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Resource Center for Palestinian Residency and Refugee Rights (Badil)
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Democracy and Workers Rights Center (DWRC)
Gaza Community Mental Health Programme (GCMHP)
Mandela Institute for Human Rights
The Palestinian Human Rights Monitoring Group (PHRMG)
The Palestinian Initiative for the Promotion of Global Dialogue and Democracy
(MIFTAH)
The Palestine Red Crescent Society (PRCS)
LAW, The Palestinian Society for the Protection of Human Rights and the Environment
(LAW)
Treatment and Rehabilitation Center for Victims of Torture (TRC)
Women's Center for Legal Aid and Counseling (WCLAC)

**Shadow Report to the United Nations Committee on
Economic, Social and Cultural Rights (CESCR)
Regarding the Report of Israel concerning the
International Covenant on Economic, Social and
Cultural Rights**

April 2003

*Coordinated and edited by the **Palestinian Independent Commission for Citizen's Right (PICCR)**, the **National Human Rights Institution of Palestine**.*

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Introduction: Applicability of the CESCR to the West Bank and the Gaza Strip

Israel has traditionally argued before UN treaty monitoring bodies that it has no obligation to ensure compliance with the major human rights conventions in the Occupied Palestinian Territories (OPT). Israel usually bases this argument on several grounds. First, Israel argues that the majority of the Palestinians living in the OPT reside in the "A Areas," which under the Oslo process have ostensibly been transferred to the security and administrative control of the Palestinian Authority (PA), and accordingly that these are areas "which are not subject to its sovereign territory and jurisdiction". Secondly, Israel argues that human rights law generally does not apply in the OPT and that only international humanitarian law applies.¹

Major UN bodies, including treaty-monitoring bodies, have uniformly rejected such arguments by Israel.

Turning to the first argument, that the Covenant on Economic, Social and Cultural Rights does not apply to the Occupied Territories as these are areas "which are not subject to its sovereign territory and jurisdiction". Contrary to Israel's arguments, according to the general principles of interpretation of international human rights treaties the test or question of a State's "jurisdiction" over territories is not on the basis of its 'sovereignty' over that area but whether it exercises "territorial jurisdiction" or "effective control" over that area.

This test was reflected in the House of Lords decision in *Ex Parte Schtraks*² concerning extradition. It had been argued that a request for extradition from the government of Israel should not be granted as Jerusalem, where the offences were alleged to have been committed, was not recognized by the government of the United Kingdom to be the territory of Israel. In its decision, the House of Lords held that the instruments under examination were not concerned with sovereignty but with the territory where territorial jurisdiction was exercised. Accordingly, irrespective of the fact that the Occupied Palestinian Territories do not come within the sovereign territory of Israel, the correct question for the Committee is whether Israel exercises 'territorial jurisdiction' or 'effective control' in the Occupied Palestinian Territories.

The Israeli occupying power continues, following the Oslo Accords, to occupy and exercise ultimate control over the Occupied Palestinian Territories. Under the Oslo Accords the West Bank was divided in three areas: "A", "B", and "C". Under the Interim Agreement on the West Bank and the Gaza Strip 1995 between Israel and the PLO, and in various other agreements, only certain civil government and policing functions have been transferred over to the Palestinian Authority and only in relation to designated areas A. In areas B and C, the Israeli military retains control of 'security matters' with the PA having responsibility for stated civil affairs in areas B, and sharing such responsibility in areas C.

Even in areas A, the PA's authority and jurisdiction is limited to what is expressly provided for under the Interim Agreement, and all PA legislation must be

¹ See for example *Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant, Addendum, Israel*, UN Doc. E/1990/6/Add.32, 16 October 2001, paragraphs 5-8, p. 4-5.

² *R v. Governor of Brixton Prison, Ex Parte Schtraks* (1964 AC 556).

communicated to the Israeli military government.³ The Interim Agreement provides that any powers and responsibilities not transferred to the PA remain in the control of the Israeli military government. Furthermore, the Agreement expressly states that withdrawal of the Israeli military does not prevent it from exercising these powers and responsibilities not transferred to the PA⁴ Whilst the PA is stated to assume the powers and responsibility for internal security and public order in Areas A (Article XIII(1)), Israel retains responsibility for “*overall security of Israelis and Settlements, for the purpose of safeguarding their internal security and public order, and will have all the powers to take steps necessary to meet this responsibility*” (Article XII).⁵

The Human Rights Inquiry Commission, established by the UN Commission of Human Rights found that: “The argument that Israel is no longer an occupying power...is untenable...The test for the application of the legal regime of occupation is not whether the occupying power fails to exercise effective control over the territory, but whether it has the ability to exercise such power, a principle affirmed by the United States Military Tribunal at Nuremberg in...1948. The Oslo Accords leave Israel with the ultimate legal control over the OPT.”⁶

The reality of the Israeli occupying power’s continued occupation and maintenance of effective control over the entire occupied territories is also demonstrated by its actions and practices, including the following examples:

- *Israel continues to issue military orders affecting all of the Occupied territories. Military courts established under Israeli military orders continue to administer the so-called ‘justice’ in the territories.* Evidence for this lies in the fact that many Palestinians are arrested and charged for offences allegedly committed inside Area A. It should be stressed that these orders cover administrative as well as security-related issues. It is thus abundantly clear that Israeli policy itself considers Area A as part of its ultimate jurisdiction – in both the security and administrative spheres.

³ Article 1 of the Interim Agreement provides that “(1) Israel shall transfer powers and responsibilities *as specified in this Agreement* from the Israeli military government and its Civil Administration to the Council *in accordance with this Agreement. Israel shall continue to exercise powers and responsibilities not so transferred.* ... (5) After inauguration of the Council, the Civil Administration in the West Bank will be dissolved, and the Israeli military government shall be withdrawn. *The withdrawal of the military government shall not prevent it from exercising the powers and responsibilities not transferred to the Council.*” Under Article IX the powers and responsibilities of the Council were defined as “legislative powers *as set out in Article XVIII of this Agreement*” (Article IX(1)), and executive power to “extend to all matters *within its jurisdiction under this Agreement or any future agreement,*...”. Parameters were established as regards executive decisions and acts which are required to be “*consistent with the provisions of this Agreement*” (Article IX(3)). Furthermore, Article IX(5) expressly states that the Council “will not have powers and responsibilities in the sphere of foreign relations” except as provided by the Agreement. Article XVIII provides that any legislation which “amends or abrogates existing laws or military orders, which exceeds the jurisdiction of the Council or which is otherwise inconsistent with the provisions of the DOP, this Agreement or any other agreement ... shall have no effect and shall be void ab initio.... All legislation shall be communicated to the Legal Committee” which is a joint Israeli-Palestinian committee.

⁴ Ibid 31.

⁵ Article XII(1). Israel also retains responsibility for “defense against external threats, including the responsibility for protecting the Egyptian and Jordanian borders, and for defense against external threats from the sea and from the air...”

⁶ *Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine*, Report of the human rights commission established pursuant to Commission resolution S-5/1 of 19 October 2000, 16 March 2001, E/CN.4/2001/121 para.41.

- *Areas B and C of the occupied territories, with their strong Israeli military and settlers presence, encircle and close off areas A, so the areas within the occupied territories are not contiguous.*
- *The Israeli occupying power controls Palestinian exports, imports and foreign policy;*
- *Palestinian towns and villages, including within areas A, are subject to siege, closure and curfew policies as enforced by Israeli forces and settlers. Indeed over this last year this siege has intensified. Israel retains absolute control over movement of people and goods within and outside of the occupied territories, including in and out of areas A. Foreign visitors to any area in the West Bank and Gaza Strip must obtain a visa and permission to enter the area from the Israeli authorities; there is no equivalent Palestinian authority able to authorize visits. Israel retains control over all entry and exit points of Palestinian cities through a system of military checkpoints and other methods of movement restrictions, including a permit system. These movement restrictions mean that all movement of people, goods and labor is controlled by the Israeli military. There is no direct access to the outside world that is not mediated by the Israeli government.*
- *The Israeli occupying power controls access to goods, services and facilities including humanitarian aid and assistance and water supplies in all areas A, B and C, including through controls on movement.*
- *The prolonged presence of Israeli troops in all areas of the West Bank and Gaza Strip including those areas supposedly under the control of the Palestinian Authority (eg. Ramallah, Jenin, Nablus, Bethlehem, Tulkarem and Qalqilya) without a doubt indicate Israel's effective control of these areas.*
- *Israel retains overall security control over all areas. The Oslo II agreement explicitly guaranteed Israel the right to enter Area A should it deem such actions necessary for protecting the "overall security of Israelis." (Article 1(1) Oslo II agreement). Article XI of Annex I states that Israeli military engagement steps may include actions "within the territory under the security responsibility of the [Palestinian] Council." These powers were reconfirmed in the 1997 Hebron Protocol, which entitles Israel to "carry out independent security activities for the protection of Israelis in H-1" (H-1 is the functional equivalent of Area A in Hebron).*

Israel's legal obligations as an 'occupying power' in the occupied territories remains unaltered following Oslo. The UN Security Council on 7 October 2000 referred to Israel as the "occupying power", calling upon it to "abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention...1949".⁷ All Security Council members, including the US, enabled this resolution to pass.

Regarding these areas under Israel's full or effective control, it should be noted that these territories have been occupied by Israel for 36 years and that in spite of the

⁷ UN Security Council resolution 1322 (2000); S/RES/1322 (2000).

transfer of control over certain acts to the Palestinian Authority, Israel still carries out a number of functions that characterize the exercise of jurisdiction in regard to, among others: issuing legislation regarding arrests and detention, carrying out acts of policing inside the territory, carrying out arrests in numerous cases. In the context of the Convention against Torture it is difficult to conceive that a government which issues legislation concerning arrests and detention within a certain territory and carries out arrests and detentions on a regular basis and on a massive scale within that territory can sustain that it has neither responsibility nor any information regarding the application of the Convention in those same territories.

Israel's claims of lack of jurisdiction cannot therefore be deemed valid in regards to these areas where Israel still maintains effective control. Israel retains overall and effective control in all areas of the occupied territories.

Furthermore, as UN Special Rapporteur John Dugard remarked in his report on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (following his visit to the region in February 2002), such an argument "takes no account of article 47 of the Fourth Geneva Convention, which provides that protected persons in an occupied territory shall not be deprived "in any case or in any manner whatsoever" of the benefits of the Convention by any change to the government of the territory resulting from an agreement concluded between the authorities of the occupied territories and the Occupying Power."⁸

Even if Israel was correct in its argument that it had no jurisdiction over Palestinians living in Area A, this does not explain why the Israeli report makes no mention of Palestinians living in Areas B or C.

Moreover, Israel's wide-ranging military offensive that began on March 29, 2002 (termed Operation Defensive Shield by the Israeli government), has practically erased the distinction between Areas A, B and C. Since this date, Israeli troops have maintained a continuous presence in Area A of the West Bank in addition to areas B and C. For the town of Ramallah for example, a permanent curfew was placed on the town for 36 out of 96 days between 29 March and 2 July. During this period, Israeli tanks and soldiers enforced the curfew with all residents confined to their homes with the threat of being shot or arrested if they left their house. In other areas of the West Bank, such as Nablus, Tulkarem and Jenin, the proportion of days under curfew is significantly higher.

The second argument of Israel is that since there is a situation of armed conflict 'short of war' then international humanitarian law applies to the exclusion of international human rights law. The curious conclusion Israel draws from this observation is that international humanitarian law and human rights law are "subject to separate international regimes" and therefore human rights law does not apply.

⁸ UN Doc. E/CN.4/2002/32, p.6.

This argument has also been rejected by major UN bodies, including treaty-monitoring bodies.⁹ Individuals do not lose their human rights as a result of military occupation. Rather, they are afforded the extra protection of humanitarian law.

It must also be pointed out that Israel considers the ICESCR to be applicable to Israeli settlers living in the West Bank and Gaza Strip, despite the fact that Israeli settlement is considered illegal by the international community. Israel also considers Palestinian residents of East Jerusalem as being covered by the ICESCR despite Israel's illegal annexation of the city.

This report will focus on Israel's activities within the OPT that violate the key provisions of the Covenant. We request that the Committee consider the following recommendations in its Concluding Observations on Israel:

1. We urge the Committee to reaffirm the applicability of the ICESCR to the OPT and to request from the State of Israel information regarding measures taken towards implementation of the ICESCR in those areas;
2. In addition, the following questions and suggestions, according to the relevant articles of the Covenant, may be put before Israel in order to clarify practices in violation of the ICESCR in all areas under Israel's control (i.e. 1967 OPTs and Israel/1949 armistice line):

Article 1: Self-determination:

We urge the Committee to ask:

- a. Israel to take measures to prevent and take action against the Israeli settlers and the Israeli military who prevent Palestinian farmers from accessing their farms and their fields;
- b. Israel to stop effectively illegally annexing thousands of dunums¹⁰ of Palestinian land through confiscation and destruction of such land for reasons such as allocation of military areas, state land, or green areas, expanding settlements, constructing by-pass roads to connect settlements to each other and to Israel, building the infrastructure necessary to provide services to the settlements and their residents and erecting the so-called 'security' wall, which acts as an Apartheid wall;
- c. Israel to give to Palestinians free access to water without discrimination;
- d. The Committee should conclude that as Israel can never obtain *de jure* sovereignty in the 1967 OPT under international law, it must accordingly relinquish *de facto* sovereignty (i.e., its military occupation) there to the Palestinian people, who hold the priority legal right to that area by virtue

⁹ See for example paragraph 12 of the Concluding observations of the Committee on Economic, Social and Cultural Rights: *Israel*, 31/08/2001, UN Doc. E/C.12/1/Add.69, p. 3: "The Committee rejects the State party's assertion regarding the distinction between human rights and humanitarian law under international law to support its argument that the Committee's mandate "cannot relate to events in the Gaza Strip and West Bank". The Committee reminds the State party that even during armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights as part of the minimum standards of human rights are guaranteed under customary international law and are also prescribed by international humanitarian law."

¹⁰ 1 dunum = 1000 m2.

- of their collective right of self-determination. Accordingly, the Committee should conclude that Israel's military presence in the OPT violates international law as codified in Article 1 of the ICESCR;
- e. The Committee should conclude that Israel's denial of the right of return of Palestinian refugees is in violation with the Palestinian people's right of self-determination, which requires State parties to the Covenant to respect each and every human right enumerated in the "International Bill of Human Rights." The Palestinian refugees cannot exercise these rights so long as they are exiled from their families' homes of origin and their property remains illegally confiscated from them in its entirety;
 - f. Israel to stop building the Apartheid Wall.

Article 2: State responsibility, non discrimination, international cooperation

- a. The Committee should clearly identify the Covenant violation noted in Observation 13 (1998)¹¹ regarding Israel's discriminatory return laws and policies (1950 Law of Return; 1952 Nationality Law) as a "breach" of the Covenant, rather than using the milder "notes with concern" language. The Committee should recommend a specific remedy, i.e. cancellation/amendment of discriminatory Israeli laws and recognition by Israel of Palestinian refugees' right of return.
- b. Concerning the ongoing control of land in Israel by the World Zionist Organization/Jewish Agencies and its subsidiaries, the Committee should reaffirm that the Covenant "breach" identified in Observation 11 (1998)¹² has not been corrected. The Committee should make specific reference to the illegality (under international law) of the underlying confiscations through which Israel has "acquired" these lands from Palestinians and recommend a specific remedy, i.e. the right to restitution.
- c. The Committee should identify the Covenant violation noted in Observation 25 (1998)¹³ regarding Israel's denial of return and restitution

¹¹ **Observation 13** (1998) reads as follows: "The Committee *notes with concern* that the Law of Return, which permits any Jew from anywhere in the World to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements that make it impossible to return to their land of birth."

¹² **Observation 11** (1998) reads as follows: "The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are charters under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a *breach* of Israel's obligations under the Covenant."

¹³ **Observation 25** (1998) reads as follows (addressing both the right of restitution and the right of return of the "internally displaced"): "The Committee *expresses its concern* over the plight of an estimated 200,000 uprooted "present absentees" who are Palestinian Arab citizens of Israel, most of whom were forced to leave their villages during the 1948 war on the understanding that they would be allowed to return after the war by the Government of Israel. Although a few have been given back their property, the vast majority continue to be displaced and dispossessed within the State because their lands were confiscated and not returned to them." [NB: Use of the term "present absentees" in

to the internally displaced Palestinians (“present absentees”) as a “breach” of the Covenant, rather than using the milder “notes with concern” language. The Committee should recommend a specific remedy, i.e. Israel’s recognition and implementation of the right of return and restitution of all internally displaced persons in Israel.

- d. The Committee should also recommend that the official land records and archives of both Israel and the United Nations Conciliation Commission for Palestine (UNCCP) be opened to the public –particularly to potential Palestinian claimants seeking to reclaim their property - for inspection and duplication.

Article 7: Just and favorable conditions of work:

We request the Committee to ask Israel:

- a. To justify its closure policy requiring that Palestinian workers possess a special permit allowing them to work in Israel and to give information on the impact of the closure and curfew policies on unemployment rates in the OPT;
- b. To ensure proper monitoring by the Israeli Employment Office of the implementation of the minimum wage law by Israeli employers as regards their Palestinian employees;
- c. To pay unemployment indemnities to Palestinian workers who used to work in Israel and had money deducted from their salaries for the unemployment fund;
- d. To issue entry permits to Palestinian workers who are required to attend court hearings in Israeli labor courts;
- e. To end curfew policies and closure between Palestinian localities which prevent workers from reaching their workplaces and earning a living;
- f. To ensure the security of Palestinian workers working in the Israeli labor market against attacks from Israeli citizens and police forces, to end the daily harassment and mistreatment of workers at Israeli checkpoints and to prosecute Israeli soldiers, law enforcement officials and civilians who assaulted or killed Palestinian workers.

Article 9: Right to social security:

We also recommend that the Committee ask Israel why:

- a. Palestinian residents of Jerusalem placing a claim with the National Insurance Institute (NII) should prove that the city was his or her center of life;
- b. Why this procedure does not apply to the Israeli Jews of Jerusalem.

the preceding passage is slightly inaccurate. This is so because the term “present absentees” is not synonymous with the term “internally displaced.” The term “internally displaced” is preferable because it describes the entire group of Palestinian citizens who Israel has barred from returning to their lands and properties. The term “present absentees” only describes one (albeit large) *subset* of the “internally displaced,” i.e., those whose lands were confiscated under Israel’s so-called “Absentees’ Property” Law (and related amendments). Israel has, however, employed many other of its land confiscation laws to confiscate land from the “internally displaced.”]

Article 10: Familial rights:

We also recommend that the Committee ask for information concerning:

- a. How Israel justifies the procedures for family separation and failure for reunification that apply only to Palestinian residents of Jerusalem, when these policies clearly have a negative impact on the ability of Palestinian children and adults in the city to access social insurance, or educational and health services? (having as a consequence the separation of families within Jerusalem with their family members within the WB and Gaza and the revocation of residence permits for East Jerusalem residents);
- b. Why Palestinian residents of East Jerusalem are required to obtain ID cards, indicating their “permanent residence” status, in order to be allowed access to the city and the services offered by government institutions and why this status does not apply to Israeli Jews living in Jerusalem;
- c. Why Palestinian children are paid wages significantly below the average wage for their work inside Israel, and some of them work more than 14 hours per day;
- d. To provide information on the current policies in the OPT including closures and curfews which have an impact on the family unit.

Article 11: Right to adequate standards of living:

We also recommend that the Committee ask for information concerning:

- a. How the current regime of closures and curfews and other movement restrictions can affect the adequate standard of living of Palestinians;
- b. The number of houses and other civilian property destroyed in the OPT and East-Jerusalem and the reasons for these destructions;
- c. Why it engages in massive shelling and bombardment of civilian targets including residential areas in the OPT;
- d. Why the Israeli military blocks emergency food and water supplies;
- e. Why the Israeli military destroy water sources, pumps, wells and distribution infrastructure;
- f. Why there is a discriminatory distribution and insufficient water supply to Palestinians in areas that the Israeli water utility (Mekorot) controls;
- g. Why Palestinians are denied the right of access to agricultural land for harvesting and the Israeli military destroys agricultural land, crops, and livestock.

Article 12: Right to the highest standard of health:

We request the Committee to ask Israel:

- a. Why Israel deprives many patients of access to health facilities and primary and secondary health services outside their living areas;
- b. Why Israel imposes a closure and curfew policy which prevents large numbers of civilians injured by the weapons of the Israeli military or ill from being transferred to health centers and hospitals, leading to death or serious complications as a result of delays in proper hospital treatment, and the the Israeli military often prevents ambulances and medical teams from reaching wounded or seriously ill Palestinians;

- c. Why especially Israel prevent pregnant women to cross checkpoints to give birth at hospital, as obviously they are not a risk for the security of Israel;
- d. Why many health workers face difficulties in terms of restricted movement from homes to workplaces in hospitals and health centers;
- e. Why ambulances and other vehicles transporting emergency medical supplies and medical staff have been deliberately targeted in attacks by the Israeli military;
- f. Why numerous primary health care centers in various parts of the OPT have been attacked and shelled;
- g. Why the Israeli military deliberately targets Palestinian children, as documented by numerous human rights organisations, government bodies and UN agencies;
- h. Why the Israeli military uses heavy artillery against Palestinian civilians and in densely populated civilian areas (including rockets, shells, missiles) fired by helicopters and warplanes, high velocity live ammunition and rubber-coated steel bullets, as well as land mines;
- i. Why torture and other cruel, inhuman and degrading treatment or punishment are a practice used by the Israeli Intelligence Service, by the Israeli Military, and the Israeli Police against detained and imprisoned Palestinians, including women and children;
- j. Why the detainees are provided with inadequate food, both in terms of quantity and quality, inadequate sanitation facilities, inadequate housing (tents, and often infested with cockroaches, scorpions, snakes, etc), inadequate clothing, and inadequate access to communication with their lawyers, families and any judicial processes and why they are subjected to other forms of ill treatment such as extremes of hot or cold weather;
- k. Why many Israeli companies still continue to use the occupied territories as a dumping ground for toxic materials and hazardous manufacturing processes in certain areas (see the text of the report for details);
- l. Why the Israeli government allows the wastewater from the Israeli settlements in the OPT to continue to contaminate the groundwater, resulting in serious consequences for the Palestinian civilians living in the area;
- m. Why Israel controls water resources and allows a significantly disproportionate, limited and insufficient amount to Palestinians as compared with amounts diverted to Israeli settlers and within Israel.

