movement/201300909_beitin_roadblocks.

14 See B'Tselem, "Alternative roads for Palestinians", http://www.btselem.org/freedom_of_movement/alternative_roads_for_palestinians.

Checkpoints

The DCO Checkpoint is located on the main road between Burqah and Ramallah. The checkpoint was erected early in the second Intifada near the entrance to al-Bira, on Route 466 which also leads to the settlement of Beit El. The DCO Checkpoint disrupts travel by West Bank residents from both north and south into Ramallah. A USAID report published in 2010 estimated that the checkpoint causes additional travel costs in the sum of NIS 28 million [approx. USD 8,235,000] per year in the West Bank.¹⁵ In 2009, the military began allowing Palestinians who have VIP cards or are in need of emergency medical assistance to cross the checkpoint, but only from 6:00 AM to 10:00 PM.¹⁶ Until recently, these individuals were also not granted access through the checkpoint at night. However, in June 2014, the state notified the High Court of Justice (hereafter: HCJ) that the military allows free access to Palestinian vehicles from 10:00 PM to 6:00 AM.¹⁷ Inquiries made by B'Tselem have found that most residents of the area are unaware that the checkpoint is open at night, and in any case, due to other obstacles the military has placed on the road leading to the DCO Checkpoint, the latter is inaccessible to residents of villages east of Ramallah even if they have VIP cards or are in need of emergency medical assistance.

In 2014, the council heads of ten villages located east of Ramallah petitioned the HCJ together with HaMoked: Center for the Defence of the Individual, demanding that the military open the checkpoint to all Palestinians.¹⁸ In proceedings that took place prior to the petition, Israeli authorities argued that the checkpoint had only a minimal effect on Palestinians' lives, as the road from Ramallah to the village of 'Ein Yabrud, on the way to Burqah, is 5.8 kilometers long and could be travelled by car in just six minutes.¹⁹ This claim is inaccurate: First, according to measurements taken by B'Tselem, the road is 9.2 kilometers long. Second, the road is narrow and winding. Travel on it is slow (and, in any event, the speed limit on this road is only 50 kmh).²⁰ The claim made by the authorities also contradicts a notice sent

15 USAID West Bank/Gaza, *Movement and Access Impact Evaluation: The Beit El DCO Checkpoint and Old Route 60 Obstacles*, 2010, p. 4.

16 "Letter by Adv. Yadin Eilam regarding the opening of the court checkpoint to the general public – Response of Ramallah DCO", 6 August 2013.

17 HCJ 970/14 *Musa Hadid et al. v. Military Commander of the West Bank et al.*, Preliminary Response on behalf of the Respondents, 11 June 2014, § 10.

18 HCJ 970/14 *Musa Hadid et al. v. West Bank Military Commander*, petition filed on 5 February 2014.

19 Letter from Captain Tamar Bukiah, Consulting Officer, Operations and Human Rights Matters, on behalf of Judea and Samaria Area Legal Advisor to Adv. Yadin Eilam, 10 September 2013.

20 See also petition in HCJ 970/14, §§61-63.



Stone obstacles placed on main road by Giv'at Asaf. Photo by Sarit Michaeli, B'Tselem, 30 March 2014.

by the Ramallah DCO to the international community in July 2013 regarding the opening of another section of road near 'Ein Siniya, which stated that the trip from 'Ein Yabrud to Ramallah takes 45 minutes,²¹ longer than timed by B'Tselem.

On 11 June 2014, the state informed the HCJ that the military was prepared to remove the DCO Checkpoint, subject to construction at the intersection in order to accommodate expected traffic congestion. The military estimated that construction would be completed in late 2015.²²

In theory, Burqah residents could reach Ramallah by Route 60, the main route between the north and south of the West Bank. Route 60 was built on Burqah land and is located near the village, yet the villagers have no direct access to it. Another possibility could be to reach Route 60 via the old main road and continue from there to the southern entrance into Ramallah – approximately 15 kilometers

21 E-mail from Lieutenant Yam Atir, Liaison Officer for the International Community in Ramallah District to international community representatives, 7 July 2013.

22 HCJ 970/14 *Musa Hadid et al. v. West Bank Military Commander*, Preliminary Response on behalf of Respondents, 11 June 2014.

mostly along main roads. However, the point of connection to the main road is close to the Giv'at Asaf settlement outpost, and this exit was blocked off in 2001. The IDF Spokesperson told B'Tselem that the military considers this road open.²³ Nevertheless, settlers have set up a roadblock composed of a dirt mound, rocks and barbed wire, and as there have been cases of settler violence, residents are afraid to use this road. Therefore, to get to Route 60, residents use a slow, winding road, about 11 kilometers long, which traverses the local villages.

Other solutions

Over the years, Burqah residents have found alternative solutions for reaching Ramallah. These sometimes change on a daily basis because of obstacles and roadblocks set up by the military. Initially, residents walked to Deir Dobwan, about 1.5 kilometers from Burqah, using a pedestrian path which goes through a tunnel under Route 60 (hereinafter: "the bridge", as the residents refer to it). The path was laid out in 1996, when the course of Route 60 was adjusted and the road repaved. The village council subsequently widened the path to accommodate motorized traffic and in 2004, paved the dirt road. The military blocked this road intermittently, but it has been open since mid-2004. From Deir Dobwan, residents continue their journey to Ramallah on slow, rural roads. In 2002, the Palestinian Ministry of Public Works cleared a dirt road from 'Ein Yabrud to Dura al-Qar', shortening the bypass road to Ramallah by about 5.5 kilometers. Burqah residents have since been able to travel to Ramallah through neighboring villages, on a winding road about 17 kilometers long. The military intermittently blocked the road between Dura al-Qar' and al-Jalazun, forcing residents to take a longer, 27-kilometer road. Since April 2012, the road between Dura al-Qar' and al-Jalazun has been open continuously.

From time to time, with unpredictable frequency, the military sets up flying roadblocks in various locations: at the exit from Route 60 to 'Ein Yabrud, which impacts travel from Burqah not only to Ramallah but to other destinations as well; at the entrance to Beitin; at the tunnel between Deir Dobwan and Burqah under Route 60 ("the bridge"). When the bridge is closed, it is impossible to enter Burqah by car. When the entrance to Beitin is closed, residents must turn back, and bypass the roadblock from the east, travelling about 18 kilometers.

23 Letter from Public Communications Department, Public Liaison Branch, IDF Spokesperson to Naama Baumgarten-Sharon, B'Tselem, 2 June 2014.

The upshot: The village is isolated

Before the Intifada, a one-way ticket on public transportation from Burqah to Ramallah cost NIS 2 [approx. USD 0.6]. Today, the trip costs NIS 7-8 [approx. USD 2-2.35]. It costs even more when flying roadblocks make the journey longer.

Road closures have made Burqah a remote, distant village, despite its geographic proximity to Ramallah. The closures impact every aspect of life in the village as they limit access to all services provided in Ramallah, the district's major urban center – employment, medical services, shopping centers, institutions of higher education and leisure facilities. Not only has the trip been made significantly longer, but many are unable to afford its higher cost. Siham Mu'tan, 44, of Burqah told of her difficulties:

The trip to Ramallah is exhausting, so I go there only for emergencies, like going to the doctor; to shop; or to visit my daughter who lives there. I visit her every other week or so. If the main entrance to the village were open, we'd visit her every week. I miss her and my granddaughter.²⁴

Geographic isolation breeds social isolation, as Hussein Samrin, 75, of Burqah, told B'Tselem:

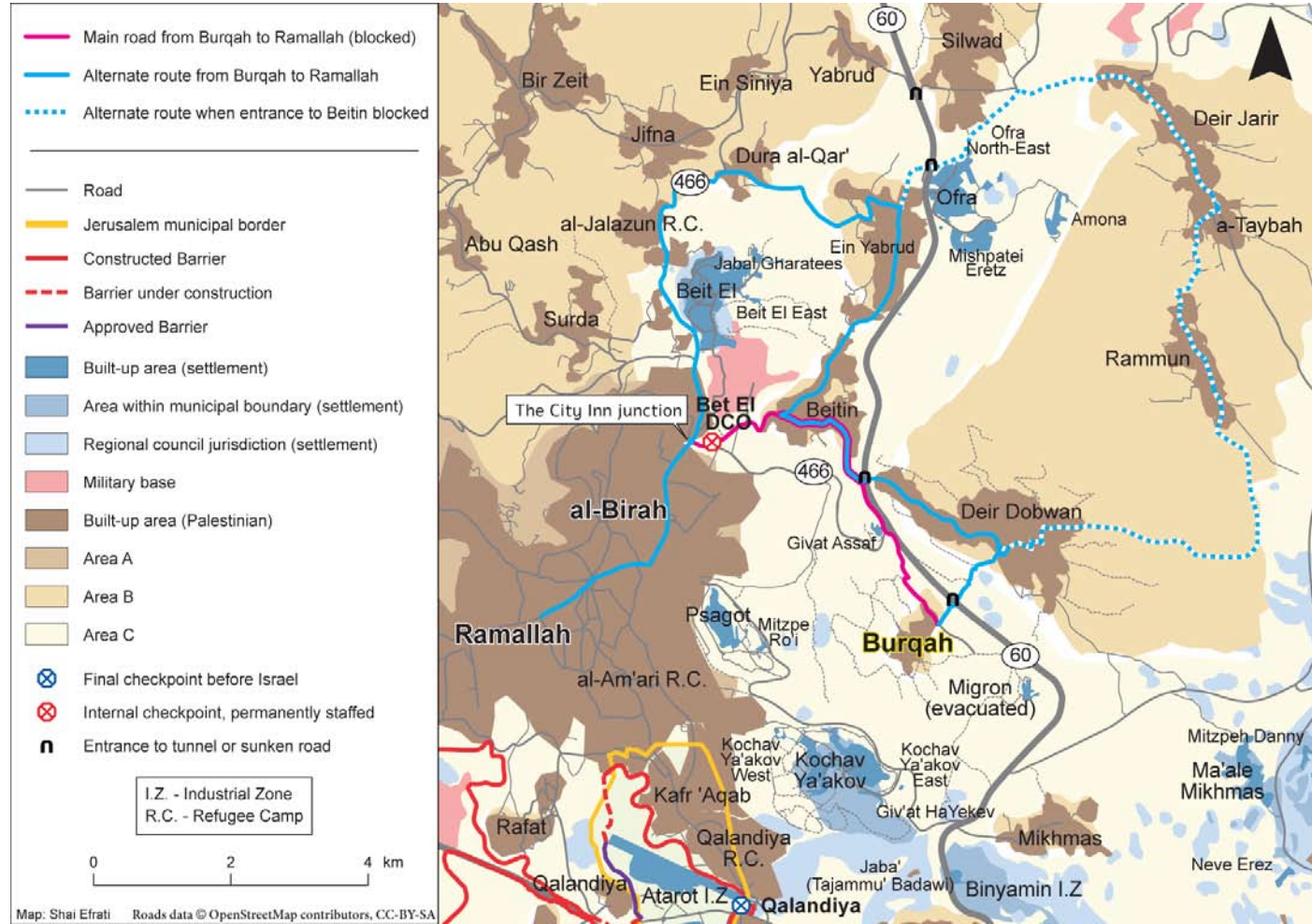
I used to go to Ramallah whenever I wanted to. And it would take just a few minutes. I'd go to run errands, shop, sit in a coffee shop, walk around or simply relax. Ever since the road's been closed, social visits, going to family celebrations, parties, or to offer condolences hasn't been the same. I feel cut off from the rest of the world. I go only when I have to fulfill a social obligation. Because it's difficult, I don't go on holiday visits to my nieces who live in Nablus and in the villages around Ramallah.²⁵

