

# Human Rights in the Occupied Territories



» Annual Report 2007



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In addition to our hundreds of individual donors in Israel and overseas, we wish to thank the following for their generous support of B'Tselem that makes our important work possible:

British Foreign and Commonwealth Office, Catholic Relief Services, Christian Aid (UK)/ Development Cooperation Ireland, Naomi and Nehemia Cohen Foundation, DanChurchAid, Diakonia, EED, European Commission, Ford Foundation, ICCO, Minister for Development Cooperation–Representative Office of the Kingdom of the Netherlands, Mu'assasat-Secretariat for Human Rights and Good Governance, New Israel Fund, Norwegian Foreign Ministry, Open Society Institute, Oxfam Novib, Sigrid Rausing Trust, SIVMO–Stichting Het Solidaritetsfonds, Trocaire

Cover photo: Palestinians at the Rafah crossing in the southern Gaza Strip.  
Ibrahim Abu Mustafa/REUTERS

Design: Gama Design

Date of publication: January 2008

ISSN 0792-8114

## Preface

Since its founding, B'Tselem has published over one hundred reports documenting and analyzing various human rights violations committed by Israel in the West Bank and the Gaza Strip. These reports focused on a specific issue or a particular geographic area. For the first time in over a decade, in this report B'Tselem presents a broad survey of the spectrum of human rights issues in the West Bank and the Gaza Strip throughout 2007, emphasizing those issues under direct Israeli control.

This publication describes the prominent aspects of Israeli policy regarding each issue, presents key data, puts them in historical perspective and notes policy trends, whether positive or negative. The issues presented in this report in summary form are based primarily on dozens of investigations B'Tselem conducted in 2007 as well as those in previous years, and on data the organization regularly collects from various sources and maintains in its database. All the compiled data are available on B'Tselem's website, [www.btselem.org](http://www.btselem.org).

Reviewing the status of human rights in 2007 is especially important given two symbolic dates that were commemorated this year: forty years since the 1967 War and Israel's occupation of the West Bank and the Gaza Strip, and twenty years since the outbreak of the first intifada. Marking these two events offers a broader than usual perspective on the human-rights situation that has followed in their wake and an opportunity to learn lessons from it.

Two clear themes characterize Israel's policy in many of the issues surveyed in this report. The first is the almost automatic tendency to justify everything done in the Occupied Territories in the name of security, without scrutinizing these justifications and ensuring that they meet legal standards. There is no doubt that Israel faces serious security threats and is entitled, and even obligated, to do its utmost to protect its population. However, far too often, Israel fails to appropriately balance its security needs with other important values, including protecting the rights of Palestinians under its control. In addition, Israeli authorities often exploit security threats to advance prohibited political interests under the guise of security. This tendency is apparent regarding many of the hardships imposed on Palestinians, which severely infringe their human rights while actually serving the purpose of perpetuating settlements and effectively annexing them to Israel.

The second theme that emerges from the report is the lack of accountability of Israeli security forces in all matters relating to human rights in the Occupied Territories. This is evident in the reluctance of the state to thoroughly investigate violations and to prosecute those responsible for them. The lack of accountability can also be seen in the denial of most Palestinians' right to compensation when they are injured through no fault of their own by Israeli forces. The result of this lack of accountability is that many rights have effectively been rendered meaningless.

In light of these worrisome trends and the spectrum of human rights violations surveyed in this report, and particularly given the forty-year Israeli occupation, the role of human rights organizations is more important now than ever.



# Killing of Palestinians not taking part in hostilities

Every person has the right to life. Consequently, it is absolutely prohibited to take life arbitrarily, and this prohibition is binding on every state at all times. In 2007, as in previous years, B'Tselem documented many cases in which Israeli security forces killed Palestinian civilians who were not taking part in the hostilities. The findings indicate that Israel violated this absolute prohibition. In each case, B'Tselem wrote to the authorities and demanded an investigation.

Comparing B'Tselem's data for 2007 and 2006 indicates a decrease in the number of Palestinians killed by Israeli forces and a decrease in the number of cases that raise the suspicion of arbitrary killing. However, the figures for 2007 still give cause for concern.

Palestinians killed by Israeli forces in 2007

(Figures from 2006 in parenthesis)

	West Bank	Gaza Strip	Both territories
Not participating in hostilities when killed	36 (63)	97 (263)	133 (326)
Participating in hostilities when killed	31 (56)	165 (236)	196 (292)
Unable to determine if participating in hostilities	17 (15)	33 (24)	50 (39)
Total	84 (134)	295 (523)	379 (657)



› Maha Qatouni recovers from a miscarriage in her seventh month after being shot during fighting in Nablus. 'Abed 'Omar Qusini/REUTERS

During 2007, Israeli security forces killed 379 Palestinians, 54 of them minors (under age 18). 84 were from the West Bank and 295 from the Gaza Strip. By contrast, in 2006, the total number of Palestinians killed by Israeli security forces was 657: 523 from the Gaza Strip and 134 from the West Bank, among them 140 minors. Of those killed in 2007, at least 133 were civilians who were taking no part in the hostilities at the time they were killed. As for another 50, we were unable to determine the relevant circumstances. According to these figures, approximately 35 percent of the Palestinians killed in 2007 in circumstances known to B'Tselem were civilians not involved in the fighting. In 2006, 326 civilians uninvolved in the fighting were killed (50 percent).

Illegal behavior of an individual soldier and his commander is not the only cause for the high number of Palestinians killed who were not taking part in hostilities and posed no danger to security forces. The primary reason for these deaths is Israeli policy, set by the army's top echelon: illegal easing of the military's rules of engagement, approval of operations that constitute disproportionate attacks, and failure to carry out independent investigations in cases in which innocent Palestinian civilians are killed.

## The rules of engagement

Following the outbreak of the second intifada in September 2000, the army changed and relaxed the open-fire regulations applying to soldiers serving in the West Bank and the Gaza Strip, in some cases rendering these regulations illegal. For example, the regulations now enable soldiers to open fire at Palestinians also in situations in which their life is not in danger. The change was made in light of Israel's contention that, since the second intifada began, Israel has been engaged in "an armed conflict with the terrorist organizations", in which the laws of war (which recognize the possibility of civilian deaths as "collateral damage" in lawful attacks on military targets) apply rather than human-rights laws pertaining to policing actions.

Even assuming that an armed conflict exists, a substantial percentage of the army's activity, particularly in the West Bank, consists of policing actions and cannot properly be deemed combat. These actions include, for example,

imposing restrictions on movement, arresting Palestinians, and dispersing demonstrations. Soldiers carrying out these actions are not permitted to shoot-to-kill unless their lives, or the lives of others, are threatened.

Since the second intifada began, the army has kept the open-fire regulations in the West Bank and the Gaza Strip a secret. However, B'Tselem's investigations, including testimonies given by soldiers who served in the Occupied Territories and data gathered from media reports, provide many examples of the ways in which the regulations have been eased.

For example, when conducting an arrest operation, soldiers are permitted to fire live ammunition at a suspect who is fleeing from a house, without warning and without ascertaining the identity of the person fleeing. In such situations, the regulations also allow firing "warning" shots toward a house in which the army believes a wanted person is hiding. The firing is allowed even if the soldiers know that innocent civilians, including children, are in the house.

In arrest operations carried out in 2007 in the West Bank, Israeli forces killed 50 Palestinians (some 60 percent of all Palestinians killed in the West Bank). Among those killed, 19 were bystanders (in 2006, 97 Palestinians were killed in arrest operations, constituting 72 percent of all West Bank casualties).

> A Palestinian woman mourns a relative killed during an Israeli army operation in Nablus. Eliana Aponte/REUTERS



Another example of illegal expansion of the rules of engagement is the establishment of “death zones” in areas close to the Gaza perimeter fence. According to testimonies given to B’Tselem, certain units are ordered to open fire automatically at any person approaching the fence, without giving prior warning and regardless of the circumstances or the identity of the person. This practice is particularly grave due to the lack of demarcation, by signs or otherwise, of the area to which entry is prohibited. In 2007, security forces killed 53 Palestinians who tried to cross the Gaza perimeter fence or were near the fence, in some cases even at a distance greater than 100 meters. Of these, at least 16 were unarmed and not engaged in the hostilities, including 8 minors. In 2006, these figures stood at 43, 18 of them civilians not involved in the hostilities.

**Following the outbreak of the second intifada in September 2000, the army changed and relaxed the open-fire regulations applying to soldiers serving in the West Bank and the Gaza Strip, in some cases rendering these regulations illegal.**

In this context, the army’s intention to introduce a “see-shoot” observation system along the perimeter fence is particularly worrisome. According to media reports, this system will identify suspicious objects and will allow operators to shoot live ammunition at them. The system will operate by remote control, such that no force will need to be dispatched to the area.

## **Breach of the principle of proportionality**

In combat actions, security forces are subject to the laws of warfare as stated in international humanitarian law. One of the pillars of this body of law is the principle of proportionality, which prohibits an attack, even if aimed at a legitimate military object, if it is likely to cause injury to civilians that is disproportionate to the military advantage anticipated from the attack. The principle of proportionality obligates the army to take a number of cautionary measures before launching an attack, to ensure that it does not cause disproportionate harm. Some of the actions Israel has carried out in the Gaza Strip in recent years, and also in 2007, raise serious concern that it breached this principle.

## **Testimony: Soldiers shot my husband dead in our doorway**



**Subhiyah al-Wazir, 65, Nablus**

My husband woke me at around 2 A.M. and said there were troops in the neighborhood. We stayed awake and heard rounds of gunfire every once in a while.

At around 4, my son phoned us and said the soldiers were calling out on a loudspeaker, telling everyone to evacuate our building. He said they were probably going to demolish the building. We opened the door of our house to go out, and then I turned back to get my ID card. At that moment I heard two gunshots. I turned around and saw my husband lying on the floor, bleeding. I screamed, “Abu Shaqer has been killed! Help me!”

Some neighbors carried him outside. I saw a lot of soldiers standing on the steps to the building, pointing their guns at us. I sat on the ground with my husband’s head in my lap. He was bleeding a lot and the sight drove me mad. I kept screaming, “They’ve killed him! Call an ambulance!”, and then one of the soldiers ordered me to be quiet.

At around 4:45, a Red Crescent ambulance came and took my husband to the hospital, but the doctors couldn’t save his life.

I’m still in shock. I don’t understand how this happened to us. The soldiers had ordered us to step outside, and we were just about to do that.

**Photo & documentation: Salma a-Deb’i**

This concern arose, for example, regarding many of the targeted killings carried out by the Air Force since 2000 against Palestinians suspected of terrorist activity, in situations in which it was almost certain that bystanders would be injured. For example, on 20 May 2007, the Air Force fired a missile at the 'diwan' (guest room) of the al-Haya family in Gaza City in order to kill Samah Farwaneh, a member of Hamas' military wing. In addition to Farwaneh, seven members of the al-Haya family, including three minors, were killed in the attack.

On 14 December 2006, the High Court of Justice issued its decision on a petition filed in January 2002 against Israel's targeted-killing policy. The court did not rule the policy illegal, but it held that the actions involved in each targeted killing must meet the principle of proportionality. It also ruled that, after such a killing, a "thorough and independent inquiry" must be conducted to verify the identity of the persons hit and the circumstances of the attack. However, when B'Tselem demanded an inquiry of this kind into six targeted-killing cases that took place in 2006 and 2007, which killed 36 bystanders, including 16 minors, the State Attorney's Office rejected the demand.

A grave suspicion of disproportionate attacks arose in 2005 and 2006 in cases in which army artillery fired shells at targets in or near populated areas. Artillery fire of this kind is inherently imprecise, and therefore use of such ammunition close to inhabited areas is necessarily disproportionate, as it increases the danger of civilian deaths. Furthermore, in April 2006, the army decreased the artillery-fire "safety zone" – the distance of the target from populated areas – from 300 to 100 meters. Six human rights organizations, B'Tselem among them, petitioned against the change, and the petition is still pending. On 8 November 2006, the army fired artillery shells at Beit

› Israeli soldiers in the Balata refugee camp near Nablus. 'Abed 'Omar Qusini/REUTERS





Hanun, a residential community in the Gaza Strip, and one of the shells veered off course and killed 19 bystanders, including seven minors, in their homes. Another 40 were injured. To the best of B'Tselem's knowledge, since the attack on Beit Hanun, the army has refrained from using artillery fire.

## Absence of independent investigations

Based on the claim that Israel is engaged in an armed conflict, the Judge Advocate General's Office has ceased to automatically order a Military Police investigation whenever soldiers kill a Palestinian who is not taking part in the hostilities. Today, very few such investigations take place.

Rather than an automatic investigation, the Judge Advocate General's Office now relies on an "operational debriefing" to decide whether to open a Military Police investigation. This practice is inherently flawed and often prevents proper investigation and prosecution of delinquent soldiers and commanders. First, the debriefing is tainted by conflict-of-interest: in most instances, it is carried out by commanders who, directly or indirectly, are liable to be held accountable for any wrongdoing discovered. Second, these "investigators" lack the expertise of Military Police investigators and cannot, for example, conduct ballistics tests or obtain testimonies from Palestinians.

**The likelihood that a soldier or commander who wrongfully caused the death of a Palestinian will be brought to justice is extremely small.**

In addition, in those rare cases in which the Judge Advocate General's Office does order a Military Police investigation, the decision is made many months after the incident. Consequently, there is little chance of finding evidence at the scene. Also, with the passage of time, it is hard to locate soldiers or civilians who witnessed the killing, and witnesses have difficulty remembering many of the details. As a result, most Military Police investigations into such cases are closed, with no one held accountable.

As a result of all these deficiencies, the likelihood that a soldier or commander who wrongfully caused the death of a Palestinian will be brought to justice is extremely small. This fact is reflected in the number of civilians killed versus the number of investigations opened and indictments filed. Since the beginning of the second intifada, more than 2,000 Palestinians who were not taking part in the hostilities have been killed. Yet only 270 Military Police investigations have been opened for wrongful use of weapons (this includes both cases in which civilians were killed and cases resulting in injury). Only 30 investigations resulted in indictments.