We also recommend that the Committee ask for information concerning the high number of Palestinian children and other civilians killed and wounded by the Israeli military, nature of injuries (high number of upper body injuries), type of weaponry and ammunition leading to injuries sustained, including the number of official investigations that have been opened into these deaths, the number of violations of their Rules of Engagement discovered and any subsequent changes made, and the number of cases in which punitive measures were taken against those found responsible. Why in cases of unlawful killings have the Israeli military taken no action, or inadequate action?

Article 13: Right to education:

We also recommend that the Committee ask for information concerning:

- a. Why Palestinian children in East Jerusalem are victims of discriminatory taxation and funding policies;
- b. Why East Jerusalem public schools are significantly substandard, especially in comparison to their neighboring West Jerusalem public schools;
- c. Why Palestinian Arab children attended schools with larger classes and fewer teachers than those in the Jewish school system;
- d. Why in the OPT, the Israeli military perpetuate killing and maiming of school-age children;
- e. Why in the OPT there is widespread destruction of schools sometimes whilst children and teachers are still present;
- f. Why in the OPT the Israeli military implement a forced closure of most of the schools;
- g. Why there is ever-present danger faced by staff and students while attempting to fulfill their right to education;
- h. Why the Israeli military uses schools as military posts, barracks and detention centers in violation of international law;
- i. Why the Israeli military arrests students and teachers in the OPT.

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

1. Destruction of property:

Since the beginning of Intifada on 29 September 2000, the Palestinian people have not been able to dispose freely of their natural wealth and resources. Israeli settlers and the Israeli military prevent them from accessing their farms and fields. As a result, huge quantities of crops have been damaged. Military roadblocks have been set-up at the entrance to Palestinian cities and villages, limiting the movement of trucks and vehicles that transport agricultural products.

In addition, there have been numerous losses due to closure and curfews, such as destruction of agricultural produce, rising production costs, limiting the transportation of agricultural products, hindering marine fishing, and decreasing agricultural extension services and funding projects.

UNSCO reported in its June 2002 report that in terms of the agricultural sector, "closure prevented farmers from working their fields and marketing their produce. Access to local output markets was highly restricted in the first half of 2002, and input markets were made inaccessible by higher costs. For example, findings by Oxfam show that villagers in the Jerusalem district found it almost impossible to get their plums to market this year."¹⁴

According to the *Agricultural Development Association (P.A.R.C)*, agricultural losses reached \$823.810.217 (US) at the end of November 2002 (from 29/09/2000 to 30/11/2002). The following tables itemize those agricultural losses.¹⁵

¹⁴ Refer to *Impact of the Closure and Other Mobility Restrictions on Palestinian Productive Activities, 1 January 2002 to 30 June 2002*, UNSCO, page 13.

¹⁵ According to the *Agricultural Development Association (P.A.R.C)*.

| No | Losses | Value/US \$ |
|------------------------------|--|--------------------|
| 1- | Destruction of trees, green houses and agricultural buildings. | 182.197.443 |
| 2- | Value of agricultural product losses due to the impossibility of planting the sweeping lands and fields crops. | 55.948.277 |
| 3- | Confiscating and stealing agricultural products. | 15.504.237 |
| 4- | Decreasing the prices of agricultural products. | 126.300.000 |
| 5- | Losses in animal wealth. | 31.367.500 |
| 6- | Rising price of forage. | 15.502.500 |
| 7- | Losses of fishery wealth. | 6.063.660 |
| 8- | Exports to Israel and abroad. | 28.285.000 |
| 9- | Paralyzing of agricultural transpiration. | 49.020.000 |
| 10- | Agriculture labor. | 271.300.000 |
| 11- | Bulldozing of soil surface, & 30,000 dunums ¹⁶ of fields (crops unable to be planted). | 42.321.600 |
| Total losses in US \$ | | 823.810.217 |

Total Losses of Uprooted Trees, Greenhouses and Open Field Crops

| Losses | Unit | Total |
|---------------------------------------|-------|---------------|
| Uprooted Olive | Tree | 202999 |
| Uprooted Date | Tree | 15750 |
| Uprooted Citrus | Tree | 199259 |
| Uprooted Almond | Tree | 59493 |
| Uprooted Grapevines | Tree | 47915 |
| Uprooted Banana | Tree | 18400 |
| Uprooted Miscellaneous Fruit | Tree | 68175 |
| Uprooted Forest trees and fences | Tree | 112854 |
| Total Number of Uprooted trees | | 724848 |
| Total Uprooted Tree Area | Dunum | 23608 |
| Uprooted Vegetable Fields | Dunum | 20212 |
| Demolished Greenhouses | Dunum | 755 |
| Destroyed Crops | Dunum | 8327 |
| Total Uprooted Area | Dunum | 52902 |

¹⁶ 1 dunum = 1000 m2.

| Farmers' Losses Due to Israeli Destruction of Palestinian Houses, Wells and Agricultural Buildings | | |
|---|----------------|------------------|
| Total Losses | Unit | Losses |
| Agricultural stores destroyed | NO. | 228 |
| Poultry farms and equipment destroyed | NO. | 109 |
| Poultry and birds frame destroyed. | Bird | 1.401.814 |
| Animal yards destroyed | NO. | 47 |
| Sheep and goats killed | NO. | 3612 |
| Other animals killed | NO. | 592 |
| Beehives destroyed | NO. | 6211 |
| Water wells and supplements destroyed | NO. | 198 |
| Pools and water stores destroyed | NO. | 711 |
| Basic water lines destroyed | Meter | 312157 |
| Irrigation networks destroyed | Dunum | 11154 |
| Farmers' houses and furniture destroyed | NO. | 207 |
| Harms fences destroyed | Meter | 142.589 |
| Terraces destroyed | Meter | 1466 |
| Sweeping packing, grading and sorting station | NO | 1 |
| Sweeping experimental station | NO | 2 |
| Sweeping nursery | NO | 6 |
| <i>Tractors destroyed</i> | NO | 3 |
| Number of Affected Farmers | Farmers | 7828 |
| Total direct losses from 29/09/2000 to 30/11/2002: 128.197.443 US \$ | | |

The Palestinian Center for Human Rights reported that from September 2000 through July 2001, 13,500 dunums of land had been destroyed in Gaza alone.¹⁷ Even Israeli military figures confirmed that 10,000 dunums had been destroyed in Gaza through November 2001.¹⁸ Harassment and attacks by settlers of farmers seeking to harvest their land during harvest seasons are a regular occurrence.

According to cases documented by Palestinian NGOs such as LAW and PCHR, the Israeli military often razes agricultural land without prior warning and without granting Palestinian owners enough time to appeal against these actions. In most cases the Israeli military imposes an atmosphere of terror during land leveling and house and civilian facility demolition.¹⁹

¹⁷B'Tselem, *Policy of Destruction: House Demolitions and Destruction of Agricultural Land in the Gaza Strip*, 2002, p. 7.

¹⁸*Ibid.*

¹⁹ See PCHR report: *Uprooting Palestinian Trees and Leveling Agricultural Land*, April 2002; available at www.pchrgaza.org/files/Reports/sweepingland7.htm.

In 2001, the IDF and Israeli settlers escalated their assaults on Palestinian farmers. The IDF uprooted fruit-bearing, woodland trees, gardens, and fields, and it destroyed water wells, irrigation networks, greenhouses, and animal pens. More than 494,101 olive, fruit, date, and almond trees were uprooted, and more than 30,000 dunums of cultivated land were destroyed²⁰. Land was bulldozed and trees were uprooted allegedly to protect settlements and settlers, particularly in areas claimed to be sources of shooting at Israeli targets. In addition, land was bulldozed to open new by-pass roads for settlers, to widen existing settlements, or to build new ones. Bulldozing was concentrated in the agricultural areas on the borders of the Gaza Strip and the northern West Bank, and alongside the roads used by settlers. Palestinian farmers were also subjected to shelling by the Israeli army and to settler attacks that prevented them from working on land adjacent to settlements or army encampments.

The IDF usually destroyed the areas from which soldiers or settlers are attacked by armed Palestinians. It uprooted trees, bulldozed land, and demolished the homes from which there was shooting²¹. In 2001, under the occupation and despite the Oslo Accords, illegal Israeli settlements continued to expand and more settlers moved into the Palestinian Territories. During this period, the IDF confiscated thousands of dunums of Palestinian land, which it justified by declaring them closed military areas, state land, or green areas. However, most of the confiscations were used to expand settlements, to construct by-pass roads to connect settlements to each other and to Israel, to expand existing roads, and to build the infrastructure necessary to provide services to the settlements and their residents.

In the past two years, the razing of tens of thousands of dunums of agricultural lands, including the uprooting of close to one million trees, many of which are considered centuries old and carry deep cultural and historic significance, continues to affect the thousands of people who depend on them for work and income. While closure and siege has meant further, severe restriction of movement and inability to reach any work that one might have, people have become more dependent upon their lands both for their livelihoods and their very survival.

During the period January-March 2002, more than 400 dunums were bulldozed in the Gaza Strip Governorates. During the period of 1 September and 31 December 2002, the IDF bulldozed more than 1,468 dunums in the Gaza Strip. During the same period, the IDF confiscated wide expanses of land in the Tulkarem, Qalqilya, and Jenin Governorates, for the purpose of erecting walls and fences of cement and barbed wire on the borders between the West Bank and Israel, constructing what is known as the “security fence.” Around twenty thousand dunums of land have been confiscated for this purpose.²²

During the second Intifada we have seen a substantial increase in the demolition of agricultural land and commercial buildings by the Israeli forces, as collective

²⁰ According to the statistics of the Ministry of Agriculture, *Interim Report on Losses and Damage to the Agriculture Sector Due to Israeli Practices*, 31 December 2001.

²¹ For detailed statistics and examples of Israeli assaults on agricultural tracts, see the reports of the Palestinian Centre for Human Rights, available at <http://www.pchrgaza.org/>. Also see the reports of Al-Mezan Center for Human Rights, available at <http://www.mezan.org/>.

²² PICCR's *Reports on the Israeli Violations of Palestinian Citizens' Rights, Report 1 January – 28 March 2002*, p. 10-11, and *Report 1 September – 31 December 2002*, p. 36.

punishment. There are several areas of the occupied territories that have been especially affected by sweeping of agricultural land and uprooting of olive trees, and the studies of Palestine Center for Human Rights (PCHR) show that most of these areas are close to Israeli settlements, by-pass roads or Israeli military installations. PCHR reports that 25 000 olive and fruit trees have been uprooted, and 2,400 dunums of agricultural land demolished since the outbreak of the second Intifada and until January 2001.²³

The areas with most damage are Netzarim Junction, Kfar Darom area, Rafah, Khan Yunis, and Dir el Balah in Gaza. In the West Bank, the Israeli army have been demolishing cultivated land and uprooting olive and fruit trees in Al Khader village, Beit Jala, Beit Sahour, Hebron, Tulkarem and Qalqilia. Israeli settlers have also engaged in the destruction of Palestinian private property. While the value of such damage is difficult to calculate, it is at least in the tens of millions of USD.²⁴ Palestinians who have resisted sweeping of their agricultural land have been fired at with live bullets by the Israeli army.²⁵

2. The Apartheid Wall (or “security wall”):

Contrary to worldwide news reports, the Apartheid Wall (also referred to as the “fence” or “security fence”), which Israel is currently building in the northeast of the West Bank, will not mark the 1967 border, also known as the “Green Line”. Rather, this latest offensive, occurring on some of the most fertile land in Palestine, is a further chapter in Israel’s annexation of lands, destruction of agriculture and property.²⁶

In the northern West Bank, the first phase of the Apartheid Wall is to be approximately 115km long and is to include electric fences, trenches, cameras, sensors, and security patrols, at a cost tens of millions of dollars. The height of the Apartheid Wall will average 8 meters (25 feet) and, in its entirety, it will cover at least 350km, somewhat encircling the West Bank. In this first phase, which will see the confiscation of close to 2% of the West Bank, at least 30 villages will lose parts or all of their lands. In an area 40 kilometers north of Qalqiliya, approximately 90,000 dunums (90 km square) will be lost as a consequence of the Apartheid Wall.

Altogether, the first phase is expected to see the confiscation of between 160,000-180,000 dunums. The residential areas of at least 15 villages will be east of the Apartheid Wall, while a significant portion of their lands will be either between the Apartheid Wall or on the other side. In addition, the city of Qalqiliya, which is the

²³ MIFTAH operates with higher numbers: 181 000 fruit and olive trees, 3 669 000 square meters of cultivated land (Report: Losses and damages in Palestine, 29.09.00 – 29.12.00, (www.miftah.org))

²⁴ As of early November 2000, the PA Ministry of Finance had estimated the value of destroyed property—both public and private—in the tens of millions of USD. See Minister’s statement to the Local Aid Coordination Committee, Gaza, 3 November 2000, p. 2. Since then further amounts of destruction has taken place.

²⁵ On 29 November 2000, three Palestinians in Al-Qarara were shot and wounded: Mohammed Ahmed El-Eddini (23), Khaled Abdel-Karim Abu E’id (27) and Mohammed Salem Abdel-Karim Abu E’id (25).

²⁶ The Apartheid Wall Campaign, *Report # 1*, November 2002, to be found at <http://www.pengon.org/wall/wall.html>

urban center for the entire area, will be almost completely encircled by the Apartheid Wall.²⁷

In April, 2002, an order of the Israeli cabinet steering committee dealing with the Apartheid Wall called for work to begin immediately in the northern West Bank and the Jerusalem area. Within days, even before publication of any map outlining the route of the Apartheid Wall, the Israeli military began confiscating land and uprooting trees in the northern West Bank.

Governmental-ministerial meetings concerning the Apartheid Wall continued, when in August 2002, following objections from within the Israeli security establishment to the first maps of the Apartheid Wall, changes were made but were never published. For months following the commencement of the Apartheid Wall, the government and military did not make its plans known to the public, and only after continued demands by Palestinian human rights organizations to produce the map, was the first phase made public. The public was not made aware of subsequent changes to the map and the complete map of the Apartheid Wall was finalized, without any public knowledge, no less input. Nevertheless, military orders for land confiscation continue unabated.

The fertility of the land that has been confiscated in the north and is being destroyed cannot be emphasized enough. Amidst the continuing poverty due to forcible closure by Israel, people's sustenance and survival depend on these lands. Approximately 30 groundwater wells in the first phase of the Apartheid Wall will be out of bounds, having been separated by the Apartheid Wall from the villages which depend on them, meaning even further Israeli control over Palestinian water resources. A number of villages will lose their only source of water.²⁸

The land confiscation for the first phase of the Apartheid Wall will exceed 160,000 dunums (as opposed to the often cited 90,000 dunums for the first phase, which only reflects one part of the first phase, where the Wall is currently being built) and is to include the uprooting of tens of thousands of trees. Much of the lands that will be saved from being razed by the military bulldozers will be inaccessible to their owners because they are on the "wrong" side of the Apartheid Wall. Many villages will be disconnected from the nearest city, which is where they have access to markets to buy various goods and production materials and to sell their products. Areas in between the Apartheid Wall and Israel will be closed off. All of Qalqiliya will be encircled by the Apartheid Wall and will have much of its lands confiscated. It is a major producer of fruits and vegetables for the entire West Bank, and a large percentage of its population depends on agriculture.

As an example of the repercussions of the first phase of the Apartheid Wall on other areas in the West Bank, the main fruit and vegetable market where the village of Jayous sells its produce, located in Nablus, will lose a substantial portion of its business. The market, run by the Nablus Municipality, will lose the fees it gets from the Jayous farmers to sell at the market, some 750,000 New Israeli Shekels, or over

²⁷ The Apartheid Wall Campaign, *Report # 1*, November 2002, found at <http://www.pengon.org/wall/wall.html>

²⁸ *Ibid.*

150,000 \$US. Truck drivers, loaders and other workers related to the market will also experience substantial losses.

3. The issue of water (for complementary information, please refer to the Shadow report of the Center for Economic and Social Rights and see also articles 11 and 12 of this report):

The Israeli military took control of Palestinian natural resources when they occupied the West Bank and Gaza Strip in 1967, and this control has continued throughout the reporting period (1998-2002). Israel controls the water resources and considers information on water to be classified information. It closed dozens of ground water wells that the Palestinians had used for drinking and irrigating their crops, and issued military orders restricting Palestinian water consumption. Israeli settlers consume an average of four times the amount of water that Palestinian citizens consume. Settlers consume more than 274 liters of water per day, while Palestinians consume approximately 65 liters per day, and this quantity is continually diminishing²⁹. In the water scarce Gaza Strip, Israeli settlers consume 584 liters per day, or about sevenfold the Palestinian per capita consumption there.

The current level of daily water consumption in the occupied Palestinian territory is therefore much less than the amount recommended by the World Health Organisation – 100 litres per person per day.³⁰ An increasing number of civilians in rural areas currently consume less than 20 liters of water per day. In contrast, the settlers' unlimited quantity of running water has served to fill swimming pools and to water ornamental lawns. In the meantime, Palestinians have become increasingly unable to use water for irrigation, or even to water backyard family vegetable plots.

While Israel draws more than 870 million metric meters of Palestinian ground water per year, it allows Palestinians to use only 130 metric meters annually in the West Bank and even less in the Gaza Strip. Furthermore, this quantity is continually decreasing. More than half of Israel's water supplies now come from the Mountain Aquifer and Jordan River basin, which are situated deep within them. It is estimated by different organizations that Israel uses between 79 and 87 percent of Palestinian groundwater. As a result, the Palestinian Territories suffered a severe water shortage in 2001, affecting 150 Palestinian villages, as well as several cities including Hebron and Ramallah.³¹

In the West Bank alone, more than 200,000 people who depend on supplies brought in by water tankers have been left without an adequate water supply for long periods because of curfews and closures in 2002. In addition to problems caused by access, a number of water systems (water pipes, pumps and wells) were destroyed by the Israeli

²⁹ See: B'Tselem, *Water for Ishmael just like for Israel*, 27 June 2000. MIFTAH has slightly different numbers in 2002 with 50-85 liters per day for Palestinians, and 280 to 300 liters for the Jewish settlements. For domestic use only, they consider that the average Palestinian is limited to 39-50 liters per capita per day, while Israelis receive more than 220 liters per capita per day. The Special Rapporteur on the right to housing in his last report proposed the following numbers: per capita water consumption by Palestinians of 82 cm³, as compared with 326.5 cm³ for Israeli citizens and settlers. Figures for daily per capita water use; Israelis 350 liters and 70 liters for Palestinians.

³⁰ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 15.

³¹ PICCR's *Report on the Israeli Violations of Palestinian Citizens' Rights During 2001*, p. 32-33.

military in 2002. Furthermore, a sizeable number of wells and reservoirs in rural areas have been damaged, destroyed or made inaccessible because of violence. A number of the West Bank villages adjacent to Israeli settlements have been and are currently suffering from recurrent closures of main valves on their water networks.³²

Palestinian communities that are connected to distribution networks have suffered a drastic reduction in water supplied by an Israeli private operator – Mekharoth. In certain cases, water currently supplied to Palestinian villages has been less than 75 percent of the normal supply. When supplies run low during the summer months, the Israeli water company, Mekharoth, simply shuts off the valves that supply Palestinian towns. This means settlers get their swimming pools filled up while Palestinian villages a few miles away run out of drinking water. When tensions are high -- as they are now -- the situation becomes unbearable, especially for the 25 per cent of Palestinian villages that were never connected to a water supply.

Since the start of the Intifada, Israel has made it almost impossible for water tankers to enter Palestinian areas -- or for villagers to get to nearby wells. B'Tselem, the Israeli human rights group, says Israeli soldiers sometimes beat and humiliate tanker drivers or deliberately spill their water.

In the Palestinian economy, agriculture employs 14% of the workforce, and accounts for 64% of the total amount of water usage. In Israel, agriculture accounts for less than 3% of the GDP, 4% of the workforce and 57% of total water usage. It is alarming to compare the amount of water available to Palestinians with their actual needs.³³

In Hebron, where a Jewish settler population was imposed in and around the city, it is estimated that 70% of the water goes to an estimated 8,500 settlers, while 30% goes to the city's 250,000 Palestinian inhabitants. In the Gaza Strip, where there are overwhelming qualitative and quantitative water problems, it is estimated that one million Palestinians have to make do with 25% of the available ground water, while 75% goes to a settler population of 3,000 to 4,000. As a result, the water table in Gaza has decreased drastically, sinking to below sea level, thus becoming contaminated to such a degree that it has become unfit for human consumption. Unless drastic measures are immediately adopted, it will rapidly become unsuitable for irrigation purposes, as well.

The economic decline and the depletion of the population's disposable income have further amplified the water crisis. Against the background of the ongoing impoverishment, water prices soared, reflecting the sharply increased transportation costs borne by private suppliers and the security risks associated with operating water tankers.