24 Testimony taken by Salma a-Deb'i on 2 April 2014.

25 Testimony taken by Iyad Hadad on 31 December 2013.

Map 1: Roads linking Burqah and Ramallah

16



3. Land grab

Burqah developed as a small cluster of homes, covering a mere fraction of the total village lands, which are almost entirely farmland. According to Civil Administration maps, the overall area of the village is 609.7 hectares. According to British Mandate records from 1945, which indicate a slightly smaller overall area, the built-up area of Burqah covered 2.2 hectares; about 37% of village land was non-arable and about 60% was cultivated (one third fruit trees and two thirds grain fields).²⁶ Most of the village land, 555 hectares, was formally registered during Jordanian rule. Of these, 2.2 hectares were registered as state land. This puts the village in a different situation than that of about two thirds of the West Bank where land remained unregistered.²⁷ Israel declared as state land approximately two more hectares of village land that had not been registered by the Jordanians.²⁸

Burqah was originally a farming community, but during Jordanian rule, many of its residents turned to other lines of work. This shift is related to other changes that affected Palestinian society as a whole. It accelerated considerably after the occupation of the West Bank, partly due to the accessibility of work in Israel. Most of the residents continued cultivating their land for personal use even when they made their living doing other work. However, over the years, Israel has restricted residents' access to their land through military orders, expropriation and the illegal establishment of settlements.

One hundred and forty seven families (60% of the families in the village) are landowners. Since 1984, Israel has taken over parts of the land belonging to 112 families. It has done so through requisition orders for military needs, expropriation orders or by building settlements – without any official process – on land belonging to the residents. In addition, all areas beyond the settlements' access roads are considered off-limits to Burqah residents. For these reasons

26 *Village Statistics, April, 1945*, Palestine (1917-1948) Department of Statistics, Jerusalem 1945, p. 26.

27 See B'Tselem, *Under the Guise of Legality: Israel's Declarations of State Land in the West Bank*, February 2012, p. 31, http://www.btselem.org/download/201203_under_the_guise_of_legality_eng.pdf.

28 For figures on declaration and regulation in the village, see B'Tselem, *Under the Guise of Legality*, pp. 48-49.

combined, Burqah residents are barred access to about 94.7 hectares overall,²⁹ about 60% of which consists of partly or fully cultivated plots. Access to land has been affected by three major factors (see map on p. 33):

Establishment of the settlement of Kochav Ya'akov (1984) and construction of its access road (1994)

The settlement of Kochav Ya'akov was established in 1984 west of Burqah. It was built on land belonging to the nearby village of Kafr 'Aqab that had been declared state land. The establishment of Kochav Ya'akov has had a marked impact on access by Burqah villagers to their lands, particularly after the road connecting it to the settlements of Psagot and Adam was built in 1994. To build this road, Israel issued seizure orders for land belonging to several villages in the area, including 3.8 hectares owned by Burqah residents.³⁰ Apart from the land seizure, the road also cut off access to 40 or so hectares of private land located south of the new road. In 2000-2001 about twenty structures were built on this land, and about 9.3 hectares are enclosed by the settlement's perimeter fence, without having been officially expropriated or seized.

Land seizure for Route 60 (Ramallah bypass section), 1994

On 19 November 1994, when land was seized to build a section of Route 60 (Ramallah bypass road), the military expropriated 9.2 hectares of farmland belonging to Burqah residents.³¹ This road was part of a larger project of building bypass roads for settlers throughout the West Bank after the signing of the Oslo Accords.³² The road was opened for traffic in early 1996.³³

29 All geographic figures in this report are based on geographical information processing by Yuval Drier Shilo and Shai Efrati.

30 Order T26/94, dated 8 December 1994, *Order for Requisition of Land for Construction of Psagot-Kochav Ya'akov-Adam Road*.

31 Order H/94/5, dated 29 November 1994, Detailed Master Plan 901/6/1.

32 B'Tselem, *Land Grab, Israel's Settlement Policy in the West Bank*, May 2002, p. 50, https://www.btselem.org/download/200205_land_grab_eng.pdf.

33 See State Comptroller, *Annual Report 48 for the Year 1997, for 1996 Fiscal Year Accounts*, "Ministry of National Infrastructure: Bypass Roads, Building of Several Sections", p. 791 (Cars began using the road before roadwork was completed in October 1996).



Route 60 cuts across olive grove. Photo by Sharon Azran, B'Tselem, 6 March 2014.

About 6 hectares of Burqah land were used for the road itself, or covered with dirt in order to build it. The remaining 3.2 hectares that had been expropriated, but ultimately not used for the road, continue to be used by their original owners, though officially they no longer have any rights to the land.

The land expropriated had been used for growing fruit trees, grains and legumes. Sedkiyeh Mu'tan, 73, of Burqah, told B'Tselem about the land her family had in this area:

When Route 60 was built, they wrecked 0.3 hectares of our land in the al-Ghars area, where the bridge to Ramallah is located. They buried thirty or forty ancient olive trees, each of which produced a jar to a jar-and-a-half of oil. They also uprooted seven or eight younger trees – at least thirty years old – from a grove I planted when I was in my twenties. At the time, we used to carry water from the village to the grove on donkeys and on our heads, to water the young saplings.

Another plot that was destroyed to build the road is near where Route 60 intersects with the road to Beit El in the Ibn Barec bloc. It's about one hectare of land and they destroyed it completely. Thirty or forty

years ago we rehabilitated the soil. We grew more than 300 olive, fig and almond trees there and also grapevines. We put our heart and soul into this land. We had just started enjoying its fruit when it was destroyed. I went over to the laborers at work building the road and I told them: "What you're doing is a crying shame. Why are you throwing the debris on our land? Have mercy on us. It's our livelihood. Keep away from these trees!" No one listened. It was like talking to rocks. They have hearts of stone, no compassion, no mercy. All we have left of this land is one tenth of a hectare with some olive and almond trees, and grapes.³⁴

Migron, 2002

About five kilometers east of Ramallah, there is a hill the locals call al-Manatir. It overlooks Route 60, and the view from the hill extends all the way to the Dead Sea. The land on this hill is privately owned by residents of Burqah and nearby Deir Dobwan. They had used it for grazing and for growing grains and legumes, and would go there on a daily basis. Aerial photos taken in 1997 clearly show that much of this area is cultivated. 'Abd al-Qader Mu'tan, formerly the head of Burqah Village Council, told B'Tselem that in 1997, residents suddenly found that an archeological dig was taking place on a part of the hill used for grazing. The dig was soon stopped. In 2001, a cellular antenna was installed on top of the hill, after settlers had complained that they had poor cell-phone reception in a bend of the road on the section of nearby Route 60 between the settlements of Geva Binyamin and Ofra.³⁵

Settlers brought the first pre-fabricated homes to the hill on the eve of Passover 2002, setting them down, without approval, near the antenna. The Binyamin Regional Council Development Company fenced in an area of about 0.7 hectares around them.³⁶ After a time, the site was leveled and the number of pre-fab homes grew to about fifty. Ultimately, five permanent homes were built there as well. The outpost expanded to cover more than 5 hectares, including 1.4 hectares which belong to Burqah residents. This is how Migron, the largest settlement outpost in the West Bank, with its more than 45 families, was created. The outpost was hooked up to the power grid and water pipelines; access roads were built as were other public facilities, including an infant-care center, a

34 Testimony taken by Iyad Hadad on 19 January 2014.

35 See, e.g. Benny Lys, Friday Night News Magazine, Israel Television, Channel 1, <https://www.youtube.com/watch?v=nKGKBPfYUoI>.

36 See Benny Lis news report, note 35 above.



View of Migron from Burqah. Photo by Sarit Michaeli, B'Tselem, 30 March 2014.

pre-school, a synagogue and a ritual bath [*mikveh*]. According to the Sasson Report, up to the time the report was issued in 2005, the Ministry of Housing had invested more than NIS 4 million [approx. USD 1,176,470] in state funds in Migron.³⁷

In December 2003, the Civil Administration issued demolition orders for structures in the outpost, but did not implement them. In 2004, the landowners applied to the Civil Administration, making an oral request to have the settlers removed. In 2005, the Civil Administration issued cease-and-desist orders for fencing work carried out on the northern side of the outpost. These orders were not enforced either, and construction continued. In 2006, residents petitioned the HCJ together with Israeli NGO Peace Now,

37 *Opinion (Interim) Concerning Unauthorized Outposts, Submitted to Prime Minister Mr. Ariel Sharon by Talia Sasson, Adv.*, February 2005, Section 5.7.1, <http://www.pmo.gov.il/SiteCollectionDocuments/PMO/Communication/Spokesman/sason2.pdf>. For summary in English, see: <http://www.mfa.gov.il/mfa/aboutisrael/state/law/pages/summaryof%20opinion%20concerning%20unauthorized%20outposts%20-%20talya%20sason%20adv.aspx>

seeking the removal of the outpost.³⁸ In August 2011, after numerous court hearings, during which the state acknowledged that the outpost had been built on private land without approval, the HCJ ruled that the outpost must be removed by the end of March 2012.³⁹ The evacuation was postponed several times, and in July 2012, the settlers petitioned the HCJ, seeking to prevent the evacuation, arguing that they had purchased rights to some of the land on which the outpost was built.⁴⁰ The HCJ decided not to rule on the purchase, and stated that the outpost should be evacuated in any case. The court did grant a three-month stay with respect to one of the plots.⁴¹

The outpost was evacuated in September 2012 and its residents moved to a new neighborhood built for them in the nearby settlement of Giv'at Hayekev, which had been established on declared state land and which up until that point had consisted only of a winery and a gas station. Nevertheless, the structures at the outpost have not been evacuated to this day. B'Tselem has looked into the matter and found settlers present in the remaining prefabs and that settlers had taken over another part of the hill where they are in the process of building a "retreat area".

Meanwhile, the State Attorney's Office continued investigating the claims regarding the purchase. On 19 March 2014, they announced that the land purchase process could not be completed and the remaining structures legalized. The plan, therefore, would be to remove the structures by the end of April.⁴² On 29 April 2014, the State Attorney's Office said it was postponing the evacuation by three weeks, and on 15 May 2014, said that "a police investigation launched with respect to the information provided as above-mentioned, has uncovered that the document presented to the Ministry of Justice in support of the claims regarding the purchase of plot no. 10, is **a forgery**"; and therefore, in the absence of a judicial order to the contrary, the plan was to remove the structures by 21 May 2014.⁴³ The structures were still there on that date.