**B'Tselem does not claim that every Palestinian civilian death is necessarily the result of illegal behavior by soldiers who must be put on trial. However, every such case – and particularly those occurring in the context of policing actions rather than combat – must be thoroughly and impartially investigated in order to make such a determination.**

A petition filed by the Association for Civil Rights in Israel and B'Tselem, demanding a Military Police investigation into every death of a Palestinian civilian not involved in the hostilities, has been pending since October 2003. As part of the proceedings, the state informed the High Court of a new procedure, ordered by the army's chief of staff in December 2005, whereby every commander must submit to the Judge Advocate General's Office a detailed report, within 48 hours, of every case in which civilians not taking part in the hostilities are killed. This procedure increases the efficiency of the flow of information to the Judge Advocate General's Office, but the latter continues to rely in most cases on "operational debriefings" when determining whether to open a Military Police investigation.

The Right to Life:

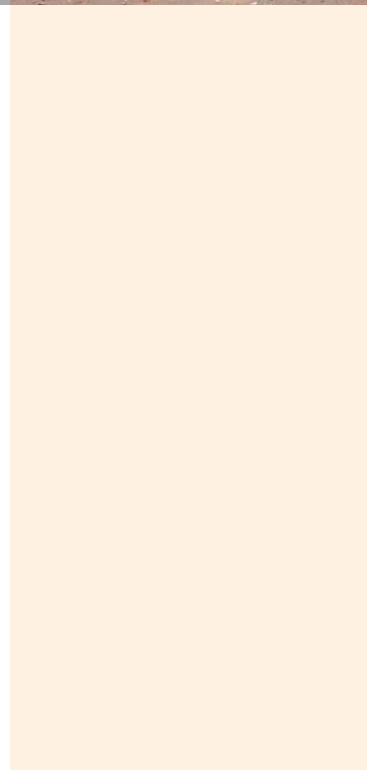
# Killing of Israelis by Palestinians

The intentional killing of civilians not taking part in hostilities is a grave breach of the right to life and is classified in international humanitarian law as a war crime. The prohibition is absolute and applies to every country, organization, and person on the face of the earth, regardless of the applicability of any treaty.

In 2007, members of armed Palestinian organizations killed seven Israeli civilians who were not involved in the hostilities in any way. Three were killed in a suicide attack in Eilat, two in Sderot by Qassam rocket attacks, and two in shooting attacks in the West Bank. Armed Palestinian organizations also killed six members of Israel's security forces.

These figures are the lowest since the beginning of the second intifada and constitute a welcome improvement compared to 2006, when Palestinians killed 17 civilians and 6 members of the Israeli security forces. There was also a certain reduction in the number of Qassam rockets fired at Israeli communities close

**The Qassam rocket attacks remain an almost daily occurrence. As a result, residents of affected communities live in constant threat of rocket fire.**





› A fireman extinguishes a fire caused by a Qassam rocket hit in Sderot. Amir Cohen/REUTERS

to the Gaza Strip: an average of 111 a month compared to 149 a month in 2006. However, these attacks remain an almost daily occurrence. As a result, residents of affected communities live in constant threat of rocket fire.

Some Palestinian organizations declare outright their intention to strike Israeli civilians, justifying their acts on various grounds. One of their major justifications is that given that the occupation is illegal, “all means are lawful in the struggle against it.” This argument is baseless and undermines the absolute prohibition on aiming attacks at civilians. For this same reason, the claim that attacks directed against settlers in occupied territory are legitimate is also unfounded: the illegality of the settlements does not deny settlers their civilian status.

Much of the Qassam rocket fire is launched from within Palestinian residential areas, or from nearby. Doing so constitutes an additional violation of international humanitarian law in that firing from residential areas puts civilians living there in danger, both from the weapons themselves and from Israeli retaliation.

# Collective punishment and tightened siege

In 2007, Israel continued to control important elements of Palestinian life in the Gaza Strip, while shirking the duties such control entails. It intensified the policy of isolation after Hamas siezed control of Gaza, bringing the situation in the area to an unprecedented humanitarian low. More than 80 percent of Gazans now depend on direct assistance from humanitarian agencies to keep them from starving. The UN predicts that this number will rise unless the siege is lifted.

## The scope of Israeli control over Gaza

Israel still maintains tight control over many aspects of life in the Gaza Strip. All the border crossings connecting Gaza with the world remain under Israeli control: the Erez, Karni, Sufa and Kerem Shalom crossings are all under direct Israeli control, while the Rafah crossing between Gaza and Egypt, although under administrative control of the Palestinian Authority, remains subject to indirect Israeli control, albeit not total.

Israel also continues to completely control the air and sea space of the Gaza Strip. Control of the air space provides Israel with abilities such as effectively and easily controlling actions on the ground, and interfering with radio and television broadcasts. Control of the coastal area and territorial waters enables Israel, among other things, to restrict the activity of Palestinian fishermen. Another result of this control is Israel's ability to prevent Palestinians from operating a seaport or an airport, the lack of which impairs freedom of movement to and from the Gaza Strip. Since Hamas forcefully took over the Gaza Strip, control of the air and sea space has played a central role in Israel's siege policy.





› Smoke rises after an Israeli air strike in Gaza City. 'Adel Hana/AP

Israel also continues to control most aspects of the Gazan taxation system: it is responsible for setting the VAT and customs rates on goods intended for the Gaza Strip, collecting these taxes for the Palestinian Authority and transferring the tax revenues to (or withholding them from) the Palestinian Authority each month. These powers enable Israel to punish the PA by withholding tax revenues, as was indeed the case between Hamas' victory in the Palestinian elections in early 2006 and its forceful takeover of the Gaza Strip in mid-2007, at which point Israel began transferring the revenues to the Palestinian Authority in the West Bank.

**Israel still tightly controls many aspects of life in the Gaza Strip.**

Israel also controls the population registry, which covers both the Gaza Strip and the West Bank. Although official control of the registry was transferred to the Palestinian Authority in the Oslo Accords, in practice most of the power remains with Israel. Changes to the registry made by the PA, without prior Israeli approval, will not be recognized by Israel. This situation did not change after the "disengagement," and it enables Israel to continue controlling entry into the Gaza Strip of all those who do not have a Palestinian identity document.



# Tightened siege and increased sanctions

In June 2007, after several weeks of fighting between Palestinian factions in the Gaza Strip, Hamas seized control of the Gaza Strip. In response, Israel tightened its siege over the Gaza Strip, barring almost all Palestinians from entering and leaving the area. Israel also blocks export of any goods from the Gaza Strip, other than rare exceptions, while import is restricted to goods designated “humanitarian” by Israel.

On September 19, Israel's security cabinet declared the Gaza Strip a “hostile entity.” Israel claims this definition legalizes the imposition of various punitive measures in response to Qassam rocket fire on Israel, including steps such as restricting the supply of electricity and fuel from Israel. However, the Israeli government has yet to explicitly state how these measures will help reduce rocket fire from Gaza.

The implied assumption is that continuously hampering the entire population of Gaza from running their lives will eventually induce them to pressure the Hamas leadership to cease the rocket fire. Collectively punishing a civilian population in order to generate political or military pressure is prohibited and illegal. Moreover, the slim chance that this scenario will indeed take place raises the suspicion that a major consideration in imposing these measures (which are illegal regardless of their effectiveness) is not to stop the rocket fire, but to reassure the Israeli public that its government is taking action.

**Collectively punishing a civilian population in order to create political or military pressure is prohibited and illegal.**

Following Israel's declaration, Gazan residents and Palestinian and Israeli human rights organizations, including B'Tselem, petitioned the Israeli High Court of Justice against the planned punitive measures. The petitioners argued that the measures were likely to cause extensive humanitarian harm, even the loss of life, as a result of their expected ramifications on hospitals, on the water and sewage systems, on the use of household appliances such as refrigerators for food and medicines, and on other vital systems. They further contended that any intentional harm to civilian infrastructure in Gaza is absolutely illegal, as international humanitarian law prohibits collective punishment. These arguments are especially pertinent given Gazans' dependence on Israel for electricity and fuel, created during the 38-year period of direct Israeli control. This dependence has increased since June 2006, as a result of the Israeli Air Force's bombing of Gaza's only power station, which has been only partially rehabilitated.

In an interim decision given on November 30, the High Court postponed for two weeks its decision on Israel's plan to reduce electricity supply to Gaza. The postponement was intended to enable the court to receive additional

› Palestinians wait for the Rafah crossing between the Gaza Strip and Egypt to open. Khalil Hamra/AP



clarifications and figures regarding the plan and its anticipated effects on the civilian population in the Gaza Strip. However, the judges held that there were no grounds to prohibit Israel from reducing the amount of fuel supplied to Gaza, a measure that has been in effect since October 28. The fuel cuts directly influence the water and sewage systems, which depend on electricity to operate pumps. At present, 15 percent of Gazans have access to drinking water for only an hour or two a day.

## Devastation of the Gazan economy

The Israeli siege has brought the Gazan economy, already in a precarious condition, to an unprecedented low.

Israel has erased Gaza's customs code from its computer system and the customs authority has stopped releasing goods intended for Gaza, other than humanitarian equipment and basic foods (such as flour, sugar, oil, rice and salt). Export from Gaza has also been blocked, apart from several shipments of agricultural produce and flowers, which Israel permitted under international pressure.

Gazan industry is based on enterprises, 95 percent of which rely on the importation of raw materials. As of June 2007, no raw materials have entered Gaza, forcing 90 percent of the enterprises to close down operations. The construction sector, too, is totally paralyzed. All in all, 3,500 businesses have closed down and over 75,000 workers, who support half a million dependants, have lost their jobs.

The unemployment rate in Gaza is close to 40 percent and is expected to rise. The public sector employs approximately 40 percent of the Gazan work force and since Israel resumed transfer of tax revenues to the Palestinian Authority in July, salaries have been paid on time. However, salaried Gazans now support a much higher number of dependants.

As a result of the siege, the stocks of imported goods in Gaza are dwindling, raising their prices markedly, while fruit and vegetables that were intended for export are being sold in markets at a loss. Few can afford to buy them, however, due to the high poverty rate. 80 percent of Gazan households now live below the poverty line, subsisting on less than 575 dollars a month for a family of six. Households in deep poverty, subsisting on less than 460 dollars a month, currently constitute 66.7 percent of all Gazans. 80 percent of all Gazan families would literally starve without food aid from international agencies.

### Testimony:

#### I can't enter Israel to receive urgent treatment



Na'el al-Kurdi, 21, Gaza City

In 2006, my right testicle was removed due to cancer. Then a growth was found in my abdomen too. I was sent to a hospital in Egypt and they prescribed a course of chemotherapy once every three weeks.

I couldn't afford to stay in Egypt between treatments so I went back to Gaza after the first course. Then I couldn't get back into Egypt because the Rafah crossing was closed, so I had to receive the rest of the courses in Gaza, even though the quality of treatment there is poorer.

After a few courses, they stopped the chemotherapy because my body became too weak. I couldn't eat anything and I couldn't even stand up. My stomach hurt unbelievably and I felt like I wanted to cut it out of my body.

The doctors in Gaza had no other way to treat me so they referred me to a hospital in Israel for radiation therapy. They set me an appointment for September. I immediately applied for a permit to enter Israel but I was refused.

Physicians for Human Rights also tried to get me an entry permit but they didn't succeed. Now they're applying again on my behalf. I wait every day to hear if I will be allowed to enter or not. Every delay increases the chances that I'll die before I get treatment.

Na'el al-Kurdi died on November 17, 2007

Documentation & photo: Muhammad Sabah





› Services at the European Hospital in Gaza are endangered by the fuel and electricity cuts. Ibrahim Abu Mustafa/REUTERS

## 1.5 million Palestinians in one big prison

The Rafah crossing, which is the only Gazan border crossing that is not directly controlled by Israel, has been closed almost permanently since Hamas' takeover in June. As a result, residents of the Gaza Strip have no way of reaching other countries, even in urgent humanitarian cases such as patients in need of lifesaving treatment. Approximately 6,000 Gazans on their way back from abroad were stuck on the Egyptian side of the border for many weeks, in harsh conditions, until they were allowed to re-enter Gaza. Others who wished to leave Gaza for Egypt or for other countries, including the sick and the wounded, remained imprisoned within Gaza. In December, approximately 750 pilgrims to Mecca left Gaza via the Rafah crossing – according to media reports, as a result of an agreement between Hamas and the Egyptian government. At the beginning of December, Israel allowed approximately 900 Palestinians, some with permits for working abroad and others students in the middle of their studies, to exit Gaza, after a prolonged period of imprisonment within it.

The health system in the Gaza Strip, which has functioned only partially, at best, for decades, is now in a state of collapse. Prior conditions to health, such as access to clean water, food security, a steady electricity supply, adequate housing and lack of poverty, cannot be adequately met due to the siege. The

dearth of medicines and primary and secondary medical equipment is also increasing due to the siege; according to the World Health Organization, 20 percent of essential medicines and 31 percent of essential medical equipment were missing in October 2007. In addition, even the available medicines and services are too expensive for most Gazans.

**Prior conditions to health, such as access to clean water, food security, a steady electricity supply, adequate housing and lack of poverty, cannot be adequately met due to the siege.**



Many patients require treatments that are unavailable in the Gaza Strip. However, 17.5 percent of patients with referrals to Israeli hospitals were denied entry into Israel during 2007. According to the Palestinian Ministry of Health, 44 patients from the Gaza Strip died in 2007 as a direct result of Israel delaying – or preventing – their exit from Gaza.

## Israel's policy breaches international law

Despite its extensive control over the Gaza Strip, Israel's official position is that it has no obligation whatsoever, under international law, toward residents of Gaza. This argument, however, is baseless, both under international humanitarian law and under international human rights law.

The broad scope of Israeli control in the Gaza Strip, which exists despite the lack of a physical presence of Israeli soldiers inside the territory, creates a reasonable basis for the assumption that this control amounts to "effective control," such that the laws of occupation continue to apply. These laws

**Israel still has obligations toward the residents of Gaza, both under international humanitarian law and under international human rights law.**

impose general responsibility on the occupying state for the safety and welfare of civilians living in the occupied territory.