Currently, the average cost for 1 m³ of water is estimated by the Palestinian Hydrology Group at US\$0.6 in Palestinian areas with a water network. Recent reports from the Palestinian Hydrology Group also indicate that more than 90% of the

³² *Information from the United Nations Technical Assessment Mission-October 2002, cited in Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2000.*

³³ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 16.

population in a number of West Bank surveyed is unable to pay its water bills. The situation is particularly dire in communities without water distribution networks, where the price of tanker-delivered water currently exceeds US\$4 per m³. The chronic indebtedness of water consumers has practically exhausted the ability of tanker operators to provide additional credit for water delivered.³⁴

In the absence of a regular water supply, Palestinian households have depended on harvesting rainwater and water from local springs and wells. Combined with tanker-delivered water, this used to provide relative water-security to tens of thousands of households prior to September 2000. This traditional water harvesting and storage practice has increasingly become unsustainable as a result of repeated destruction/damage of family cisterns and the inability to replace or repair them during protracted curfews. In addition, around 25% of the towns and 100% of the rural areas do not have adequate wastewater systems. The build-up of waste constitutes a serious health and environmental hazard for both Palestinians and Israelis, as wells and aquifers are being contaminated.³⁵

The impact on the water supplies to the areas around the Apartheid Wall is also a serious concern. A number of water wells will be lost to communities near the Apartheid Wall. The Palestinian Hydrology Group (PHG) has listed 30 wells in villages around Qalqiliya and Tulkarem that will be lost in the first phase of the Apartheid Wall. These 30 groundwater wells are located in the Western Groundwater Basin and were drilled prior to 1967. They have a total discharge of 4 MCM/year. As a result of their loss, Palestinians will lose nearly 18% of their share of the Western Groundwater Basin. The following table details the 30 wells to be lost in the Apartheid Wall's first phase.³⁶

Wells to be Lost in the Wall's First Phase

| Well No. | Location | Discharge (m3/year) |
|-----------|----------------------------|---------------------|
| 15-20/003 | Nazlat 'Isa: Tulkarem | 237000 |
| 15-20/005 | Baqa Al Sharqiya: Tulkarem | 194000 |
| 15-20/001 | Baqa Al Sharqiya: Tulkarem | 244000 |
| 15-19/036 | Attil: Tulkarem | 299000 |
| 15-19/029 | Deir Al Ghusun: Tulkarem | 352000 |
| 15-18/020 | Far'un: Tulkarem | 193000 |
| 15/18/025 | Kafr Sur: Tulkarem | |
| 15-18/005 | Falamya: Qalqiliya | 175000 |
| 15-18/001 | Falamya: Qalqiliya | 135000 |

³⁴ Information from the United Nations Technical Assessment Mission-October 2002, cited in *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2000.*

³⁵ Information from the United Nations Technical Assessment Mission-October 2002, cited in *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2000.*

³⁶ The Apartheid Wall Campaign, Report # 1, November 2002, found at <http://www.pengon.org/wall/wall.html>

| | | |
|--------------|-------------------------|----------------|
| 15-18/002 | Jayous: Qalqiliya | 114000 |
| 15-18/004 | Falama: Qalqiliya | 130000 |
| 15-17/009 | Qalqiliya | 131000 |
| 15-17/012 | Jayous: Qalqiliya | 124000 |
| 14-17//040 | Qalqiliya | 95000 |
| 15-17/010 | Qalqiliya | 82000 |
| 15-17/011 | Jayous: Qalqiliya | 87000 |
| 14-17/031 | Qalqiliya | 102000 |
| 14-17/047 | Qalqiliya | 151000 |
| 14-17/018 | Qalqiliya | 157000 |
| 14-17/029 | Qalqiliya | 62000 |
| 14-17/020 | Qalqiliya | 17000 |
| 14-17/042 | Qalqiliya | 136000 |
| 14-17/010 | Habla: Qalqiliya | 99000 |
| 14-17/011 | Qalqiliya | 89000 |
| 14-17/009 | Habla: Qalqiliya | 94000 |
| 14-17/014 | Habla: Qalqiliya | 84000 |
| 14-17/013 | Habla: Qalqiliya | 87000 |
| 14-17/005 | Habla: Qalqiliya | 108000 |
| 14-17/044 | Izbat Salman: Qalqiliya | 102000 |
| Total | | 3880000 |

The annual recharge of the Western Groundwater Basin is 362 MCM/year. More than 95% of this recharge occurs in the mountains of the West Bank, yet Palestinians have not been allowed to drill new wells in this basin since 1967. The total Palestinian groundwater withdrawal of nearly 22 MCM/year comes from these wells, which were drilled prior to the 1967 Occupation.³⁷

4. Continuation of Military Occupation and Denial of Return:

The Palestinian people, who hold the prior legal right to the land, remain unable to exercise their Covenant protected right to self-determination as a result of Israel's *de facto* sovereignty (i.e. military occupation) in the 1967 occupied West Bank and Gaza Strip. Moreover, this right to self-determination is violated by the fact that Israel continues to bloc the return of both the 1948 Palestinian refugees (UNGA Resolution 3236 of 1974) and the 1967 refugees to their homes and properties.

³⁷ The Apartheid Wall Campaign, *Report # 1*, November 2002, to be found at <http://www.pengon.org/wall/wall.html>

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

1. Discrimination against Palestinians living in East Jerusalem:

The rights of the Palestinian residents of East Jerusalem are being violated as they are discriminated against by Israeli law. The Entrance into Israel Law of 1952, classifies Palestinian residents of Jerusalem as "permanent residents," akin to non-Jewish immigrants, subject to special regulations restricting their travel, as well as their rights to land, building, and municipal services. Thus Palestinian residents are required to obtain ID cards, indicating their "permanent residence" status, in order to be allowed access to the city and the services offered by government institutions. This "permanent residency" status applies only to Palestinians – not to Israeli Jews living in Jerusalem (see article 9).

Palestinian children also suffer from the discriminatory family reunification procedures for families where one spouse is a non-Jerusalem resident (see article 10). If it is the male partner who lives outside of Jerusalem and is applying for reunification with his Jerusalemite wife, she must satisfy the discriminatory "Center of Life" requirement. It is often very difficult for a woman to prove that the center of her life is in Jerusalem because many of the documents that would prove this fact (phone, electricity bills for example) may not be in her name. It is possible for an Israeli clerk in the Ministry of Interior to reject such an application without being required to state the reason. Thus, many Palestinian children are forced to live in divided families, where one parent lives in Jerusalem and the other outside of the city. It should be stressed that family reunification for Jewish families is an automatic right.

2. Discrimination in Access and Use of Natural Resources::

As seen under article 1, there is blatant discrimination between the large Palestinian population and Jewish settlers in the OPT concerning the use of natural resources, in particular land and water.

3. Discriminatory Closure and Curfew Policies:

The Israeli policy of curfews and closures, which only applies to Palestinian residents of the OPT and not to illegal Israeli settlers, does not comply with the principles of non-discrimination stipulated in this article of the ICCPR. This policy has great influence on the right to work, the right to health, and the right to education of the Palestinians in the OPT (see articles 7, 12 and 13).

4. Refugees and internally displaced Palestinians:

Article 2(2): Non-discrimination provision, which prohibits discrimination by State parties based upon status relating to “property,” “race,” “language,” “religion,” “political or other opinion,” and “national or other” criteria.

The right to hold property free from arbitrary governmental interference; and, the right to hold citizenship in one’s country of “habitual residence” prior to displacement are “core, foundational” *rights*, which are grounded in the wider corpus of international law as well as receiving specific protection under the Covenant.

The five displaced Palestinian population *groups* whose rights Israel is violating are: (a) the 1948 refugees; (b) the “internally displaced” Palestinian citizens of Israel; (c) the 1967 refugees; (d) the 1967 internally displaced Palestinians in the OPT; and, (e) the refugees from the OPT displaced after 1967.³⁸

A. Violations: Right to Property

It is conservatively estimated that over 80%³⁹ of the land lying inside the 1949 armistice lines constituting Israel’s *de facto* borders has been confiscated from the 1948 Palestinian refugees and the “internally displaced” Palestinians inside Israel. For a list of Israel Land Laws, please look at **Annex B**.

³⁸ See **Annex A**, a table on ‘*Palestinian Refugees, Internally Displaced Palestinians, and Convention Refugees, 1950-2002*’ for population estimates for each of the five displaced Palestinian population groups.

³⁹ See e.g., Don Peretz, *Israel and the Palestine Arabs*, 1958, p. 143 (citing figures compiled by the UN Conciliation Commission for Palestine’s Refugee Office); *accord*, David Kretzmer, *The Legal Status of the Arabs in Israel*, 1990, p. 50 & n. 7 (citing the estimate of the UN Conciliation Commission for Palestine that “more than 80 percent of the land in Israel had belonged to Arab refugees, and that more than 4,574,000 dunams of this land were cultivable”); Sami Hadawi (ed.), *Village Statistics 1944, A Classification of Land and Area Owned in Palestine, 1970* (Palestinians owned some 12,766,524 dunams of land in Palestine in 1945, not including land in the Naqab); Salman Abu Sitta, *Beer Sheba, Northern Sub-district and Western Gaza Sub-district 1948* [Map], 2002 (estimated that total Palestinian Bedouin tribal lands in the Naqab amounted to 12,577,000 dunams); Avraham Granott, *Agrarian Reform and the Record of Israel*, 1956, p. 28 (stating that at the end of 1947 Jews owned a total of 1,734,000 dunams of land in Palestine); and, *A Survey of Palestine, Supplement*, 1947, p. 31 (stating that the area of land classified as state domain was 1,700,000 dunams).

In fact, over 93%⁴⁰ of the land lying within the 1949 armistice lines is now held by the government of Israel as “state land,” meaning it is being held “in perpetuity” for the “exclusive use by the Jewish people.” Such “state land” is not privately owned but rather was acquired through governmental confiscation from private owners (i.e., Palestinian refugees and internally displaced) under domestic Israeli land confiscation laws.

It is currently estimated that the aggregate value of the economic losses suffered by the 1948 Palestinian refugees alone (without counting the “internally displaced”) due to dispossession from their land and all other private property for over 50 years comes to between \$173 billion and \$275 billion⁴¹ in year 2000 prices.

The Committee should state that Israel’s entire array of land confiscation laws as implemented inside “Israel proper,” including, of course, the so-called “Absentees’ Property” Law (and related amendments), are illegal under international law because: (a) they are selectively applied against only Palestinian landowners to deprive them of their land without being equally applied to deprive similarly situated Jewish landowners of their land; and (b) they completely lack due process or evidentiary guarantees for the Palestinian landowners required under international law (most obviously because Israel refuses to allow the individual refugee landowners to re-enter the country to protest the governmental takings of their lands and properties in a court of law). Furthermore, the massive amounts of land and properties confiscated by the Israeli government under these illegal domestic laws have been converted in their entirety for exclusive use by Jews for over 50 years.

Israel’s framing and application of its vast array of land confiscation laws is deliberately designed to take land from Palestinians and to transfer it to exclusive use by Jews. Thus these domestic laws are, by definition, designed specifically in order to enable Israel to practice systematic discrimination with respect to the right to adequate housing and means of subsistence on grounds expressly prohibited by Article 2(2) of the Covenant – i.e., “property,” “race,” “language,” “religion,” “political or other opinion,” and “national” criteria.

Therefore, because Israel’s land confiscation laws are framed and implemented in a way that discriminates on the basis of racial, ethnic, religious or political criteria to work exclusively in favor of Jews and exclusively against the interests of Palestinian Arabs, they *prima facie* violate the Covenant in their entirety.

⁴⁰ See, e.g., The Arab Association for Human Rights, *The Palestinian Arab Minority in Israel: Economic, Social and Cultural Rights*, 1998, at 34 (stating “[t]oday, over 93% of the land in the state comes under the direct control of the Israel Lands Administration (ILA), a statutory public body.... This 93% of land is known not as public land, but formally as ‘Israel Lands’ and informally as ‘national’ or ‘redeemed’ lands. Either way, the implication is clear: the land is considered to be at the disposal of the Jewish people.”). *Op. Cit.*, Fiona McKay and Hussein Abu Hussein, *Access Denied: Palestinian Access to Land in Israel*, 2003.

⁴¹ See Atif Kubursi, *Palestinian Losses in 1948: Calculating Refugee Compensation*, 2001 (statistics summarized in 3 August 2001 press release announcing the publication).

[For analysis of Israel's forced eviction of the 1948 Palestinian refugees and internally displaced, *see* BADIL's November 2000⁴² submission to the CESCR, p. 27. For analysis of the due process and evidentiary failings of Israel's land confiscation laws,⁴³ *see* BADIL's November 2000 submission to the CESCR, pages 17-18.]

Similar to the preceding analysis, the Committee should state that Israel's illegal confiscation and use for over 50 years of the lands and properties of the "internally displaced" Palestinian citizens of Israel violates Covenant-protected rights, as well as binding international humanitarian and human rights law. Domestic Israeli laws do not offer sufficient legal remedies to parties injured by wrongful takings of property.⁴⁴ Very little of the illegally confiscated land has been restituted to the rightful, original owners. Compensation is restricted to 1950 prices, even when the land has skyrocketed in market value. Restitution has, since 1973, been statutorily barred under domestic Israeli law, despite the clear preference for restitution as the preferred remedy under international law for wrongful governmental takings of private property.

[For analysis of the situation of the internally displaced, *see* BADIL's April 2001 submission⁴⁵ to the CESCR, pages 26-29. Also see *Internally Displaced Palestinians, International Protection and Durable Solutions*, BADIL, November 2002, attached to this submission.]

In the 1967 occupied Palestinian territories it is estimated that as of 1979, Israel had acquired control of approximately 66.8%⁴⁶ of the land in the West Bank, through the application of various military orders. It is estimated that as of 1997, Israel had acquired control of more than 70% of the West Bank and 40% of the Gaza Strip,⁴⁷ through the use of military orders. It is estimated that as of 1997, Israel had acquired control of 86.5% of Jerusalem⁴⁸ through the application of various land confiscation laws.

Very little of the illegally confiscated land has been restituted to the rightful, original

⁴² BADIL's November 2000 submission is available from the BADIL website, at http://www.badil.org/Publications/Legal_Papers/CESCR00.pdf. It is also being resubmitted concurrently with the present submission.

⁴³ *See, also*, Gail J. Boling, *Israel's Use of 'Absentees' Property' Laws to Confiscate Private Property inside the Green Line from 1948 Displaced Palestinians: A Violation of UN General Assembly Resolution 194 and International Law*, *Palestine Yearbook of International Law*, 2000-2001, pp. 73-130, submitted concurrently to the CESCR for the 26th session.

⁴⁴ *See*, McKay and Hussein, *supra* note 5 for a review of case law in Israel. *Op. Cit.*, Alexander Kedar, *The Jewish State and the Arab Possessor: 1948-1967*, in *The History of Law in a Multicultural Society: Israel 1917-1967*, 2001.

⁴⁵ BADIL's April 2001 submission is available from the BADIL website, at http://www.badil.org/Publications/Legal_Papers/cescr25.pdf. It is also being resubmitted concurrently with the present submission.

⁴⁶ *See The Financial Times*, 29 October 1979, cited in Walter Lehn, *The Jewish National Fund*, 1988, p. 183. 12.2% was acquired as "state land"; 28.6% as "unclear ownership"; 25.5% declared as a closed military zone; 7.5% as Absentee with the remainder acquired through expropriation for security and public "necessity."

⁴⁷ *See* Khader Abusway, Rosemary Barbeau, and Muhammad al-Hasan, *Signed, Sealed, and Delivered: Israeli Settlement and the peace process*, 1997, p. 1.

⁴⁸ *Id.*

owners. The Oslo agreements⁴⁹ effectively entrenched the status quo concerning property in the 1967 occupied Palestinian territories.⁵⁰ While Palestinian cities, towns, villages and most refugee camps were transferred to the Palestinian Authority, the majority of the surrounding land (60 percent in the West Bank and 40 percent in the Gaza Strip) remained under full Israeli administrative and military control. Moreover, the 1995 Interim Agreement on the West Bank and Gaza Strip obligated the Palestinian Authority to “respect the legal rights of Israeli (including corporations owned by Israelis) related to government an absentee land located in areas under the territorial jurisdiction of the [Palestinian] council.”⁵¹ “[M]ost of these ‘legal rights’ were obtained after the Israeli occupation in accordance with military orders and changes in the local law made by the Israeli military government.”⁵² The agreement also removed the issue of land claims from the courts and transferred jurisdiction to a joint Palestinian-Israeli committee.

Similar to the preceding analysis the Committee should state that Israel’s illegal confiscation and use for over 33 years of lands and properties of the 1967 Palestinian refugees violates Covenant-protected rights, as well as provisions of international humanitarian and human rights law.

[For analysis of the situation of the 1967 refugees, *see* BADIL’s November 2000 submission to the CESCR, pages 18-20.]

Remedies: Right to Property

According to the foregoing analysis, the Committee should state that all of Israel’s discriminatory and illegal land confiscation laws must be repealed or amended to allow for full restitution, as required by international law, of all land and properties belonging to the 1948 refugees, which have been arbitrarily confiscated from them under those laws.

The Committee should state that Israel must fully retribute to the “internally displaced” Palestinian citizens of Israel all of their families’ lands and properties which have been illegally confiscated from them under domestic Israeli confiscation laws that violate international law.

The Committee should state that Israel must fully retribute to the 1967 refugees, internally displaced Palestinians in the OPT and other Palestinians displaced from the OPT after 1967 all of their families' lands and properties which have been illegally confiscated from them under Israeli military confiscation orders and policies that violate international law.

⁴⁹ *Declaration of Principles on Interim Self-Government Authority*, Washington, 13 September 1993, reprinted in 31 ILM 1525, 1993; *Agreement on the Gaza Strip and the Jericho Area*, Cairo, 4 May 1994, reprinted in 33 ILM 622 (1994); and *Interim Agreement on the West Bank and Gaza Strip*, 28 September 1995, reprinted in Palestine Yearbook of International Law 353, 1994/95.

⁵⁰ See, for a concise legal analysis of the agreement, Raja Shehadeh, *From Occupation to Interim Accords: Israel and the Palestinian Territories*, 1997.

⁵¹ See, Annex III, Appendix I, *Powers and Responsibilities for Civil Affairs*, Article 16, Government and Absentee Land and Immovables.

⁵² Shehadeh, *Ibid*, p. 43.

The Committee should also clearly state that the right of restitution applies equally to *all* landowners whose lands and properties in the Occupied Palestinian Territories have been illegally confiscated by Israel, whether the landowners be refugees or non-refugees.

[For analysis of the law of restitution in international law, *see* BADIL's November 2000 submission to the CESCR, pages 28-32.]

The Committee should also specifically state that the official land records and archives of both the government of Israel and the United Nations Conciliation Commission for Palestine (UNCCP), which was empowered by G.A. Resolution 194 to record, tabulate, monitor and preserve the private property rights of the 1948 Palestinian refugees and internally displaced, should be opened up to the public – and in particular to potential Palestinian claimants seeking to reclaim their property – for inspection and duplication.

B. Violations: Right to Return

It is estimated that some 700,000 to 800,000⁵³ Palestinians were initially displaced during the 1948 conflict and have been barred by Israel from returning to their homes. It is estimated that this group, with its descendants, has grown to number some 5.5 million⁵⁴ persons. The Committee should state that the 1948 Palestinian refugees – by virtue of their “presumption” of status as nationals of Israel, which obtains under the law of nationality as applied upon state succession – should be extended actual nationality status, or citizenship by Israel (since it is “their country of origin”) on

⁵³ *See, e.g., “General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine, Covering the Period from 11 December 1949 to 23 October 1950,”* U.N. GAOR, 5th Sess., Supp. No. 18, U.N. Doc. A/1367/Rev. 1 (23 October 1950) (Appendix 4 of which, titled “Report of the Technical Committee on Refugees,” which was submitted to the Conciliation Commission in Lausanne on 7 September 1949, listed an estimated figure of 711,000 for the “refugees from Israel-controlled territory,” a figure which the Technical Committee stated it “believed to be as accurate as circumstances permit”); *see, also, Janet Abu-Lughod, “The Demographic Transformation of Palestine,”* in Ibrahim Abu-Lughod (ed.), *The transformation of Palestine: Essays on the Origin and Development of the Arab-Israeli Conflict*, 1971, p. 139, 161 (an estimated 780,000 displaced Palestinians were trapped outside the 1949 armistice lines and not allowed to return); Salman Abu Sitta, *The Palestinian Nakba 1948, the Register of Depopulated Localities in Palestine*, 2001 (an estimated 804,767 Palestinians were displaced, based on the population of 531 depopulated Palestinian localities in *Village Statistics* 1944 upgraded to 1948 based on annual population increase of 3.8%. If extra villages according to UNRWA registration are included the total number of refugees is 935,573); *US Government Report of the Subcommittee on the Near East and Africa*, 1953 (an estimated 875,000 Palestinians were displaced as of 1953); British Foreign Office, in Benny Morris, *The birth of the Palestinian Refugee Problem 1947-1949*, 1987, p. 298 (an estimated 810,000 Palestinians were displaced in February 1949. Revised figures for September 1949 estimate the refugee population at 600,000-760,000); and, Israel Foreign Ministry, in Morris, *id.*, at 297 (noting UNRWA registration for 1949 of 726,000 as ‘meticulous’ with ‘the real number [...] close to 800,000. Official estimates cited by the government of 520,000-530,000).

⁵⁴ This includes approximately 4.0 million refugees (31 December 2002) registered with the UN Relief and Works Agency (UNRWA) residing in the five areas of operation: West Bank, Gaza Strip, Jordan, Lebanon, and Syria. UNRWA figures do not claim to be and should not be taken as statistically valid demographic data. Registration with UNRWA is voluntary. For a detailed estimate, *see, e.g.,* Table 7: The Distribution of Palestinians in 1998 (minimum estimate) in, Abu Sitta, *supra* n. 18 at 16. The population estimate for 2002 can be derived based on an average per annum increase of approximately 3.5 percent. The figure does not account for the small number of Palestinian refugees reunified with family inside Israel.

terms equal with Jews' ability to obtain automatic citizenship in Israel currently found in Israel's Law of Return, which applies to Jews only. Israel's failure to do so violates Covenant-protected rights, as well as binding international humanitarian and human rights law.

Israel's refusal to re-admit – which is a necessary prerequisite for its overall property confiscation regime – is deliberately designed to deprive the 1948 Palestinian refugees of access to their lands and properties in order to transfer them to the exclusive use by Jews. Thus the refusal to readmit is, by definition, designed specifically in order to enable Israel to practice systematic discrimination with respect to the right to adequate housing and means of subsistence on grounds expressly prohibited by Article 2(2) of the Covenant – i.e., “property,” “race,” “language,” “religion,” “political or other opinion,” and “national” criteria.

[For analysis of the historical grounding of the right of return in four independent bodies of international law, see *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*, BADIL, January 2001, on file with the CESCR.]

It is estimated that approximately 75,000⁵⁵ Palestinians were temporarily displaced from their lands and properties during the 1948 conflict and have been barred by Israel from returning to them even though they remained inside the 1949 armistice lines and therefore ultimately became citizens of Israel. It is estimated that this group, with its descendants, has grown to number some 274,000⁵⁶ persons. The figure does not include those Palestinians, and their descendants, internally displaced inside Israel after 1948. A conservative estimate of this sub-category of internally displaced Palestinians is 75,000 persons.⁵⁷ The Committee should state that Israel's denial for over 50 years of the right of the “internally displaced” Palestinian citizens of Israel to return to their “homes of origin” in their places of habitual residence prior to displacement violates Covenant-protected rights, as well as binding international humanitarian and human rights law.

⁵⁵ See David Kretzmer, *The Legal Status of the Arabs in Israel*, 1990, p. 57 & n. 39. Also see, Israel Government census, in Hillel Cohen, HaNifkadim HaNokhahim, HaPlitim HaFalestinim BeIsrael me'az 1948, *The Present Absentees: Palestinians in Israel since 1948*, 2000 (the 1950 government census registered 25,000 internally displaced Palestinians in towns and villages, excluding Bedouin in the Naqab); International Committee of the Red Cross (ICRC), in Cohen, *id.* (the 1949 ICRC annual report lists 31,000 internally displaced Palestinians inside Israel in July 1949); and, *Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, U.N. GAOR, 6th Sess., Supp. No. 16A, U.N. Doc. A/1905/Add.1, 30 June 1951 (32,302 internally displaced Palestinians were registered with UNRWA as of June 1951).

