

# Israel and the Occupied Palestinian Territories

Head of state **Shimon Peres**  
 Head of government **Benjamin Netanyahu**  
 Death penalty **abolitionist for ordinary crimes**  
 Population **7.3 million (Israel); 4.4 million (OPT)**  
 Life expectancy **80.3 years (Israel); 72.9 years (OPT)**  
 Under-5 mortality (m/f) **6/5 per 1,000 (Israel); 23/18 per 1,000 (OPT)**

## Background

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A ceasefire between Israeli forces and Palestinian armed groups agreed in January 2009 was generally respected. The Israeli army maintained draconian controls on the movement of Palestinians in the Occupied Palestinian Territories (OPT), including a blockade on the Gaza Strip that deepened hardship and virtually imprisoned the entire population of 1.5 million. The Israeli authorities rejected or delayed applications for permits to leave Gaza submitted by hundreds of Palestinians requiring specialist medical treatment; a few died as a result. Most of Gaza's inhabitants depended on international aid, which was severely hampered by the blockade. In May, Israeli forces killed nine men aboard an aid flotilla in international waters that was aiming to breach the blockade. In the West Bank, the movement of Palestinians was severely curtailed by hundreds of Israeli checkpoints and barriers, and by the 700km fence/wall that Israel continued to build mostly inside the West Bank. There was a substantial increase in the number of demolitions by Israeli authorities of Palestinian homes, water cisterns and other structures in the West Bank, affecting thousands of people. Israeli authorities also destroyed homes in Bedouin villages in the south of Israel. The expansion of illegal Israeli settlements on seized Palestinian land, partially frozen until 26 September, resumed. Israel still did not conduct adequate investigations into alleged war crimes and other serious violations of international law by its forces during Operation "Cast Lead", the 22-day offensive in Gaza in December 2008/January 2009, during which nearly 1,400 Palestinians, including more than 300 children, were killed. Israeli soldiers and settlers who committed serious abuses against Palestinians, including unlawful killings, assaults and attacks against property, were generally not held to account for their crimes. Israeli military forces killed 33 Palestinian civilians in the OPT, including eight children. Hundreds of Palestinians were arrested and detained by Israeli forces; at least 264 were held without charge or trial under administrative detention orders, some had been held for over two years. Reports of torture and other ill-treatment were frequent, but investigations were rare. Around 6,000 Palestinians remained in Israeli prisons, many after unfair military trials. Israeli conscientious objectors to military service continued to be imprisoned.

## Background

The border area between Israel and Lebanon remained tense. On 3 August, an exchange of fire between Israeli and Lebanese soldiers resulted in the deaths of at least three soldiers and a Lebanese journalist.

While the ceasefire between Israeli forces and Palestinian armed groups was largely maintained, the latter periodically fired indiscriminate rockets and mortars into southern Israel (see Palestinian Authority entry), although at a lower rate than in previous years, and Israeli forces attacked and killed Palestinians they said were responsible. On 31 August, four Israeli settlers were shot dead in the West Bank; the attack was claimed by the Izz al-Din al-Qassam Brigades, the military wing of Hamas, the Palestinian group that won elections in 2006 and administers Gaza.

Negotiations between Israel and the Palestinian Authority (PA), but excluding Hamas, were convened by the US government in September. However, they were soon suspended when Israel's 10-month partial moratorium on new settlement-building in the OPT ended on 26 September, prompting the PA's withdrawal from direct talks. The moratorium had excluded East Jerusalem and its surrounding area, and in the West Bank construction for "security needs" and of public buildings had continued unabated.

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## **Gaza blockade and humanitarian crisis**

The blockade of the Gaza Strip, in force since June 2007, suffocated the economy and drove people there further into poverty. Amid continuing health and sanitation problems, poverty and malnutrition, some 80 per cent of Gazans were forced to depend on international humanitarian aid, the flow of which was impeded by the blockade. Severe shortages fuelled high prices. Most UN reconstruction projects to provide clinics and schools had to be delayed; as a result, some 40,000 Palestinian children eligible to enrol in UN schools in September had to be turned away.

Virtually all Gazans were effectively trapped in the small enclave, including seriously ill patients who needed treatment elsewhere and many students and workers wishing to study or take up jobs abroad. Only relatively few were allowed to exit Gaza.

In May, Israeli troops forcibly intercepted an international aid flotilla aiming to break the blockade. They killed nine of those aboard and injured more than 50, some seriously. Several Israeli soldiers were injured. Several inquiries were established into the attack, including two by the UN. In September, the investigative body appointed by the UN Human Rights Council concluded that "lethal force was employed by the Israeli soldiers in a widespread and arbitrary manner which caused an unnecessarily large number of persons to be killed or seriously injured." An Israeli government-appointed commission of inquiry lacked independence and transparency.

Following international criticism of the attack, the government announced a partial easing of the blockade, although insufficient to markedly improve conditions in Gaza. Israel continued to ban all export of goods from Gaza until 8 December, and the announced easing of restrictions on exports had not been implemented by the end of the year. Amnesty International considered the blockade to constitute collective punishment in breach of international humanitarian law and called repeatedly for it to be lifted.