Even if the claim that Gaza still constitutes occupied territory is rejected, this does not release Israel from certain responsibilities it bears under international humanitarian law. IHL is not limited to protecting civilians living under occupation, but includes provisions intended to protect civilians during an armed conflict. Given that Israel contends that it is engaged in an armed conflict with the Palestinian organizations fighting against it, such provisions apply and include responsibility for enabling the free passage of medicines and essential foodstuffs and refraining from imposing collective punishment. The siege and sanctions that Israel currently imposes on the Gaza Strip blatantly breach these provisions.

Another legal source for Israel's responsibility towards the residents of the Gaza Strip is international human rights law, which is enshrined in international conventions ratified by Israel. These conventions recognize, among other things, the right of every person to freedom of movement, to work, to an adequate standard of living, to education, to adequate health care, and to family life. Each party to the conventions undertakes to carry out the provisions not only inside its own sovereign territory, but also as regards persons under its control. In other words, the scope of the control indicates the scope of the responsibility. In this aspect, too, it is clear that Israel's policy is patently illegal.



The Right to Freedom of Movement:

# Restrictions on Palestinian movement in the West Bank

Israel continued to impose restrictions on Palestinian movement throughout the West Bank during 2007, deepening the geographical split of the West Bank into six separate areas: the North, the Center, the South, the Jordan Valley and the northern Dead Sea, the enclaves resulting from the Separation Barrier, and East Jerusalem.

Various physical and administrative means are used to enforce the restrictions, including permanent and flying checkpoints, physical obstacles, the Separation Barrier, roads that Palestinians are forbidden to use, and a permit regime.

The number of permanent checkpoints in the West Bank barely changed during 2007, averaging 102 at any given time. Of these, 36 are the last control point between the West Bank and Israeli sovereign territory, most of them located several kilometers from the Green Line, within the West Bank. These checkpoints are staffed around the clock by soldiers, Border Police, or civilian security companies. The other 66 checkpoints are located deep within the West Bank (16 of them inside the city of Hebron). Of these, some are staffed around the clock, while others only intermittently. In addition to the permanent checkpoints, the army sets up dozens of temporary flying checkpoints every week. Although the use of flying checkpoints has grown much more frequent in the last two years, the second half of 2007 saw a slight decrease in number: an average of 69 a week was counted in November, as opposed to 141 in May.





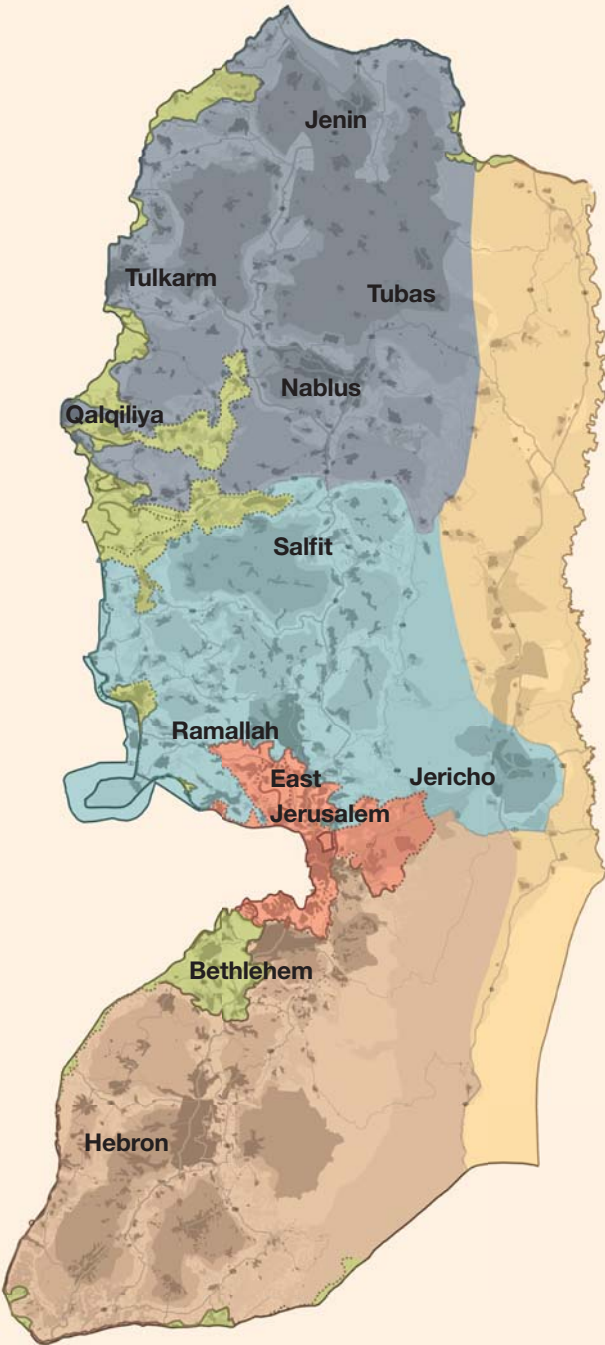
› The Huwara checkpoint south of Nablus. 'Abed 'Omar Qusini/REUTERS

In addition to checkpoints, Israel continues to place physical obstacles that block access to main roads and divert Palestinian traffic to the staffed checkpoints. These obstacles include dirt piles, concrete blocks, rocks, trenches, fences and iron gates. Their number has gradually grown in recent years, albeit not drastically, with 410 counted on average in 2005, 445 in 2006, and 459 in 2007. Unlike staffed checkpoints, physical obstacles leave no room for flexibility in permitting crossing, as there is no one present to remove the obstacle in cases of emergency.

**Unlike staffed checkpoints, physical obstacles leave no room for flexibility in permitting crossing, as there is no one present to remove the obstacle in cases of emergency.**

The severity of the restrictions on persons who want to cross differs from checkpoint to checkpoint and from time to time. However, at almost all checkpoints, people are required to show their identity cards or passage permits, which are checked according to the regulations at each particular checkpoint. Some permits allow people to enter, or stay in, entire areas in the West Bank that Israel generally closes to Palestinians (such as the “seam zone” or the Jordan Valley), while others only allow passage

**Splitting of the West Bank as a result of checkpoints, the Separation Barrier and other Israeli restrictions**



Northern West Bank	■
"Seam-zone" enclave	■
Jordan Valley and northern Dead Sea	■
Central West Bank	■
East Jerusalem	■
Southern West Bank	■

from place to place through a specific checkpoint. The procedure required to receive a permit, and the criteria for authorizing permits, remain consistently ambiguous. A request for clarifications on this matter that B'Tselem sent to the Civil Administration was left unanswered. The Israeli authorities view "granting" permits as an exception, a privilege of sorts, to be bequeathed only if the person requesting it proves he or she has a "justified reason" for wanting to move between areas in the West Bank.

A slight improvement in this context was noted in February, when authorities cancelled the requirement for a permit to cross the "Container" checkpoint south of the Ma'ale Adumim settlement, which controls movement between the south and center of the West Bank. However, vehicles and passengers are still stopped and checked at the checkpoint, and lengthy delays are frequent. Another change took place in April, when the Defense Ministry announced that Palestinians no longer had to obtain a permit to enter the Jordan Valley. Yet a B'Tselem follow-up revealed only a minor change in activity at the relevant checkpoints, as the decision was only applied to pedestrians and passengers on public transport (which requires a permit in itself), and is only in effect in two of the four checkpoints that control access to the Jordan Valley. Entering the area with a private vehicle still entails obtaining a special permit. In addition, Israel has increased restrictions on access to the north of the Dead Sea by imposing a sweeping prohibition on Palestinians from crossing the "Almog" checkpoint, as of May.

Throughout 2007, Israel continued its siege on the city of Nablus by restricting movement in and out of the city to the four staffed checkpoints that encircle it. Israel also continued to bar entire population groups from leaving the city: between January and August, sweeping group restrictions were imposed for at least 45 days, prohibiting all men aged 16-35 from leaving the besieged area of Nablus. For at least 46 days out of that period, males from Jenin and Tulkarm from the same age group were barred from traveling south. While these restrictions were in effect, only those holding permits could cross the relevant checkpoints, but permits were issued rarely and only in exceptional cases.

# The Separation Barrier

Israel continued to construct the Separation Barrier throughout 2007. The planned route of the Barrier, as approved by the government, is 723 kilometers long, 56 percent of which have already been completed. Another 9 percent are currently under construction, while 34 percent have not been constructed. Once the Barrier is complete, approximately 9 percent of West Bank territory (including East Jerusalem) is expected to be on the “Israeli” side, that is, between the Barrier and Israeli territory. This expanse of land is termed “the seam zone” by Israeli authorities and Palestinians are required to obtain special permits to enter it.

Due to the winding route of the Separation Barrier, the “seam zone” comprises dozens of disconnected enclaves. Each of these enclaves contains agricultural lands privately owned by Palestinians who reside on the other side of the Barrier. Some

**Due to the winding route of the Separation Barrier, the "seam zone" comprises dozens of disconnected enclaves. Each of these enclaves contains agricultural lands privately owned by Palestinians who live on the other side of the Barrier.**

enclaves include not only land but also entire villages: once construction is completed, approximately 30,000 Palestinians will remain trapped within these enclaves.

The section of the Barrier surrounding Jerusalem (officially termed “the Jerusalem envelope”) is 167 kilometers long. Of these, construction on 47 percent has been completed, while another 20 percent are currently under construction. Movement between the West Bank and Jerusalem is restricted to only four checkpoints and for West Bank residents is conditioned on obtaining permits. The progress in construction of the Barrier in this area throughout the year, together with the difficulty in obtaining entry permits into Jerusalem, have greatly reduced movement between East Jerusalem and the rest of the West Bank.

## Testimony: My daughter-in-law gave birth at a checkpoint



**Na'ama Hilmiyeh, 64, Abu Dis**

My daughter-in-law 'Afaf was ninth months pregnant and had arranged to give birth in a hospital in East Jerusalem. The authorities would only give her an entry permit one day at a time. That morning, 'Afaf's mother took her ID card went to get her another permit. Later on, 'Afaf went into labor. I rushed with her to the al-'Eizariya checkpoint, but since our permits were outdated, the soldiers only agreed to let 'Afaf through alone. She was scared to go without me so we went to the a-Za'ayem checkpoint, but the soldiers there also refused to let us through. I told them that 'Afaf's mother had her ID card because she'd been trying to get her a permit to cross the very same checkpoint since morning, but it didn't help.

The contractions started coming faster. After about half an hour, two officers came and took us to a waiting room with many people. 'Afaf's mother was there too.

'Afaf started screaming that the baby's head was coming out. The officers took us to an empty corridor and 'Afaf lay down on the floor. I took off her underwear and felt the baby's head emerging. That is how the baby came into the world, with 'Afaf screaming and some soldiers gathered around us, staring at her.

We stayed like that for 45 minutes, until an ambulance came and took 'Afaf and her mother to the hospital.

**Documentation & photo:  
Kareem Jubran**





› Route 443 that connects Jerusalem and Tel Aviv. Yotam Ronen/activestills.org

## Roads forbidden to Palestinians

In 2007, Israel continued to forbid and restrict Palestinian traffic on particular roads throughout the West Bank that serve Israeli citizens, mostly settlers. B'Tselem has calculated that these roads, which are all in Area C, total over 300 kilometers. Although Palestinians are usually able to travel freely on roads within areas A and B, these areas are actually separate “islands” that require travelers between them to go through Area C. Therefore, travel restrictions imposed on Palestinians in Area C disrupt Palestinian movement throughout the entire West Bank.

Throughout the year, the Israeli High Court of Justice discussed various petitions filed by the Association for Civil Rights in Israel against the forbidden roads. One such petition, filed in June 2007, protested the prohibition on Palestinians from using route 443, which connects Jerusalem with the center of Israel while passing mostly through the West Bank. In response, the army declared it would allow 80 vehicles from the petitioning villages to use the road in daylight only, while travel by night would require advance coordination with the Civil Administration and would be allowed only in humanitarian cases. Access to the road would be permitted through one checkpoint only. The villagers rejected this proposal and the petition remains pending. Another petition focused on a concrete barricade, 41 kilometers long and 82 centimeters high, that was built in the southern Hebron hills and blocks Palestinian access to route 317. Although the High Court ordered the army to take down the barricade in December 2006, the army complied only in July 2007, after another petition was filed demanding that the High Court follow through on its verdict.

Israel also continued to build “alternative roads” for Palestinian use throughout 2007. Some of these roads run parallel to roads that Palestinians are forbidden to use, while others are meant to substitute roads to which access has been blocked by the Separation Barrier. At least 11 roads of this kind are complete or are close to completion.

These “alternative roads” enable the army to monitor Palestinian traffic without disturbing Israeli drivers, who travel in separate lanes. Moreover, Israel expropriated private lands and used public lands inefficiently to build these roads. In many cases, these violations heap insult on injury, as adjacent lands were seized earlier by Israel to construct the Separation Barrier.



› A physical obstacle blocking access from Beit Sira to route 443. Nir Landau/activestills.org

## Impact on living conditions

These restrictions on movement, and the resulting geographical fragmentation of the West Bank, severely curtail the activity of major social institutions and systems, necessarily influencing people's ability to realize many of their human rights. The health system, the economy, family networks and municipal services are only a handful of examples.

Access to health services by both providers and patients is a central condition to realizing the right to health. The restrictions on movement prevent many from fully enjoying this right: patients have difficulty reaching medical centers; the level of service at such centers has drastically dropped as doctors and staff members arrive late or not at all; and emergency medical teams often cannot arrive quickly enough to assist

**These restrictions on movement, and the resulting geographical fragmentation of the West Bank, severely curtail the activity of major social institutions and systems, necessarily influencing people's ability to realize many of their human rights.**

the wounded and the ill. 2007 saw a rise in the number of patients detained at checkpoints. During the course of the year, B'Tselem also documented five cases of patients who died after being delayed at checkpoints. In addition, at least four women gave birth at checkpoints – three of them in the “Jerusalem envelope” area – after being delayed and refused passage to hospital.