38 HCJ 8887/06 *Yusef a-Nabut et al. v. Minister of Defense et al.*, http://peacenow.org.il/eng/sites/default/files/Migron_Petition_Eng_Oct2006.pdf.

39 For a full summary of the HCJ proceedings, see: <http://peacenow.org.il/eng/content/migron-petition>.

40 HCJ 5180/12 *Yehoshua Set et al. v. Minister of Defense et al.*, filed 3 July 2012.

41 HCJ 8887/06, and HCJ 5180/12, ruling, 29 August 2012.

42 Letter from Aner Helman, Deputy Director of HCJ Department, State Attorney's Office to Adv. Michael Sfar and Adv. Ze'ev Scharf, 19 March 2014.

43 Letter from Aner Helman, Deputy Director of HCJ Department, State Attorney's Office to Adv. Avraham Mosheh Segal and Adv. Shlomi Zacharia, 15 May 2014. Emphasis in original. Also published in Israeli daily *Haaretz*; see Chaim Levinson, "State to raze outpost after settlers' purchase papers found to be forged", *Haaretz*, 18 May 2014, <http://www.haaretz.com/news/national/.premium-1.591334>.

Even at the time of writing this report, Burqah residents are still unable to return to their land: the wire fence that encircled the outpost remains standing and the land in the evacuated area has not been rehabilitated. In addition, Burqah residents have not returned to their land because they fear violent attacks by the settlers that remained in the area as well as by settlers of Ramat Migron, an itinerant outpost that moves from one site to another in the vicinity. The establishment of Migron harmed the villagers; for the past twelve years they have refrained from going to their land that ended up on the other side of the outpost's access road. In practice, a total of 40.4 hectares of land have been taken from the residents.

Nizam Mu'tan, a shepherd and resident of Burqah, told B'Tselem about how access to his land became restricted:

At first, I still grazed my flock on the land that's in the middle of the outpost. But little by little, the number of prefabs grew and the outpost expanded so I stopped going to those pasture areas. As of 2006, we were prevented entirely from going there. Now no one can graze flocks in the area where the outpost was built. I inherited half a hectare of land from my grandfather on the outskirts of the outpost, outside its fence.⁴⁴

Sedkiyeh Mu'tan, 73, of Burqah, told B'Tselem about the crops her family used to harvest from their land now located in Migron:

We have half a hectare over there and we used to grow wheat and barley on that land. The settlers took it over ten years ago. I haven't been there since and I don't know what's going on there. I have nothing but memories left of that land. We used to harvest all our wheat and barley there. During the plowing and harvest seasons I used to walk there or else ride a farm animal. We didn't notice the exertions of the journey because we were busy thinking about harvesting the crops.⁴⁵

44 Testimony taken by Iyad Hadad on 18 March 2014.

45 Testimony taken by Iyad Hadad on 19 January 2014.

4. Settler violence and denial of access to land

Since 2011, B'Tselem and Israeli NGO Yesh Din: Volunteers for Human Rights have documented two cases of physical assault against Burqah residents and nine of damage to villagers' property, presumably perpetrated by settlers. The impact of these incidents far exceeds their immediate consequences. In a survey by B'Tselem, more than half the villagers reported they are fearful of attacks by residents of the settlements surrounding Burqah, both because of the above-mentioned attacks as well as the very presence of settlers on village farmland and pastures. Some residents reported that this fear keeps them from going to their land – consisting of an area of about 128 hectares – despite the absence of any official restriction.

Settler violence targeting Palestinians

About 24% of Burqah families in the survey reported having a relative who had suffered bodily harm or sustained property damage as a result of settler violence. Only 35% of the victims filed complaints with the authorities; of those who did, most reported that the complaints did not result in any measures against anyone.

B'Tselem does not systematically document all instances of violence by settlers against Palestinians in the West Bank. From 2011 through June 2014 B'Tselem and Yesh Din documented eleven instances of either physical assault or vandalism against Burqah residents, likely perpetrated by settlers. Two cases involved bodily harm: Hassan Mu'tan was lightly wounded by gunshot shrapnel on 24 March 2012;⁴⁶ Ashraf Nawabit was attacked by stick-wielding settlers on 31 March 2014, when he was grazing livestock west of Burqah, near the settlement of Kochav Ya'akov and Psagot. Nawabit suffered skull fractures and other injuries. The other incidents involved property damage: in five cases, crops were damaged, whereas four took place inside the built-up part of the village. The new mosque, a-Nur

46 Also reported in the media. See e.g. Y. Breiner and A. Bouhbout, "Report: Palestinian shot in shoulder by Giv'at Asaf resident", <http://news.walla.co.il/?w=/2689/2519376> [Hebrew].

Mosque, was targeted twice: graffiti and arson on 15 December 2011, and graffiti on 10 October 2013. Three cars were set on fire inside the village on that date as well.



Graffiti spray-painted on a-Nur Mosque. Photo by Sarit Michaeli, B'Tselem, 30 March 2014.

The residents filed complaints with the police in eight of these cases. The police closed five, including the case file of the assault on Hassan Mu'tan, which had been the subject of a criminal investigation. The Prosecution Department of the Judea and Samaria Police (known by the Hebrew acronym Shai Police) closed Mu'tan's case in August 2013, citing lack of evidence.⁴⁷ Ashraf Nawabit's case is still under investigation by the Binyamin police.⁴⁸ The two instances of vandalism against a-Nur Mosque were a turning point for the residents. The building is also the site of the boys' elementary school and the new medical clinic. The audacity of targeting such a sensitive place, in the very heart of the village, has shaken the residents' already tenuous sense of security, making

47 Information conveyed in telephone conversation between Deema Darawshy of B'Tselem and a secretary at the Prosecution Dept. at Judea and Samaria (Shai) Police, 8 June 2014.

48 Information conveyed in telephone conversation between Deema Darawshy of B'Tselem and Albert Shalev of Binyamin District Police, 8 June 2014.

them feel that they might get hurt during a visit to the clinic and that the classrooms are not a safe haven for the schoolboys. The principal of the girls' high school, which is located at a distance from the mosque, told B'Tselem that many of her students have brothers in the elementary school and fear for their safety means they are affected as well.⁴⁹ Hibah Ya'qub, the village-clinic nurse told B'Tselem:

Ten days ago, the clinic moved to a new building, in the western part of the village. It's in the same building as the mosque, and I have been afraid ever since. Settlers attacked this area several times. They burned the mosque that's above the clinic. I'm scared that the settlers will storm the area and attack us. The closest house is twenty meters away, and the settlers always come to this area. The Giv'at Asaf outpost is only 1.5 kilometers away. I've asked the village council to install a security camera at the entrance to the clinic, so we'd be able to see if the settlers were coming, and then close the door without being taken by surprise. I'm more scared on days when there are only a few patients at the clinic, or when the doctor isn't in. It's very scary to be here alone.⁵⁰

Nizam Mu'tan, 40, lives in Burqah and has land near the Giv'at Asaf outpost. He told B'Tselem how 28 of his fruit trees were damaged on 5 February 2014:

Our land is only 500 meters away from the Giv'at Asaf outpost. We see that they come around here every day. I try to watch over my land, and I track their movements because they are always attacking and damage the land. On Wednesday, 5 February 2014, I saw – from a distance – three settlers on my land. I knew they were settlers because they were in civilian clothing and because only settlers dare come to this area. At first, they were playing, exercising and running among the trees. I wasn't worried because it was daylight and there were people outside. But, a few minutes later, Hussein Nu'man – a worker in a nearby construction site – phoned and told me he could see three settlers chopping down and breaking trees on my land. I was grazing my flock, about a half-hour walk away from the plot where the settlers were. I asked Hussein to go there with my kids to drive the settlers off. I headed out there too, walking fast, but by the time I arrived, it was all over. My children told me that when they got to the land, the settlers saw them and ran away, but they had managed to damage some trees. There's footage of the settlers running away, filmed from a distance on a B'Tselem camera. I checked the land and I saw that some fruit-giving trees, about four or five years old, had been broken: fig, plum, almond and loquat trees. It was such

49 Information conveyed at meeting with B'Tselem, 30 March 2014.

50 Testimony taken by Salma a-Deb'i on 30 March 2014.

a sorry sight. I couldn't bear to look at it. This wasn't the first time my land's been attacked. In the last two years settlers have attacked more than four or five times, all documented by B'Tselem. I'm sick of filing police complaints, because I've already filed many and nothing's happened.⁵¹

An off-putting effect: Residents too scared to access their land

Village residents feel they are not safe from these recurring attacks, and fear of settlers has further reduced the farmland accessible to residents. More than half of the landowners in the village (75 of the 147 families who own land), told B'Tselem that due to fear of settler attacks, they entirely avoid going to whatever of their land is located near settlements, or do so infrequently, notwithstanding that it was never officially seized. According to estimates, residents avoid at least 127.7 hectares of their own land. The land near the Giv'at Asaf outpost is a latticework of plots belonging to Burqah residents and to residents from the nearby village of Beitin. B'Tselem was therefore unable to make a definitive determination as to the size of the area belonging exclusively to Burqah residents where cultivation has been compromised.

Attacks by settlers against Palestinian farmers occur throughout the West Bank. The Israeli security establishment does not take preemptive measures to forestall these attacks nor does it enforce the law in instances of attacks. Instead, it has decided to have soldiers provide security escorts for farmers during the olive harvest and the plowing season, subject to advance coordination. This solution is unsatisfactory on two counts: first, the Israeli authorities have an obligation to see to it that the law is enforced in cases of violence, and second, in order to successfully cultivate their plots, farmers must have year-round access. Brief periods of access preclude proper cultivation and harvesting the entire yield. Moreover, it appears that the escorting soldiers are not always aware that their mission is to safeguard the farmers and enable them to work their land. There have been many cases throughout the West Bank of settlers arriving at areas where Palestinians were working under military escort, at which point the soldiers ordered the farmers, not the settlers, to leave the area. Burqah residents, as a matter of principle, refuse to make arrangements with the Israeli authorities to coordinate going to their farmland.

51 Testimony taken by Iyad Hadad on 6 February 2014.

Residents mostly fear the settlers from the Giv'at Asaf outpost. Established in May 2001, the outpost was built on land belonging to residents of the village of Beitin, at the crossroads of the old Burqah road, Route 60 and Route 466 that leads to the DCO Checkpoint and Beit El. Another outpost, Oz Zion, was created in October 2011. It borders Giv'at Asaf and consists of one or two plywood structures. The authorities demolished Oz Zion several times and it is not continuously occupied.⁵²

The land occupied by Giv'at Asaf does not belong to Burqah residents, but some village land, located along the old road north of the village, is close to the outpost. This land is only partially cultivated because of the farmers' fear of settler attacks.

Demolition orders for the Giv'at Asaf outpost were first issued in 2004, about three years after it was established. However, due to repeated postponements along with contentions by the settlers that they had purchased some of the plots, the outpost has not been evacuated to date. On 18 November 2011, the state was given a stay of six months to evacuate all structures in the outpost, with the exception of those located on the three allegedly purchased plots.⁵³ In its response to the HCJ, the state has since claimed that all structures have been evacuated, with the exception of those located on the three plots, as well as on another plot, regarding which similar claims had been made and for which an order to stay evacuation was issued.⁵⁴ In practice, all the structures in the outpost were moved to these four plots.