⁵⁶ The figure is derived from initial registration figures from UNRWA, *supra* n. 20, and upgraded to 2002 based on an estimated average annual growth rate of 4.2% of the Palestinian population inside Israel between 1950 and 2002. According to the Israeli Central Bureau of Statistics, *Statistical Abstract of Israel*, No. 53, the Palestinian Muslim population inside Israel (which comprises 82% of the total Palestinian population inside Israel) increased by an average of 4.4% per annum between 1948 and 2001)

⁵⁷ The majority are Bedouin forced off of large tracts of land in the Naqab and living in ‘unrecognized villages’ or concentrated into so-called development towns. This sub-category also includes those Palestinians inside Israel transferred by the government during the late 1940s and early 1950s, and Palestinians displaced as a result of land expropriation and house demolition. For a more detailed account of the Bedouin inside Israel see, e.g., Mckay and Hussein, *supra* n. 5.

[For analysis of the situation of the internally displaced, *see* BADIL's April 2001 submission to the CESCR, pages 26-29. *Also see Internally Displaced Palestinians, International Protection and Durable Solutions*, BADIL, November 2002, attached to this submission.]

It is estimated that approximately 200,000 to 300,000⁵⁸ Palestinians were displaced during the 1967 conflict and have been barred by Israel from returning to their homes inside the Occupied Palestinian Territories. It is estimated that this group, with its descendants, has grown to number some 753,000⁵⁹ persons. The Committee should state that Israel's denial for over 33 years of the right of the 1967 refugees to return to their "homes of origin" in their places of habitual residence prior to displacement violates Covenant-protected rights, as well as binding international humanitarian and human rights law.

[For analysis of the situation of the 1967 refugees, *see* BADIL's November 2000 submission to the CESCR, pages 18-20.]

It is estimated that in addition to persons who are neither 1948 or 1967 refugees, approximately 735,000⁶⁰ persons are outside the Palestinian territories occupied by Israel since 1967 and unable to return due to revocation of residency, denial of family reunification, deportation, etc., or unwilling to return there owing to a well-founded fear of persecution, as grown to number some. Finally, there are an estimated 150,000⁶¹ persons in the 1967 occupied Palestinian territories.

⁵⁸ *See* George Kossai, "L'enjeu démographique en Palestine," *Les Palestiniens de l'intérieur*, (Washington, D.C.: Institute for Palestine Studies). *Also see, Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1966 – 30 June 1967*. U.N. GAOR, 22nd Sess., Supp. No. 13, U.N. Doc. A/6713, 1967 (the estimated number of persons who fled from areas under Israeli occupation during and after the 1967 hostilities is roughly 550,000. [This figure includes 1948 refugees displaced for a second time]); Abu Lughod, *supra* n. 18 at 163 (the total estimated refugee population was 400,000 from the West Bank and 50,000 from the Gaza Strip); Tayseer Amro, "Displaced Persons: Categories and Numbers Used by the Palestinian Delegation [to the Quadripartite Committee], *Article 74*, No. 14, (1995) (an estimated 311,500 Palestinians were displaced not including persons with 'lost ID' permits or deportees, spouses and descendants); Abdel Tayseer Jaber, *The Situation of Palestinian Refugees in Jordan*, in Elia Zureik, *Palestinian Refugees and the Peace Process*, 1996 (the total number of refugees displaced for the first time from the West Bank and Gaza Strip to Jordan is 200,000); and Moshe Efrat, *The Palestinian Displaced Population from the West Bank and Gaza Strip to the East Bank of Jordan*, in Kossai, *supra* n. 18 (the estimated number of refugees displaced for the first time in 1967 is 140,000).

⁵⁹ *See* Salim Tamari, *Palestinian Refugee Negotiations: From Madrid to Oslo II*, 1996, p. 43 (stating that of the current population of roughly one million 1967 refugees plus descendants, approximately 30% are actually "second time refugees," i.e., persons (or descendants) initially displaced during the 1948 conflict). The figure used here is derived from the *Report of the Secretary General under General Assembly Resolution 2252 (ES-V) and Security Council Resolution 237 (1967)*. U.N. Doc. A/6797, 15 September 1967 upgraded to 2002 based on the average annual growth rate of 3.5%. The figure does not include 1948 Palestinian refugees displaced for a second time in 1967, Palestinians who were abroad at the time of the 1967 war and unable to return, refugees reunified with family inside the 1967 occupied Palestinian territories, or those refugees who returned since 1994 under the Oslo political process.

⁶⁰ *See, e.g.,* Kossai, *supra* n. 23 (estimating an annual forced migration rate from the 1967 occupied Palestinian territories between 1968 and 1986 of 21,000 persons per annum.) *Also see*, Jon Pederson, Sara Randall, and Marwan Khawaja (eds.), *Growing Fast, the Palestinian Population in the West Bank and Gaza Strip*, 2001, p. 153 (estimating that the annual net out migration from the West Bank and Gaza Strip is as much as 2 percent per annum or approximately 60,000 persons).

⁶¹ *See, e.g.,* Palestinian Central Bureau of Statistics, *Impact of the Israeli Measures, Survey on the Well-being of the Palestinian Children, Women, and the Palestinian Households*, 2001 (estimating that

Remedies: Right to Return

The Committee should state that Israel's Nationality Law of 1952 must be annulled or amended to remove the bar prohibiting the 1948 Palestinian refugees from returning to their "country of origin," i.e., Israel.

[For analysis of the historical grounding of the right of return in four independent bodies of international law, see *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*, BADIL, January 2001, on file with the CESCR.]

The Committee should state that Israel's denial for over 50 years of the right of the "internally displaced" Palestinian citizens of Israel to return to their "homes of origin" in their places of habitual residence prior to displacement violates Covenant-protected rights, as well as binding international humanitarian and human rights law.

[For analysis of the situation of the internally displaced, see BADIL's April 2001 submission to the CESCR, pages 26-29.]

The Committee should state that Israel must allow the 1967 refugees, Palestinians displaced from the OPTs after 1967 and internally displaced Palestinians within the 1967 OPTs to return to their families' "homes of origin" in the Occupied Palestinian Territories. Accordingly, the Committee should state that Israel must immediately annul or amend all its military orders and policies which currently bar the 1967 refugees from so returning.

[For analysis of the situation of the 1967 refugees, see BADIL's November 2000 submission to the CESCR, pages 18-20.]

5. Insufficient International Instruments to Guarantee Non-discrimination based on Gender:

Article 2.2 of ICESCR states a guarantee of non-discrimination on the basis of gender among other grounds. We can see in several of the General Comments of the CESCR that there is mention of the elements that negatively affect the equal right of women to the enjoyment of ESCR. Latest efforts to make a joint General Comment between the CEDAW Committee and the Committee of ESCR are trying to close the gap. However, the psychological effects of these violations, the experiences and knowledge of women are still not reflected enough in international instruments.

56,000 Palestinian were forced to change residence during the first 7 months of the second *intifada*); United Nations, *Humanitarian Plan of Action 2003, Occupied Palestinian Territory*, 2002 (estimating that 80,000 Palestinians were rendered homeless from the beginning of the second *intifada* until the end of 2002).

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

1. General situation of Palestinian workers:

According to the International Labor Conference's 1998 Report on the Situation of Workers of the Occupied Arab Territories, "well over one-third of the Palestinian labor force depended for their livelihood on jobs in Israel. From Gaza and all over the West Bank, by some accounts as many as 160,000 workers...would commute across the green line on 'normal' days in 1992." Workers from the Gaza Strip were and continue to be particularly dependent on Israel; at the beginning of the Intifada, 60% of the Gazan Gross National Product came from work in Israel.⁶² The State of Israel failed to respect the right to work and make a living of Palestinians in the occupied Palestinian territories by imposing closures and curfews which prevented Palestinian workers from reaching their workplaces inside the occupied territories as well as in Israel for those granted permits to work there (see also articles 11 and 12 for more details on curfews and closure). A clear correlation can be established between days of closure and curfews and increase of the unemployment rate in the Palestinian territories. Between the third quarter and the fourth quarters of 2000, with the

⁶² Palestinian National Authority Official Website, Palestinian Labor and Employment, "An Introduction," http://pna.net/facts/pal_labor_employ.htm.

beginning of the second Intifada on 29 September 2000 and ensuing tight closure of the OPT, the unemployment rate jumped from 10 to 28.3%.

Table showing evolution of unemployment rates in the PT between 1999 and 2002 and employment in Israeli and settlements:⁶³

| Period | Unemployment in the Palestinian territories | | Employment in Israel and settlements |
|----------------|---|---|--------------------------------------|
| | In numbers | In percentage (%) according to the ILO definition | In numbers |
| 1998 | | 14.4 | |
| 1999 | 79,000 | 11.8 | 135,000 |
| 2000 | 98,000 | 14.1 | 117,000 |
| 2000 Q3 | 73,000 | 10 | 146,000 |
| 2000 Q4 | 316,000 | 28.3 | 44,000 |
| 2001 | 174,000 | 25.5 | 70,000 |
| 2001 Q1 | 180,000 | 26.9 | 71,000 |
| 2001 Q2 | 160,000 | 23.7 | 75,000 |
| 2001 Q3 | 172,000 | 25.4 | 63,000 |
| 2001 Q4 | 184,000 | 26.2 | 68,000 |
| 2002 Q1 | 204,000 | 28.9 | 59,000 |
| 2002 Q2 | 229,000 | 33.6 | 33,000 |
| 2002 Q3 | 370,000 | 35.6 | 17,000 |
| 2002 Q4 | 314,000 | 27.3 | 31,000 |

Q1: first quarter of year (January to March) Q2: second quarter Q3: third quarter Q4: fourth quarter

A. Closure and restrictions on issuances of permits to Palestinian workers working in the Israeli labor market

As part of its closure policy, Israel requires that Palestinian workers possess a special permit allowing them to work in Israel, or in Israeli settlements and industrial zones inside the occupied territories. Additionally Palestinian workers are denied entry into Israel if they do not possess a magnetic identification card issued by the Israeli DCO office, which must be presented at border crossings. These magnetic cards, which have to be periodically renewed, are refused for the smallest contravention registered by the Israeli authorities in the workers' file and many times no reason at all is given for the refusal of issuing the card.

⁶³ PCBS, *Labor Force Surveys (1999-2002)*, Ramallah, Palestine.

Work permits are obtained only where an Israeli employer specifically requests one be given to a particular worker. Hence Palestinian workers depend entirely on the sponsorship of an Israeli employer, a power dynamic that leads to abuses of workers' rights, as the employer can at any time demand that the permit be canceled or refuse to renew it if the Palestinian worker challenges the working conditions imposed on him by the employer. If the worker wants to work for another employer than the one for which he was issued a work permit, he has to obtain a written statement by the potential new employer and the procedure for the issuance of a work permit is started all over again.

One should note also that permits are not automatically delivered to workers who possess a magnetic card and are officially recognized as not presenting a security threat to Israel, even if potential employers apply for it. As a result of these procedures, many workers pushed by their need to work and provide income to their families continue to try to enter Israel and to work illegally, despite the risks involved such as arrests, detention and fines.

The worker Mohammad Nizar, from Betilo village near Ramallah, worked in the Israeli labor market from 1985 until 2001, for an in Israeli employer in Al-Lod city. In 2001, the Israeli employer stopped the permit, and Mohammad Nizar started searching for another employer. He found one, but the Israeli authorities refused to issue a new work permit to him, despite the fact that he was in possession of a magnetic card valid until 21 March 2003. After he was refused a new work permit, he was forced to work illegally in Israel and was arrested in Israel and taken for interrogation, upon which a security violation was registered in his file and his magnetic card was confiscated. After that, he went again to the Israeli Employment Office to obtain a new work permit, but was repeatedly refused⁶⁴.

Israel explains the closure and the corresponding reduction in Palestinian workers employed in Israel as a measure intended to bolster national security. The security justification has limits, particularly where it is used to justify excessive hardship and where the population which suffers because of "security measures" is meant to be protected by legal framework. Two doctrines of law can be marshaled against Israel's closure policy as well as this article of the CESC. The first argument contends that according to the doctrine of equitable estoppel, as a result of its long-term policy allowing Palestinian workers to enter Israel for work, Israel should be prohibited from suddenly revoking that access. The second argument holds that under the doctrine of eminent domain, Israel should be required to give just compensation to Palestinian workers from whom it has taken their property-like right to work.⁶⁵

During the Intifada, due to a declared Israeli policy to crackdown on illegal Palestinian labor in Israel, the number of Palestinian workers arrested inside Israel because they have no work permits significantly increased and reached 3761 workers in 2001 and 9772 workers in 2002. Of those arrested, 149 were tried in 2001 and 358 were tried in 2002 and were condemned to between 3 to 6 months of incarceration,

⁶⁴ Testimony given by the worker to the Democracy and Workers' Rights Center upon submitting a complaint to the Center.

⁶⁵ Theory of the Palestinian Human Rights Monitoring Group, in their report *Workers Rights Hard Times*, July 1999 available on their website: <http://www.phrmg.org/>.

and fines exceeding 5,000 NIS in some cases. Workers arrested for working in Israel without permits are also obliged to sign a paper in which they pledge not to try to enter Israel and work there anymore.⁶⁶

Annex C presents statistics on the permits to work in Israel and the settlements given to Palestinians in the last five years (statistics from the Palestinian Ministry of Labor⁶⁷). The number of permits has been significantly reduced in the past two years.

B. Israeli measures affecting employment in the Palestinian areas

Israel measures have hampered local economic activity inside the Palestinian territories, especially since the beginning of the second Intifada. Closure and siege enforced by the Israeli military forces on Palestinian localities, military attacks and invasions, and curfews imposed on the Palestinian population have prohibited thousands of workers from reaching their workplaces within the Palestinian areas causing important loss of wages and loss of employment due to the impossibility of enterprises to maintain former production levels and sales. In 2001, for 76.6 % of the unemployed Palestinian workers, the reason for unemployment was their inability to reach their workplace because the roads are risky, for 50.7 % because the roads are long and 35.1 % because the costs of transportation are high⁶⁸. In the second and third quarters of 2002, the unemployment rate increased to 33.6% and 35.6% respectively while Israeli invasions and military attacks were on-going in the West Bank.

Attacks against sources of livelihood for Palestinians have also taken place, first directed at the agricultural sector by the massive bulldozing of agricultural lands and uprooting of fruit and olive trees (see also articles 1 and 11), and increasingly at other sectors such as the industrial sector with the deliberate destruction of small workshops and factories under the pretext that they are used to produce weapons, as well as willful destruction and damaging of commercial shops during invasions of Israeli troops in Palestinian areas. Israeli never produced any proof that any of the destroyed factories was actually producing weapons.

*At 2 a.m. on 21 May 2001, an Israeli Apache helicopter was circling in the skies of the Al-Tuffah area and fired some 12 missiles at the Sa'ad Al-'Ashi metal workshop located on Yaffa Street near Jabalia refugee camp. Nine workers were employed in the workshop. The shelling caused severe damage to the workshop, the oven for melting iron and other metals was destroyed, as well as the cutting machine, for a value of 8,000 US dollars. A room of 36 square meters used for storing forms filled with metal was completely destroyed, causing a loss of 4,000 US dollars. In addition, there are losses to an amount of 3,300 US dollars for various tools and instruments used for forming iron.*⁶⁹

Moreover, in certain areas that came under recurrent and heavy Israeli shelling, factories and workshops were damaged or destroyed, and it became impossible for employers to run these factories because of the damage done and the danger

⁶⁶ Palestinian National Authority, Ministry of Labor, General Planning and Information Administration, *Israeli Siege and Measures Against Palestinian Workers during the Year 2002*, March 2003, (Arabic).

⁶⁷ Available at <http://www.mol.gov.ps/english/statistics/permits.htm>

⁶⁸ PCBS, *Impacts of the Israeli Measures on the Palestinian Labor Market* (March 2001), April 2001.

⁶⁹ Testimony given to the Democracy and Workers Rights Center.

represented to workers. Yahya Fathi Abu Samra, owner of the Abu Samra Factory for Marble, gave the following testimony to the Democracy and Workers Rights Center:

“I used to own a factory for marble slabs near the Egyptian border with Rafah but the factory was shelled by the Israelis several times, which caused destruction of an important part of it and therefore production stopped. This obliged me to get rid of all the machines destroyed by the shelling. I sold part of them and I was forced to emigrate from this location because my work was paralysed by the shelling which prevented the 11 workers I was employing from reaching their workplace due to the dangerous character of the location.”

According to the Palestinian Minister of Industry, between 28 September 2000 and 28 March 2002, Israeli forces destroyed 84 factories, and during the period 29 March to 30 April 2002, 37 factories were destroyed. In total, from the beginning of the Intifada until the end of April 2002, 121 factories were totally destroyed and 240 damaged⁷⁰.

2. Loss and violations for Palestinians going to work in Israel

A. Lack of effective control over application of minimum wage law to Palestinian workers working in the Israeli labor market

In 11 point of its list of issues E/C.12/Q/ISR/1, the UN Committee requested that the State of Israel explains the steps the Government has taken to ensure strict enforcement of the minimum wage law, especially for the most vulnerable groups in the labor sector including Palestinian workers. In its 1998 report, Israel failed to answer to the committee's request. The Committee mentioned in point 242 of its report on the eighteen and nineteen sessions that it was alarmed by the situation regarding application of the minimum wage law in Israel.

In the hundreds of complaints received by the Democracy and Workers' Rights Center from Palestinian workers, there appears a recurrent pattern in respect to the fact that their Israeli employer did not register the real number of working days per month to avoid paying taxes as for fully employed workers and to avoid paying them the minimum wage. Therefore, the salary they receive as stated by the official payment slips emitted by the Israeli Employment Office does not correspond to their real salary.

Although the Israeli Employment Office imposed on Israeli employers to register at least 15 workdays per month for Palestinian workers, when there are no officially documented absences of the worker, employers continue to register only 10 to 12 days of work. The Israeli employment Office has failed to this day to take effective measures against Israeli employers using such practices and to monitor the implementation of the minimum wage law, as it should have done considering the importance of the phenomena. It is important that all working days be mentioned on the payment slip of workers to ensure that their indemnities, in case their work is terminated, are fully paid and to avoid lengthy and costly court procedures against employers to prove the actual number of working days and hours.

⁷⁰ Palestinian National Authority, Ministry of Labor, General Planning and Information Administration, *Israeli Siege and Measures Against Palestinian Workers during the Year 2002*, March 2003, (Arabic)

B. Unemployment indemnities not paid to Palestinian workers

Every Palestinian worker who worked in the Israeli labor market through the Israeli Employment Office had a certain amount deducted from his/her monthly salary for the unemployment fund as it is the case for Israeli workers. But to the contrary of Israeli workers who are paid indemnities from the unemployment fund during the first six months of unemployment, none of the Palestinian workers received any unemployment indemnities after the loss of their work.⁷¹

C. Excessive delays in repaying income-tax deductions

The Israeli Income Tax Department failed to ensure that Palestinian workers who had income tax deductions on their monthly salaries exceeding the amount to be deducted get paid back these sums in a reasonable time and be treated on an equal footing with Israeli citizens. Israeli citizens get refunded within 40 to 60 days whereas some requests submitted by Palestinian workers have not been satisfied after more than a year and 9 months. On 2 May 2001, the lawyer of the Democracy and Workers' Rights Center in Palestine submitted 368 cases for recovery of income tax deductions to the Israeli Income Tax Department, and to this date, the department has not satisfied this demand under the pretence that there is only one worker at the department in charge of Palestinian workers' files.

D. The imposition of court guarantees

Israeli labor courts fail to guarantee equal access to labor courts to Palestinian workers who seek to obtain respect of their rights stated by the law by their Israeli employers. Israeli labor courts discriminate against Palestinian workers by allowing employers to request that a certain amount of money be paid by them as court guarantees when they file a complaint before these courts against Israeli employers to regain their rights, whereas such requests are not made for Israeli citizens or other foreign workers. Cases filed on behalf of Palestinian workers are not examined by the court until the fee is paid if the employer requests such a guarantee, under the pretext that in case the worker loses the case, the employer will not be able to regain the money he paid because the worker resides in the occupied Palestinian territories. Many workers, especially in the current situation of increased poverty and unemployment, are not in possession of the required sum, which is arbitrarily determined by the court according to the sum demanded in the lawsuit and other considerations, therefore they cannot regain their rights.

E. Impossibility for Palestinian workers to attend court sessions

Since 29 September 2000, it has been increasingly difficult for Palestinian workers on behalf of whom lawsuits have been filed to Israeli labor courts to attend court sessions, because they are denied entrance to Israel at checkpoints even when they show the court summons. Therefore, in an important number of cases, lawyers have to request the postponing of the court sessions, sometimes several times for the same case, at the risk of losing their case. One of Democracy and Workers Rights Center's lawyers mentioned that he had to ask for the postponement of more than 50 court

⁷¹ Information from the Democracy and Workers Rights Center.

sessions for this reason during the year 2002.

3. Loss and violations of Palestinian workers' rights working in Israeli settlements and industrial zones

A. Court decision on the applicability of Jordanian labor law to Palestinian workers in Israeli settlements and industrial zones in the occupied West Bank

The Israeli Supreme Labor Court issued on 20 March 2003 decision 300050/98⁷² in favor of Israeli employers who employ Palestinian workers in Israeli settlements and industrial zones in the West Bank according to which the law applicable to these workers is the Jordanian labor law of 1965 and not the Israeli labor law. The court argued lengthily that the decision does not constitute a discrimination against Palestinian workers because Israelis and Palestinians living in the OPT fall under two different legal statuses. Considering the fact that the Israeli labor law is more progressive than the Jordanian labor law, and that Israeli workers working in the settlements and industrial zones in the West Bank are protected by the regulations of the Israeli labor law, this court decision is, despite the court's argument, a clear discrimination against Palestinian workers and results in the confiscation of many of their rights, among them:

- The right to a minimum wage not guaranteed by the Jordanian law
- The right to health insurance not guaranteed by the Jordanian law
- The right to end of service compensations, as according to the Jordanian law the worker receives one month for every year of service only in case of arbitrary dismissal or after 15 years of work for the same employer, whereas the Israeli labor law guarantees this right in case of dismissal, illness, death, deterioration of work conditions, etc.

This policy of double standards legalized by the Israeli Supreme labor court allows Israeli employers to exploit Palestinian workers and increase their profits on their detriment, and will also encourage more Israeli employers to move their enterprises to illegal settlements and industrial zones in the OPT to benefit from lower production costs.