► Palestinian youths in the 'Azzun 'Atmah enclave between the Separation Barrier and the Green Line. Photo: Miki Kretzman

### Testimony: Soldiers delayed us from reaching hospital and my cousin died on the way



Mu'atasem 'Omar, 23, 'Azzun 'Atmah

Last Saturday night I went with my cousin, 'Adel, and a friend, Qusai, to help tow a car that was stuck in a field. On our way back, our tractor overturned and 'Adel was injured badly. We got a car and took him quickly to the 'Azzun 'Atmah gate [in the Separation Barrier], which closes every night at 10 P.M.

We got there at 10:20 P.M. and shouted to the soldiers in the watchtower that we had a medical emergency. They called out to us to step back from the gate. I knew there was enough light from the projectors for them to see into the car, where 'Adel was lying. I could see that he was still breathing. We called again and again to the soldiers to open the gate.

After about an hour and five minutes, three soldiers came down and went over to the car. They saw 'Adel and realized that he had to get to the hospital. We explained about the accident, and they opened the gate.

We rushed to al-Aqsa Hospital, in Qalqiliya. On the way, I saw that 'Adel was still breathing. We got there in 20 minutes. The doctors and nurses examined him, but by then he was dead. They found that he had suffered broken bones and internal bleeding in his chest.

Documentation & photo:  
'Abd al-Karim Sa'adi





The Palestinian economy in the West Bank has also suffered from the restrictions on movement, continuing to split up into smaller local markets throughout 2007. Traveling expenses within the West Bank also remained exceptionally high. The permit regime and the limited number of commercial vehicles allowed to move freely throughout the West Bank continued to curb transportation of goods and raw materials. This was exacerbated by the fact that many workers have difficulty reaching their workplaces on a regular basis. However, the unemployment rate in the West Bank decreased somewhat, dropping from 24.2 percent in the second quarter of 2006 to 22.6 percent in the second quarter of 2007. By contrast, unemployment prior to the second intifada was about 17 percent.

## **“Easing” restrictions**

In 2007, as in recent years, Israel made several promises to “ease” restrictions on movement in the West Bank. These promises express a disregard for Palestinians’ right to free movement, treating it as an act of benevolence. This year, too, these promises remained largely unfulfilled, several having been met only partially and insufficiently. In December 2006, for instance, the government announced that as of January 2007, checks would be “eased” in 15 checkpoints and 44 physical obstacles would be removed. However, monitoring by B’Tselem and other organizations shows that most of the checkpoints included in the plan were intermittently staffed, or imposed only superficial checks to begin with. Similarly, the 44 obstacles listed in the plan did not include those whose influence on people’s lives is particularly severe. In some cases, it even transpired that some of the obstacles listed had already been removed, prior to the promise.

In July, Prime Minister Olmert met with Tony Blair, the Quartet Middle East representative, and announced that Israel would work to improve freedom of movement in the West Bank and to “ease” passage at checkpoints. In September, wide media coverage was given to reports that the defense minister was examining a proposal to replace a large number of permanent checkpoints with flying checkpoints. It was further reported that sources from the defense establishment had announced that restrictions on movement in the West Bank would be “eased,” albeit in a gradual fashion and inasmuch as security would allow. To date, none of these reported promises have been fulfilled.



## Illegal restrictions

As a rule, Israel is not allowed to impose restrictions on movement in the West Bank unless the restriction serves a legitimate military or security need, and only if the harm they cause is proportionate. In practice, this is usually not the case.

A large part of the restrictions detailed above serve illegitimate interests, foremost of which is ensuring Israelis – particularly settlers – speedy and unimpeded travel on roads throughout the West Bank, while separating them from Palestinian traffic. Likewise, a major consideration in planning the route of the Separation Barrier was explicitly political: including many settlements (and planned future settlements) on the “Israeli” side, with the aim of annexing them to Israel de-facto.

Even in cases in which restrictions are imposed for security reasons, it is doubtful that they accord with the principle of proportionality. In many cases, the way in which restrictions are imposed raises doubts as to whether they are indeed rationally tied to the declared security aim. In other cases, alternatives are clearly available to meet the same security consideration while minimizing harm to the Palestinian population. Other restrictions are disproportionate since the harm they cause the population is not appropriately balanced against their advantages in terms of security.

Moreover, the large majority of Palestinians who are victim to these restrictions are not personally suspected of threatening Israeli security. Thus, there can be no avoiding the conclusion that these restrictions constitute a form of collective punishment, which is categorically prohibited by international humanitarian law.

› The Huwara checkpoint south of Nablus. 'Abed 'Omar Qusini/REUTERS



The Right to Freedom from Ill-treatment:

# Beatings and humiliation by Israeli security forces

Security forces' abuse of Palestinians is not a new phenomenon, and has existed since the beginning of the occupation. Given that few of the victims file complaints or report ill-treatment, in part because they do not trust the Israeli law-enforcement system, it is hard to estimate the scope of such abuse. Clearly, however, ill-treatment is extensive.

In 2007, B'Tselem documented in detail 74 cases in which security forces beat (by punching, kicking, clubbing, or hitting with rifle butts), humiliated, or threatened Palestinians. The perpetrators were soldiers (in 41 cases), Border Police officers (27 cases), and members of the regular police (6 cases). In all these cases, B'Tselem requested that the authorities open a criminal investigation.

The ill-treatment generally occurs in one of the following situations:

- » **While enforcing restrictions on movement:** in these cases, the victim is usually caught trying to bypass a checkpoint that he is not permitted to cross.
- » **During searches for weapons in homes:** such cases usually also entail deliberate damage of the occupants' property, in addition to harm to their person.





› Israeli forces arrest Palestinian youngsters during clashes following excavations on the Temple Mount. Anne Paq/activestills.org

- » **In the course of arrest of persons wanted for interrogation:** a survey conducted by B'Tselem indicates that about half of Palestinians detained for questioning by the ISA are beaten by security forces during their arrest, the transport to detention or in prison, prior to being transferred to the interrogation facility.
- » **During arrests of Palestinians staying in Israel without a permit:** these victims are usually workers who despair of finding work in the West Bank or of obtaining permits to enter Israel, and therefore risk entering without permits in order to support their families. In most cases, they are not prosecuted and are returned to the West Bank.
- » **While dispersing demonstrations:** B'Tselem's monitoring of demonstrations against the Separation Barrier since 2004 indicates that about 1,000 demonstrators have required medical treatment due to injury from rubber-coated metal bullets, beatings, or tear gas inhalation. Over 320 of these people were injured in 2007.

Use of force by law-enforcement officers that exceeds the minimum necessary to perform their duties is absolutely prohibited by Israeli and international law. Threats, insults, and humiliation are forbidden in all circumstances.

The security establishment recognizes its obligation to prevent ill-treatment of Palestinians. When cases are uncovered, state officials routinely condemn them and claim they are exceptions. Unfortunately, this is far from true. The large number of cases, their severity and their frequency all indicate that ill-treatment is not committed by a handful of “rotten apples”, but is common and constitutes a systemic failure. This failure is evident from the permanent, intolerable gap between the relevant laws, on the one hand, and practices and unofficial orders – “the unwritten law” – that security forces have adopted, on the other hand.

Authorities have not only failed to prevent the phenomenon, but have also been impotent in handling cases of ill-treatment once they have occurred. As a result, in most cases, perpetrators pay no price at all for their misconduct.

One major reason for the lack of sanction against perpetrators is that Palestinians often do not file complaints, in part because of the difficulties Israel puts in their path. First, the sweeping restrictions on movement in the West Bank make it difficult and exhausting for prospective complainants to get to a police station, all of which are located inside settlements, or to an Israeli DCO (District Coordination Office), to file their complaint. At times, it can take several days to accomplish such an endeavor. When Israel places a siege on an area (in recent years, this has occurred primarily in Nablus), individuals from the affected age group (generally 16-35 for males) have no way of leaving the city to file a complaint. Second, the often degrading treatment of Palestinians at DCOs and police stations – humiliating body checks and long waits, for example – also acts as deterrence. Third, the complainant takes the chance that, in filing the complaint, he or she will become a suspect: a common defense of police officers

► An Israeli soldier arrests a Palestinian after a protest against expropriation of land in Artas, south of Bethlehem. Anne Paq/activestills.org



and soldiers is that the complainant assaulted them and that they only responded with the force needed to subdue the assailant – contentions that the Israeli authorities tend to believe.

The impotence in bringing perpetrators to justice is also evident in the handling of complaints once they are filed. The power to investigate complaints against police officers lies with the Department for the Investigation of Police in the Ministry of Justice. The Military Police Investigation Unit investigates complaints against soldiers. According to figures in the State Comptroller's report for 2002-2003, only some three percent of complaints filed with the DIP alleging wrongful use of force (all complaints, not only those filed by Palestinians) result in a disciplinary hearing and only 1.5 percent in an indictment.

**The large number of cases, their severity and their frequency all indicate that ill-treatment is not committed by a handful of "rotten apples", but is common and constitutes a systemic failure.**

Figures provided to B'Tselem by the Judge Advocate General's Office indicate that from September 2000 to the end of 2007, 476 Military Police investigations had been opened regarding unjustified use of force by soldiers against Palestinians. Only 36 indictments were filed.

One reason for closing investigation files without filing an indictment in such cases is the delay of the Judge Advocate General's Office in ordering a Military Police investigation. Some complaints bypass the JAG's office and directly reach the Military Police Investigation unit. However, the unit may delay initiating the investigation. As a result, physical evidence is often no longer to be found, it is hard to locate witnesses, and those who are located have difficulty remembering the details.

Other files are closed because the investigators are unable to locate the perpetrators. In this context, it should be noted that uniformed police officers are required by law to wear a visible identifying tag bearing their name. Some police officers do not wear the tag or hide it under their bullet-proof vest. Even when the tag is visible, Palestinians often have difficulty reading the name, as many are unable to read Hebrew.

In addition to the injustice inherent in this lack of accountability, the failure to bring perpetrators to justice transmits a dangerous message whereby the bodily integrity and dignity of Palestinians are forfeit, and foster a climate of impunity regarding ill-treatment of Palestinians.

## Testimony: Border Police officers abused me



**Muhammad Muhsen, 15, Abu Dis**

My father woke me around 3 A.M. and said Israeli soldiers were asking about me. There were a lot of border policemen in our living room, and two of them led me to the police car.

[...] On the way, one of them said, "You son of a bitch, I'm going to fuck you and your mother." I pushed him with my hands, which were in cuffs, and they started beating me hard in my head, back and stomach. When we got to the jeep, they put me in, sat me on the floor, and started driving. During the drive, one of the soldiers put his leg on my head. The jeep stopped and I had no idea where I was. I sat in the car with the soldier's foot on my head the whole time. I felt drowsy. Every time I fell asleep, he kicked me and said, "You animal, don't sleep!" or, "You asshole, don't sleep!" He also put his shoes on my mouth.

[...] Around 8 A.M., more soldiers came to the jeep. They beat me on the head with a stick and then shoved it into my mouth and turned it around. I told them that my stomach really hurt. One of them lifted my shirt and saw that my stomach was swollen and hard.

[...] They took me to be examined at a hospital and then drove me home to Abu Dis.

**Photo & documentation: Kareem Jubran**

# ISA (Shin Bet) interrogations

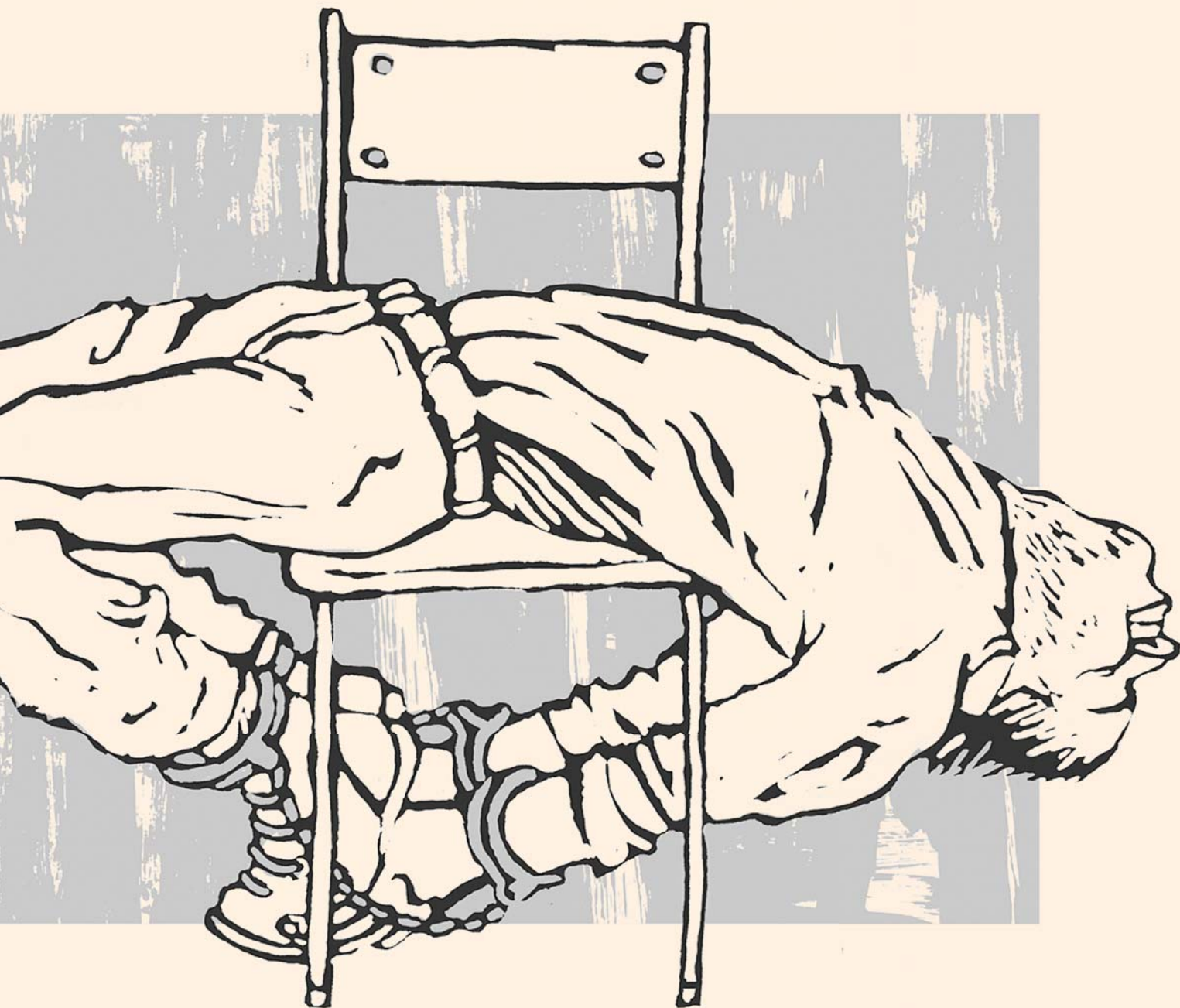
More than 6,000 Palestinians from the West Bank were detained in 2007 by Israel's security forces. A significant majority of them were subsequently interrogated by the Israel Security Agency on suspicion of involvement in "hostile terror activity." In these interrogations, the ISA, together with the Prison Service and Israel Police, routinely use prison conditions and interrogation methods that individually constitute forbidden ill-treatment. Furthermore, these methods are generally used in combination, increasing the suffering of interrogees. In addition, interrogees whom the ISA considers "ticking bombs" undergo harsher interrogation methods, including the direct use of physical force that amounts to torture.