Settlers from the area ensure their presence is never far from Palestinians' minds. On a camera they received in November 2012 as part of B'Tselem's camera project, the Mu'tan family has captured dozens of incidents in which settlers can be seen on village land, sometimes accompanied by soldiers. The Mu'tans say there are many other such cases that were not recorded and that, in practice, settlers enter village land several times a week. Most of these incidents did not end in clashes, and there was no contact between village residents and the settlers, all male, who are seen in the video footage wandering around village farmland and on its access road. Nonetheless, the

52 See, e.g., Y. Altman, "5 structures razed in Oz Zion outpost", *Ynet*, 3 January 2012, <http://www.ynetnews.com/articles/0,7340,L-4170519,00.html>.

53 See details of proceedings in HCJ 7891/07 *Peace Now v. Minister of Defense et al.*, Ruling of 18 November 2013.

54 HCJ 7891/01 *Peace Now v. Minister of Defense et al.* "Updating Response on behalf of Respondents 1-2", 18 May 2014, §§7-14.

settlers' provocative visibility undermines the residents' sense of security and makes them afraid to access any part of their land located in the line of sight of the surrounding settlements.

Since mid-May 2014, B'Tselem has documented a number of cases in which settlers from Giv'at Asaf came into the village during Friday worship at a-Nur Mosque. Giv'at Asaf is located further along the old road on which the mosque is located. During Friday prayers, most of the village men are at the mosque, whereas the women are at home. Several times clashes between the settlers and young men from the village ensued. One such clash occurred at about 1:00 PM on 6 June 2014, after twenty or so masked settlers entered the village from the direction of Giv'at Asaf. The confrontation lasted about 30 minutes, with settlers and village youth throwing stones at one another and erecting obstacles on the road. It ended when a military patrol arrived and both sides fled the scene. No one was hurt.

Village residents also hesitate to arrive at their land located near the Migron outpost, where there is still a constant settler presence, despite the relocation of



Settlers throw stones after entering village on Friday 6 June 2014. Still from video by Mu'tan family.

its residents to the Giv'at Hayekev settlement in September 2012. Palestinians have been subject to repeated attacks by settlers in the vicinity of Migron, and Burqah residents consider the outpost a serious threat to their security. Since early 2011, B'Tselem has documented a dozen incidents of settler violence near the outpost, mostly targeting residents of the nearby village of Mikhmas. Residents feel terrorized as a result of these incidents, and now stay away from the entire area. All in all, residents avoid accessing about 128 hectares of land they own near the settlements of Migron, Kochav Ya'akov and Giv'at Hayekev. In addition, villagers' access to another 94.7 hectares is either officially denied or is land located on the far side of the settlements' access roads.

Salem Mu'tan, a 100-year-old resident of Burqah, told of his concerns about going to the land he owns near the settlements of Kochav Ya'akov and Migron:

Another plot, about one hectare in size, is located between our village and Kochav Ya'akov, right by the settlement's fence. I haven't gone there in twenty years, because the settlers drive us away whenever we go there. Once, when I went to plow that land, a settler attacked my mule, throwing a stone at it. The mule was startled and almost ran off. I called out to the man: "Why are you doing this? What have I done to you? We're minding our own business. Leave us alone". He answered, in broken Arabic: "So that you leave this land, so you don't farm it, so it goes to ruin. This is not your land. It's our land". There was someone there, probably the settlement's security guard, who came and got him away from us, otherwise he would have attacked us. We haven't been back to that plot since and haven't cultivated it. I don't know what's come of it.⁵⁵

Muhammad Mu'tan, 32, recounted his concern about going to his land that borders Migron's fence as well as to his land in Giv'at Asaf:

For example, we have a half-hectare of land which is located just twenty meters west of the fence of the Migron settlement. My family had cultivated this land and it produced wheat and barley, and supplied our basic needs. Since the settlement was established in 2002, none of us dare go to that area because of the settlers' aggression. I have another 0.5-0.6 hectares of land at the Giv'at Asaf-Route 60 intersection. I remember we planted more than 200 olive trees on this plot twenty years ago, and we carried water over in tanks. The digging and raking Israel did there to build roads destroyed our land and all but seven trees died. We kept going there for a while to harvest the seven olive trees, but

55 Testimony taken by Iyad Hadad on 21 January 2014.

over the last four years, settlers from Giv'at Asaf bait and provoke farmers in this area, attack them and drive them off the land, so that we can no longer go there. I'm also afraid to go because of the settlers, and I haven't been to this plot in four years.⁵⁶

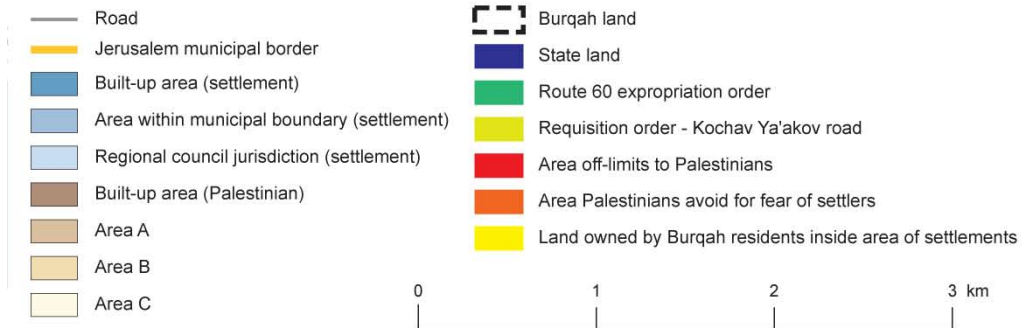
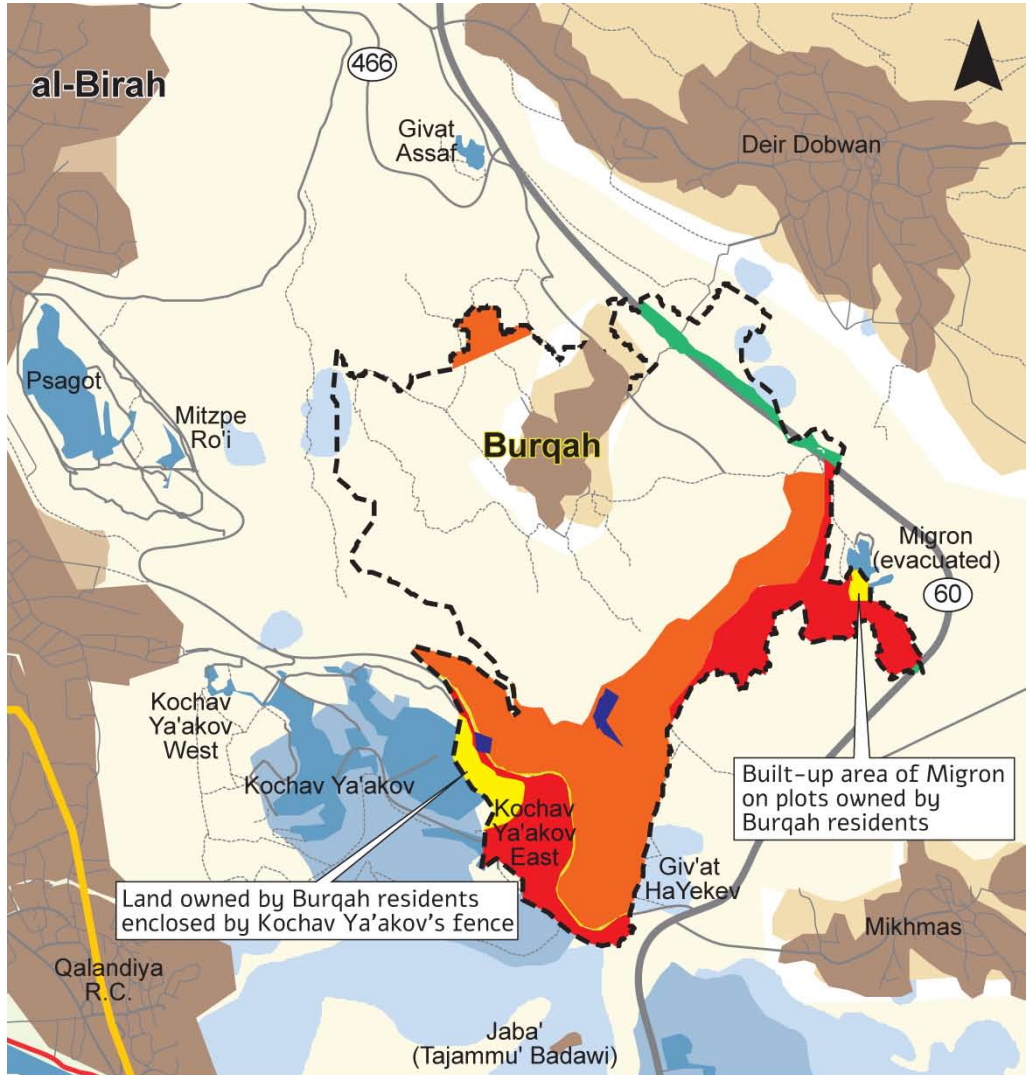
'Alaa Mu'tan, a 20-year-old college student, told B'Tselem:

My father and my uncles have an olive grove about 0.3 hectares in size, near Route 60, east of the Giv'at Asaf outpost. We go there only during the olive harvest, so the trees aren't properly tended. We harvest olives only when the settlers don't see us. Even when we do manage to harvest the trees, the olives we pick yield only 15-20 liters of olive oil for the entire family, which needs 40-50 liters of olive oil a year. This means we have to buy the rest, which is an additional financial burden. If we had access to our land, things could have been different. I'm sure our lives would be better.⁵⁷

56 Testimony taken by Iyad Hadad on 11 February 2014.

57 Testimony taken by Iyad Hadad on 14 January 2014.

Map 2: Denial of access to land



Map: Shai Efrati

Roads data © OpenStreetMap contributors, CC-BY-SA

5. Housing shortage

In 1990, the Civil Administration approved a master plan for the village. The plan covers an area of 25.2 hectares, and the Civil Administration claimed it could accommodate 3,360 residents, a number greater than the current village population. This plan was one of about 400 prepared by the Civil Administration in the 1980s and early 1990s for Palestinian villages in the West Bank. Unlike master plans for communities inside Israel and settlements, these master plans were not designed to allow comprehensive planning that would meet the residents' needs. The declared objective of these plans was to demarcate the borders of the villages, hence their title Demarcation Schemes. The plans were confined to already built-up areas, precluding expansion and development. They were extremely schematic, had little detail, no planning for public spaces, and were designed in keeping with an urban, rather than rural, housing density – that is, up to ten housing units per one tenth of a hectare.⁵⁸

Under the Oslo Accords, an area of 52.2 hectares, double the size of the master plan prepared for the village, was defined as Area B. This included the entire built-up area of the village and some of its farmland. About 0.2 hectares in the master plan prepared by the Civil Administration were defined as Area C. In 1997, there were 11 structures in Area C, beyond the perimeter of the master plan. There are now about 30 such structures. By April 2013, the Civil Administration had issued three demolition orders against residential buildings in Burqah.⁵⁹

In December 2013, the PA approved a new master plan that had been prepared by the village council. It includes detailed planning for residential buildings, public facilities and roads. It hardly designated any open green spaces. The plan kept to the limitations dictated by the small area available to the planners and current conditions in the village. The plan designates

58 For more, see B'Tselem, *Demolishing Peace, Israel's Policy of Mass Demolition of Palestinian Houses in the West Bank*, September 1997, http://www.btselem.org/sites/default/files2/publication/199709_demolishing_peace_eng.rtf

59 The orders are mentioned in the illegal construction report, sent to Israeli human rights NGO Bimkom by the Civil Administration in response to their query under the Freedom of Information Act regarding demolition orders from 1988 through April 2013.

land inside the village for residential use, yet the earmarked area is currently used to cultivate fruit trees and other crops. In addition, it is private land and cannot be used for construction by anyone other than its owners. Land is not usually sold between families in the village, and even when the owners are prepared to sell, the land included in the plan is very costly, priced at about NIS 500,000 [approx. USD 147,100] per 0.1 hectare. Some families do swap plots, but this is done on rare occasions and usually only as favor to a relative.