B. Violations of Palestinian workers' Rights in the Erez Industrial Zone (IZ)

Some 2,500 to 3,000 Palestinian workers commute daily from the Gaza Strip to the Erez IZ located north of Beit Hanoun in the Gaza Strip where some 191 factories operate, most of them owned by Israeli employers. The IZ was established on Palestinian lands occupied in 1967 by Israel, and remained under Israeli control after the signing of the Oslo agreements. Many of the rights of these Palestinian workers are violated on a daily basis due to the absence of proper monitoring of workplaces and the absence of clarity as to which labor law applies to them, although lawsuits against Israeli employers have to be brought before Israeli labor courts, and the Israeli labor law applies to Israeli workers in the IZ.

⁷² The decision is available in Hebrew at <http://www.court.gov.il>

A survey conducted by the Democracy and Workers Rights Center in 1999-2000⁷³ showed that 69.1% of the Palestinian workers are paid on a daily basis, and 99.5% of them have no written work contracts with their employers, which facilitates violations of their rights. Wages are far lower than the minimum wage in Israel, as 84.1% of the workers were paid daily wages lower than 100 NIS, the minimum wage in Israel at the end of 1998. Daily working hours are long, as only 43.1% of the workers work 8 hours, 4.8% work 9 hours, 31.9% work 10 hours, 4.8% work 11 hours, 13.3% work 12 hours and 2.1% work more than 12 hours a day. Overtime hours are paid the same as normal working hours for 51.1% of the workers. 7.19% of the workers do not have a break during the workday. 88.8% of the workers have no annual paid holidays, for 89.4% of the workers sick leave is not paid, and for 88.8% of the workers religious and national holidays are not paid. 92% of the workers have no health insurance. As regards occupational health and safety within workplaces, 93.6% of the workers received no training in preventive safety measures before they started working, 94.7% were not provide special or protective clothing and for 39.4% of the workers there is no first aid kit in their workplaces.

Palestinian workers who want to enter the Erez IZ have to pass through a long corridor where they have to queue for hours, until their work permits and magnetic cards are examined one by one by Israeli soldiers. During the year 2002, soldiers randomly and arbitrarily confiscated tens of work permits from workers lined up to enter in the IZ, and several times workers were shot at while standing there. The already tight security measures were reinforced to an unbearable point when in November 2002, in winter, soldiers refused to let workers in who were not wearing slippers⁷⁴.

4. Abuse of Workers:

Palestinian workers suffer various types and degrees of abuse, ranging from degradation by their employers and Israeli soldiers to physical violence or at worst killing by the Israeli army, or border police.

A. Attacks against Palestinian workers inside Israel

Palestinian workers working in the Israeli labor market have been victims of physical attacks and abuses on part of their employers, Israeli citizens or law enforcement officials, and many of these attacks remained unpunished.

On October 30, 2001, six Palestinian workers from Na'alim village in the Bethlehem district were victims of verbal and physical abuse on the part of Israeli citizens with the apparent knowledge and complicity of the Israeli police forces. At 7 p.m. that day, the workers were arrested by two Israeli men who drove them to the Rishon Letzion police station. They threw their working permits in Israel into the garbage can and started to abuse verbally the Palestinians. Then, another police told the two Israelis wearing the irregular police uniforms that the workers should be released because

⁷³ Democracy and Workers Rights Center, Violations of Palestinian Workers' Rights in the "Erez" Industrial Zone / Gaza Strip, May 2000

⁷⁴ Palestinian National Authority, Ministry of Labor, General Planning and Information Administration, *Israeli Siege and Measures Against Palestinian Workers during the Year 2002*, March 2003, (Arabic)

*everything was in order. The two Israelis wearing the irregular police uniforms took the six workers to their car outside the police station, and told them that they would take them to Kharbata square. But they drove into an orchard and kept on driving until reaching its center, out of sight and hearing. They were heavily beaten and the Israelis urinated over them. The Israelis threw the identification papers that they had confiscated towards the workers and retreated to the car still pointing their guns at the workers, then drove away.*⁷⁵

B. Attacks against Palestinian workers at Israeli checkpoints or on their way to work

Even before the start of the second Intifada, the passage of Israeli military checkpoints or encounter with Israeli forces (soldiers, border guards, police) represented a danger for Palestinian workers' life. Practices including harassment, insults, beatings, assaults have been widely documented and denounced without the Israeli authorities taking appropriate measures to prevent abuse.

*On March 10, 1998, a van carrying legal Palestinian workers through the Tarqumia checkpoint near Hebron was the target of gunfire from Israeli border guards killing three workers and a young bystander: at 5:30 p.m., a Ford Transit Van arrived at the Tarqumia checkpoint carrying seven construction workers home from their worksite in Givatayim, near Tel Aviv. The van encountered a busy checkpoint where four soldiers examined identity cards from all cars passing in both directions, two soldiers for each direction. As related by 'Iqaab al Sayyed Ahmad, "The soldier to the left of the checkpoint raised his arm to indicate that we should approach. Then our vehicle moved several meters, I heard several shots. I saw the driver, whom I was sitting behind, fall and hit his head on the steering wheel. The car continued to roll and suddenly, before we hit a cement wall, soldiers shot at the car with their automatic rifles."*⁷⁶

*On October 18, 1998, Israeli soldiers opened fire on a vehicle transporting Palestinian workers on their way home from work near the city of Dahiriyeh, according to the Democracy and Worker's Rights Center and Al-Haq. The van was fired upon as it took a side road because some of the passengers were working in Israel without permits. Three workers, Nabil Taleb Hassan al-Qumi (26) from al-Fawwar refugee camp, Murad Ahmad al-Battat (21) from Dahiriyeh, and Muhammad Khalil al-Masri (33) from Dura were severely wounded in the attack. The driver of the vehicle and other eyewitnesses insisted that no warning to stop was given before the soldiers opened fire. "During the incident, Israeli forces attacked the three wounded, beat them up, and left them bleeding for almost half an hour without allowing citizens to approach them for medical care."*⁷⁷

With the beginning of the second Intifada on 29 September 2002, the frequency of abuses has increased and on a daily basis workers are detained at checkpoints, sometimes for hours, forced to wait in painful positions, shackled, blindfolded, ordered to take off their clothes in some cases, beaten and shot at. There has been a

⁷⁵ DWRC, Press Release issued on November 6, 2001, according to the oral account made to DWRC by one of the victims, Mohammed Ali Mohammed Fnoun, 30 years old.

⁷⁶ From the Palestinian Human Rights Monitoring Group interview of 'Iqaab al-Sayyed Ahmad.

⁷⁷ Democracy and Worker's Rights Center and Al-Haq Press Release, October 19, 1998.

series of incidents in which Israeli soldiers opened fire on cars or buses transporting male and female workers to or from their workplaces. In none of these cases was the use of lethal weapons justified because the targeted Palestinians were not representing any threat to the soldiers, neither did they contravene orders given to them.

On September 25 2001, a group of workers left Yatta city in the South West Bank district of Hebron at 2:40 a.m. to go to work. As they were passing an Israeli jeep stationed on the side of the road, the soldiers ordered the vehicle transporting the workers to stop. The driver complied with the order, and the vehicle stopped 4 meters from the Israeli jeep. The workers inside the vehicle were expecting the Israeli soldiers to ask for their identity cards, but instead they opened fire with live ammunition at the right side and rear of the vehicle, injuring 4 workers, Ahmed Abu Malash, 21 years old, Mohammad Abu Malash, 30 years old, Ryad 'Aoud, 24 years old and Hammad Abu Malash, 31 years old. Afterwards, the soldiers ordered the other workers to get the injured out of the car and lay them on the ground. For a quarter of an hour, the injured workers were left bleeding without being administered first aid. Their colleagues were then allowed to carry the injured to a private car and bring them to Al-Ahli hospital in Hebron where they were treated for their injuries⁷⁸.

On October 24 2001, between 5:15 and 5:30 a.m., six Palestinian workers were on their way from Yatta village to Hebron. Their car took the by-pass road east of Yatta and as they arrived at the Bani Na'im crossroad, also called the Bani Havar settlement crossroad, they noticed that an Israeli settler's car was following them. The Israeli car came closer to the workers' vehicle, and suddenly the occupants of the car opened heavy fire on the Palestinian workers than fled the spot. The Palestinian driver stopped the car, and Israeli soldiers arrived at the place of the shooting. They did not administrate any first aid to the injured. Israeli forces also forbade Palestinian ambulances access to the injured. The wounded were taken in ordinary vehicles to Yatta, and from there the ambulance belonging to the municipality of Yatta carried them until the checkpoint on Al-Fawwar road. Because of the presence of earth barriers on the road, the wounded had to be carried to other ambulances coming from Hebron city, and could finally be brought to the Hebron hospitals. All six workers present in the car were wounded⁷⁹.

Testimony given to Democracy and Workers Rights Center's fieldworker by Iba 'Omar Faraj, a taxi driver from Kobar village (Ramallah governorate) on the deliberate shooting of 'Adel Sider, a mentally handicapped handcart worker at Surda checkpoint:

"On 17 June 2002, as required by my work, I was present at the Surda / Birzeit-Ramallah road checkpoint working as a taxi driver between the checkpoint and Kobar village. At 2:00 p.m. this day, one soldier came and asked all cars to move away threatening them with his gun. I was, with another taxi driver from the Mazra'a Al-Gharbiya village, among the last to start moving because we were very close to the checkpoint. Next to us was 'Adel Sider,, a man in his late thirties, working on a handcart and moving goods for money between the two sides of the checkpoint since the Birzeit road was dug up and the Israeli army took position at the checkpoint; he

⁷⁸ Democracy and Worker's Rights Center Press Release, 7 October 2001.

⁷⁹ Democracy and Worker's Rights Center Press Release, 27 October 2001.

was well known to the soldiers who man this checkpoint. He had a slight mental handicap. When we saw that the soldier was taking aim to shoot, we told 'Adel to move quickly. 'Adel looked directly at the soldier and the soldier shot a rubber bullet between his eyes. (...) We carried him quickly and moved away a bit and he was bleeding heavily. (...) The three of us accompanied the injured man to the emergency ward of Ramallah hospital and because the injury was dangerous he was immediately transferred to Sheikh Zaid hospital where he entered the operating theater after being examined and X-rayed in an effort to do anything to help him."

Other Palestinian workers have been killed in similar circumstances since the beginning of the Intifada. One of them was Hussein Baradayeh, 38 years old, from Surif in the West Bank, who was shot in an area called Emek Eilah by Israeli policemen wearing civilian clothes while sitting in a car on his way to work on November 15, 2000. The Democracy and Worker's Rights Center adopted the case of the killing of Hussein Baradayeh. After an internal investigation, the Israeli authorities concluded to a case of killing by negligence, which means the killer of Hussein Baradayeh could be sentenced to three years of imprisonment at most. Testimonies from Palestinian witnesses clearly show that the killing of Hussein Baradayeh was not an act of negligence. Democracy and Worker's Rights Center's lawyers brought the case before an Israeli court but to this day no court decision has been rendered.

In 2002, according to the Palestinian Ministry of Labor, 13 workers were killed at checkpoints or on their way to their workplaces inside Israel, and 220 were injured by bullet wounds or by beatings at military checkpoints⁸⁰ (see also article 12).

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

The Center of Life policy, instituted by the Israeli Interior Ministry in 1995, requires Palestinian residents of Jerusalem wanting to renew their ID's or register a child, or any Palestinian placing a claim with the National Insurance Institute (NII), to prove that the city was his or her center of life through the presentation of extensive documentation. Any Jerusalemite unable to submit this documentation is subject to ID revocation. Between 1967 and 1998, over 6,000 ID's were confiscated. Because children under 16 are registered on their parent's ID, a much higher number of residents were denied residency status.⁸¹

According to the Israeli Human Rights Organization, B'Tselem, "The NII holds the position that, unless proven otherwise, Palestinian residents of East Jerusalem are not residents, and that they in effect seek to take improper advantage of the state and benefit from its services without being lawfully entitled to them."⁸²

⁸⁰ Palestinian National Authority, Ministry of Labor, General Planning and Information Administration, *Israeli Siege and Measures Against Palestinian Workers during the Year 2002*, March 2003, (Arabic).

⁸¹ Information from Defence for Children International/Palestine Section.

⁸² See B'Tselem, *Revocation of Social Rights and Health Insurance*, http://www.btselem.org/English/Jerusalem/Social_Security.asp

As a consequence of this position, the NII investigates almost every case of a Palestinian applying for health insurance. B'Tselem argues that "The investigations are superficial, deny the individual's right to due process and privacy, and are motivated by pre-conceived notions of behavior in Palestinian society. The investigation takes months, during which the claimant does not receive the applied-for allotment or health insurance."⁸³

The NII also investigates cases where the individual is already insured but wants to register his or her children in a Health Fund. According to law, where the parents are recognized as residents, their children are also recognized as residents. The additional investigation in these cases leads to children remaining without health insurance until completion of the investigation.

Thus children and new-born infants may be denied health insurance for extended periods of time even in cases of urgent necessity. Physicians for Human Rights estimate that there are currently some 10,000 Palestinian children residing in East Jerusalem who are not covered by medical insurance.⁸⁴

It should be pointed out that these laws and procedures do not apply to Israeli residents of Jerusalem. Indeed, according to the "Center of Life" policy, former Israeli Prime Minister Benyamin Netanyahu would have had his ID card revoked due to the considerable period of time he spent studying and working in the USA.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work

⁸³ B'Tselem, *Revocation of Social Rights and Health Insurance*.

⁸⁴ B'Tselem, *Revocation of Social Rights and Health Insurance*.

harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

1. Discrimination for reasons of parentage or other conditions (children and youth persons):

As seen under articles 2 and 9, the Palestinian residents of Jerusalem are required to obtain ID cards, indicating their “permanent residence” status, in order to be allowed access to the city and the services offered by government institutions. Therefore Palestinian children suffer under the discriminatory family reunification procedures for families where one spouse is a non-Jerusalem resident. Thus many children are forced to live in divided families where one parent lives in Jerusalem and the other outside of the city.

If a Palestinian child is born overseas to a resident they are also not automatically awarded residency. They must apply for family reunification, a long and often fruitless procedure. It should be noted that if a child does not acquire an ID number by the time they reach 16 years of age, they could be expelled from Jerusalem.

2. Palestinian Child Labor:

Available statistics and widespread anecdotal evidence indicates that illegal child labor is a significant problem for Palestinian children from the West Bank and Gaza Strip working for Israeli employers. Israeli employers prefer to employ Palestinian children from these areas because of the cheap cost of labor and their high exploitability.

Many studies indicate that Palestinian children are paid wages significantly below the average wage for their work inside Israel. A Defense for Children International/Palestine Section research paper from 2001, found that the 59% of children interviewed were paid between 50-80 NIS daily. This corresponds to half the minimum wage in 2001 (130 NIS/daily).⁸⁵ This study also indicated that 17.6% of the child laborers were exposed to beating or physical threats by the employer and more than half did not receive their wages on time. More than 35% of the children questioned worked more than 14 hours per day.

In some cases, children are forced to work long hours and prevented from returning to their homes. A group of eight children from Kherbat Saleh, a small village near Hebron, stated under oath to the Palestinian human rights organization Al Haq, “We used to work from 6:00am to 6:00pm and were fed once daily. We worked collecting eggplants and we used to sleep under trees. We asked the employer to allow us to go back to our houses but he always refused. He used to beat us when we stop working or ask to let us go back to our homes.”⁸⁶

⁸⁵ Based on a study by DCI/ PS in 2001 that consisted of 50 questionnaires and tens of interviews with Palestinian workers who have worked or are still working in Israeli settlements.

⁸⁶ Al Haq field notes, on file at Al Haq, Ramallah.

The Palestinian Central Bureau of statistics in its Revised Main Findings According to the Relaxed Definition of Unemployment (July - September 2002) Round⁸⁷ found 3,241 children (10-14) employed at these dates in the Occupied Palestinian Territories. For more statistics, please look at **Annex D**.

The Distribution of Children 10-14 Years in the Palestinian Territory by Labor Force Components and Region is as follows (%):

| Region | Labor Force | | Outside Labor Force | | Total | |
|------------------------------|--------------|------------|---------------------|-------------|----------------|------------|
| | Number | Percent | Number | Percent | Number | Percent |
| West Bank | 2,833 | 1.0 | 273,469 | 99.0 | 276,302 | 100 |
| Gaza Strip | 408 | 0.2 | 174,847 | 99.8 | 175,255 | 100 |
| Palestinian Territory | 3,241 | 0.7 | 448,316 | 99.3 | 451,557 | 100 |

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

⁸⁷Available at http://www.pcbs.org/english/press_r/press26/result26.htm

1. Adequate standard of living-Housing:

Palestinian home demolition continues to be one of the cruelest Israeli occupation policies against the Palestinian people. There are, broadly-speaking, two different pretexts for Israel's demolition of Palestinian homes; 1) lack of building permit (this is particularly significant in East Jerusalem), and 2) "security" needs (or as punitive a measure to deter "terrorism"). In both cases, the IDF carry out a premeditated act of demolition, in which entire families are robbed of a most basic human right, the right to food and shelter.

The following figures demonstrate the magnitude of the damage inflicted by the Israeli government upon the Palestinian population of the West Bank, the Gaza Strip, and East Jerusalem during the current Intifada.⁸⁸ Please note that these figures exclude homes that were completely/partially destroyed by Israeli shelling of Palestinian areas. Also note that some homes are uninhabited, therefore no person/s were made homeless.

Year: 2001

Palestinian homes demolished under the pretext of having "no Permit"

| Month | No. of homes demolished in the West Bank | No. of homes demolished in East Jerusalem | No. of people made homeless in the West Bank | No. of people made homeless in East Jerusalem |
|--------------|---|--|---|--|
| January | | | | |
| February | 2 | | | |
| March | 4 | 1 | 8 | |
| April | 25 | | 16 | |
| May | | 3 | | |
| June | | 1 | | 12 |
| July | 68 | 18 | 131 | |
| August | | 2 | | |
| September | 10 | 3 | | 16 |
| October | | 9 | | 49 |
| November | | | | |
| December | 2 | | | |
| TOTAL | 111 | 37 | 155 | 77 |

⁸⁸ These figures are according to MIFTAH researches, with sources from various organizations: the Israeli Information Centre for Human Rights in the Occupied Territories Btselem www.btselem.org; the Israeli Committee Against House Demolitions www.icahd.org/eng; Al-Haq www.alhaq.org; LAW www.lawsociety.org; the Palestine Monitor www.palestinemonitor.org; Human Rights Watch www.hrw.org.

Year: 2001**Palestinian homes demolished under the pretext of “security”**

| Month | No. of homes demolished in the West Bank | No. of homes demolished in the Gaza Strip |
|-----------------|--|---|
| January | 7 | 19 |
| February | 1 | 8 |
| March | 2 | 5 |
| April | | 43 |
| May – September | | |
| October | 5 | |
| November | 1 | |
| December | 2 | |
| TOTAL | 18 | 75 |

Year: 2002**Palestinian homes demolished under the pretext of having “no Permit”**

| Month | No. of homes demolished in the West Bank | No. of homes demolished in East Jerusalem |
|-----------------|--|---|
| January | | 12 |
| February | | 7 |
| March | 5 | |
| April | | |
| May | | 3 |
| June | | 7 |
| July – December | | |
| TOTAL | 5 | 29 |

Year: 2002**Palestinian homes demolished under the pretext of “security”**

| Month | No. of homes demolished in the West Bank | No. of homes demolished in the Gaza Strip |
|--------------|--|---|
| January | | 60 |
| February | 1 | 20 |
| March | 3 | 15 |
| April | 230* | |
| May | 2 | |
| June | | |
| July | 3 | |
| August | 25 | 2 |
| September | 9 | |
| October | 16 | 1 |
| November | 34 | 1 |
| December | 21 | 36 |
| TOTAL | 344 | 135 |

* Estimated number of homes demolished in Jenin refugee camp during the massacre.

Year: 2003

Palestinian homes demolished under the pretext of “security”

| Month | No. of homes demolished in the West Bank | No. of homes demolished in the Gaza Strip |
|--------------|--|---|
| January | 80 (including the razing of 62 shops in Nazlat Issa near Tulkarem) | |
| February | 1 | |
| TOTAL | 81 | |

By the end of 2001, Israeli shelling had caused various degrees of damage to approximately 3,750 civilian sites, 3,000 of which were civilian homes. Of these homes, 1,013 were completely destroyed⁸⁹. The IDF justified this shelling by claiming that Israeli soldiers had been shot at from those locations. However, in fact, most of the shellings were reprisals.

The demolition of homes was concentrated in the flashpoints near settlements and Israeli army encampments, particularly in the Gaza Strip. For example, IDF tanks and bulldozers demolished 21 Palestinian homes near the Egyptian border in Rafah on 23 June, 24 homes on 10 July, 15 homes on 27 August, seven homes on 29 August, and eight homes on 30 August 2001.⁹⁰ On 11 April 2001, Israeli forces penetrated Khan Younis with tanks and bulldozers and demolished 28 homes; they demolished 36 homes on 14 December. On 24 and 25 October 2001, the Israeli army penetrated Bethlehem with the support of tanks and planes, claiming that there had been shooting at the neighbouring Gilo settlement. The shelling lasted for two days and destroyed scores of homes, hotels, and churches, and also damaged Bethlehem University.⁹¹

The Palestinian Ministry of Housing reports that approximately 720 homes were destroyed by the IDF and another 11,553 damaged from September 2000 – February 2002. 73,600 people were affected. The March – April 2002 incursions destroyed another 881 homes and damaged some 2,883 houses in refugee camps. An estimated 22,500 people were residents of these homes.⁹²

These statistics are low figures and should probably re-valuated. For example, statistics published by Al-Mezan Center for Human Rights in Gaza show that about 2249 houses were demolished during the years 2000-2002, leaving 21590 individuals (3092 families) without a house.

⁸⁹ According to the *Report of the Palestinian Bureau of Information*, and until 30 September 2001.

⁹⁰ For detailed statistics on home demolitions in the West Bank and Gaza Strip, see the reports of the Palestinian Centre for Human Rights, available on the internet, *ibid*. Also see the report, *Destruction of Homes and Industrial Complexes by the Israeli Occupation Forces during the Al- Aqsa Intifada, 28 September 2000 – 31 August 2001*, Palestinian Independent Commission for Citizens' Rights, Ramallah: 2001.

⁹¹ PICCR's *Report on the Israeli Violations of Palestinian Citizens' Rights During 2001*, p. 26.