Information on these interrogation methods was gathered as part of research conducted by B'Tselem and HaMoked: Center for the Defence of the Individual and published in May 2007. The testimonies on which the research is based relate to interrogations that for the most part took place in 2005 and early 2006. However, monitoring by B'Tselem and other human rights organizations indicates that the prison conditions and interrogation methods described in the report remain essentially the same.

Common interrogation methods include six primary components that international law deems ill-treatment:

**Isolation from the outside world:** This component serves, among other things, to impose psychological pressure and increase the interrogee's feeling of helplessness. The prevention of meetings between detainees and their attorneys is a particularly grave result of this isolation, since it denies detainees access to legal guidance regarding their rights during detention and interrogation.





› The "banana position" used by the ISA in interrogations. Illustration: Ishai Mishory

**Use of subhuman conditions of confinement to generate psychological pressure:** This includes holding the detainee in solitary confinement, in squalid cells without natural light or fresh air, with a light on 24 hours a day, without a bed or table (the detainee sleeps on a mattress on the floor), and without anything to pass the time, such as reading or writing materials. These conditions create "sensory deprivation," a phenomenon that results in emotional distress and is liable to harm the detainee's mental health in both the short and long term.

**Interrogees whom the ISA considers "ticking bombs" undergo harsher interrogation methods, including the direct use of physical force, which amounts to torture.**

**Weakening the detainee's physical condition:**

This result is achieved by preventing any form of physical activity (including a daily walk in the yard), by deliberately disturbing the detainee's sleep, and by feeding him substandard food in insufficient quantities.





**Since 2001, the State Attorney's Office has received more than 500 complaints of ill-treatment and torture by ISA agents, yet has not ordered a criminal investigation into a single case.**

2007, the Ministry of Justice stated, in response to a request from the Public Committee Against Torture in Israel (PCATI), that it had ordered ISA interrogators to stop using the term "military interrogation." Other threats address members of the detainee's family, who are not suspected of any wrongdoing, by making the detainee believe that his relatives have been detained because he has failed to cooperate. On this point, too, the Ministry of Justice informed PCATI, in July 2007, that it forbids exploiting relatives of detainees in this way. The extent to which these two directives are being implemented is unclear.

Less often, and only in "ticking bomb" cases, interrogators use even harsher methods. These generally involve physical violence: beatings; sleep deprivation for more than 24 hours; painful cuffing, sometimes of the upper arm, which stops the flow of blood; sudden pulling of the body, which causes pain in the hands bound to the chair; sudden twisting of the head to the side or to the back, while holding the chin or punching body parts; forcing the detainee to crouch on his toes (the "frog position"); and bending the body in an arch when he is sitting on a backless chair (the "banana position").

Since 2001, the State Attorney's Office has received more than 500 complaints of ill-treatment and torture by ISA agents, yet it has not ordered a criminal investigation into even one case. The State Attorney's Office bases its decision on the findings of an investigation made by an ISA agent who is subordinate to the head of the ISA. Even in those cases in which these findings revealed that ISA agents abused an interrogee, the State Attorney's

**Cuffing in the "shabach" position:** While held in the interrogation room from 5-8 hours a day, the detainee is tied to an ordinary chair that is fastened to the floor, his hands bound behind his back with metal cuffs. The cuffs are attached to a loop on the backside of the seat, thus stretching his hands and keeping them held under the backrest. Since the chair is fastened to the floor, he cannot get up. Detainees often spend much of the time alone in this position, "waiting" for the interrogators. Remaining in this position for hours, day after day, causes intense pain in the back, neck, shoulders, and wrists. This pain cannot be justified on security grounds of any kind.

**Beatings and degradation:** Depending on the degree of the detainee's cooperation, the interrogators often abuse him with curses and insults, often incorporating sexual connotations. The interrogators also humiliate him in other ways, such as shouting into his ear and spitting in his face. Also, at intake at the interrogation facility, many detainees are humiliated by being forced to undergo a full, naked, body search.

**Threats:** The interrogators often threaten to harm detainees, using, among other things, the threat of a "military interrogation," which is code for severe, physical torture. In February



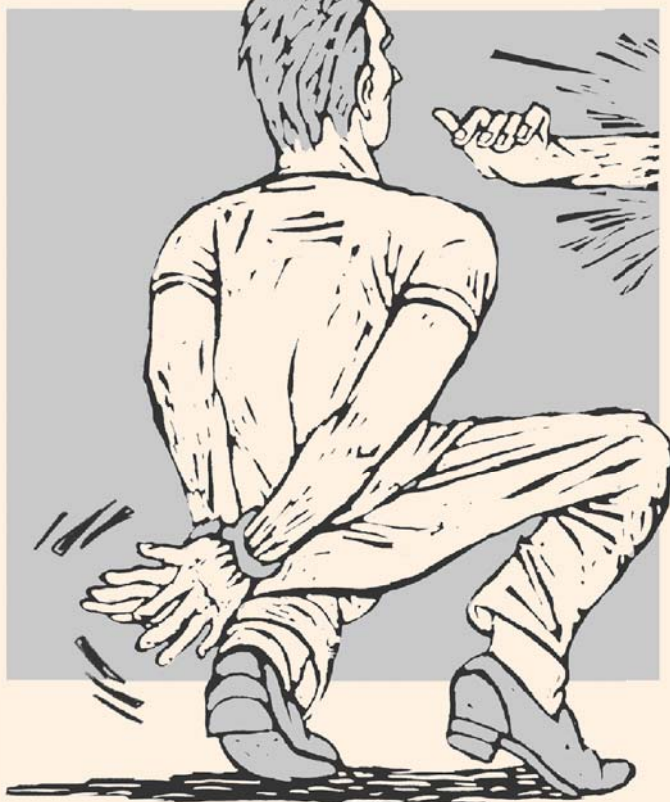
Office decided to close the file without ordering a criminal investigation, on a tendentious reading of the High Court's ruling regarding the applicability of the "necessity defense."

It is important to note that international law absolutely prohibits torture and ill-treatment. States are not allowed to deviate from the prohibition even in the harsh circumstances

**The failure to initiate criminal proceedings in Israel exposes ISA interrogators and those in the political echelon who supervise them to criminal prosecution abroad.**

of war and other security threats. All states are required to thoroughly investigate every suspicion of torture or ill-treatment and, based on the findings, prosecute any wrongdoers. International law places responsibility for ill-treatment and torture not only on the state, but also on the individual perpetrator. The failure to initiate criminal proceedings in Israel exposes ISA interrogators and those in the political echelon who supervise them to criminal prosecution abroad.

> The "frog position" used by the ISA in interrogations. Illustration: Ishai Mishory



## ISA agents tortured me during an interrogation

**M.H., 29, Nablus District**

The interrogators told me that I was going to undergo a military interrogation. They put me in the interrogation room at around 9 A.M. and held me there until 7 A.M. the next morning.

The interrogators sat me on a chair. At first they used only verbal abuse, but from about 10 P.M. until the morning, they used physical violence too. They would pull my head back suddenly, or pull my shoulders back hard while my hands were tied behind the chair, so that my shoulders hurt. Every now and then they would hit me hard on the forehead so I wouldn't fall asleep.

At some point, they undid the cuffs and told me to sit down facing the backrest. Then they cuffed my hands behind my back and my legs to the chair. One of them stood facing me and the other stood behind me. The first one pushed me backwards while the other one supported my back. At some point, he stopped supporting me and I fell backwards. Since my legs were cuffed to the chair, my whole torso arched back and it hurt very much. They did this over and over. The one standing behind me would also grab my hands, which were cuffed behind me, and pull them up sharply, making the pain in my shoulders worse. Then he would let go suddenly and I would arch backwards again.

From an affidavit taken by  
Att. Hisham Abu-Shehadeh

# Use of Palestinians as human shields

In 2007, the phenomenon of Israeli soldiers using Palestinians as human shields continued. This practice involves forcing Palestinians to perform dangerous military tasks or to protect soldiers from gunfire.



In 2007, B'Tselem documented 12 such cases, although this likely represents a minority of the cases that occurred. In each case, B'Tselem wrote to the Judge Advocate General demanding that a criminal investigation be opened.

The use of Palestinians as human shields began at the start of the second intifada and increased greatly during Operation Defensive Shield in April 2002, when the army entered densely populated Palestinian areas in the West Bank. For example, troops forced Palestinian civilians to remove suspicious objects from the road, to set up positions in Palestinian homes that were turned into military outposts, to walk in front of soldiers during exchanges of gunfire and to enter buildings that soldiers thought were booby-trapped or in order to remove the occupants.

In May 2002, in light of the increased use of Palestinians as human shields, seven human rights organizations, B'Tselem among them, demanded that the High Court of Justice order the state to stop the practice. Following the filing of the petition, the army issued an order categorically forbidding the use of Palestinians as human shields or hostages. At the same time, the army adopted the “neighbor procedure,” which was later renamed the “prior-warning procedure,” allowing soldiers to be “assisted” by a Palestinian to pass messages to wanted persons barricaded in some location, provided that the Palestinian consents and the action does not endanger his or her life. In one instance in which this procedure was implemented, a 19-year-old Palestinian from Tubas was killed when soldiers asked him to bring out an armed man from a house in which the latter had barricaded himself. The wanted man shot the young Palestinian, apparently mistaking him for a soldier trying to break into the house.

After a long delay, the High Court ruled in October 2005 that this procedure was illegal and ordered the army to revoke it. The court held that the procedure violates the Fourth Geneva Convention, which requires the occupying power to protect residents of occupied territory and to shield them from danger as much as possible. It also held that given the power imbalance between soldiers and the residents of the West Bank, it is impossible to ensure that the person freely consents to “assist,” as the procedure requires.

Despite the court’s ruling and army orders issued before and after it was given, the phenomenon did not stop. For example, during a military operation in Nablus in late February 2007, B'Tselem documented a case in which soldiers



➤ Israeli soldiers during activity in Nablus. 'Abed 'Omar Qusini/REUTERS

forced two Palestinian children, an 11-year old girl and a 15-year old boy, to accompany them in searching houses and opening doors for them. In another case, which took place in Nablus in May, a 20-year-old Palestinian was shot while being used as a human shield. In July 2007, a 14-year-old girl in Beit Hanun in the Gaza Strip was shot in her leg and stomach by soldiers while being used as a human shield.

It appears that one of the main reasons that the practice continues is the unwillingness of some military commanders to accept the court's decision and the subsequent army regulations. This unwillingness is evident from the fact that these commanders did not tell their subordinates about the prohibition, and in certain cases gave contradictory orders. For example, a recently published Military Police investigation found that Commander of Forces in the West Bank in 2005-2007, Brig. Gen. Yair Golan, ordered use of the "prior-warning procedure" on five occasions. Despite the severity of the findings, the Judge Advocate General did not prosecute Golan and settled for a light disciplinary punishment (a "command reprimand"). This decision conveys a dangerous message with respect to the value of Palestinian lives and High Court decisions.

## Testimony: Israeli soldiers used me as a human shield



**Jihan D'adush, 11, Nablus**

One day, some soldiers burst into our house and started asking us about men who were shooting from houses nearby.

Around eight in the evening, one soldier took me aside and asked if I knew any deserted houses nearby. I told him I didn't. He said, "You're lying. I'll take you to jail." I was really scared that he would arrest me and I wouldn't see my father again. I said, "I know one house."

He told me to take them there. They walked behind me and the soldier held his gun aimed in front of him. He said, "Slowly, don't be scared, we're with you." When we got to the entrance, I said, "This is the house. I don't know any other house. Let me go home." Three soldiers came home with me.

A few minutes later, the soldier came back and told me to take them again, this time inside the house. He said I had to go in before them. When we were inside, they went up to the roof and came back. Then he said, "Thank you, but don't tell anybody." Two soldiers came home with me.

I got back around ten. I was so scared, I was shaking. I was afraid they were going to kill me or put me in jail. The only thing I wanted was to sleep, but I woke up frightened a few times during the night... I'm still scared they'll come back and take me.

**Photo & documentation: Salma a-Deb'i**

# Administrative detention

According to B'Tselem's last count in November 2007, Israel held 847 Palestinians, including 18 minors and two women, in administrative detention. These people are being held solely as a result of an administrative decision, without being charged with an offense and with no intention of the authorities to file such charges.

In 2007, the number of administrative detainees averaged about 830 a month, about 100 more than the average of the previous year. In the West Bank, administrative detentions are carried out on the basis of the Military Order Regarding Administrative Detention, which empowers military commanders to detain an individual for up to six months if they have "reasonable grounds to presume that the security of the area or public security require the detention." Commanders can extend detentions for additional periods of up to six months. As the order does not define a maximum cumulative period of administrative detention, the detention can be extended indefinitely. The terms "security of the area" and "public security" are not defined, their interpretation being left to the military commanders.

Palestinian detainees are brought within eight days of their detention before a military judge, who is responsible for determining whether the detention is lawful. Two military courts currently handle these cases: one at the Ofer military base, near Ramallah, and the other next to Ketziot Prison, inside Israel.