Another issue with the new master plan is that the PA has no planning powers in Area C. According to PA maps, the new plan is located entirely within Area B, with the exception of 3.4 hectares at the south-western periphery of the village, which are located in Area C. However, in Burqah, as in many other West Bank localities, there is a discrepancy of several dozen meters between border markings for Areas A, B and C on PA maps and the borders marked on Civil Administration maps. The Civil Administration considers its own maps definitive in terms of enforcing building laws. In Burqah's case, this means that according to the Civil Administration, the master plan extends 6.8 hectares into Area C.

After the master plan was approved, the Burqah village council began issuing construction permits in areas it covers. However, in February 2014, the Civil Administration served demolition orders to four village families for homes built under the new master plan: three of the homes had been completed and the fourth was still under construction. The owners, who thought their homes were located in Area B, are now in the process of appealing the orders to the Civil Administration.⁶⁰

The housing shortage in the village was described in dozens of testimonies collected by B'Tselem. According to the survey conducted for B'Tselem in 255 households in Burqah, about half of the housing units are 130 square meters or less, and approximately 45% of the families have at least seven members. About half the families are landowners, but their land is located in Area C, where the Civil Administration virtually prohibits construction by Palestinians, regardless of land ownership.⁶¹

60 Information conveyed by Adv. Basem Karajeh who is handling the appeals on behalf of al-Quds Human Rights Clinic, in a telephone conversation with B'Tselem, 5 May 2014.

61 See B'Tselem, *Acting the Landlord: Israel's Policy in Area C, the West Bank*, June 2013, http://www.btselem.org/download/201306_area_c_report_eng.pdf

Muhammad Mu'tan, a Burqah resident who works in commerce told B'Tselem:

I live with my parents and three siblings in a small, two-story building. We had no choice but build the second floor on top of an old structure my father had built on a small, 250-square-meter plot in the village center. We can't build anywhere else, although we have a lot of land in the village, because it's all either outside the boundaries of the master plan or in Area C, where Israel doesn't allow construction. So we live squashed like sardines, on top of one another. It's not just my family. The same is true for all the villagers here. There's no yard around the house where the children can play. There's no garden, no flowers, no plants. All around you see only buildings. The view is so depressing.⁶²



Burqah's main street. Photo by Osnat Skoblinski, B'Tselem, 30 March 2014.

The Civil Administration's policy, which prevents village residents from building on land they own that has been designated Area C, also inhibits the prospects of building public facilities for the benefit of the local population. The village

62 Testimony taken by Iyad Hadad on 11 February 2014.

council would like to build another school in view of the run-down condition of some of the village school facilities, but says there is no suitable area within the master plan. The council has even proposed building a park and sports facilities in Area C, but council members do not know if the plan will be approved by the Civil Administration. Hassan Mu'tan, chairman of the village youth club, told B'Tselem:

The club doesn't have a fixed location at present, but there's a plan, proposed in collaboration with the village council, to build the club and a sports field where a large public park is planned. The village council applied to the PA for a permit to build the public park, and it was approved. The park is supposed to be on an area of about 2.8 hectares overlooking the village, in Area C. The project is funded by the Waqf, but it has been on hold since 2011 because of financial difficulties. Also, we don't know whether Israel will let us build there, because it's Area C land.⁶³

63 Testimony taken by Iyad Hadad on 5 February 2014.

6. Water shortage and deficient municipal services

According to the Palestinian Central Bureau of Statistics, 96.3% of households in the village are hooked up to the public water pipelines.⁶⁴ Before the village was connected to the water infrastructure in 1978,⁶⁵ residents would fetch water from springs in the hills around the village.

Burqah's water is supplied from the 'Ein Samia wells near Kafr Malik, east of Ramallah, which provide water to all the villages in the area, with an overall population of about 50,000.⁶⁶ Pumping capacity in the four active wells in 'Ein Samia is about 4,000 cubic meters per day. At zero water loss, this amount would supply 80 liters per person per day. In contrast, average water consumption in Israel, including the settlements, is 183 liters per person per day.⁶⁷

Water shortage is endemic in Palestinian communities throughout the West Bank, due to discrimination in water allocation. In addition, West Bank infrastructure is outdated and deficient, resulting in water loss along the way. Overhauling the water infrastructure requires Israeli consent to repairs in Area C, and permission is rarely granted. Repairs in Area C can be made only after securing approval from the joint water committee, followed by permits from the Civil Administration. Israel does not give out these permits easily and often stipulates Palestinian consent to projects in the settlements as a condition for approval, consent Palestinians are not prepared to give.⁶⁸

64 PCBS, 2007 Census, p. 92, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1520.pdf

65 The Applied Research Institute – Jerusalem, *Burqa Village Profile*, 2012, p. 14.

66 Figures on water supply to Burqah and nearby villages provided to B'Tselem by Walid el-Houdali, Public Liaison Officer for the Jerusalem Water Undertaking, Ramallah and Al-Bireh District during a meeting on 6 March 2014; number of residents according to the PCBS's 2007 Census (see above, note 64).

67 For information about the water crisis in the West Bank, see B'Tselem, "Background: Water crisis", <http://www.btselem.org/water>.

68 For figures on consumption gaps between Israelis and Palestinians, see B'Tselem "Discriminatory water supply", http://www.btselem.org/water/discrimination_in_water_supply.

To tackle the water shortage, particularly during the summer months (May-September), water is supplied on rotation to villages throughout the West Bank, and Burqah and its environs are no exception. This allows for water pressure that is strong enough to reach all the homes in the village. In the summer of 2013, a malfunction in one of the 'Ein Samia wells, which lasted more than two months, led to a particularly low water supply in the area, with running water available only once or twice a month.⁶⁹ Since May 2014, Burqah has running water only two consecutive days each week. As elsewhere in the West Bank, Burqah residents install water tanks on the roofs of their homes and fill them when running water is available.

In addition to water from the public supply system, 70% of the homes in Burqah have a cistern. According to the size of the cisterns reported by the residents and assuming that they fill to capacity during the rainy season, the cisterns provide an additional 9,300 cubic meters of untreated water, about 10.5 liters per person per day. This water can be used for sanitation purposes, but is not potable. In practice, particularly in years with little rainfall, the cisterns do not provide this full complement of water.

According to figures provided by the water project designed to serve the population of the Ramallah District (Jerusalem Water Undertaking, Ramallah and Al-Bireh District), the public water system supplied 49.6 liters per person per day in 2012, 49 liters per person per day in 2013, and 53.2 liters per person per day in the first six months of 2014.⁷⁰ Water loss in Ramallah District is 25%,⁷¹ so in fact, residents received even less water. The World Health Organization has determined that 50 liters of water for domestic consumption per person per day is the minimum required to ensure that basic personal and hygiene needs are met, and that 100 liters per person per day is the optimal amount for guaranteeing all needs.⁷² Taking into account water loss (even with the water collected in cisterns), average water consumption in Burqah hovers around the specified minimum and even falls below the minimum threshold some years.

69 Figures on water supply to Burqah and nearby villages conveyed to B'Tselem by Walid el-Houdali, Public Liaison Officer for the Jerusalem Water Undertaking, Ramallah and Al-Bireh District during a meeting on 6 March 2014.

70 Figures e-mailed to B'Tselem by Walid el-Houdali, Public Liaison Officer for the Jerusalem Water Undertaking, Ramallah and Al-Bireh District, 16 March 2014.

71 Palestinian Water Authority, *Annual Status Report on Water Resources, Water Supply, and Wastewater in the Occupied State of Palestine – 2011*, p. 38.

72 See World Health Organization, *Domestic water quantity, Service Level and Health*, 2003, p. 3.

Water shortage, particularly in the summer months, is a source of great hardship. Raed Nawabit, a waste collection worker, told B'Tselem:

For the last few years, there've been water outages throughout the summer. We have water in our taps once or twice every 20 days, and on the days when there's no running water, we don't bathe, don't do laundry. We have no alternative but to ask neighbors for water, or buy water. Unfortunately, I can't afford to buy water because my wages are barely enough for food, so we just beg and scrounge for drinking water.⁷³

Fami Mu'tan also spoke of the distress of not being able to bathe properly:

There is a water shortage, or else water outages, mostly during the summer. Sometimes the water is cut off for two weeks. Because of my flocks, I dug a cistern in the farm, where I collect water, but I still don't have enough at home because I haven't dug a cistern there. Sometimes we have to buy containers of water at double the cost. Because of the difficult conditions, we try to conserve water, and instead of bathing every day, we bathe only once a week, or once every ten days, and we suffer from the stink and the dirt.⁷⁴

Water shortages in summer force residents who do not have a water cistern at home to buy water tanks. As Hussein Mu'tan related:

The water gets cut off a few times a week, or sometimes, for two whole weeks at a time. Elevated areas, like where I live (al-Khara al-Foqa), are particularly prone. I have a cistern where I collect water, but sometimes, in the summer, it's not enough and I have to buy. A four cubic-meter water tank costs about NIS 100 [approx. USD 29], and this is an added expense that just makes the already tough living conditions even worse.

We often impose a water regime on ourselves and recycle the wash water for the toilet or for watering the trees. So that I don't use too much water, I don't wash straight from the tap before prayers. I'd rather use a jug and a bucket so that I can then use the same water for watering the plants or filling the toilet tank. I used to plant trees, plants and vegetables in the yard. I also had five or six sheep that gave us milk, which we used to make yoghurt and cheese so we didn't have to buy these items at the market. But because of the water shortage and the limited grazing areas, I had to sell the sheep and I also stopped growing plants.⁷⁵

73 Testimony taken by Iyad Hadad on 1 January 2014.

74 Testimony taken by Iyad Hadad on 15 January 2014.

75 Testimony taken by Iyad Hadad on 21 January 2014.

Sewage

Burqah is not connected to the sewage system. Wastewater is collected in cesspits and then pumped into special tankers. Fifteen village families, about 6% of the population, reported that they do not pump the sewage from the cesspits. The rest of the residents have tankers come in and pump it. About 70% of the residents reported they spend up to NIS 200 [approx. USD 58] a month to have the sewage pumped. The tankers dump the pumped wastewater in valleys near the village. The water is left untreated, either in the cesspit or after disposal.