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## **Restrictions in the West Bank**

Hundreds of Israeli military checkpoints and barriers restricted the movement of Palestinians in the West Bank, hindering or blocking access to workplaces, education and health facilities, and other services.

By the end of 2010, the construction of around 60 per cent of the planned 700km fence/wall had been completed; more than 85 per cent of its entire route is on Palestinian land inside the West Bank. The fence/wall separated thousands of Palestinians from their farmland and water sources, while access to East Jerusalem by West Bank Palestinians possessing entry permits was possible through only three of 16 checkpoints at the fence/wall. This had particularly serious consequences for patients and medical staff trying to reach the six specialist Palestinian hospitals in East Jerusalem.

Palestinians continued to be denied access to large swathes of land near to Israeli settlements established and maintained in breach of international law; the settler population in the West Bank, including East Jerusalem, reached over half a million. Palestinians were also barred from or had restricted access to around 300km of "bypass" roads used by Israeli settlers. However, travel time for Palestinians between most towns, particularly in the

north, was reduced in 2010 by Israel's removal of some barriers and by some improvements to the road network for cars with Palestinian licence plates, although journeys remained slow and arduous.

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## Right to adequate housing – forced eviction

Palestinians living in the West Bank, including East Jerusalem, faced such tight restrictions on what they could build that their right to adequate housing was violated. Forced evictions were carried out in the West Bank, including East Jerusalem, on the grounds that the houses had been built without permits; such permits are almost impossible for Palestinians to obtain from the Israeli authorities. Demolition crews, accompanied by security officials, generally arrived without notice and gave families little opportunity to remove their possessions. Under Israeli military law, applied to Palestinians in most of the West Bank, there is no requirement for evicted families to be re-housed or compensated. Palestinians in East Jerusalem fared little better under the Israeli civil authorities. In 2010, Israeli authorities demolished 431 structures in East Jerusalem and the West Bank, a 59 per cent increase over 2009. At least 594 Palestinians – half of them children – were displaced after their homes were demolished by order of the Israeli authorities, while more than 14,000 Palestinians were affected by demolitions of water cisterns, wells and structures relating to their livelihoods.

- Israeli forces twice demolished homes and structures in Khirbet Tana, a West Bank village just west of the Jordan Valley in an area declared a “closed military zone”. On 10 January, they demolished the homes of 100 residents, the village school and 12 animal pens; and on 8 December, they demolished 10 homes, 17 animal shelters and the rebuilt school. The village had previously been demolished in 2005. Village residents have been denied building permits by the Israeli authorities since the 1970s, while the nearby settlements of Mekhora and Itamar have been established.

Inside Israel there was a marked increase in the demolition of Bedouin homes in the Negev (or Naqab) area in the south. Dozens of villages, home to tens of thousands of Bedouin who are Israeli citizens, are not formally recognized by the Israeli authorities. These villages lack basic services, and residents are under constant threat of destruction of their homes and eviction from the land.

- The “unrecognized” Negev village of al-'Araqib, home to around 250 Bedouin, was destroyed eight times between 27 July and 23 December by the Israel Land Administration and police forces. After each demolition, villagers rebuilt makeshift shelters.

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## Excessive use of force

Israeli security forces used excessive force against Palestinian civilians, including non-violent demonstrators in the West Bank and Gaza, as well as farmers, fishermen and others working in the Israeli-declared “exclusion zone” inside Gaza or its coastal waters. According to the UN Office for the Coordination of Humanitarian Affairs, 33 Palestinian civilians in the OPT, including eight children, were killed by Israeli military forces during 2010. Fifteen Palestinian civilians, including four children, were killed and more than 100 injured by Israeli forces enforcing the 1,500m-wide “exclusion zone” inside Gaza's northern and eastern borders and the maritime restrictions.

- Two Palestinian teenagers died after Israeli security forces shot them with live ammunition following a demonstration on 20 March in the West Bank village of Iraq Burin. Muhammed Qadus was shot in the chest; Usaid Qadus was shot in the head. In April, following an Israeli military police investigation, two senior Israeli officers were reprimanded over the killings.
- In September, three Palestinian shepherds – Ibrahim Abu Said, aged 91, his 16-year-old grandson Hosam Abu Sa'id, and 17-year-old Isma'il Abu 'Oda – were killed by Israeli tank shells while grazing their sheep inside the Gaza “exclusion zone” near Beit Hanoun. The authorities later admitted that the three victims

were civilians, not “terrorists” as they had initially stated, and announced an investigation into the incident. Its outcome was not known by the end of 2010.

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## Impunity

Israeli soldiers, members of the security forces and settlers continued to enjoy impunity for human rights abuses committed against Palestinians, including unlawful killings. Settler violence included shooting at Palestinians and destruction of Palestinian property. In only extremely rare cases were the perpetrators held to account for their actions.