⁹² PICCR's *Report on the Israeli Violations of Palestinian Citizens' Rights During 29 March – 31 May 2002*, p. 11.

The Palestinian Ministry of Public Works and Housing also compiles data on damage caused to private and public buildings resulting from military operations within its jurisdiction. Its findings over a two-year period are summarized in the following figure:

Damaged Buildings in Palestinian Territory
28 September 2000 – 20 August 2002⁹³

| District | | Party Damaged Buildings | Completely Damaged Buildings | Public Buildings Damaged | Security Buildings Damaged | Total Buildings Damaged |
|----------------------------------|---------------------|-------------------------|------------------------------|--------------------------|----------------------------|-------------------------|
| West Bank | Jenin | 3,011 | 845 | 1 | 6 | 3,863 |
| | Tulkarm | 2,095 | 20 | 22 | 4 | 2,141 |
| | Qalqiliya | 600 | 17 | 11 | 10 | 638 |
| | Salfit | 415 | 6 | 1 | 1 | 423 |
| | Nablus | 4,588 | 874 | 26 | 14 | 5,502 |
| | Ramallah & Al-Bireh | 4,500 | 12 | 49 | 15 | 4,576 |
| | Jericho | 20 | 1 | 0 | 9 | 30 |
| | Bethlehem | 7,650 | 72 | 7 | 4 | 7,733 |
| | Heborn | 6,100 | 64 | 0 | 11 | 6,175 |
| | Total | 28,979 | 1,911 | 117 | 74 | 31,081 |
| Gaza | North Gaza | 865 | 116 | 0 | 0 | 981 |
| | Gaza | 924 | 53 | 0 | 337 | 1,314 |
| | Deir Al-Balah | 478 | 147 | 0 | 0 | 625 |
| | Khan Yunis | 2,553 | 133 | 0 | 0 | 2,686 |
| | Rafah | 2,550 | 279 | 1 | 0 | 2,830 |
| | Total | 7,370 | 728 | 1 | 337 | 8,436 |
| ALL PALESTINIAN TERRITORY | | 36,349 | 2,639 | 118 | 411 | 39,517 |

The United Nations Technical Assessment Mission-October 2002⁹⁴

Extensive damage has been caused to dwellings and household effects of thousands of families in the occupied Palestinian territory. Damages range from broken windows and doors to extensive structural damage or total destruction of housing units and household effects. Over the last few months the IDF has intensified its house demolition policy.

In April-May 2002, a donor-led damage assessment exercise estimated the number of damaged and destroyed private and refugee housing at over 40,000. Of this, 2,800 dwellings had been destroyed as a result of military activity or demolished by the IDF and the rest - 37,200 had sustained moderate or serious damages.

⁹³ Palestinian Ministry of Public Works and Housing, *Number of Damaged Building in the Palestinian Territory from 28/9/2000 to 20/8/2002 by Governorate/District and Building Type*, 2002.

⁹⁴ Information from the United Nations Technical Assessment Mission-October 2002, cited in *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2000*.

In spite of major rehabilitation and construction efforts by UNRWA, Palestinian Authority Ministries of Public Works and Housing and donors the problem of homeless Palestinian families remains rather critical. Moreover, the number of damaged and destroyed private housing and especially refugee shelters continued to rise since June 2002, when the IDF launched a new military campaign followed by reoccupation of major Palestinian urban areas.

It is estimated that currently there are over 12,000 damaged and 1,800 demolished homes. This represents some 80,000 persons rendered homeless throughout the occupied Palestinian territory. The majority of households whose dwellings have been demolished (95%) do not have alternative accommodation.

According to a report written by Al-Haq⁹⁵, Israeli housing and planning policies are responsible for the decrease of the Palestinian population and simultaneously the increase of the Israeli population, especially in East Jerusalem. These policies include, as indicated by the report:

- 1- Expanding municipal boundaries to include Palestinian land while excluding Palestinian population
- 2- Expropriating Palestinian land for Jewish construction and confining Palestinian construction to built up areas
- 3- Excluding the Palestinian people from the planning process keeping Palestinian land unplanned or declaring it "green areas" which cannot be used for housing
- 4- Demolishing unlicensed Palestinian homes to keep areas vacant for future confiscation for Israeli development

A. Shelling of Civilian Homes and Infrastructure

Annex E presents examples on the Israeli policies on shelling homes and infrastructure from October 2000-January 2001.⁹⁶

The shelling of civilian Palestinian neighborhoods by the Israeli army caused in 2000 and 2001 a movement of internal emigration. Until the beginning of the Israeli invasions of West Bank localities in March 2002, many households living in areas close to Israeli settlements or military outposts preferred to leave their houses and move to the heart of localities because they feared for their personal security. The findings of a PCBS survey showed that during that period, some 65 thousand persons or 1.7% of the estimated population in the Palestinian territories in mid 2001 evacuated their original houses and that 60% of these emigrations was due to the location of people's houses near Israeli controlled areas. Children were most affected

⁹⁵ *Towards National Perspectives on Housing Rights: The case of the Occupied Palestinian Territories*, Al-Haq, Law in the service of Man, 2001.

⁹⁶ Information from the Palestinian Human Rights Monitoring Group, *OVERKILL, Israeli Bombardment and Destruction of Palestinian Civilian Homes and Infrastructure during the Al-Aqsa Intifada*, January 2001, to be found at www.phrmg.org.

by this phenomenon as they constitute 71% (29,600) of the total number of emigrants during the Intifada period⁹⁷.

Due to the sharp and continuous deterioration of economic conditions in the Palestinian territories during the Intifada, the drop in income and labor indicators, unprecedented rise in poverty rates and drop in living standards food, housing became unaffordable for many Palestinian households. It is expected that housing indicators will witness a significant fall over the next years. This will cause an increase of housing problems in general, such as crowdedness, housing density and housing adequacy. Due to the low incomes of some households and absence of incomes for many others, many Palestinian households will not be able to build or purchase a housing unit, even inadequate houses, which will force those households to remain in their deteriorated housing circumstances or move to live with their relatives. In both cases, their housing conditions will degrade and indicators of the right to adequate housing will deteriorate.

B. The Right to Housing for women

There is vital role of women inside the house in Palestine. For many women, in general "the home is the single most important place in the world. Beyond basic shelter, it is a place of employment, where income is generated, it is a place for care for children..."⁹⁸. For others "it may be the only place where they can participate in social activities"⁹⁹. The relationship that women have to their houses is connected to the social roles expected from them.

Israeli violations of the right to housing affect women as the main users and care givers of the home. They face the main difficulties when houses are demolished by the Israeli forces. It is women who stand up for the responsibility to secure "a normal life" after every attack on Palestinian houses and families, they hold up with the responsibility to take care of the whole family during and after the crisis.

5. Adequate food (and water):¹⁰⁰

In his report of 29 August 2002, the UNSR to the OPT concluded: "*Curfews, checkpoints and the destruction of housing have violated articles 11 to 13 of the 1966 International Covenant on Economic, Social and Cultural Rights [‘ICESCR’], which together recognize the right of everyone to an adequate standard of living, including adequate food, clothing and housing, to the enjoyment of the highest attainable standard of physical and mental health, and to education.*"

Israel asserts that the various measures of closure and curfew, which have led to the economic losses affecting ability to purchase food and water as well as directly

⁹⁷ Palestinian Central Bureau of Statistics (2001), *Impact of the Israeli Measures on the Reality of Children, Women and Households*. Press Release for Announcement of the Basic Findings.

⁹⁸ Farha and Thompson, *Violence : the impact of forced evictions on women in Palestine, India and Nigeria*. Published by the Centre on housing rights and evictions.

⁹⁹ same source

¹⁰⁰ All the information in this section has been provided by the Palestinian Society for the Protection of Human Rights and the Environment (LAW). It is based on a Report Update to the UN Special Rapporteur on the Right to Food sent on 1 November 2002.

hindering access, are implemented for ‘security’ reasons. However, serious questions have been raised as to the real intent behind these punitive measures, how successful they in fact are in achieving the stated goals of providing for security, and whether such measures can be said to justify the consequences for the Palestinian population.

The UNSR to the OPT in September 2002 stated: *“There can be no doubt that Israel has legitimate security concerns....At the same time, it is necessary to ask whether the measures resorted to by Israel, particularly curfews and closures, always serve a security need. Often they appear so disproportionate, so remote from the interests of security, that one is led to ask whether they are not in part designed to punish, humiliate and subjugate the Palestinian people. Israel’s legitimate security needs must be balanced against the legitimate humanitarian needs of the Palestinian people. To the Special Rapporteur it appears that there is no such balance. Human rights have been sacrificed to security. This in turn produces a greater threat to Israeli security: the hopelessness of despair which leads inexorably to suicide bombings and other acts of violence against Israelis.”*¹⁰¹

The UNSR to the OPT seeks to consider the root cause of the violations, and in his report of 6 March 2002 concludes¹⁰²: *“it is necessary to reiterate that it is the military occupation on the Palestinian Territory that is responsible for most of the violations of humanitarian law and human rights described in this report”*, which includes the right to food and water.

There are four primary ways in which the Palestinians’ right to food and water is being violated:

- 1.) Overall economic losses and unemployment leading to increased poverty levels, resulting in decreased ability to purchase food and water**
- 2.) The closures and curfews: Direct denial and impediment of access to food and/or water, through**
 - Blockage of UNRWA and other emergency food ration distribution
 - Blockage of other food and water supplies
- 3.) Impeded access to water:**
 - Destruction of water sources, pumps, wells and distribution infrastructure;
 - Non provision of water infrastructure, including networks and facilities for local solutions;
 - Lack of proper maintenance of existing infrastructure to prevent leakage and water loss;
 - Outright prevention of Palestinians from drilling, constructing water-delivery facilities;
 - Discriminatory distribution and insufficient water supply to Palestinians in areas that the Israeli water utility (Mekorot) controls;
 - Pollution and contamination of Palestinian aquifers through combined dumping of lethal waste, hazardous use of chemical fertilizers, and over

¹⁰¹ Refer to A/57/366/Add.1, 16 September 2002, *Question of the violation of human rights in the occupied Arab Territories, including Palestine*, Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, page 4.

¹⁰² Refer to his report E.CN/4/2002/32, 6 March 2002, available at www.un.org.

dumping of lethal waste, hazardous use of chemical fertilizers, and over pumping leading to salinization.

4.) Denial of access to agricultural land for harvesting and destruction of agricultural land, crops, and livestock

A. Poverty

Poverty and unemployment in the OPT have sharply increased. The World Bank ('WB') estimated in August 2002 that for 2002 approximately 62% of Palestinians in the West Bank and Gaza live below the poverty line of \$2 per day as compared with 21% in 2000. As at October 2002, the WB readjusted this estimation for the poverty rates for 2002, as being 60%.

Using alternative poverty determination factors, the Palestinian Central Bureau of Statistics ('PCBS') estimated in February 2002¹⁰³ as a result of its surveys that about 66.5% (374,811 households) of Palestinian households are living below the poverty line (about 2,248,864 people), amounting to about 57.8% in the West Bank and 84.6% in the Gaza Strip.

Total Income Losses

An UNSCO report on the impact of the closures on the Palestinian economy updated 1 January 2002 through 30 June 2002 estimates that total income losses to the Palestinian economy since October 2000 amounts to about USD3.3 billion.¹⁰⁴

The World Bank states that largely as a result of the closures, it estimates that for 2000 as a whole, real Gross Domestic Product ('GDP') declined by 6-7 %, and in 2001, GDP declined by an additional 12%. The estimated decline in Gross National Income (GNI) was even larger reaching 15% in 2001.¹⁰⁵ In August 2002, the World Bank calculated that per capita GDP declined by 24% between 1999 and 2001, whilst GNI per capita declined by 29% in the same period.¹⁰⁶

Unemployment

And unemployment levels have sharply increased. While unemployment was at about 11 per cent in mid-2000 before the Intifada began, according to UNSCO, the unemployment rate is more than 50% and higher if taking into account the recent FT article, a report by UNSCO "*is likely to show that the unemployment rate in the West Bank has soared to 65% as a result of an extreme closure and curfew regime imposed by Israel following its reoccupation of most of the territory in June*".¹⁰⁷

¹⁰³ Refer to the PCBS report: *Impact of the Israeli measures on the economic conditions of Palestinian households on the Eve of Israeli Incursion*, 4th Round, January-February 2002, page 5; available at www.pcbs.org. Refer as well to Ibid 7, page 31, for the World Bank analysis of the different methodology for determining poverty rates.

¹⁰⁴ See UNSCO's updated version of their *Impact of Closure and other Mobility Restrictions on Palestinian Productive Activities: 1 January 2002 – 30 June 2002*, p. 2.

¹⁰⁵ See World Bank report: *Fifteen Months – Intifada, Closures and Palestinians Economic Crisis – An Assessment*, March 2002.

¹⁰⁶ See the WFP, *Emergency food assistance to the victims of conflict in the Palestinian Territory*, Project Document, Emergency Operation, available at the WFO website: www.wfp.org, page 1.

¹⁰⁷ *Ibid*. According to the World Bank, using the ILO definition of 'unemployment', the unemployment rate went from 22 to 26% in the West Bank and 35 to 36% in Gaza from Q4-2001 to Q1-2002. In total

According to the WFP, from September 2000 to May 2002, some 180,000 persons lost their jobs.¹⁰⁸ During the 1st quarter of 2002 the PCBS estimates that the number of persons who do not work, increased from 170,000 in the 3rd quarter 2000 to 285,000 in the 4th quarter 2001, to reach 315,000 in the 1st quarter 2002.¹⁰⁹ PCBS also found that 56.5% (318,448 households) of Palestinian households have lost more than 50% of their usual income during the Intifada, or about 58% of households in the West Bank and 53.8% in the Gaza Strip.

The World Bank estimates that in the case of a resolution to the conflict and lifting of the closures in the West Bank and Gaza strip, it will take at least 2 years for the Palestinian economy to restore to a pre-Intifada per capita income level.

B. Increased Assistance From Humanitarian Agencies

The UN Office for the Co-ordination of Humanitarian Affairs (OCHA) reports that close to two million Palestinians, or about 62% of the population are considered “vulnerable” because they have inadequate access to food, shelter or health services.¹¹⁰ There are an estimated 85,000 poor households classified as special hardship cases requiring emergency assistance registered with the Palestinian Authority’s Ministry of Social Affairs.¹¹¹ An interagency assessment carried out in collaboration between the WFP, and other organizations, estimated in May 2002 that 620,000 people in Gaza and the West Bank are in need of relief assistance.¹¹²

More than 30% of the 3.5 million Palestinians in the West Bank and Gaza are dependant upon food handouts from the World Food Program and the ICRC or other NGOs. The number of Palestinians requiring food assistance is increasing daily. According to USAID analysis, approximately 50% of all Palestinians (refugee and non-refugee) require external food assistance to help meet their minimum daily caloric intake. Of 320 households surveyed, 50% stated their need to borrow money to purchase basic foodstuffs, with 16% selling assets for the same purpose.¹¹³

The PCBS report of January-February 2002 indicated that from its survey of a random 2,439 households, 58.3% reported receiving humanitarian assistance since September 2000 (45% in the West Bank and 86.1% in the Gaza Strip). 72.5% of the assistance is in the form of food supplies, and 11.6% is in cash. However, 81.2% of the households reported that they needed humanitarian assistance (78.7% in the West Bank and 86.6% in the Gaza Strip).

the World Bank estimates that the rates rose from 26 to 29% and 35 to 39% from Q4-2001 to Q1-2002, using the ‘relaxed definition of unemployment’. Refer to Ibid 5, page 2.

¹⁰⁸ See the WFP *Emergency food assistance to the victims of conflict in the Palestinian Territory*, Project Document, Emergency Operation, available at the WFO website: www.wfp.org.

¹⁰⁹ See PCBS’s Press Release on Labor Force Survey Results on the Eve of the Israeli incursion (January- March, 2002) Round.

¹¹⁰ Refer to UNRWA Emergency Appeal press release August 2002, available at <http://www.un.org/unrwa/emergency/index.htm>.

¹¹¹ See the World Food Program’s *Emergency Assistance to Victims of Civil Strife in the Palestinian Territory* Project Document, Emergency Operation, (1 May- 31 December 2002), p. 5; available at the WFO website: www.wfp.org.

¹¹² Ibid; p. 3.

¹¹³ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 35-36.

According to the PCBS in August 2002, 63.7% of households surveyed were facing difficulties in obtaining necessary food items during the Intifada (61.7% in the West Bank, 65.9% in Gaza Strip), of which 85.2% stated difficulties were due to siege, 31.1% due to curfew, and 56% due to loss of income. 61.9% of households surveyed were borrowing money to adapt to the decrease in food consumption, 43.2% were using their savings or forced to see valuables to obtain food for their families, and 32.1% were totally dependent upon food aid (42.1 % in Gaza and 20.8% in the West Bank).

C. The Closures and curfews

From September 2000, first, there was the closure of international borders and the sealing off of Gaza from the rest of the OPT. Secondly, the erection of more than 120-150 checkpoints on road in the West Bank. Methods have included in addition to the permanent checkpoints, mobile checkpoints, unstaffed roadblocks, dirt walls, earth mounds, concrete blocks, iron gates and trenches dug around villages and towns (see also next section and article 12).

UNSCO refers to the specific example of Gazan import and export of food produce affected by the closures and curfews¹¹⁴:

Gazan Import and Export of Produce

The delays in export of perishable produce from the Gaza Strip have had a serious economic impact. UNSCO researchers have regularly visited checkpoints that facilitate the trade of goods in and out of Gaza in order to examine how the delays are created, and their impact. For example, tomatoes and carrots were observed spoiling in the sun, while fresh Israeli produce appeared to be entering Gaza without extensive delays. The spoiled produce is no longer marketable, and the income lost. Reduced income in turn is converted into a demand shock via lower demand for Palestinian produced goods and services inside Gaza.

Source: UNSCO

Denial and impediment of access to food and/or water, through blockage of UNRWA emergency food ration distribution and other humanitarian agencies.

A number of problems continue to beset UNRWA's efforts to distribute their regular and emergency assistance to refugees in the OPT. The system of permits, curfews closures, which the Israeli authorities have imposed cause problems for staff transportation, and continue to present on going obstacles to the Agency's overall operations. According to Peter Hansen, Commissioner-General of UNRWA, in a 25 September 2002 press release¹¹⁵: "[Staff at UNRWA] are facing very difficult problems of access because of the many checkpoints and curfews imposed by Israelis. We cannot do our job fully unless the Israelis give us better access and unless they facilitate our work in other ways." In June 2002, like UNRWA, WFP reported that

¹¹⁴ Refer to *Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities, 1 January 2002 – 30 June 2002*, UNSCO, page 12.

¹¹⁵ Refer to Transcript of Press Conference Following the Major Donors and Host Governments Meeting, Amman, Jordan, 25 September 2002, available at <http://www.un.org/unrwa/news/briefing/md-sep02.html>.

the restoration of curfews and the tightening of security checkpoints are making food aid deliveries increasingly slow and unpredictable.¹¹⁶ Other agencies providing emergency food assistance are facing similar difficulties.

In addition, the rations that are delivered to needy Palestinians are neither sufficient, nor regular. In the end of 2001, a UNSCO's report on "Cash and Food Assistance Programs" stated: "The irregularity of the food aid and the basic content of the majority of food baskets do not allow the stability in household food security. Food aid needs to vary in content, be regular and persist throughout the crisis period" (*emphasis in original*)¹¹⁷.

Every aspect of the Palestinian economy has suffered since the start of the second intifada in September 2000. The policies of closure and curfews have impacted economic output, foreign trade, fiscal accounts, labour markets and prices. As seen in the section above, curfews and closure affected greatly the poverty, the need for humanitarian support, the gross income, the consumer prices, the employment and the health of the Palestinians (see also articles 7 and 12). They also played a role on education (see article 13).

D. Destruction and hindrance of water supplies (see also article 1)

The UN Special Rapporteur on adequate housing, in his June 2002 report¹¹⁸ stated that he had observed: "six [principal] methods of institutionalized Israeli violations of the Palestinian people's right to water affecting housing and habitat in the [OPTs]:

- a) Destruction by military and paramilitary (settlers) of Palestinian water sources, pumps, wells and distribution infrastructure;
- b) Non provision of water infrastructure, including networks and facilities for local solutions;
- c) Lack of proper maintenance for existing infrastructure so as to prevent leakage and water loss;
- d) Outright prevention of Palestinians from drilling and constructing water delivery facilities, most notably in areas of Jewish settler colonies;
- e) Discriminatory distribution and insufficient water supply to Palestinians in areas that the Israeli water utility (Mekorot) controls; and
- f) Pollution and contamination of Palestinian aquifers through the combined dumping of lethal waste, hazardous use of chemical fertilizers, and overpumping, leading to salinisation."

Water Sources

The UNSR on Housing refers to the Palestinian use of the Jordan River before 1967 involving the use of about 140 pumping units. He states that Israel either confiscated or destroyed all of those facilities. In addition, Israel closed as military zones the large, irrigated areas of the Jordan Valley used by Palestinians that were transferred to

¹¹⁶See the World Food Program's *Emergency Assistance to Victims of Civil Strife in the Palestinian Territory* Project Document, Emergency Operation, p.8; available at the WFO website: www.wfp.org.

¹¹⁷ Refer to the UNSCO draft report on *Food and Cash Assistance Programs*, provided to LAW in October 2001.

¹¹⁸ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari, on his visit to the occupied Palestinian territories, E/CN.4/2003/5, 10 June 2002, pages 16-17.

Jewish settlers. He records that Palestinian entitlements to water include the West Bank and Gaza aquifers, in addition to their rightful shares as riparians of the Jordan River. The West Bank's hydrological system includes three main aquifers: the western, north-eastern and eastern basins. The annual renewable freshwater yield of this aquifer ranges from 600 million cubic metres (MCM) to 650 MCM.

Water Use

He reaffirms the importance of the right of access to water, and as component of both the right to food, and right to adequate housing: *“In addition to land, access to safe and sufficient water – including drinking water – is an essential element of adequate housing. Patterns of land use and consumption indicate severe discrimination against Palestinians in access to water throughout the occupied Palestinian territories, and lavish consumption by the occupying population. Water is not only an essential human need, but its place in human rights lies at the confluence of human rights and housing, health and food.”*

Water Tankers and Water Costs

The restrictions of movement imposed since the beginning of the Intifada, have posed on going difficulties for water tankers to deliver water to these unconnected villages and areas. Moreover, as mentioned above, almost three quarters of the population is living under the poverty line. Many Palestinians are therefore unable to pay for water, the price of which as at August 2001 had risen 100% in some areas, and as much as 500% in the most severely restricted villages such as Tamoun.¹¹⁹

The Palestinian Hydrology Group ('PHG') in its August and September 2002 reports,¹²⁰ records that *“in general all communities with available water networks have significant problem in bill payments; in all cases, it was related directly to difficult economic situation due to the current crisis in the first place.”* In September 2002, 47 communities (c. 360,960 people) were identified in the West Bank and Gaza as having more than 50% (55%-100%) of their households unable to pay their water bills.