Burqah is no different from other villages in the West Bank, almost none of which have proper sewage treatment.⁷⁶ One reason for this is that here too, Israeli approval is required. Inevitably, any sewage network must pass through Area C, and there is hardly any space for building a sewage treatment facility in Areas A or B.



Sewage removal tanker, Burqah. Photo by Sharon Azran, B'Tselem, 6 March 2014.

76 See, e.g. B'Tselem, *Foul Play: Neglect of Wastewater Treatment in the West Bank*, June 2009, http://www.btselem.org/sites/default/files2/200906_foul_play_eng.pdf.

Garbage collection

Waste collection is the responsibility of the elected Burqah village council, which hires a contractor to do the work. Until this arrangement was instituted, garbage either piled up in the village, or was dumped by residents into the nearby valley. Now, a waste collection truck with two employees comes by twice a week, on Tuesdays and Saturdays. The portion of the village located in Area B cannot accommodate a landfill, and for the past twenty years, waste has been transported to a site located 1.5 kilometers south-east of the village, on about three hectares of Area C land, which was donated by its owner to help resolve the village waste problem. The site is in an Israeli-controlled area and at times, according to no particular schedule, inspectors come by and demand the waste be moved to the valley. This constitutes Israel's only involvement in this sphere, but the residents have no other solution. One way in which they attempt to meet the inspectors' demand is by burning the waste at the site. The waste is not buried in accordance with required standard procedure, and it produces a stench, gives off smoke and attracts insects.



Road from Burqah to waste burning site. Photo by Osnat Skoblinski, B'Tselem, 30 March 2014.



Waste burning site. Photo by Sarit Michaeli, B'Tselem, 30 March 2014.

7. Dire economic straits

Burqah's is in dire economic straits and income levels are low. At least half the families with five or more members – about 75% of the total population – earn a sum that is just at or even below what is considered the deep poverty line in the West Bank (about NIS 1,800 [approx. USD 530] a month for a family of five).⁷⁷ According to figures from 2010, 8.8% of West Bank residents live below the deep poverty line.⁷⁸ The survey conducted for B'Tselem indicates that 60% of Burqah residents over 18 (both men and women) are unemployed, and only 6% of them are looking for work. Among employed residents, 21.3% say they do not work as much as they would like to, and 57.3% report some level of uncertainty regarding their place of employment for the following year.

The lack of income opportunities takes a toll on older adults and the elderly in particular, as pension plans and other benefits are virtually non-existent in the private sector of the West Bank. While law mandates a pension plan for all workers in the public sector, and deposits are made regularly, only 21.3% of the workforce in the private sector currently have monies being paid into a pension plan. The PA is planning a reform slated to go into effect in 2015 that would see compulsory pension plans in the private sector as well.⁷⁹ In Burqah, only three men said they received income from a pension plan. This means that older adults are financially dependent on their children while that middle generation itself has no stable or guaranteed income. People who lose their earning capacity because of a work accident are in a particularly precarious situation, as there is nowhere to turn to for compensation. With the head of the family unable to earn a living, the family's financial situation promptly deteriorates. In addition, payment for sick days, holidays or any other absence is not enforced. Burqah's economy is tied to the dire economic situation in the entire West Bank; however, the Israeli-imposed road closures and the lack of access to land have

77 See PCBS, *Poverty in the Palestinian Territory, 2009-2010, Main Findings*, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1789.pdf, p. 27 [Arabic].

78 See PCBS, "Press Release: Poverty in the Palestinian Territory, 2009-2010", http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/poor_E2010.pdf.

79 See, e.g. International Labour Organization, "Palestinian Authority to Adopt Private Sector Social Security Scheme by 2015", 2 December 2013, http://www.ilo.org/beirut/media-centre/news/WCMS_231142/lang--en/index.htm

effects specific to the village. They impede the possibility of generating income from farming and significantly lengthen the commute to Ramallah, the district's urban center.

Men and employment

In Burqah, as in the rest of the West Bank, men are usually the breadwinners.⁸⁰ About 75% of Burqah's men work to some extent – 72% work in the private sector and the rest in the public sector. Of Burqah's adult males, about 35% work as laborers, about 10% as office employees, about 15% as professionals, about 13% are in commerce and about 3% are farmers.

Figures on the extent of employment and the level of job satisfaction reflect the grim state of employment in the village: 86% of men aged 23 to 47 are employed, yet only 40% of this number have work that is as regular and provides as many hours as they would like. At 75%, the portion of men in the 48 to 51 age bracket who are employed is slightly lower, yet only 50% of them are satisfied with the amount of work they have. In the over 52 age bracket, employment rates drop to roughly 50% – only a quarter of this number have as much regularity and work as they would like. The difficulties in traveling out of the village and the mobility issues experienced by older adults partly explain why they have an even harder time finding work than younger men.

According to surveys by the PCBS, employment inside Burqah has dropped over the past few years. In 1997, the village had 39 employing bodies: private institutions, non-governmental organizations, government institutions, local councils and foreign organizations.⁸¹ In 2007, there were 40 such bodies, employing a total of 76 individuals.⁸² PCBS figures for 2012 show a significant drop to just 30 employing bodies, with a total of only 49 employees.⁸³

80 See PCBS, *The Labour Force Survey Results First Quarter, 2013*, <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&itemID=790&mid=3172&wvversion=Staging>.

81 Figures from PCBS, *Census 1997: Census Final Results – Summary (Population, Housing, Buildings & Establishments) Ramallah Governorate*, Table 15. The 1997 census does not specify the types of establishments included, but the types of establishments are explained in the 2004 summary of the total number of establishments in the Palestinian Authority, which is based on the 1994 and 2004 surveys and on the 1997 detailed survey by communities; See PCBS, *Press Conference on the Initial Census Results: Establishment Census, 2004*, May 2005, p. 7, http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/census_e.pdf.

82 See PCBS, 2007 Census, p. 108 (Table 15), see above, note 64.

83 See http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1970.pdf, p. 200 (Table 32).

According to residents not actively seek employment, the main reason they do not do so is the costly, time-consuming trip to Ramallah, the district's main job market. Residents can expect to pay NIS 14 to 16 [approx. USD 4.1-4.7] for round-trip transportation for a day's work that will pay them only roughly NIS 50 [approx. USD 14.7]. The sense of despair and futility of working in this manner came up time and again in the testimonies to B'Tselem. Raed Nawabit, 38, of Burqah, described to B'Tselem the transition he underwent from doing odd jobs in Ramallah, to sitting idly at home for days on end during the intifada until he got where he is today:

The closure of the main road separated our village from its surroundings. Many merchants left the village, and lots of businesses shut down. Construction has also suffered as a result of the road closure, resulting in fewer job opportunities. People who worked in Ramallah stopped doing so and anyone who considered working there stopped thinking about it because of the high cost of transportation... It's just not worthwhile. I worked on construction sites only in Burqah or in the nearby village of Deir Dobwan. This went on until 2011, and then I had to start working in garbage collection and in cleaning. It's socially degrading and humiliating, but I had no choice. I get a salary of NIS 1,000 [approx. USD 294] a month, which is not enough, but at least it's a steady job. I also take out loans and my brothers help out, although their financial situation is now similar to mine. We can hardly pay for basic needs. We just barely manage to survive.⁸⁴

Burqah's younger population is more educated than its elders (see section below on education), but education is no guarantee of employment. As elsewhere in the West Bank, even individuals who manage to complete their academic studies are often hard put to find a job. Employment rates show an increase among men over 30. One explanation for this phenomenon is altered marital status – the need to provide for a family sees men working even in jobs that do not necessarily match their initial aspirations.

84 Testimony taken by Iyad Hadad on 1 January 2014.

Women and employment

Most women in Burqah are unemployed, a situation akin to that of the rest of the West Bank, where married women, especially mothers, do not traditionally work outside the home. According to B'Tselem's survey, more than 70% of the women in the village are not even trying to find work. Women make up only 17.1% of the workforce in the West Bank and the Gaza Strip.⁸⁵

Younger women are more inclined to attempt combining family life with employment. Many of Burqah's women nowadays pursue higher education—about 33% of women aged 19 to 22 surveyed were still studying in one framework or another. Nearly 30% of women aged 23 to 32 consider themselves part of the workforce, and are either working or seeking work.

This number drops to 10.2% in the 33 to 37 age bracket, and then rises to 21.9% in the 38 to 42 age bracket, perhaps because women this age have older children, making it easier for them to work outside the home. Of the 11.5% women who are employed, 5.2% are office employees and 6.4% are professionals.

There are three major obstacles to women's participation in the job market in Burqah. The first has to do with the unique situation in the village, and the others are related to broader issues concerning women's employment either specifically in the West Bank or worldwide.

1. Roads: The trip from the village to Ramallah and the cost involved make employment harder for women. The long trip extends the work day and, as a result, the time women spend away from their children. This leads to problems when the children fall ill and the mothers are called in from work. In addition, using public transportation to get to work at times of the day when few women are on the road as well as returning when public transportation is not always available violate social norms and generate concerns regarding personal safety.
2. The absence of early childhood education facilities forces women in the workforce to come up with their own solutions to obtain care for children who are infants, toddlers or very young. Women usually leave their young children in the care of relatives.

85 See PCBS, First Quarter Report, 2013, <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=790&mid=3172&wversion=Staging>.

3. Difficulties returning to the workforce after a long absence, as is the case worldwide: The need to make a living leads women to compromise on the types of jobs they take. For example, Burqah's two pre-school teachers have no relevant certification. They chose this position because it is close to their homes and because they can bring their own children with them to the pre-school.

Huda Abu al-'Iz, a teacher at Burqah's girls' high school, described her commute to her previous job in the village of Ni'lin. She had to start out at 6:00 o'clock every morning:

When I got on the bus, I was the only female passenger. The men would give me inquisitorial, disapproving looks: Where could you be going so early in the morning? What are you going to do? I insisted on working because I didn't study just to end up sitting at home, unemployed. My husband understood this and encouraged me to work, although his relatives felt otherwise. They think women shouldn't work.⁸⁶

Ayat 'Afanah, a 21-year-old resident of Burqah, finished a secretarial certificate program in a Ramallah college. She told B'Tselem how travel restrictions make it difficult for her to find work. She was offered jobs in Ramallah, but each and every one would have required her to stay at the office until the evening, by which time public transportation back to the village is no longer available. Consequently, although she wants to work, has the required qualifications and has received job offers – she is sitting at home, unemployed.

Tahani Mu'tan has an undergraduate degree in civil engineering and has worked as a teacher in the village of Silwad. She told B'Tselem how it came about that she decided to stop working and devote herself fulltime to her children and housework.