According to a detailed report on impunity published by the Israeli human rights organization B'Tselem in October, the Israeli military killed 1,510 Palestinians in 2006-09, excluding those killed during Operation “Cast Lead”. Of these, 617, including 104 children aged under 18, were not taking part in any hostilities when they were killed. B'Tselem called for an investigation into 288 of the killings committed in 148 incidents, most in the Gaza Strip; investigations were opened in only 22 incidents, most in the West Bank. B'Tselem reported that only four investigations were opened within a month of the incident. In two investigations, the case was closed without any prosecution of the soldiers involved.

### Operation ‘Cast Lead’

Although some Israeli military investigations into specific incidents were ongoing, the Israeli authorities still failed to conduct independent investigations into alleged war crimes and other serious violations of international law by Israeli forces during Operation “Cast Lead” that conform with international standards. The UN-mandated Fact-Finding Mission on the conflict (the Goldstone report) found in 2009 that Israeli forces and Palestinian armed groups had both committed war crimes and possibly crimes against humanity.

By the end of 2010, only three Israeli soldiers had been convicted in connection with Operation “Cast Lead”. Two of them were found guilty of “unauthorized conduct” for ordering a nine-year-old Palestinian boy, Majed R., to act as a “human shield” by opening bags they believed were booby-trapped. In November, they were demoted and given suspended three-month prison sentences.

Due to the failure of both sides to conduct adequate investigations, Amnesty International urged that the matter be addressed through international justice mechanisms.

Israel paid US\$10.5 million compensation to the UN in January for UN buildings damaged during Operation “Cast Lead”. However, no compensation was paid to or on behalf of any of the victims of the attacks. The UN said the payment concluded the financial issues relating to the Operation, even though the Goldstone report had specifically recommended that the UN seek compensation not only for UN personnel and civilians killed or injured in attacks on UN premises, but also for civilian victims of other attacks during the Operation.

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## Justice system

### Detention without trial

Israel continued to impose a system of administrative detention whereby Palestinians are held for prolonged periods without charge or trial. At least 264 Palestinians were subject to administrative detention orders in 2010. Some had been held for more than two years.

- Moatasem Nazzal, a 16-year-old student from Qalandiya refugee camp near Ramallah, was arrested without explanation at his home on 20 March. He was interrogated while shackled. He was given three successive administrative detention orders, keeping him in prison until 26 December 2010.

### Prison conditions – denial of family visits

Around 680 Palestinian prisoners continued to be denied family visits, some for a third year, because Palestinians in Gaza remained barred from travelling into Israel, where the prisoners are held, since the imposition of the Gaza blockade.

## Unfair trials

Palestinians in the OPT subject to Israel's military justice system continued to face a wide range of abuses of their right to a fair trial. They are routinely interrogated without a lawyer and, although they are civilians, are tried before military not ordinary courts.

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## Torture and other ill-treatment

Consistent allegations of torture and other ill-treatment, including of children, were frequently reported. Among the most commonly cited methods were beatings, threats to the detainee or their family, sleep deprivation, and being subjected to painful stress positions for long periods. Confessions allegedly obtained under duress were accepted as evidence in Israeli military and civilian courts.

- A.M., a 15-year-old Palestinian from Beit Ummar village near Hebron, was arrested on 26 May, held in Gush Etzion detention centre, interrogated for six days allegedly using torture, then released after he "confessed" to throwing stones. He said security officials attached an electric cable to his genitals and threatened to give him electric shocks. In August, two NGOs, one Palestinian and the other Israeli, filed complaints to the Israeli police and army about his alleged torture. The police complaint was closed on the ground of "insufficient evidence", while the army was still reviewing the complaint at the end of 2010.

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## Freedom of expression and association

There was an increase in the number of arrests, trials and imprisonment of people engaged in non-violent protests against the fence/wall. Frequently, the authorities resorted to Military Order 101, which forbids a gathering of 10 or more people "for a political purpose or for a matter that could be interpreted as political" unless a permit is first obtained from an Israeli military commander.

- In October, an Israeli military court sentenced Abdallah Abu Rahma to one year in prison. A teacher and head of the Popular Committee Against the Wall in the West Bank village of Bil'in, he was found guilty of "organizing and participating in an illegal demonstration" and "incitement". He was acquitted of "stone-throwing" and "possession of arms". He was a prisoner of conscience.
- Former nuclear technician Mordechai Vanunu was returned to prison in May for three months on charges of having had contact with a foreign national. Almost immediately, he was put in solitary confinement. He was a prisoner of conscience. He had previously spent 18 years in jail for revealing Israel's nuclear capability to a British newspaper. Since his release in 2004, he has been subject to police supervision under the terms of a military order, renewed every six months. Among other things, the order bans him from communicating with foreigners or leaving the country. In October 2010, the Israeli Supreme Court rejected a petition to overturn the restrictions.

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## Prisoners of conscience – Israeli conscientious objectors

At least 12 Israeli conscientious objectors to military service were imprisoned.

- Shir Regev, from Tuval village in northern Israel, was imprisoned three times for a total of 64 days for refusing to perform military service as he opposes Israel's military occupation of the Palestinian Territories.

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