Health Difficulties and Contamination

The UNSR on Housing also records contamination of key water supplies and of agricultural land and crops that ultimately affects the right to food and water, including from sewage from nearby settlements and through dumping of chemical wastes from industrial plants (see article 12 for more information).

¹¹⁹ As the B'Tselem report notes, water purchased from tankers is several times more expensive than water supplied by a water network. Even in the best of times, the financial burden placed on unconnected villagers, who are in general poorer than the urban population, is already heavy. *Not Even a Drop: The Water Crisis in Palestinian Villages Without A Water Network*; available at www.btselem.org

¹²⁰ Refer to *Water and Sanitation, Hygiene (WASH) Monitoring Project (West Bank and Gaza Strip), Impact of the Current Crisis Technical Report #2, August 2002*, Palestinian Hydrology Group, available at www.phg.org. Refer as well to the report #3 September 2002, also available at www.phg.org. *Water and Sanitation, Hygiene Monitoring Project, Impact of the Crisis Technical Report, #3*, September 2002, PHG, in collaboration with Applied Research Institute/Jerusalem (ARIJ), Arab Studies Society – Land Research Center/Hebron (LRC), Green Peace Association/Gaza Strip (GPA), Palestinian Agricultural Relief Committees/Tulkarem (PARC).

E. Losses and Destruction to the agricultural sector: lands, crops, livestock

See article 1.

Consequences: the nutritional status of the Palestinians:

A recent assessment for the U.S. Agency for International Development by Care International¹²¹ found that chronic and acute malnutrition is widespread among children under five years of age and increasing rapidly. Care International's **Nutritional Assessment**, based on 1000 households in the West Bank and Gaza Strip, indicates an increase in the number of malnourished children with 22.5% of children under 5 suffering from acute (9.3%) or chronic (13.2%) malnutrition. The preliminary rates are particularly high in Gaza with the survey showing 13.2% of children suffering from acute malnutrition putting them on par with children in countries such as Nigeria and Chad, and 18% exhibiting chronic malnutrition.¹²² This compares to 2000, when OCHA found that 7.5% and 2.5% of Palestinian children suffered from chronic and acute malnutrition.¹²³

According to a Johns Hopkins University report prepared jointly with Al Quds University in August 2002¹²⁴, 16% of non-pregnant women of childbearing age and 19.7% of children are suffering from moderate to severe anemia. Further results of a Nutrition Survey carried out by the PCBS in collaboration with the PA Ministry of Health, UNICEF, Institute of Public Health at Bir Zeit University, in 2002 on 5,228 households indicates, that 274,600 children (49.5% of children) aged 6-59 months in the Palestinian Territory suffer from anemia while 252,400 children (45.5%) of them suffer from chronic malnutrition, and 36.3% (201,000) suffer from mild chronic malnutrition. The prevalence of anemia among women aged 15-49 years was found to be 48.0% (about 361,600 women), with 45.5% in the West Bank and 50.1% in the Gaza Strip.¹²⁵

In November 2002 the PRCS-PHC, Rehabilitation and Social Welfare departments conducted a baseline study on the children at PRCS kindergartens and rehabilitation centers in West Bank and Gaza. The total target population was 2758 among which are 60% kindergarten children between 3-5 years and handicapped (40%). The 2 groups are considered as equal in risk to malnutrition as the children below 5 years in age. Target distribution was almost the same in West Bank and Gaza. The baseline

¹²¹ See Care International preliminary findings from two surveys focusing on the health and nutritional status of Palestinian population in the West Bank and Gaza Strip. The full report: *Preliminary Finding of the Nutritional Assessment and Sentinel Surveillance System For West Bank and Gaza*, 5 August 2002, is available on the USAID website: www.usaid.gov/wbg/report_1.htm. A comprehensive report will be available in September 2002. Refer as well to the Palestinian Initiative for the Promotion of Global Dialogue & Democracy, Fact sheet on looming Palestinian humanitarian disaster, July 10, 2002; available on their website: www.miftah.org

¹²² *Preliminary Finding of the Nutritional Assessment and Sentinel Surveillance System For West Bank and Gaza*, 5 August 2002, is available on the USAID website: www.usaid.gov/wbg/report_1.htm.

¹²³ Ibid; See also OCHA Weekly Humanitarian Update on the Occupied Palestinian Territories, (13 – 19 July 2002); available at www.reliefweb.int/hic-opt/.

¹²⁴ Nutritional Assessment and Sentinel Surveillance System for West Bank and Gaza. Johns Hopkins University, Al Quds University. August 5, 2002

¹²⁵ The full report on PCBS Nutrition Survey –2002 is available on their website: www.pcbs.org/nutirt/nut_2002.htm.

results showed that malnutrition is low in frequency and severity in West Bank (mild and below 5%, excluding the rehabilitation center in Nablus city of 33% of moderate type) while higher in frequency and severity in Gaza (37% of moderate to severe type). The results indicated that PRCS kindergarten and handicapped children of Gaza and old city of Nablus are at a catastrophic situation of malnutrition. For example, the longer time of curfew imposed on Nablus may explain that effect.¹²⁶

6. Adequate standard of living for Palestinian children in the OPT:

The Palestinian Center Bureau of Statistics (PCBS) figures released in April 2002 indicate that more than two-thirds of Palestinian households were living below the poverty line (1651 NIS, approximately US\$340/month) in the first two months of the year 2002. In the West Bank, 57.8% of households were below the poverty line, while in the Gaza Strip the figure reached 84.6%. Translating these figures into an individual level, more than two-thirds of the Palestinian population is living on less than \$1.90 a day.¹²⁷

These figures indicate a disproportionate affect of poverty on children for three reasons:

- 1) More than half of Palestinian society are children. 53% of the Palestinian population is below the age of 18 years.
- 2) Moreover, fifty percent of Palestinians live in households of 9 members or more while the mean household size is about 7.0 persons. Mean household size is slightly higher in Gaza (7.8) than in the West Bank (6.6). For this reason, high poverty rates in the Gaza Strip indicate that a greater proportion of children are living in poverty.
- 3) The areas most affected by Israeli closure also have the highest number of children. In Gaza City for example, more than half of the population is aged between 0-14 years old. In Khan Younis refugee camp in the south of the Gaza Strip, 49.9% of the population is aged 14 years or younger. These areas are also the most severely affected by Israeli closure policies. Consequently, in both these areas unemployment amongst the adult population reaches 1/3 of the active labor force.¹²⁸

The PCBS statistics indicate that more than half of Palestinian households have lost more than 50% of their income since September 2000. Due to the youthful nature of the Palestinian population, the fact that larger family sizes are generally correlated with lower incomes and the almost completely dependent nature of Palestinian children, it can be assumed that the majority of these "new poor" are children.

The consequences of this massive deterioration in the economic situation on children are reaching catastrophic proportions. PCBS statistics indicate that there has been a large decline in the nutritional levels of families because of the loss of purchasing power (see also article 12). Children are also being forced into the labor force in

¹²⁶ *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2000, p. 18-19.*

¹²⁷ Information from Defence for Children International.

¹²⁸ Figures according to Defence for Children International.

dangerous conditions (working "illegally" for Israeli employers inside Israel or in Israeli settlements), or, as is noticeable from a walk through any Palestinian town there is a large increase in the number of children peddling goods on the streets.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

The terms of reference for health rights are the Committee on Economic, Social and Cultural Rights adoption, at its April/May 2000 session, to general comment 14 on (E/C.12/2000/4): that "the right to health is not to be understood as a right to be healthy and contains both freedoms and entitlements".

Notes from Committee on Economic, Social and Cultural Rights" general comment 14 on (E/C.12/2000/4)-April/May 2000 session

"The freedoms include the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation"

"The entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health; the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. The right to health is inclusive and extends not only to timely and appropriate health care but also to the underlying determinants of health, such as: access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions; and to health-related education and information, including on sexual and reproductive health"

"The right to health in all its forms and at all levels contains the following interrelated and

essential elements, the precise application of which will depend on the conditions prevailing in a particular State party: (a) availability - i.e. functioning public health and health-care facilities, goods and services, as well as programs, must be available in sufficient quantity within the country; (b) accessibility - health facilities, goods and services must be accessible to everyone without discrimination, including physical and economic access (affordability), and access to information concerning health issues; (c) quality - health facilities, goods and services must be scientifically and medically appropriate and of good quality”

“ **The core obligations** of States parties are set out and are noted as including at least: (a) to ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups; (b) to ensure access to the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone; (c) to ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water; (d) to provide essential drugs, as from time to time defined under the WHO Action Program on Essential Drugs; (e) to ensure equitable distribution of all health facilities, goods and services; (f) to adopt and implement a national public health strategy and plan of action addressing the health concerns of the whole population” **and**

“ **Other obligations** of comparable priority include: (a) to ensure reproductive, maternal (pre-natal as well as post-natal) and child health care; (b) to provide immunization against the major infectious diseases occurring in the community; (c) to take measures to prevent, treat and control epidemic and endemic diseases; (d) to provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them; (e) to provide appropriate training for health personnel, including education on health and human rights”

1. The Israeli policy of curfews and closures in the OPT and consequences on the health of Palestinians:

During periods of violent protest in the West Bank or Gaza, or when Israel believes that there is an increased likelihood of unrest or attacks on Israel, it imposes a tightened, comprehensive version of external closure, generally referred to as total external closure. Total external closures also are instituted regularly during major Israeli holidays. During such closures, Israel cancels all travel permits and prevents Palestinians-even those with valid work permits-from entering Israel or Jerusalem. Due to the ongoing unrest in the occupied territories, Israel imposed 210 days of total external closure and 155 days of partial external closure during the year 2001, compared with 88 days of closure in 2000 and 15 days in 1999. The safe passage route was not open at all during the year, despite the fact that its existence is stipulated to in the 1995 Interim Agreement, signed by both parties.¹²⁹

In periods of unrest in the West Bank and Gaza or heightened violent activity in Israel, the Israeli Government also prohibits most travel between cities, towns, and villages within the West Bank--an "internal closure"--impeding the movement of goods and persons. During the year 2001, Israel expanded its use of internal closure further in response to the sustained violence of the Intifada. The internal closures may be severe, prohibiting Palestinians from using primary roads and closing off many secondary roads with physical barricades, or limited, allowing access to Palestinians on most secondary roads, but only some main roads, with roadblocks and checkpoints dispersed along those roads that are open. The Government of Israel imposed

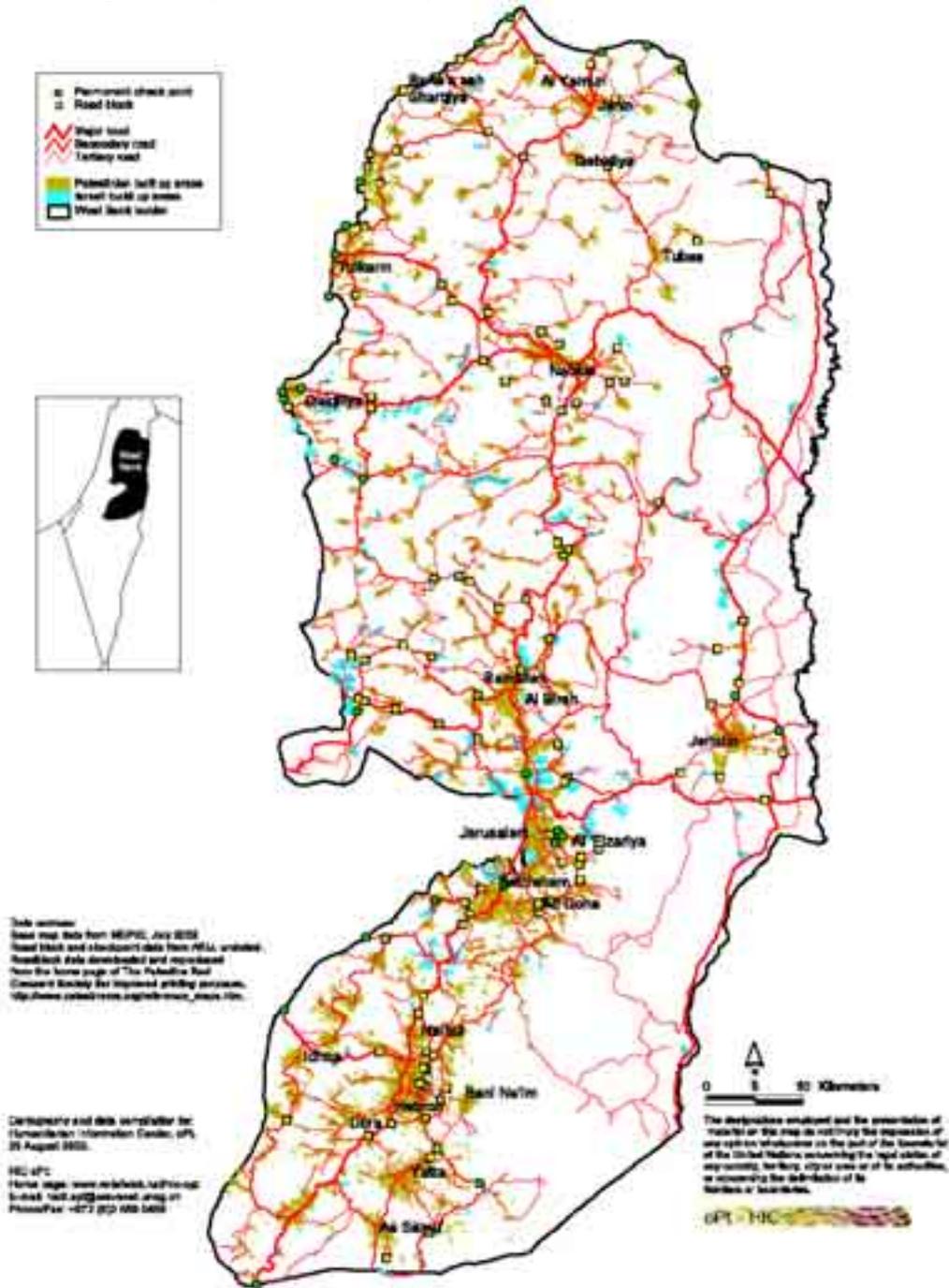
¹²⁹ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 35.

approximately 87 days of limited internal closure and 278 days of severe internal closure in the West Bank during the year 2001, compared with 81 days of internal closure in 2000 and no days in 1999. During the year 2001, the Israeli Government imposed roughly 361 days of limited internal closure and 4 days of severe internal closure in Gaza. Israeli forces further restricted freedom of movement of Palestinians by imposing curfews, often for extended periods, on specific Palestinian towns or neighborhoods.¹³⁰

Each day, hundreds of thousands of Palestinians who wish to travel between Palestinian towns and villages must pass through one or more of the approximately 130 Israeli checkpoints across the occupied territories.

¹³⁰ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 35.

Map Showing Permanent Checkpoints and Roadblocks in the West Bank¹³¹



Credible anecdotal stories of checkpoint abuse recounted by international humanitarian aid groups and by hundreds of Palestinian citizens throughout the year, suggest that abuse is common, and that as many as several thousand Palestinians have encountered some form of abuse from soldiers at checkpoints. There were numerous reports of extreme cases, in which soldiers forced Palestinians to hit or spit on other

¹³¹ Source: Office Co-ordination of Humanitarian Affairs and LAW.

Palestinians in line, to strip off their own clothing, or to eat or drink during the Ramadan fast, before being allowed to pass through the checkpoints.¹³²

Human Rights Watch estimated that in the first two months of 2002, hundreds of Palestinians in the West Bank and Gaza were subjected to serious beatings, tire slashings, and gunfire directed against them or their vehicles because they were traveling on, or trying to circumvent, roads on which the IDF blocked passage to Palestinians, as it attempted to enforce internal closures between Palestinian cities and towns in the West Bank and Gaza.

Closure restrictions include the internal closures within the West Bank and Gaza, closure of the border between Israel and the occupied Palestinian territories, and closure of international crossings between the occupied territory and Jordan and Egypt. Israel has steadily tightened each form of closure, particularly since the events of March and April 2002, resulting in the most severe and sustained mobility restrictions since 1967. Closure is now so pervasive that the West Bank is effectively divided into about 50 separate pockets, and movement between them is difficult and sometimes perilous. Earth mounds and concrete blocks have been put up on the roads leading into Palestinian villages. Deep trenches have been dug into roadbeds, and barriers, such as heavy gates have been placed across roads, particularly in the vicinity of Israeli settlements.

There are now between 70 and 80 permanent checkpoints manned by IDF troops in the West Bank and a permit system effectively prevents most Palestinians from moving on most roads and even from crossing certain roads. The occasional movement of goods within the West Bank is further restricted by a back-to-back system that requires Palestinians to offload non-local trucks at designated places and upload these goods onto local trucks. The IDF has frequently divided the Gaza Strip into two, and sometimes three areas, by placing roadblocks and checkpoints along the main traffic arteries running North to South. At such times, it is difficult if not impossible for Palestinians, including school children, patients and aid personnel, to move. The activities of settlers, particularly in the West Bank, have further restricted Palestinians' freedom of movement and heightened levels of anxiety.¹³³

Prolonged curfews, during which the entire population of cities, towns and villages is confined to their homes, are the ultimate form of closure and collective punishment. The curfews are often in force round-the-clock and lifted only periodically, resulting in some West Bank locations being under curfew for 90 percent of the time. During curfews, the population is not permitted to leave their houses and IDF soldiers are authorized to shoot-to-kill any violators, resulting in a substantial number of civilian casualties. While curfews have been eased or lifted in some locations, the total number and duration of curfews remains very high. During September 2002,

¹³² *Ibid.*

¹³³ Report of the United Nations Technical Assessment Mission-October 2002, in *Israeli Army Violations to Human Rights to the Highest Attainable Standards of Health*, Report Compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003. This report reflects the period September 2000 to January 28, 2003 based on Palestine Red Crescent Society (PRCS) service activities, which include Emergency Medical Services (EMS), Primary Health Care (PHC), Rehabilitation, Social Services, Volunteers, Mental Health and Disaster Management.

approximately 688,000 Palestinians in 39 towns, villages and refugee camps in the West Bank were confined to their homes under curfew for a varying numbers of days. A total of 639 curfew days were counted in the northern West Bank (28 locations), in the vicinity of Jerusalem (six locations) and in and around Hebron (five locations). More recently, in the second week of October, some 629,000 residents in 30 locations were confined to their homes under curfew for a combined total of 168 days.¹³⁴

Curfews have been imposed in several areas of Gaza, as well. For some nine months beginning in December 2001, residents of Al-Mawasi in the southern Gaza Strip were under curfew from late afternoon until the early morning. The area has also been frequently subject to complete closure. Palestinians residing in areas close to Israeli settlements in northern Gaza have been subject to equally stringent restrictions. Residents have been under partial curfew since 9 July 2001. They are permitted to enter and leave the area only four hours a day, between 6.30 and 8.30 a.m. and 2.00 and 4.00 p.m. As seen under Article 1, the Apartheid wall will restrict the freedom of movements of hundreds of Palestinians even more.

Total Hours Curfew from 18 June, 2002, to January 20, 2003¹³⁵

Tulkarem: 3,524 hours

Bethlehem: 2,156 “

Qalqilia: 1,870 “

Hebron: 2,478 “

Jenin: 2,622”

Nablus: 3,776 “

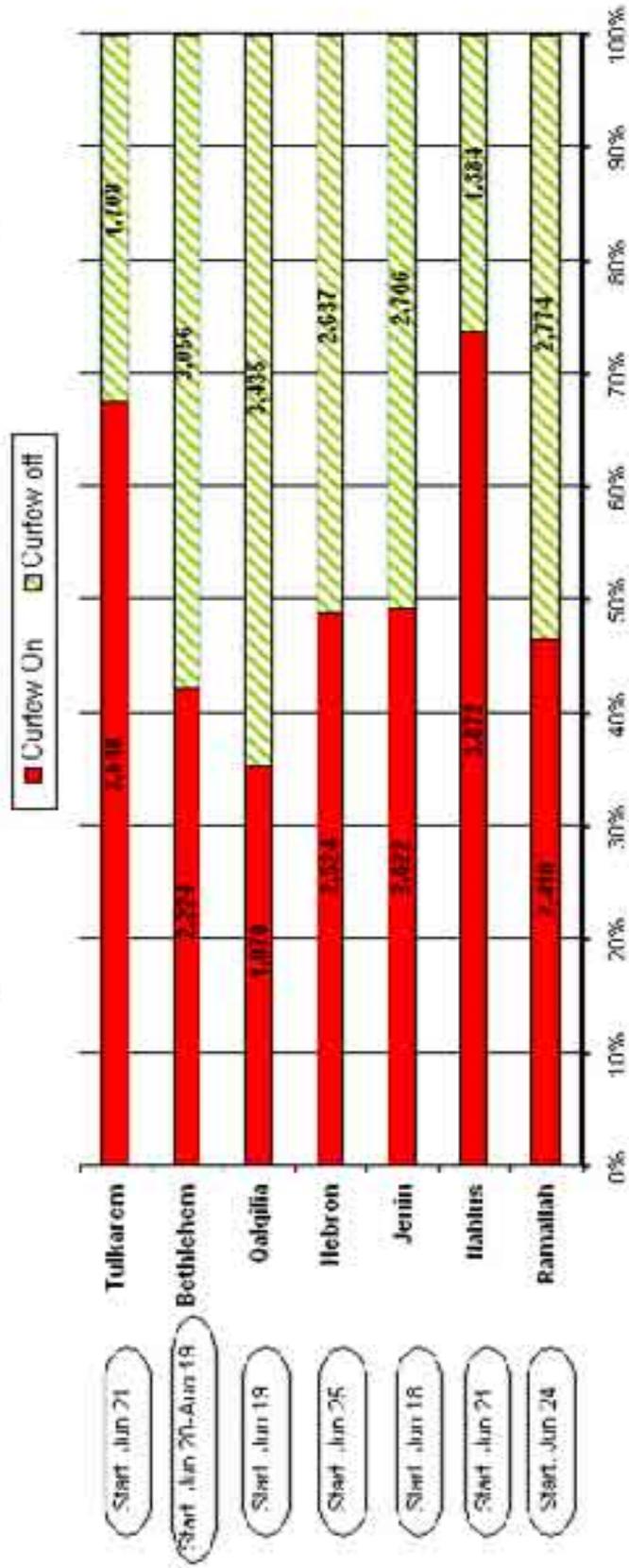
Ramallah: 2,386 “

Total: 784 days

¹³⁴ Report of the United Nations Technical Assessment Mission-October 2002, in *Israeli Army Violations to Human Rights to the Highest Attainable Standards of Health*, Report Compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003.