I had my first child in 2004. I was working as a teacher in Silwad at the time, and I had to take my son to my mother's, because there are no pre-schools in the village or in nearby villages. At the time, my husband used to drive me to work. The road to both Ramallah and Silwad was long and roundabout because of the closures imposed by the Israeli military. I remember we couldn't find a car once, and we had to ride in a horse-drawn cart to get to 'Ein Yabrud, because the road leading there was closed... It was very hard both physically and emotionally, and was also very humiliating. On that day, I got home at 4 or 5 PM, instead of at 2, and I was very late picking up my

86 Testimony taken by Salma a-Deb'i on 1 April 2014.

baby from my mother's house. I didn't succeed in nursing him because I was so tense and stressed. That day, I didn't cook and relied on my mother to cook for us. It was very difficult to juggle the constraints of managing my job and caring for the baby, and I had to do the housework on top of that. It is really very hard. I couldn't fulfill my obligations as the woman of the house, and the situation also took a toll socially, because I didn't go to social gatherings or pay social calls. Then, at some point, my father fell ill, and my mother couldn't take care of my baby anymore because she was taking care of my father. Ultimately, I decided to stop working and stay home with the kids, because of the obstacles involved in transportation.⁸⁷

Working from home

The dire economic situation and the lack of employment opportunities have led Burqah residents to seek other solutions to make ends meet. The number of grocery stores in the village has grown in the years since the Intifada began. People who had lost their livelihoods hoped to supplement their income by selling basic supplies. There are 15 grocery stores in the village today, some offering a very limited inventory.

In addition, both men and women continue to do traditional work that contributes to household income: shepherding, farming, and small-scale cheese-making for personal consumption are still commonly practiced, and families join together to harvest olives. The olives are then pressed in the village oil press, located on the road to Deir Dobwan. Because of restricted access to village land, the resulting oil yield is insufficient even to supply personal needs, forcing many families to purchase oil.

Only eight of the village men said they were farmers by trade, meaning that that they work exclusively in agriculture and sell their produce for a living. Earnings from farming played a role in total household income in 3.2% of the families in the village, and 4.8% of the families reported income generated from livestock as part of their household income. The rest of the residents engaged in agricultural activities do so for personal consumption only, meaning that what they produce serves for household consumption but does not generate income.

Women in the village carry on traditional work that contributes to household income. The village is known for its needlework and embroidery, sold in

87 Testimony taken by Iyad Hadad on 20 March 2014.

Ramallah and its environs. Some young women and young mothers do this work sporadically and get paid 25 to 40 NIS [approx. USD 7.35-11.75] per piece of embroidery made out of a single spool of thread. It is painstaking work that takes four or five hours. Other women devote more time to this type of work and bring in a few hundred shekels a month. Still others trade with buyers from Ramallah and nearby villages. They employ other women and earn more money, up to NIS 2,000 [approx. USD 588] a month. An embroidered dress can fetch as much as NIS 5,000 [approx. USD 1,470], but it takes months to make. Some women keep their embroidery work a secret. Daminah Nawabit, a 50-year-old resident of Burqah has been in the embroidery business for more than twenty years, and now has 15 employees. She told B'Tselem she has had to reduce the number of villages she does business with because of travel difficulties. She no longer travels to Beit Hanina and a-Ram, where she had twenty standing orders a month. She spoke about women's work in the village:

I would say about a hundred women and girls make a living from embroidery in the village, but they get very little pay for this hard work, about 20 to 40 NIS [approx. USD 5.8-11.6] per item. Embroidery is done by hand and requires a great deal of accuracy and attention to detail. To make a small piece, a woman has to work for four or five hours straight. We have to work, because things would be worse otherwise. If we didn't need the money, we wouldn't work for such low pay. But then again, most women like embroidery because it's part of our heritage and our art, and it's a way of keeping our customs. These dresses are kept forever. They get passed down from mother to daughter, and become a part of the past, a legacy. The older a dress, the more valuable.⁸⁸

88 Testimony taken by Iyad Hadad on 8 May 2014.

8. Education crisis

Children in Burqah attend five main educational institutions: a pre-school, two elementary schools and two high schools.⁸⁹ There is no care for children under the age of four in Burqah, and children in this age group whose mothers work are cared for by relatives.

Pre-school

There is one pre-school in Burqah. Like elsewhere in the West Bank, it is privately run and is overseen by the Palestinian Ministry of Education.⁹⁰ The pre-school has two classes, one for four-year-olds and the other for five-year-olds. Classrooms are gender mixed. This year, there are 22 children in each group. The pre-school operates from 8:00 AM to 12:00 noon. Each classroom has one teacher, but neither is certified. One teacher studied nursing care and the other is trained as a secretary. They began working as pre-school teachers when they looked for work that would keep them close to their homes and allow them to combine employment with caring for their children. The teachers bring their own children to the pre-school, at least on some of the days, even if they are younger than the enrolled children.

Pre-school fees are NIS 50 [approx. USD 14.7] per child, per month. Some families find the cost prohibitive and it keeps them from sending their children to pre-school. Some families send their children only during the second half of senior kindergarten year, to prepare them for first grade. The pre-school's entire budget is generated from fee payments, meaning it brings in NIS 2,000 [approx. USD 588] a month. This sum covers the teachers' wages (about 700 NIS [approx. USD 205] a month) as well as the cost of electricity, water, cleaning products, educational supplies and toys.

The pre-school started operations in 1978 in a basement apartment in the council building. It has two separate classrooms and a shared indoor space

89 Information based on the testimony of the principal of the Burqah boys' high school, Muhammad M'atan. Testimony taken by Iyad Hadad on 5 February 2014.

90 See PCBS, *Child Statistics Series (no. 15): Palestinian Children – Issues and Statistics, Annual Report, 2012*, p. 40.



Playground equipment, Burqah pre-school. Photo by Osnat Skoblinski, B'Tselem, 30 March 2014.

with playground equipment donated by the council and installed this year. There is also an outdoor playground with old structures. Some are broken. The building is run-down. Window frames are broken, the paint is chipped and peeling, the furniture is outmoded and some of the chairs are too tall for the children. In Burqah, as in other pre-schools in the PA, children begin their literacy learning in kindergarten, and they sit at desks. The classrooms are very crowded, and some of the seats can only be reached by climbing on top of the desks. The yard is very dirty, and a nearby goat pen causes bad odors. The pre-school's meager budget cannot support the purchase of new furniture or basic maintenance.

Schools

Burqah has two elementary schools, serving grades one to four, one for boys and one for girls. Together these two schools have 270 students and 13 teachers, only one of whom is a local resident. The girls' school is located in an outdated building. It was built in 1996 and has not been renovated since. The boys' school

is located inside the village mosque, which was attacked by settlers twice in the last two years.

The village also has two schools serving grades 5 to 12, one for girls and one for boys. In 2013, Burqah had the highest rate of success in the matriculation exams, taken at the end of grade 12, for the Ramallah District: 88 of 90 students, male and female, passed all exams in all subjects. The girls' school, which has about 240 students, was established in 2002 and moved to a new building in 2010. Before 2002, there was no secondary education for girls in the village, and the elementary school went up to grade six. The girls' school has only 18 teachers; eight are local residents. Until the school was established, half the girls studied in nearby villages and the rest had no secondary education. Girls now rarely attend high school in other villages.

The boys' high school has about 200 male students, and an additional 16 female students, majoring in science, which is not offered in the girls' school. The school



High school students on their way home from school. Photo by Osnat Skoblinski, B'Tselem, 30 March 2014.

was established in 1996 and has 18 teachers, three of them live in Burqah. The school's infrastructure is deficient, and although it has a science focus, the labs and computer room are outdated and the library poorly stocked.

Before Israel closed Burqah's access roads in 2000, many high school students attended school in nearby villages, particularly if they wanted to major in areas not offered by the boys' school in Burqah. Today, there are only thirty such students: students pursuing humanities attend school in Beitin and those pursuing industrial studies do so in Deir Dobwan. Though these villages are close to Burqah, students sometimes have difficulties reaching their schools because of road blockages. This is particularly problematic during exams.



School yard, Burqah's boys high school. Photo by Naama Baumgarten-Sharon, B'Tselem, 5 February 2014.

Teaching staff

Burqah's schools are not in demand as a workplace for teachers. Most teachers work there because they were unable to find a better alternative. The main reason for this is that the teachers who don't live in Burqah and must commute from Ramallah or nearby villages have to deal with road closures and flying checkpoints, which often make them late for work, or prevent them from reaching Burqah altogether. In January 2014, for example, the military put up a roadblock on the road between Burqah and Deir Dobwan on three separate days, and teachers were unable to reach their schools. Teachers say that they arrive at work exhausted from the journey, and return tired at the end of the day without motivation to be socially active.

Another reason for Burqah's lack of favor as a workplace is financial. The Palestinian Ministry of Education gives teachers who reside outside Burqah NIS 5 [approx. USD 1.47] a day to cover round-trip travel costs. In reality, one-way travel by public transportation costs 7 NIS [approx. USD 2.05]. Public transportation does not suit the teachers' work schedules (communal taxis cost more), and they have to cover the difference out of pocket. In a school year that has 180 instructional days, this means at least NIS 1,600 [approx. USD 470], about two thirds of a teacher's monthly salary. Teachers from outside the village who choose to move Burqah lose their eligibility for travel costs, and must pay rent, instead of the free accommodations they have in their own village.

In addition, the Palestinian Ministry of Education deducts one day's pay from teachers' salaries for every four late arrivals. Though the ministry officially makes no exception for late arrivals due to roadblocks and travel difficulties, school principals do try to take this into consideration.

These difficulties naturally motivate people to leave their work in Burqah as soon as they possibly can, resulting in high staff turnover and inexperienced teaching staff in Burqah's schools. For instance, the principal of the boys' high school reported that four or five teachers out of a staff of 18 are replaced each year. He said that as soon as the teachers gain experience and a good reputation, they transfer to more desirable work places and that even locals with teacher training are not interested in working inside the village. The principal himself worked elsewhere and returned to the village only after he was involved in a car accident. Jinan Nahleh, vice principal at the boys' elementary school, described her situation:

I've been teaching at the school in Burqah for five years. I didn't choose to teach here. The Ministry of Education sent me. The difficulties with transportation to the village are really discouraging and I'd very much like to transfer to a school that's closer to where I live, both for convenience, and also to reduce the stress and the waste of time.⁹¹

Burqah residents' level of education

The establishment of schools in Burqah has had an immensely positive impact on the residents' level of education, mainly women's. For women, the turning point was the establishment of the girls' high school in the village in 2002. Among women over age 28, who were past the point of attending this school and were only able to finish grade six inside the village, about 52% did not finish high school. The level of education drops as the age bracket rises. Almost 40% of women over the age of 52 never attended school at all. In contrast, 70% of the younger women, who were in school after the establishment of the local girls' high school, completed a high school education and some have pursued post-secondary education.

About 40% of the women said they stopped studying for social reasons – marriage, motherhood or lack of support to continue studying. About 17% of the men in the village have only primary education, about 32% did not go farther than junior high school and an additional 18% did not complete their high school education. About 60% of the men said they dropped out of school because they had to work.