The Fourth Geneva Convention recognizes the power of an occupying country to hold a civilian in administrative detention. However, given that administrative detention severely infringes the detainee's right to liberty and due process, the use of this power is subject to restrictions and stringent conditions. An examination of Israel's use of this power indicates, and at times decisively proves, that Israel violates these restrictions and conditions. First, administrative detention must be future-oriented, i.e., to prevent a prospective serious threat to security. Also, administrative detention is permissible only if lesser measures have been found ineffective. It is absolutely forbidden to use administrative detention to punish a person for offenses he or she ostensibly committed. In fact, in many cases, the Israeli authorities use administrative detention as a rapid and efficient alternative to a criminal proceeding, especially when they do not have admissible evidence sufficient to convict the individual, or when they do not want to expose the evidence in their possession.

Second, although administrative detention is not part of a criminal proceeding, it must be subject to judicial review that meets minimal standards of a fair trial. For example, detainees must be informed of the suspicions against them, and they and their counsel must be given the opportunity to refute the allegations. In a majority of cases,





➤ An Israeli soldier detains Palestinians in Hebron. Gil Cohen Magen/REUTERS

the justification given to the detainee is extremely brief, such as “member of Hamas,” and does not include even the most basic details (period of activity, nature of involvement, and the like) that the detainee might refute. In addition, the authorities generally declare the information provided to the judges confidential, and the judges routinely deny the defense counsel’s request that the material be provided to them. Under these circumstances, the detainee’s right to mount a defense against the administrative-detention order is an empty formality.

The harm to the rights to liberty and a fair trial are indicated by the scope of judicial intervention in the decisions of the military commander: in 2006, of 2,934 administrative detention orders (including extension of existing orders), only 156 (some five percent) were found unjustified and nullified by the military court.

Third, the laws of occupation prohibit the occupier to transfer civilians from occupied territory, so Israel is not allowed to detain Palestinians inside its territory. However, most administrative detainees are held in prisons inside Israel. This breach of law also infringes the right of the detainees to receive family visits, since their non-Israeli relatives need a permit to enter Israel, and many residents of the West Bank and Gaza Strip are classified as “prevented” and denied entry.

## Testimony: Both parents are being held in administrative detention



**Raisah Hashlamon, 60, with her six grandchildren, Hebron District**

My son and his wife, Sami and Nura, have been in administrative detention since the end of 2006, so I have to take care of their six children. The eldest is 14 and the youngest is 3.

The children used to play with their friends and were good students. But since their parents were arrested, they’ve changed. They’re violent and fight a lot, and the little ones often cry at bedtime.

My husband doesn’t work regularly and it’s hard for us to provide for the kids without Sami and Nura’s salaries. We had to put three of the girls in an orphans’ school.

We took the kids to visit their parents, who are in separate prisons. The visits were very hard for everyone. Saraya, the 3-year old, cried the whole time and kept asking her mother to hold her.

I simply can’t understand how the authorities keep renewing the detention orders without trial. The children don’t know when they’ll see their parents again. I prefer that Sami and Nura be prosecuted, whatever the result, than live with this anxiety. I don’t know how much longer I can take care of six small children. I do my best to comfort them and keep saying that their mother will come home soon.

**Photo & documentation:  
Musa Abu Hashhash**

# Settler violence

In 2007, B'Tselem investigated 64 cases in which settlers assaulted Palestinians or damaged their property. 47 cases involved physical assault – gunfire, beating, kicking, or stone throwing. In the other 17 cases, settlers destroyed Palestinian property – uprooted trees, damaged crops, or burned structures or vehicles – or seized Palestinian lands by force. B'Tselem reported each of these cases to the Israel Police, demanding an investigation.



B'Tselem also received information on dozens of additional cases over the course of the year that were not investigated in detail. As in 2006, but unlike the preceding years of the second intifada, no Palestinian was killed this year as a result of settler violence. Most of the cases of settler violence took place in Hebron's City Center, in the southern Hebron hills (around the settlements Carmel and Ma'on), and in settlements around Nablus (particularly Itamar, Yitzhar, and Har Bracha).

Based on B'Tselem's experience, the reported incidents are likely a small portion of the cases of settler violence against Palestinians. In certain areas, such as Hebron's City Center, settler violence occurs daily. In many cases, Palestinians refrain from reporting or filing complaints with the authorities because they do not trust Israel's law-enforcement system and fear reprisals by settlers or security forces. Thus, it is hard to estimate the extent of the phenomenon, though it is clearly widespread.

As occupier of the West Bank, Israel has overall responsibility under international humanitarian law to ensure public order and safety. This obligation requires Israel to protect Palestinians and Palestinian property from violent actions by Israeli civilians. Israel must take the measures necessary to prevent these acts of violence, and to arrest, prosecute, and punish the perpetrators. Over the years, the authorities have failed to carry out this obligation, and have adopted an undeclared policy of forgiveness, complaisance, and leniency with settlers who attack Palestinians or their property.

One reflection of this policy is a conception instilled in soldiers that they do not have the authority to interfere in situations in which Israeli civilians assault Palestinians or damage their property, but must wait for the police to arrive – a phenomenon documented many times by B'Tselem. In fact, soldiers' lack of intervention in such cases constitutes a breach of international humanitarian law, which imposes on the army, first and foremost, responsibility for law enforcement in occupied territory. It also contradicts official military orders, which require soldiers to intervene in cases of Israeli-civilian violence against Palestinians.

Israel's policy is also evident from the hardships it imposes on Palestinians who want to file complaints against settlers, including difficulties reaching places to file a complaint and degrading treatment when they do file



› A settler attacks a Palestinian near the Givat Ha'avot settlement in Hebron. Megeg Gozani/activestills.org

complaints (see p. 26 above, “The Right to Freedom from Ill-treatment”).

In some cases, even when a complaint is filed, police negligence results in settlers not being brought to justice. According to the findings of human rights organization Yesh Din, some 90 percent of the files opened by the police in 2005 for settler violence against Palestinians, in which the investigation was completed (or was not conducted due to alleged loss of the complaints), were closed without an indictment being filed.

It should be noted that when settlers are indeed prosecuted to the full extent of the law, this is carried out in a different judicial framework from that in which Palestinians are tried, even though both populations live in the same territory and are governed by the same authorities. Thus, Palestinians are tried under Jordanian and military law, while settlers are tried under Israeli law. Accordingly, settlers are tried in civil courts in Israel, while Palestinians stand trial in military courts. This dual system is discriminatory with regard to the right to fair trial, in that it is based solely on the nationality of the defendants. Such discrimination is patently prohibited by both international and Israeli law.

**In certain areas, such as Hebron's City Center, settler violence occurs daily.**

## Testimony: Settlers attacked me and my children in our fields



Muhammad Salah, 38, Bethlehem District

My brother and I went to help relatives work their fields, which are close to the Neve Daniel settlement. Our small kids joined us.

After we finished, we went to a nearby spring. Then we saw two settlers uprooting what we had just planted and ran back. One of them ran away with the seedlings and the other started throwing stones at us. Then four others joined him. We started running away and the settlers chased us. I asked my brother to run home with the kids while I diverted the settlers' attention.

I was still holding my nephew, who is 4. I put him down and raised my hands to show them I was surrendering. One of them came and punched me in the face. Then they started throwing stones again. I sat down with my back to them and shielded my nephew, who was screaming and crying.

After about five minutes, they stopped and left. I called my cousins and they ordered a Palestinian ambulance and called the Israeli police. We saw a police vehicle enter the settlement, but it didn't come to us.

My nephew wasn't hurt, but in the hospital they said I had severe bruises on my back and gave me painkillers. At night, I couldn't sleep because of the pain.

When I went to the police station in Kfar Etzion, there was no Arabic-speaking investigator there, so I had to go to Kiryat Arba. I went there and filed a complaint.

Photo & documentation: Suha Zeid

# Denial of family unification

In 2007, Israel continued to freeze almost all requests filed by Palestinians from the West Bank and Gaza Strip for family unification with spouses and children from abroad, and refrained also from issuing the latter temporary visitor's permits. It also continued to prevent family unification of citizens and residents of Israel with their families in the West Bank and Gaza Strip.

## The freeze policy

Since 1967, Israel has maintained exclusive control over the population registry in the West Bank and Gaza Strip, and over the granting of visitor's permits to these areas. Israel transferred only limited powers in this realm to the Palestinian Authority as part of the Oslo agreements, and its withdrawal from the Gaza Strip in 2005 did not significantly change this situation.

In October 2000, Israel froze processing of family unification requests. As a result, the Palestinian Ministry of the Interior has accumulated more than 120,000 such requests.

This policy forces tens of thousands of Palestinian families to live in an intolerable situation. Spouses cannot live together legally and children grow up in single-parent families; people refrain from going abroad, even for medical treatment, for fear they won't be allowed to return to their families; many women of foreign nationality who are married to Palestinians live in the West Bank and Gaza Strip without any status, imprisoned in their homes, under constant threat of deportation. Some residents married to foreigners have had to emigrate.

Though governed by Israeli law, East Jerusalem residents face a similar problem. In May 2002, Israel froze the handling of requests filed by Israeli residents and citizens for family unification with their spouses and children from the West Bank and Gaza Strip. In July 2003, the Knesset enshrined this decision into law. The statute also affects the ability of many children over 14 to obtain permanent status in Israel, if only one of their parents is a resident of Israel and the other a resident of the West Bank or the Gaza Strip.

The High Court of Justice rejected a petition against the statute in May 2006. The Knesset has since extended the validity, and amended the statute a few times. A petition against the amended statute, filed by the Association for Civil Rights in Israel, is pending.



In September 2007, the High Court ordered the state to reconsider its freeze policy, following a petition filed by HaMoked on behalf of Palestinian families from the West Bank and the Gaza Strip, one of whose spouses holds a foreign passport. Other Israeli human rights organizations, among them B'Tselem, joined in the petition. The state has not yet filed its supplemental response.

In October 2007, the media reported that Prime Minister Ehud Olmert had decided to grant residency status in the

**As a result of Israel's policy, tens of thousands of Palestinian families are forced to live in an intolerable situation.**

West Bank to 3,480 persons who live there with their families, as a “gesture” to Palestinian President Mahmoud Abbas. The one-time nature of the act emphasizes Israel’s view of family unification as an act of charity, rather than a human right.

Of the list of 5,000 applicants submitted by the Palestinian Authority, Israel refused to legalize the status of about 1,500 persons on the grounds that they were residents of Gaza.

In December 2007, eight months after it first committed to doing so, Israel established an Exceptions Committee for examining exceptional humanitarian requests. The committee’s five members will include representatives of the ISA, the army, and the Population Registry, and two public representatives.

## Improper considerations

The right to family life is enshrined in both Israeli law and international law. Israel contends that the freeze policy results from the events of the second intifada and the security situation in the West Bank and Gaza Strip. The authorities have also cited security claims with respect to the sweeping prohibition on family unification between citizens and residents of Israel and residents of the West Bank and the Gaza Strip.

However, in neither case has Israel proved a causal connection between the decree and a specific security purpose. It appears that the policy is intended to serve illegitimate demographic interests, and also that Israel views this issue as a “bargaining chip” against the Palestinian Authority, to be used in future negotiations.

### Testimony:

**If I visit my mother in Jordan, Israel won't let me come back to the West Bank**



**Nihayah Seif, 40, Tul Karm**

I was born in Kuwait. In 1996, I married ‘Amar Yassin, who is from Tulkarm. We got married in Jordan and lived there for three years, during which I gave birth to our two children, who are eight and ten years old. In 2000 we all moved to Tulkarm on visitor’s permits. Israel had revoked my husband’s West Bank residency because he had lived abroad for many years. I haven’t left Tulkarm since then, although by law I should have because our permits have expired.

Without a valid permit, I can’t leave to visit my family in Jordan, because then the Israelis won’t let me return to the West Bank. What hurts me most is that I can’t see my elderly mother. She is eighty years old and very sick, and I’m afraid she’ll die before I get a chance to see her. Being separated from my sisters and other relatives in Jordan is also very hard on me. But if I go to see them, I won’t be able to come back to my husband and children and our family will fall apart.

In 1999, my husband and I applied for family reunification, but then the second intifada broke out and Israel stopped handling all the unification requests.

**Documentation & photo:**  
**‘Abd al-Karim Sa’adi**

# Discriminatory distribution in the West Bank

In 2007, Palestinians in the West Bank continued to suffer from a water shortage for household and urban use. As in previous years, the shortage affected their ability to maintain proper hygiene and sanitation (washing, doing laundry, cleaning the house, flushing toilets, and the like) and to gain a livelihood (growing crops and raising livestock).



Access to water of adequate quantity and quality is a universal human right. As the occupying power in the West Bank, Israel is required both to ensure that the Palestinians can exercise this right and to refrain from practicing discriminatory distribution against them. Also, Israel has the obligation to respect the right of the Palestinian people to benefit from the natural resources in the West Bank, including its water resources. Israel's policy breaches these obligations.

## The shortage and its ramifications

The shortage in the West Bank is evident in water-consumption figures. According to B'Tselem's statistics, per capita average consumption for household and urban use in Palestinian communities is about 60 liters a day. In comparison, an Israeli citizen consumes some 280 liters a day – almost five times more. The World Health Organization sets the minimal amount of water needed to meet household and urban needs at 100 liters a day per person.



› Children stand by a dry tap in their home in A-Dhahariya. Musa Abu Hashhash/B'Tselem

The shortage has forced many municipalities and local councils, particularly in summertime, to divide the communities into sections and rotate water distribution. According to this arrangement, the homes in each section are supplied water only one day every few weeks. It should be noted that some 220,000 West Bank Palestinians live in villages and towns that are not connected to a piping system.

As a result, most Palestinians in the West Bank, both in summer and in winter, have to find alternate sources of water. The most common method is to purchase water from private vendors who own water tankers. While a liter of water piped into homes costs about one dollar a cubic meter (1,000 liters), private tanker owners charge four to eight dollars. This, together with the poverty and high rate of unemployment, has turned buying water into a heavy financial burden for much of the population. Furthermore, B'Tselem's research shows that poor families have no choice but to rely on agricultural wells and springs, which are likely to be polluted, to meet their water needs.

**Per capita water consumption for household and urban use in Palestinian communities averages about 60 liters a day. In comparison, an Israeli citizen consumes some 280 liters a day – almost five times more.**



› Residents of A-Dhahariya using a sink with a dry tap. Musa Abu-Hashhash/B'Tselem

## Unfair and unequal distribution

The shortage results from the unfair distribution of water sources shared by Israel and the Palestinians. The most important of these sources is the Mountain Aquifer – a system of underground water reserves that lies on both sides of the Israel-West Bank divide. Israel currently takes 80 percent of the water from this aquifer for its purposes, mostly for use inside the Green Line, with a small amount going to settlements; the Palestinians receive the remaining 20 percent. Under international law, the Palestinians are entitled to benefit also from the Jordan River system, which includes the upper Jordan River, the Sea of Galilee, the Yarmukh River, and the lower Jordan River. Since the beginning of the occupation, however, Israel has prohibited this use. Therefore, the Mountain Aquifer serves as the sole source of water for Palestinians in the West Bank. This same source provides about one-third of Israel's water supply.

**In several places in the West Bank where settlements and Palestinian communities are connected to the same well, Mekorot reduces supply to the Palestinian communities to meet the increased demand in the settlements.**

In the Oslo Agreements, Israel transferred some administrative powers in the water economy in the West Bank to the Palestinian Authority. However, according to the agreements, any project such as drilling a well, building a reservoir, or laying pipes requires Israel's consent in the framework of the Joint Water Committee. Projects planned, in whole or in part, for Area C must also receive the approval of the Israeli Civil Administration. Through these apparatuses, and claiming that the division of joint water resources is to be discussed only in the final-status negotiations, since October 2000 Israel has prevented the development of any significant water projects that could alleviate the shortage.

In addition, as a result of Israel's control of the water economy in the West Bank, half the water consumed by Palestinians for household and urban use is supplied by the Israeli company Mekorot. Mekorot, which is also responsible for supplying water to the settlements, has always discriminated in its distribution practices. As a rule, the settlements receive water regularly and without interruption, providing them with an unlimited supply, as is the case inside Israel. Furthermore, in several places in the West Bank where settlements and Palestinian communities are connected to the same well, Mekorot reduces supply to the Palestinian communities to meet the increased demand in the settlements.

Another phenomenon that aggravates the shortage in some areas of the West Bank is the practice of Palestinian farmers illegally tapping into water pipes that lead to Palestinian communities. The southern West Bank village of Bani Na'im, for example, lost almost all the water supplied to it by Mekorot this summer due to this practice. Most of the illegal tapping takes place in Area C, in which Israel is responsible for law enforcement. Unlike the policy toward offenses committed against Israelis, security officials have refrained from taking sufficient action to apprehend the thieves in this area. Palestinian police officials in Hebron District informed B'Tselem that they had contacted the Civil Administration a number of times to coordinate the entry of Palestinian police to Area C to handle the problem, but their requests were denied.

› A woman pumps water from a rainfall cistern in A-Dhahariya.  
Musa Abu-Hashhash/ B'Tselem



# The existence and expansion of the settlements

Since 1967, Israel has seized more than 40 percent of West Bank lands, allocating them to settlements it has erected over the years. The lands were allocated to settlements by adding them to the jurisdictional areas of local and regional councils, under which settlements operate.

Most of these lands are defined “state lands”: while some were listed as such under Jordanian rule, others were declared so by Israel, applying a discriminatory interpretation of local law and severely infringing the right to due process. Although only a relatively small part of these vast expanses is currently built up, Palestinians are forbidden to use any of them (for residence, agriculture, industry, or tourism) and to enter some of them without a special permit (those that lie within the municipal boundaries of each settlement). By international law, however, the Palestinians are those who are entitled to benefit from public property in occupied territory.

By the end of 2007, 120 settlements in the West Bank were recognized by the Israeli Ministry of the Interior as communities (although some include merely a handful of houses separated by wide areas that stand unused). 12 other settlements are located in areas that Israel annexed in 1967 and added to the Jerusalem Municipality (hereafter: East Jerusalem). In addition, about 100 small settlements (“outposts”) are dotted throughout the West Bank, officially unrecognized by the authorities.

In September 2007 there were 271,400 Israeli settlers in the West Bank (not including East Jerusalem), according to the Central Bureau of Statistics. Based on statistics on the growth of the entire population in Jerusalem, the number of settlers in East Jerusalem at the end of 2007 can be approximated at 191,000. Thus, the total number of settlers in the entire West Bank currently comes to about 462,000.

During 2007, the settler population (not including East Jerusalem) grew at a much higher rate than the population in Israel: 4.5 percent and 1.5 percent, respectively. Approximately 40 percent of this growth resulted from Jewish migration from Israel and immigration from abroad. Immigration to settlements is largely influenced by the governmental policy of granting financial benefits to residents of settlements, which results, for instance, in a significant reduction in real estate prices. However, it should be noted that the growth rate in the settler population slowed somewhat in 2007, in comparison to 2006: 4.5 percent as opposed to 5.8 percent, respectively.

The population growth accompanied increased construction in settlements. In the first half of 2007, construction began on 603 new residential units in settlements (not including East Jerusalem), half of them initiated by the government. In the equivalent period in 2006, construction began on 889 units. Another 2,500 residential units





› The Haro'eh outpost in the West Bank. Keren Manor/activestills.org

were under construction in mid-2007. Most of this construction activity is taking place in the settlements around Jerusalem (Ma'ale Adumim, Giv'at Ze'ev and Beitar Illit) and in Modi'in Illit, west of Ramallah.

It should be noted that the location of settlements and the aim of annexing some of them to Israel de-facto were major considerations in deciding the route of the Separation Barrier. Once the Barrier is completed, approximately 9 percent of West Bank lands, on which 60 settlements have been built, will be on the "Israeli" side, isolated from the rest of the West Bank. The other 72 settlements will remain on the "Palestinian" side of the Barrier. In recent years, electronic fences have been built around some of the latter settlements and patrol paths have been paved 200 to 500 meters from their houses, mostly on privately owned Palestinian lands. The areas that stretch from the houses in each settlement to the electronic fences and patrol paths that surround it have been declared Special Security Zones, and the Palestinian owners who wish to cultivate their lands are restricted from accessing them.

The Israeli settlements in the West Bank are illegal in themselves, as their existence violates the prohibition set forth in the Fourth Geneva Convention against transferring citizens from the occupying state to the occupied territory. As long as Israel refrains from dismantling the settlements, not to mention transferring more citizens to them, it will continue to severely violate its duties under the Convention.

The massive scope of land seized by Israel for the benefit of settlements, and the geographical layout of these lands, infringes the Palestinian population's right to enjoy the natural resources of the West Bank and limits their possibilities for urban and economic development. The existence of the settlements is also one of the major factors preventing the end of the occupation and the fulfillment of the Palestinian people's right to self determination, in the form of a viable Palestinian state.

Furthermore, in its endeavor to protect settlements and ensure settlers a high standard of living, Israel massively restricts the right of Palestinians in the West Bank to freedom of movement. These restrictions, whose severity has escalated since the construction of the Separation Barrier, directly impact the ability of many Palestinians to enjoy other basic rights, including the right to receive medical treatment, the right to work, the right to enjoy proper living conditions, the right to lead a proper family life, and more.

# Settler violence and restrictions on movement

The human rights concerns in Hebron's City Center have been considerable since the beginning of the second intifada, and even earlier. In 2007, the severity of the infringement of Palestinian human rights increased, apparently as a result of the expansion of Israeli settlement in the city, along with the "policy of separation" between Palestinians and settlers that Israel has implemented in the city for years.

In early 2007, B'Tselem released a video showing a female settler physically and verbally assaulting Palestinian women living in the Tel Rumeida neighborhood, and settler children throwing stones at their home. Also shown in the video was a soldier who stood by while the assault took place. Following extensive media coverage of this footage, then-Minister of Defense Amir Peretz "ordered a thorough and immediate investigation" into the incident. At a cabinet meeting, Prime Minister Ehud Olmert ordered "an examination of all the tools to prevent repetition of such incidents." At the meeting, the cabinet established a ministerial committee to supervise law enforcement in the West Bank. At the end of the committee's first meeting, its members announced their decision to increase law enforcement on settlers in the West Bank, and said that then-Deputy Defense Minister Ephraim Sneh would submit recommendations to the government within 30 days. However, these declarations remain purely rhetorical. To the best of B'Tselem's knowledge, the committee has not met again and no recommendations were submitted to the government.

In this context, a new area of the city suffered the results of settler violence and the lack of law enforcement in 2007. On 19 March, a new settlement was established in the Palestinian a-Ras neighborhood. In the months that







› A deserted street in Hebron. Keren Manor/activestills.org

followed, despite the decision of the defense minister to remove the settlers from the building, and despite a similar undertaking by the state to the High Court of Justice, the settlement remained and continued to develop.

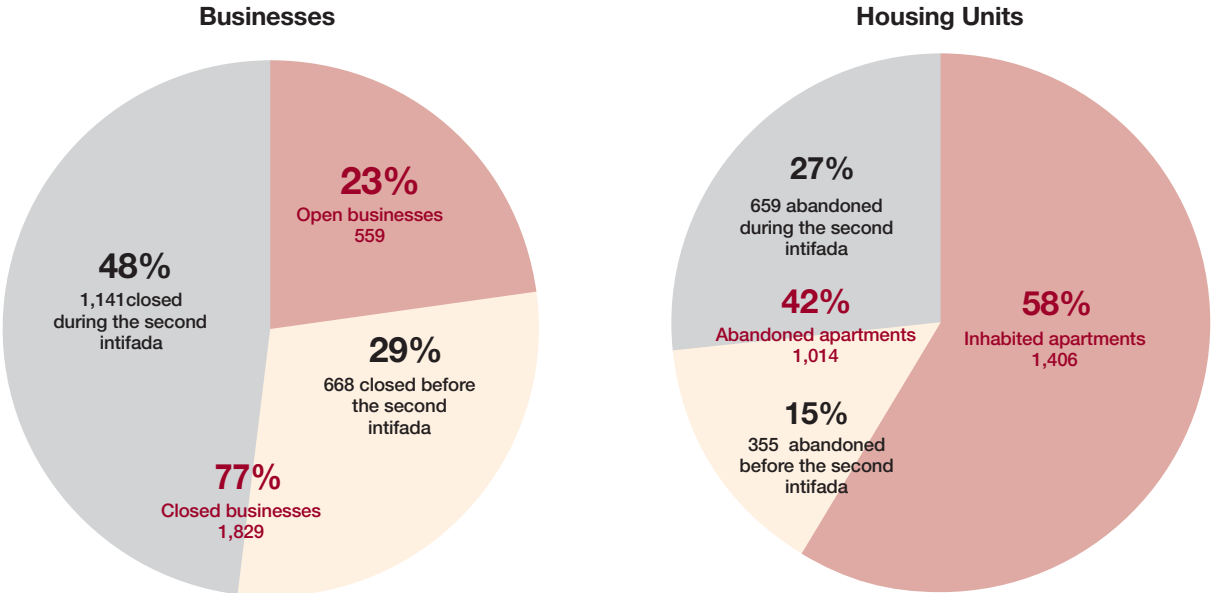
Since the establishment of the settlement, harm to Palestinians in the neighborhood and infringement of their human rights have increased substantially. They suffer from assaults both by settlers and by security forces, who have been assigned to the area to protect the settlement. Monitoring by B'Tselem and the Association for Civil Rights in Israel indicates that the area's Palestinian population suffers daily as a result of the establishment of the settlement and Israel's inaction to dismantle it: extensive abuse and violence by settlers staying in the new settlement, committed in the presence of security forces; abuse and violence by security forces stationed in or near the new settlement; and increased restrictions on movement of Palestinians. As elsewhere in the West Bank, the authorities refrain from enforcing the law on the Israeli lawbreakers.

In this area, as in all areas of the city in which Israeli settlements have been established, settlers use minors to harm Palestinians. This practice is not new and appears to result from Israeli law, and the law applying in the West

Bank, whereby persons under age 12 are not criminally responsible for their acts. Law-enforcement authorities use this fact to refrain from enforcing the law on minors, thus granting children who assault Palestinians, as well as the parents of these children, absolute immunity. This approach is extended to minors over age 12, even though the law holds them criminally responsible: officials refrain from detaining offenders and from taking them to the police station. Also, the authorities do not appoint welfare workers for child offenders to ensure that they do not commit additional offenses.

In 2007, the army continued to impose harsh, extensive restrictions on Palestinian movement and completely prohibited their driving along the strip that runs from the Kiryat Arba settlement, in the east, to the Tel Rumeida settlement, in the west. In the center of this strip, many parts of streets are entirely forbidden to Palestinian pedestrians. Soldiers often detain passersby on this strip and search their bodies and belongings, sometimes forcing them to undress in public. These movement restrictions sever the city's main north-south artery, thereby affecting all Palestinian residents of the city.

The extensive prohibitions led, during the second intifada, to the closing of many Palestinian-owned shops. In early 2007, 1,829 shops and commercial warehouses (76.6 percent of all shops and commercial warehouses in the area) stood closed. Most of them were closed during the second intifada, and almost all remained closed in 2007.



Israel's policy in Hebron's City Center, which is based entirely on the declared policy of separation between Palestinians and settlers, has led to unprecedented infringement of the human rights of Palestinians living in the area, to devastation of the economy there, and to wide-scale abandonment, indeed expulsion, of Palestinians. In the beginning of 2007, at least 1,014 housing units were unoccupied, representing 41.9 percent of all housing units in the area. Most were abandoned during the intifada, and almost all remain vacant.

If Israel adheres to its separation policy and continues to permit settlers to take control of additional areas in the city, the infringement of Palestinian human rights will increase even further, and many more Palestinians will have no option but to abandon their homes.



> Rajaa Abu 'Ayesha behind the wire that protects her family's house from settler assaults. Nir Landau/activestills.org

## Settlers assault my family daily

**Rajaa Abu 'Ayesha, 17, Hebron**

We live in the Tel Rumeida neighborhood, in a house my grandfather built 45 years ago. The settlers who live nearby attack us almost every day. Once they broke our windows, so my grandfather set up a wire screen all around the house to protect us. They throw stones and leftovers at the house when we're at home, sometimes even in the middle of the night. They also harass me on the way to school.