'Abd al-Qader Mu'tan, former village head and the person behind the initiative to establish the girls' high school in Burqah told B'Tselem about the distant past:

I started a philanthropic association in 1978 to help the poor, the needy and students in higher education, and to combat illiteracy among men and women. More than 200 women and girls studied there. In those days, we didn't have girls' schools, except for one small school, actually one room, that was set up in 1969. It served only the first grade. Things later developed and girls studied up to grade six, and then returned to work in the home. We didn't have a culture of female education.⁹²

91 Testimony taken by Iyad Hadad on 16 March 2014.

92 Testimony taken by Iyad Hadad on 16 February 2014.

According to the PCBS figures for 2007, 51 Burqah residents, about 6% of the over 20 population,⁹³ had advanced degrees (nine non-academic diplomas, 39 undergraduate degrees and three masters' degrees).⁹⁴ Currently, about a quarter of the residents between the ages of 23 and 27 have an undergraduate degree.

About 30% of the 19-23 age bracket are students. The percentage of women studying in higher education institutions is slightly higher than men's. The students attend the university and colleges in Ramallah, al-Quds University in Abu Dis, or a-Najah University in Nablus. Higher education is expensive. Tuition can be as much as NIS 20,000 [approx. USD 5,880] per school year and travel costs hundreds of shekels a month. Students at a-Najah also have to pay for dormitories. The deputy council head told B'Tselem that over the past five years, the village has been making an effort to encourage higher education among residents, despite the high costs and poor job prospects after graduation. 'Alaa Mu'tan, a 20-year-old law student at al-Quds University spoke of the hardship he and his friends struggle with because of the poor job prospects once they graduate:

I'm afraid that my dream of finishing my studies and becoming a lawyer isn't going to come true. We have to enroll for the second semester now. Registration closes in a few days, on 18 January 2014. I haven't yet paid the tuition because I don't have the money and if I don't pay, I'll have to defer my studies. I'm thinking about working for a while, saving up and then going back to school, but I'm not sure I'll find a job, because everyone my age is unemployed. Those who work and have a family can hardly provide for them... This situation is really frustrating for me and for my family. A lot of people in the village, especially young people, feel very frustrated about life. Some young guys I know have had to steal, some have become addicted to drugs and alcohol, and some went to work in Israel without a permit. It's very frustrating that a young man, my age or even older, is unemployed, has no money, no future, and can't even think about getting married or starting a family.⁹⁵

93 Calculation based on the residents' breakdown into age brackets in the PCBS 2007 Census, p. 51.

94 PCBS 2007 Census, p. 67, see above, note 64.

95 Testimony taken by Iyad Hadad on 14 January 2014.

9. Insufficient health services

Burqah has a public health clinic. In mid-March 2014 it moved into a new space, funded by the European Union and located inside a-Nur Mosque. The clinic has one doctor who sees patients two or three days a week, from the morning to 1:00 PM. About 40 to 50 patients visit the clinic each day the doctor is in. There is also a nurse in attendance throughout the week. The nurse offers limited services such as blood tests, bandaging, vaccinations and infant milestone checkups. The clinic provides its services at no charge to individuals who have PA health insurance, mostly older adults and chronic patients. Those without insurance are charged 10 NIS [approx. USD 2.9] per visit. A gynecologist from the PA Ministry of Health is scheduled to see patients at the clinic once a week, but in practice, arrives only once every two to three weeks. The clinic does not have an ultrasound imaging device.

The move into the new building did not improve the health services provided to village residents, and they travel to Ramallah or nearby villages in search of services not offered in Burqah. Silwad, 20 minutes away by car, has an emergency medicine center and the PA is planning to build another in the neighboring village of Deir Dobwan. The closest hospitals are in Ramallah, about a 45-minute drive away. The fact that the DCO Checkpoint may be crossed for medical emergencies during the day has no impact on Burqah residents due to the roadblocks barring access to the main road to Ramallah.

The closest pharmacy is in Deir Dobwan. Residents say it charges more than pharmacies in Ramallah, but the trip to Ramallah is long and expensive. The village clinic does dispense drugs to chronic patients for a nominal fee of 3 NIS [approx. USD 0.9], but the drugs are not always available.

The village also has a private gynecological clinic, run by a local female gynecologist. The clinic charges NIS 30 [approx. USD 8.8] per appointment and one or two patients are seen there every day, usually pregnant women. In October 2013, Dr. Hassan a-Salman opened a private general practice clinic in the village and charged NIS 20 [approx. USD 5.8] per visit. Dr. a-Salman said he saw no more than one patient a day at the clinic and it

closed down within three months.⁹⁶ Dr. a-Salman also said that at least two physicians tried to open a private clinic in the village before him but closed them within a short time. He told B'Tselem about how village residents seek medical care:

I discovered that people in the village forego the treatment they need. I guess because of poverty, although the initial visit is cheap. I noticed that people would come to my clinic only after they got worse, when the illness had already developed. For example, I saw an elderly woman who had had a stroke and an aortic dissection. I sent her to the hospital urgently, and the ambulance took 30 minutes to arrive. She didn't live long in the hospital and passed away a week later. There was another case of an 11-year-old child who came to me suffering from diabetic ketoacidosis. I sent him to the hospital. He spent a week in the Intensive Care Unit and his life was saved. Unfortunately, people choose not to seek treatment early, and this can put their lives at risk.⁹⁷

Dr. Fadi Manasrah, who has been running a private dental office in the village since December 2012, also describes a reality of residents neglecting their health:

I think people seek treatment only in emergencies, like tooth extractions, because they're poor. They don't come in for expensive treatments like dental implants. They prefer not to come for treatment at the cost of damage to their teeth because they can't afford these treatments. On the other hand, people in the village don't take care of their teeth and don't get treatment when the problems start.⁹⁸

According to the survey conducted for B'Tselem, 63% of the residents receive medical treatment in Burqah and the rest see doctors outside the village. Statistical breakdown by age and gender indicates that more men seek medical care outside the village than do women. The largest gap is in the 18-37 age bracket, where 25% to 40% of the women seek medical care outside the village, compared to 40% to 60% of men. Only about 29% of village residents over 52, both men and women, seek medical care outside the village.

When asked about the availability of medical care when required, 30% responded that medical care is always available to them, about 68% said that they could access medical care sometimes, but not always, and 1.7% (eight respondents) said they were unable to access medical care at all.

96 Testimony taken by Iyad Hadad on 18 January 2014.

97 Testimony taken by Iyad Hadad on 18 January 2014.

98 Testimony taken by Iyad Hadad on 25 February 2014.

Hibah Ya'qub, a resident of Deir Dobwan, has been working as a nurse in the Burqah village clinic for eight years. She told B'Tselem about the services she provides to the women who come to the clinic, which extend beyond just medical treatment:

In a small village like Burqah, there are lots of problems. The biggest problem people have is the financial one, which leads to many other societal problems. Most of the women who come to the clinic suffer from various conditions because of lack of health awareness. This can be seen in the way they handle their children when they have a high fever, for example, or diarrhea. My profession is a humanitarian one and I have to give more than just medical assistance, I offer any other assistance I can, even if it's simply listening to the women.⁹⁹



Medical clinic, Burqah. Photo by Sarit Michaeli, B'Tselem, 30 March 2014.

99 Testimony taken by Salma a-Deb'i on 30 March 2014.

Conclusion

This is a report about one small village in the West Bank. A village with empty, deserted streets and residents gripped by desperation: people without hope who have stopped looking for work, farmers who have given up on working their land and travellers exhausted from the long trip to Ramallah, a few mere kilometers away. Burqah is not unique. Many other places in the West Bank suffer the same fate, a fate that clearly illustrates the devastating effects of the occupation.

The impact of the occupation is visible everywhere in the West Bank, including places officially under PA control. Burqah residents may live in Area B, but despite the illusion created when powers were handed over to the PA, Israel is still the most influential factor in their lives.

Israel no longer dictates school curricula, nor does it pay the salaries of the doctors employed by the PA, but it retains full control over Area C, which accounts for about 60% of the West Bank, and includes all the main roads, most land reserves for Palestinian development and vast tracts of farmland. Area C is a contiguous territory which surrounds dozens of isolated islands of Area A and B land – where the majority of the Palestinian population lives – like Burqah. As such, Israeli decisions regarding Area C allow it to freeze Palestinian life in Areas A and B as well.

As the occupying power in the West Bank, Israel has an obligation to see to the needs of the Palestinian population. In practice, however, Israeli policy puts the interests of the settlers and the settlements before those of the Palestinian population. This agenda is clearly expressed in Israel's policies in the West Bank. Though the settlements are unlawful, Israel allocates seemingly endless resources to developing them and protecting their residents, while doing everything in its power to prevent Palestinian development.

Burqah is a case in point, depicting the effects of the occupation, illustrating how the settlements and their interests play a central role in policy planning in Israel, even at the cost of serious harm to the Palestinian residents, and how a legal-administrative web stifles a village, life and development:

- The main roads are designated for settlers, while Palestinians are redirected to tortuous bypass roads. The closure of Burqah's access roads made the trip

to Ramallah, just a few kilometers away, into a complicated and expensive endeavor. The village has become an isolated, remote community, because residents have a hard time reaching the city that once supplied their basic needs for employment, commerce, education and health.

- Some of the residents' land was taken to build settlements, and farmers steer clear of much of the land that remains, terrorized by settlers living in the area who attack them with impunity. **Residents have been denied access to about 220 hectares, about a third of the village land, for these reasons.** In the not so distant past, before the settlements were built, Burqah's farmland supplied the residents' basic needs, and they continued to cultivate it and graze their herds there even after they turned to other professions and sources of income.
- Burqah, like most Palestinian villages, remained trapped in one of dozens of Area A and B enclaves without any prospects of development. Most of Burqah's land reserves, all properly registered and privately owned by residents, are located in Area C. Planning powers in Area C remain exclusively in Israel's hands, and Israel refrains from making master plans for the Palestinian population. And so, landowners cannot build on their own land and the village has no land available for private or public construction and a shortage of open spaces.

The occupation, meant to be temporary, is nearing its fiftieth anniversary. Israel is making great efforts to ensure it will not end, and Israel's actions on the ground, which exploit both the legal framework of a temporary occupation and the Interim Agreements which were meant to last five years, evince long-term plans. A real change in the situation in Burqah, and the rest of the West Bank, will come about only when the occupation ends. But Israel has the power to take several measures that would significantly improve the lives of West Bank residents. In Burqah's case, Israel must take the following steps immediately, thereby significantly improving residents' lives:

- Remove all roadblocks and checkpoints on the roads connecting Ramallah and the villages to the east in order to allow residents direct, fast and convenient access to the city.
- Evacuate what remains of the Migron and Giv'at Asaf outposts, located on privately owned Palestinian land, an action under discussion by the HCJ for years. In addition, land at Migron must be rehabilitated to correct the massive environmental damage caused by the previous evacuation and

landowners must be allowed to return to their land.

- Ensure that residents of Burqah and nearby villages are able to safely reach, cultivate and graze herds on their land located near the settlements. Authorities must prevent settlers from harming or threatening village residents, and take legal measures against those who have perpetrated attacks and uttered threats in the past.
- Allow village residents to build on land they own which was defined as Area C under the Oslo Accords, including residential construction, and construction of public facilities required for village development.



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