We try to ignore them, but almost everyone in my family has been hurt somehow. Once they poured boiling tea on my father and brother when they were coming back from prayer, and I was wounded by stones they threw. I only leave the house to go to school and back, because I'm afraid of being attacked. My father won't let me go to summer camps like my friends because it means coming home late. He bought us a bicycle but we can't ride it outside. My mother took all the furniture out of one room so we could ride around there. It hurts me very much to see the settlers' children playing football and riding bicycles as much as they want next to our house. The soldiers are always on their side.

The holidays are the saddest times. Relatives aren't allowed to enter our neighborhood so we go to visit them, but we can't all leave the house together. Someone always has to stay home. I'm very depressed and feel helpless. We file complaint after complaint with the police but they do nothing.

**Documentation: Musa Abu Hashhash**



> Settler Yifat Alkoby verbally assaults the Abu 'Ayesha family through the protective wire. From a video filmed by Fidaa Abu 'Ayesha

# Restricted urban planning, isolation and expulsion of residents

In 2007, Israel continued to infringe the human rights of Palestinians living in East Jerusalem. The infringement results from governmental policies in various areas of activity, such as building and planning, residency rights, and construction of the Separation Barrier. Also, officials continued to allocate insufficient resources for services and infrastructure to East Jerusalem's Palestinian neighborhoods.

In 1967, Israel annexed some 70 square kilometers of West Bank land to the Jerusalem municipality. A small portion of this land was part of Jerusalem during the period of Jordanian rule, and the remainder included extensive, sparsely-populated areas of the West Bank. Israel's annexation breached international law and was not recognized by the international community. Therefore, the area remained occupied territory and its Palestinian residents are protected persons under the Fourth Geneva Convention.

## Planning and building

In 2007, the Jerusalem Municipality demolished 69 dwellings that East Jerusalem Palestinians had built without a permit (compared to 50 demolitions in 2006). The demolitions left almost 250 persons without a roof over their heads. These demolitions, and the threat of demolition of thousands of additional homes built without a permit, are a direct result of a discriminatory planning and building policy that the authorities have implemented in East Jerusalem since its annexation.





➤ A Palestinian family sits on the ruins of their demolished home in Silwan, East Jerusalem. Yotam Ronen/activestills.org

First, in the early years of the occupation, Israel expropriated from Palestinians and Palestinian institutions about one-third of the annexed land and allocated the great majority to the development of Jewish settlements (“neighborhoods” in Israeli parlance). 12 such settlements were built, not including individual structures in Palestinian neighborhoods, and they became home to more than 190,000 persons.

Second, the authorities have continuously implemented a planning policy that stifles development in Palestinian areas. As part of this policy, Israel makes it difficult to register land under the names of Palestinians; refrains from large-scale planning on land that was not expropriated; zones large swaths of land in Palestinian areas as green areas, on which building is forbidden (only 11 percent of the planned area in Palestinian neighborhoods is available for construction); and permits lower building percentages than are permitted in Jewish neighborhoods.

As a result of this policy, Palestinian residents find it almost impossible to obtain permits for new construction. Many are left with no option but to build without a permit. The policy has also led to housing density almost twice that in the Jewish neighborhoods. The shortage of housing has forced many Palestinians to leave the city and move to nearby communities in the West Bank.

## Revocation of residency

In recent years, there has been a dramatic rise in the number of cases in which the Ministry of the Interior revoked the permanent-residency status of East Jerusalem Palestinians (in ministry language, the residency “expired”). According to official figures, in 2005 the Ministry revoked the residency status of 222 Palestinians. In 2006, the number jumped to 1,363, a more than six-fold increase. In reply to an inquiry by B’Tselem, the Ministry stated that the main cause for revocation was the person having obtained citizenship or permanent residency in another country.

These worrisome figures raise the grave concern that, without warning, Israel has returned to the “quiet transfer” policy that it implemented in 1995-2000. This policy exploited the fact that, due to the restriction of development in East Jerusalem, tens of thousands of Palestinian have left the city since 1967, primarily to nearby communities in the West Bank. Until 1995, this movement did not result in the loss of permanent-residency status. In 1995, the Ministry of the Interior changed its policy, without notice. From then on, Palestinians who could not prove that their “center of life” at the time and previously was in Jerusalem would lose their permanent-residency status and the rights that come with it, primarily the right to live and work in Israel and the social welfare benefits that accrued over the years. In implementing this policy, Israel revoked, as of March 2000, the residency status of more than 3,000 East Jerusalem Palestinians.

Israel’s policy on this issue illustrates the problems inherent in giving Palestinians in the city “permanent residency” status (given that obtaining citizenship entails a declaration of loyalty to the state, most East Jerusalem Palestinians rejected this possibility). This status is generally given to a foreign national who arrives in Israel and wants to live there, and it can be revoked relatively easily, depending on changes in the person’s life. This status is not appropriate for a person who is born in the city, in many cases to a family that has lived in the city for generations. Also, revocation of this status, and the expulsion from the city that follows, flagrantly breach the residents’ rights under international law.

► Palestinians pray in a street in East Jerusalem after being denied access to the Temple Mount. Anne Paq/activestills.org





› The Separation Barrier in East Jerusalem. Kareem Jubran/B'Tselem

## The Separation Barrier and its consequences

The Separation Barrier around Jerusalem, a substantial portion of which has been completed, severely impairs the daily lives of Palestinians in the city. It also denies many Palestinians living in towns and villages just outside of Jerusalem access to vital municipal services, to workplaces, and to relatives and friends on the “Israeli” side. For the local population, the Separation Barrier affects their entire fabric of life, including Palestinian businesses and institutions in Jerusalem and its environs. Cutting East Jerusalem off from the rest of the West Bank also hampers the feasibility of it being the capital of the future Palestinian state.

The barrier was built mostly along the city’s municipal border, leaving more than 200,000 Palestinians who hold Israeli identity cards on the “Israeli” side. In a few sections, the barrier runs inside the municipal border and separates a few densely populated Palestinian neighborhoods – the Shu’afat refugee camp, new ‘Anata, Kafr ‘Aqab, and al-Walajah – with their 55,000 residents, from the rest of the city. As a result, the residents of these neighborhoods have difficulty gaining access to services, schools, workplaces, and other places in Jerusalem, although under Israeli law they are entitled to access. This route has unofficially been used as a measure to drastically reduce the number of Palestinian residents in Jerusalem.

The route also veers from the municipal borders so as to annex de facto nearby settlement blocs and large open areas: Gush Etzion to the south, Ma’ale Adumim to the east, and Givat Ze’ev to the north.

# A sharp rise in grave human rights violations

2007 saw a rise in human rights violations committed by Palestinians against Palestinians, both in number and in severity, as a result of the violent struggle being waged between Fatah and Hamas in the West Bank and Gaza Strip. The violence peaked in June, when Hamas seized control of the the Gaza Strip.

Throughout 2007, at least 346 Palestinians were killed and thousands injured in the fighting between Palestinian factions. B'Tselem's figures indicate that at least 73 of the dead, 23 of them minors, were not taking part in the hostilities and were killed during street fighting or from gunfire during demonstrations. Some 300 of the dead were killed in the first six months of the year, the vast majority of them in the Gaza Strip. 160 persons were killed in June alone. The casualties occurred during violent clashes between members of the Palestinian Authority's security apparatus, most of whom belong to Fatah and are loyal to Palestinian Authority president Mahmoud Abbas, and Hamas militias, headed by the Hamas Executive Force and the 'Iz a-Din al-Qassam Brigades.

**B'Tselem's figures indicate that at least 73 of the dead, 23 of them children, were not taking part in the hostilities and were killed during street fighting or from gunfire during demonstrations.**

Media reports and investigations by Palestinian and international human rights organizations indicate that in the weeks leading up to the Hamas takeover of the Gaza Strip, the organization's militias abducted several senior members of the Palestinian Authority's security forces and executed them in cold blood, without trial. Other PA security officials who were abducted were tortured during interrogations. In some instances, they were shot in the legs as "punishment" before being released.







➤ Palestinian militants during a rally in Nablus. 'Abed 'Omar Qusini/ REUTERS

After the Hamas takeover, the street battles came to an almost complete halt. The ruling Hamas government in the Gaza Strip, headed by deposed PA prime minister Isma'il Haniyeh, has imposed an oppressive regime against its critics, especially those identified with Fatah. The Executive Force carries out arrests daily. The prisoners are held for a number of days and no charges are filed against them. Amnesty International has taken many testimonies from Palestinians in the Gaza Strip who have been arrested in this manner, and the victims report being ill-treated and tortured.

The Executive Force has frequently broken into the homes of Palestinians in search for weapons in the hands of opposition members. The militias have used excessive force in dispersing demonstrations in Gaza over the past few months. The gravest use of excessive force occurred on 12 November in response to a Fatah demonstration in Gaza City commemorating the death of Yasser Arafat: seven Palestinians were killed, including a 12-year-old boy.

During the days immediately before and after the Hamas takeover in the Gaza Strip, Fatah militia forces in the West Bank, spearheaded by the al-Aqsa Martyrs' Brigades, carried out revenge attacks against persons and institutions identified with Hamas. Here, too, abductions and executions took place, as well as torching and shooting businesses and charitable institutions linked with Hamas. In late June, these attacks diminished, only to pick up again to a lesser degree in the following months, especially in the Nablus District. In the weeks preceding





and following the Hamas takeover in the Gaza Strip, the PA's security forces avoided taking any action against the militias in the West Bank.

In June, PA security forces in the West Bank – the Preventive Security Service in particular – carried out mass arrests of Hamas supporters suspected of trying to establish a branch of the Executive Force in the West Bank. Arrests continued, in smaller numbers, in the following months. According to Amnesty International and the Palestinian Human Rights Monitoring Group, most of the arrests of persons identified with Hamas flagrantly violated Palestinian criminal law, ignoring requirements such as the prosecutor-general reviewing the matter within 24 hours, the suspect being brought before a judge within 72 hours, and the right to consult with an attorney without delay. Most of the persons arrested were released without charges being brought against them, reinforcing the concern that the arrests were arbitrary and driven by illegitimate political aims. Some of the persons arrested reported to Amnesty International, PHRMG and B'Tselem that they were ill-treated and tortured during their time in detention.

At the end of August, the head of the PA's emergency government, Salam Fayyad, decided to close 103 religious, educational and charitable organizations linked to Hamas. He contended that these institutions operated in violation of the Non-Profit Organizations Law. Based on the timing of the decision and its sweeping nature, it appears that like the mass arrests, this decision was made for political reasons.

The harm to members of the opposition also manifests itself in the violent disruption of attempts to protest. Thus, at the end of November, opponents of the Annapolis Summit organized protest marches and demonstrations in various cities in the

West Bank. According to reports, officials of the PA (which is controlled by Fatah) announced in some areas that any public protest was forbidden. The demonstrations that took place in spite of the announcement were violently dispersed by Palestinian police, with a well-grounded suspicion that excessive force was used. Demonstrations taking place in the H1 area of Hebron during that time met with a particularly violent response by Palestinian police, including firing live ammunition at demonstrators, which killed a 37 year-old man and injured at least seven people.

Under international humanitarian law, certain fundamental rules apply to every country, organization, and person taking part in a non-international armed conflict. Among these rules are the absolute prohibitions on taking hostages, on extra-judicial executions, and on torture. These acts constitute war crimes, for which the perpetrator is held personally liable. The Palestinian Authority and the acting Hamas government in the Gaza Strip have the obligation to investigate such cases and prosecute the persons responsible. In addition, both the PA and the Hamas government must respect other customary principles of law embodied in international human rights law, such as the prohibition on arbitrary violation of liberty.

**Taking hostages, extra-judicial executions and torture all constitute war crimes.**

› Palestinian militants in the Gaza Strip. Muhammad Salem/ REUTERS



## Testimony: The Palestinian Security Services tortured me

**D. M., Ramallah District**

The Palestinian Security Services held me for 52 days on suspicion that I was a member of Hamas. During that time they interrogated me using different torture techniques, and I denied the allegation.

In the beginning, I was held tied to a chair and blindfolded for six days running. They would only release me to pray, eat and go to the lavatory. Each day they tied my hands higher and higher behind my back to increase the pain. Once they raised my hands to shoulder level behind my back by tying the handcuffs to a window. My toes hardly reached the floor and it hurt very much. They held me like that for 12 hours straight.

After six days, I was put in solitary confinement in a small cell with no air or light and only a bottle to serve as a lavatory. I could hear cries of pain coming from the adjacent cells.

On the tenth day, they forced me to lie on the floor in an interrogation room and tied my legs to a chair. Two interrogators sat on me and a third one hit my feet about 40-50 times with a club and a plastic tube. Then they made me stand in cold water so that there would be no marks left, and hit me on my toes to make me jump. My feet were burning. They repeated that on the eleventh day and then put me in solitary confinement.

All in all, I was taken to hospital four times after fainting during interrogation. They finally released me with no charges.

**Documentation: Iyad Haddad**

» 2007 saw a drop in the number of Israelis and Palestinians killed in hostilities in the West Bank and the Gaza Strip, along with increased violation of many other human rights. The most marked of these is the deterioration of the humanitarian situation in the Gaza Strip to an unprecedented low, following Israel's siege on the area.

Two themes clearly emerge from an overview of human rights concerns in 2007. The first is the use of security justifications for virtually every action that Israel takes in the Occupied Territories. There is no doubt that Israel faces serious security threats and is entitled, and even obligated, to do its utmost to protect its population. However, Israel far too often fails to appropriately balance its security needs with equally important values, including protecting the rights of Palestinians under its control. In addition, Israeli authorities often exploit security threats to promote prohibited political interests, such as expansion of settlements and their effective annexation to Israel.

The second theme is Israeli security forces' lack of accountability in all matters relating to human rights, as is evident in the reluctance of the state to thoroughly investigate violations and to prosecute those responsible for them. Another area in which accountability is severely lacking is the denial of most Palestinians' right to compensation, when they are injured by Israeli forces through no fault of their own.



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