¹³⁵ From the Palestinian Red Cross website:
http://www.palestinercs.org/Presentation%20PowerPoint%20Curfew%20Tracking%20July%202002_files/frame.htm

Curfew Hours in Cities Starting June 18 2002 to Midnight Jan 25 03



Total Hours & % for each district

A. Deaths and injuries at Military Checkpoints:

During 2002, 16 Palestinians were killed at military checkpoints by the IDF. Many others were injured at checkpoints. Since the beginning of the Intifada, 65 Palestinians have lost their lives after they were prevented from accessing life saving medical treatment. The victims include newborn babies, diabetics, people needing kidney dialysis and old people suffering from heart problems. During 2002, 23 wounded Palestinians died at Israeli military checkpoints because they were delayed or prevented from crossing the checkpoints and reaching health centers.¹³⁶

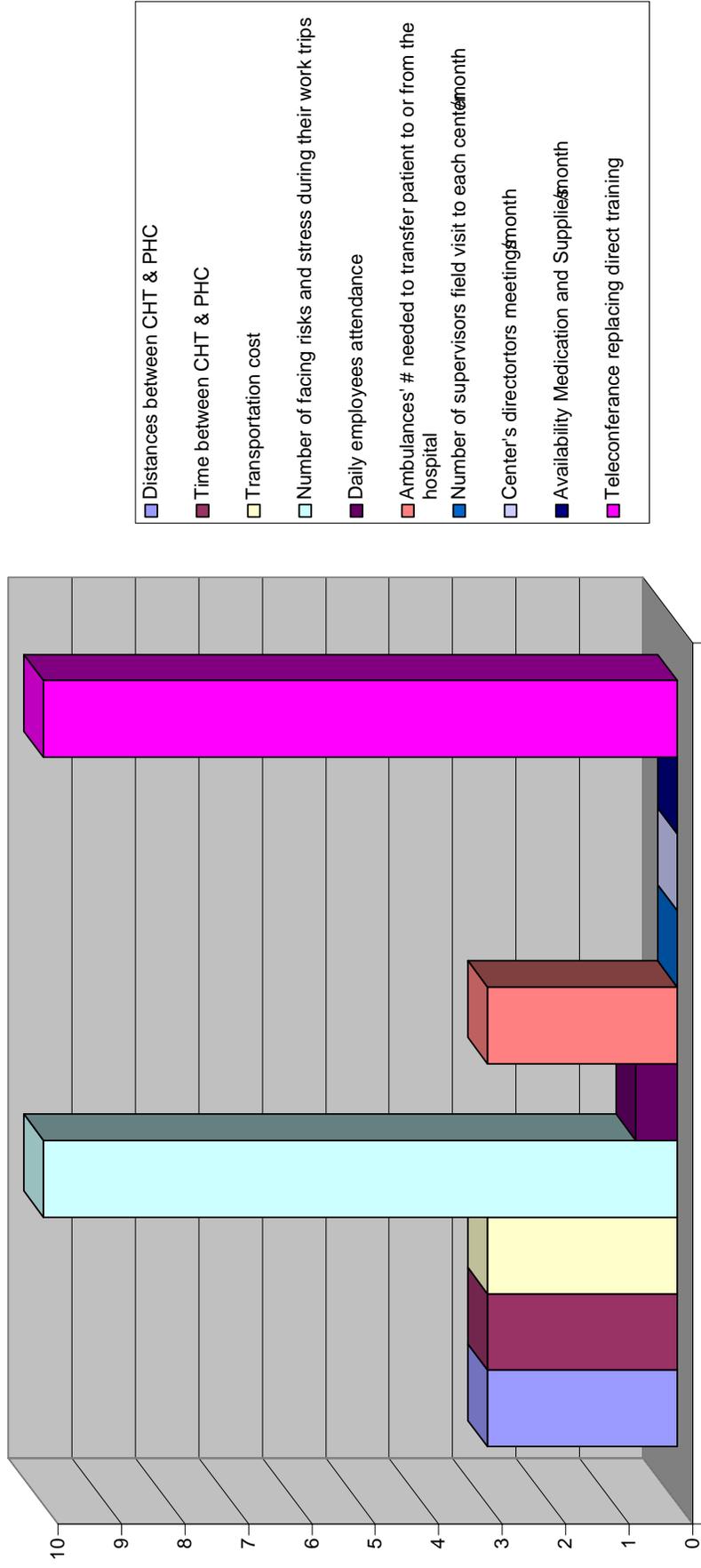
B. Difficulty of access for the Palestine Red Crescent Society (PRCS) Primary Health Care services:

The chart below shows the closure relative odds ratio on the performance of the Palestine Red Crescent Society (PRCS) Primary Health Care services. For example, the distance between community health team and PHC center after Sep. 2000 becomes relatively 10 folds that of the distance after September. The daily relative employee attendance after Sep. 2000 becomes 0.66 of that after September. The monthly availability of medical supplies, centers' director meetings and supervision frequencies after Sep. 2000 becomes one third of that after September.¹³⁷

¹³⁶ This information is based on the four PICCR's *Report on the Israeli Violations of Palestinian Citizens' Rights* published in 2002.

¹³⁷ *Israeli Army Violations to Human Rights to the Highest Attainable Standards of Health*, Report Compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003.

PHC After Sept 2002



2. Safety and security of humanitarian workers:

The United Nations Technical Assessment Mission-October 2002¹³⁸

The personal safety and security of humanitarian workers has been under threat in the last two years. Personnel have been subjected to abuse, both physically and orally. Several have been taken into custody while carrying out their official duties. Most troubling of all, ambulances and other vehicles transporting emergency medical supplies have been targeted. Since September 2000, 183 staff members of the Palestinian Red Crescent Society have been injured and three killed. One UNRWA staff member has been killed while accompanying an ambulance and three others, including a physician and ambulance driver, have been injured. To date, however, the IDF has made public only one such incident, and the circumstances surrounding the incident were unclear. In any event, no UN personnel or vehicle was involved in the alleged incident. At present, it appears that ambulances are no longer deliberately targeted. Nevertheless, aid workers are still frequently subjected to harassment at checkpoints and elsewhere.

The following chart shows the frequency of attacks on EMS per week from Sep.29, 2000 to Jan.24, 2003 as recorded by PRCS. During this period, the denial of access to ambulances in 679 occasions had led to certain deliveries and deaths at the checkpoints (see also precedent section).

¹³⁸ Cited in *Israeli Army Violations to Human Rights to the Highest Attainable Standards of Health*, Report Compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003.

The table below shows a summary of attacks by type to ambulance services from Sep.29, 2000 to Jan.24, 2003. It worth to note that 80 of EMS Personnel & Volunteers were arrested since the invasion of Gaza & West Bank on Mar. 29, 2002 while 2 of them still detained.

Summary of attacks by type to ambulance services

| | |
|---|-----------------------------------|
| Sept 29,2000 – Jan 24, 2003 | |
| Total Attacks on Ambulances | 221 |
| Total Ambulances Damaged (some vehicles attacked more than once) | 107 |
| Number of Attacks on Emergency Teams | 245 |
| Total EMT Personnel Injured | 186 |
| EMT Personnel Killed | 3 |
| Violations & Restrictions of Ambulance Access | 679 |
| Number of Ambulances damaged beyond repair (out of service) | 27 |
| Number of EMS Personnel & Volunteers arrested since the invasion of Gaza & West Bank began on Mar 29 2002 | 80 (2 remain in detention) |

The pictures below show evidence of treatment by Israeli Army PRCS ambulance services.



According to the International Committee of the Red Cross (ICRC), all the PRCS ambulances, targeted in Jenin and Tulkarem in 2002, were clearly marked with the Red Crescent emblem and the ICRC had cleared their missions with the Israeli authorities.¹³⁹

¹³⁹ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 10.

A. Attacks on hospitals and primary health care centers:

**Palestinian Higher Health Council-Palestinian Ministry of Health
A Report submitted to WHO-A54/INF.Doc/7, May 2001¹⁴⁰**

The hospitals of Beit Jala and Al-Dibs, the French hospital, and Al-Yamama Hospital in the province of Bethlehem have been bombarded with 500 mm calibre ammunition.

Settlers have attacked the Matla'a Hospital in Jerusalem with automatic weapons; the guard was wounded.

The IDF and settlers have launched three separate attacks with light and heavy weapons on the Alia Hospital in Hebron, wounding several patients and causing a power failure. Al-Maqased and Al-Mala'a hospitals in Jerusalem were under siege more than once. Repeated attacks with light and heavy arms have been launched against Al-Maqased, Al-Matla'a, Jericho, Ramallah, and Alia hospital in Hebron, as well as Nasser Hospital in Khan Younes.

Numerous primary health care centers in various parts of the country, such as the Ma'n Clinic run by UNRWA, have been attacked and shelled.

Medical teams were the targets of Israeli aggression while carrying out missions: five team members have been killed and 97 wounded.

3. Threats to the safety and security of civilians:

A. Palestinians killed and injured:

According to statistics from the Palestinian Ministry of health, 2804 Palestinians have been killed from the beginning of the Intifada (28 September 2000) until 29 January 2003. 542 were juveniles (under 18).¹⁴¹

In 2001, at least 534 Palestinians were killed as a result of clashes or IDF shelling of Palestinian homes and other sites. There were approximately 100 children among the dead, and more than 20 women. Fifty-four Palestinians were assassinated and 17 were killed while participating in operations against Israelis. In addition, 29 Palestinians detonated themselves among Israeli targets, and 15 died in mysterious circumstances. According to information compiled by the Palestine Red Crescent Society, by the end of 2002, over 20,000 Palestinians have been injured since the beginning of the current

¹⁴⁰ Information from the United Nations Technical Assessment Mission-October 2002, cited in *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003.*

¹⁴¹ For more information, see <http://www.moh.gov.ps/>.

Intifada on 29 September 2000, with at least a third of these children under the age of 18.¹⁴²

During the current Intifada, the IDF has used various weapons and means of warfare against Palestinian civilians that are prohibited by international law. These include exploding bullets, heavy military weapons, artillery and rocket bombing, and shooting from warplanes (F15/F16) and war boats. Israel implements its assassination policy through the use of warplanes, attack helicopters, and tank shelling, which in most cases have caused massive collateral damage, such as occurred in Gaza on 27/7/2002, when an Israeli warplane bombed a building located in a crowded area in order to assassinate one suspected person. 17 civilian Palestinians were killed while they slept.

The Israeli army has used live bullets to disperse Palestinian demonstrations. It also has used ammunition that is banned internationally such as exploding “Dum—Dum” bullets that explode into fragments within the body¹⁴³, causing serious damage to the internal organs. The IDF has also used heavy weapons in confrontations with Palestinians, such as high caliber machine guns fired from tanks and helicopters, high-explosive shells fired from tanks and planes, and flechette shells that cause widespread destruction. The IDF has sometimes aimed at the bodies and homes of Palestinians, blowing apart the heads and bodies of some victims. In their dispersal of Palestinian demonstrations, the IDF has targeted Palestinians’ bodies, aiming at lethal areas of the upper body, such as the head and chest. The excessive use of force by the Israeli forces has caused death and permanent injury and disability to hundreds of Palestinians.

The IDF has wounded Palestinians and then shot them to ensure their death. These citizens did not present any danger to Israeli soldiers after they were wounded, and it would have been possible to save their lives if the soldiers had allowed medical teams to reach them.¹⁴⁴ In many cases, soldiers prevented ambulances and medical teams

¹⁴² According to monthly statistics chart from the Palestine Red Crescent Society, http://www.palestinercs.org/crisistables/dec_2002_table.htm/.

¹⁴³ The use of this type of bullet is considered a war crime according to Article 8, Paragraph 19/b of the 1998 Rome Statute of the International Criminal Court.

¹⁴⁴ For example, on 6 November 2001 in Tel village near Nablus, occupation soldiers murdered in cold blood three injured Palestinians. They were: Iyad Al-Khatib, 28 years, Jamal Malouh, age 27, and Ali Abu Hujleh, age 22. The Red Crescent detailed the incident in its report of 6 November, recording how the Red Crescent ambulances arrived at 1 p.m. in the area of Tel village to treat the wounded persons. When the ambulance arrived within approximately 50 meters of the location, the Israeli soldiers

from reaching the locations of wounded Palestinians, resulting in several deaths. For example, for several hours on 24 October 2001, the IDF refused to allow Red Crescent and Red Cross vehicles to enter Beit Rima village near Ramallah to transport wounded persons to hospitals and collect martyrs' corpses¹⁴⁵. See also **Annex F** for a testimony of such a case.

The table below shows the total annual number of deaths and injuries by type from September 29, 2000 to January 28, 2003, as recorded by the Palestine Red Crescent Society:

| Figures inclusive of the period Sept 29 '00 - Jan 28'03, Midnight | | | |
|--|---------------|------------------------------------|--|
| <i>Date</i> | Deaths | Injuries by Live Ammunition | Injuries by Rubber/ Plastic Bullets |
| Sept 29 – Dec.31'00 | 327 | 2,168 | 4,067 |
| Jan 1 – Dec.31 '01 | 577 | 1,442 | 1,237 |
| Jan 1 – Dec.31 '02 | 1,068 | 1,392 | 244 |
| Jan 1- Jan 28 '03 | 61 | 92 | 19 |
| TOTAL | 2,033 | 5,094 | 5,567 |

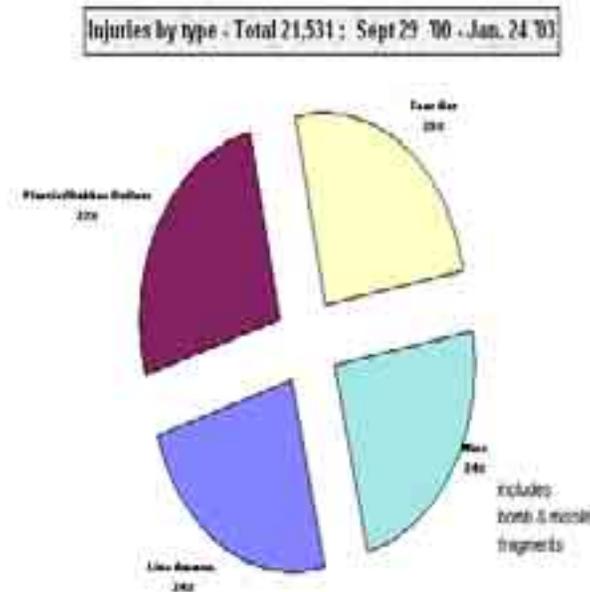
Mandela Institute and other human rights organizations observed the use of entire families as human shields during Israeli military operations against Palestinian “suspects.” Such measures have been criticized by the international community and

prevented the medical team from aiding the wounded. The Israeli soldiers then brought a soldier on a stretcher and asked the medical team to treat him, which they attempted to do but he was already dead. The medical team then asked permission to treat the wounded Palestinians but were forbidden from doing so. After a short time, the medical team witnessed seven soldiers shooting and killing the injured. The international board of the Red Crescent condemned the death of these three Palestinians as a “barbaric act,” and demanded an investigation into the circumstances of this incident. In the town of Yatta, near Hebron, special Israeli forces shot at Eissa Mahmoud Al-Debabsch, age 50, who was wounded and arrested. The Israeli forces later notified the Palestinians of his death, and eye witnesses reported that the Israeli forces shot him after he was wounded, thus killing him.

¹⁴⁵ See: the report issued by the International Committee of Red Cross on this incident. Available at: <http://www.icrc.org/icrceng.nsf/bdbc6ea35567c6634125673900241f2e/fb4fb71a678c0749c1256af000514d2c?OpenDocument>.

even the Israeli High Court of Justice (on 18 January 2003) outlawed the use of neighbors as human shields.¹⁴⁶

The pie below shows distribution of total injuries by type as recorded by PRCS for the period Sep.29, 2000 to Jan.12, 2003.¹⁴⁷



B. Children killed and injured:

Over the last five years, Palestinian children have been the continual target of Israeli aggression and violence.

Examining the statistics of body injury location, we see a sharp rise in injuries to the upper body during the Intifada (the last three months of the year 2000) compared with injuries prior to the Intifada - 19% prior to Intifada compared to 31.7% during the Intifada. Nearly 32% of injuries sustained were to the upper body during the Intifada. More than one-quarter of children injured by Israeli forces in the year 2000 were aged below 12 years.

¹⁴⁶ See Betsalem's report dated 12/01/2003.

¹⁴⁷ Information from the United Nations Technical Assessment Mission-October 2002, cited in *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003.*

The Israeli assault has also witnessed the use of anti-tank weaponry against the civilian population. DCI/PS has documented the killing of nine children as a result of machine-guns firing 500-bullets in the year 2000. These bullets are approximately 12.5 mm in diameter and are designed for use against tanks and armored personnel carriers. These facts contradict Israeli claims that this type of weaponry has not been employed against civilian demonstrators. According to official Israeli sources, there were no armed confrontations occurring at the time of this demonstration.¹⁴⁸

Further indication of this increase in the level of force is found through an examination of the injury statistics. In the year 2001, DCI/PS collected information on 3750 child injuries. The Palestinian Red Crescent estimates that between 6000-7000 children were injured during the year 2001.¹⁴⁹ Of those 3750 injuries, more than 1/5 were to the upper part of the body (head, chest, eye, neck and back).

In a qualitative shift from any other period in the last ten years (and indeed since the onset of the occupation in 1967), a large proportion of injuries were a direct result of the use of heavy artillery (rockets, shells, missiles) fired by helicopters and warplanes. Over 14% of child injuries occurred as a result of such attacks on the civilian population.

According to DCI/PS documentation, in the year 2001, twenty-seven Palestinian children lost a body part as a result of their injury (limbs or internal organs). Of these, nine children lost an eye. Twenty-four percent (24%) of children who were injured were shot by live ammunition. Over 20% of child injuries from live ammunition in 2001 were to the upper part of the body. Nearly 40% of children injured were 12 years old or younger (39.73%). Doctors report many injuries due to fragmenting bullets fired from M-16 rifles. The injury types caused by these bullets, 5.66mm in diameter, resemble those of the internationally banned dum-dum bullets. They are designed to splinter on impact – tearing tissue and muscles and causing multiple internal injuries.

C. Riot Dispersal Methods

¹⁴⁸ See for example *Summary of Events of the Day According to the Official IDF Spokesman*, October 20, 2000, which notes the “light wounding of two soldiers due to stone throwing” near Tulkarem and no mention of armed clashes.

¹⁴⁹ See <http://www.palestinerccs.org>, the website of the Palestinian Red Crescent for more information.

The phrases “employed dispersal methods,” “responded with crowd dispersal methods,” and “responded with measures for dispersing demonstrations” are repeatedly used by the IDF when describing the response of the Israeli army to demonstrations. These terms are, in actual fact, euphemisms for employing lethal techniques.

According to the IDF Rules of Engagement, in the case of “violent riots,” the following techniques of dispersal should be used:

“If the riot does not end within a reasonable period of time, it is permitted to employ means for dispersing demonstrations according to the following stages:

- 1) Means such as: tear gas, water jets, blasting cap, stun grenades.
- 2) Warning shots in the air.
- 3) Firing rubber ammunition.¹⁵⁰

The passage from one stage to the next will be done, only if the previous stage did not lead to the ending of the violent riot. A stage may be skipped, if certain means are not at the disposal of the force, or if they are not applicable in the circumstances of the event.”

Any observer of the recent demonstrations can testify that these rules have not been adhered to by the Israeli military. This is confirmed by countless eyewitnesses, media coverage, various reports from human rights organizations and of course- the wounded themselves. There has been increased understanding among the international community that so-called “rubber ammunition” is actually a euphemism for rubber coated steel bullets. Provisions governing the use of this ammunition are explicitly spelt out in the IDF Open-fire Regulations. These bullets are supposed to be fired from a minimum distance of 40m and “to be aimed solely at the legs of a person who has been identified as one of the rioters or stone-throwers.”

Injury statistics indicate blatant disregard of these regulations. In 2000, DCI/PS gathered information concerning 793 children shot by rubber-coated steel bullets in the year 2000, 672 of these during the Intifada.¹⁵¹ Of these 672, 319 or 47.47% were wounded in the upper part of the body. Forty-seven, or 7% were hit in the eye. Seven children lost their eye as a result of rubber-coated steel bullets. DCI/PS documented

¹⁵⁰ Codes RRNM and Roma GG, RM.

¹⁵¹ These figures should not be taken to represent total injuries by rubber-coated steel bullets but represent the number recorded by DCI/PS. The actual figure is probably much higher.

three cases of deaths in the year 2000 as a result of the use of rubber-coated steel bullets.

In the year 2001, 535 children were hit by rubber-coated steel bullets, according to injury statistics from DCI/PS. Of this 535, 206 were hit in the upper part of their body. This represents 39% of injuries by this type of bullet. There were 22 serious eye injuries as a result of rubber-coated steel bullets. It is absolutely unthinkable that the Israeli army's own rules of engagement were accidentally violated in nearly 40% of cases.

Israel has also planted many land mine fields under the pretext of security since the beginning of its occupation of the West Bank and Gaza Strip, particularly around the Jordan Valley, the Gaza Strip, and the settlements. Israel has also allocated wide areas within the Palestinian Territories for the purpose of conducting military training and practice, leaving behind large quantities of military waste that threaten the lives of Palestinian civilians, particularly children. In 2001, a group of children was wounded, and some were killed by mines and military refuse left after Israeli army training sessions exploded.

Children were also killed by booby-trapped explosives the IDF planted in the Occupied Territories. *On 28 March, Yehyia Fathi Al-Shaykh Eid, age 12, was killed after a device left by the Israeli army along the border in Rafah exploded in his hands, tearing apart his body. On 19 October, Basim Salim Al-Mubashir, age 13, was killed near his house by shrapnel wounds after a discarded shell near Nefiyeh Dakalim settlement near Khan Younis exploded, causing severe burns and limb amputation.*¹⁵²

On the morning of 22 November, five Palestinian children from the Al-Ustul family were killed in Gaza by the detonation of an explosive device the IDF had planted near their school. The five children were: Akram Naim, age 6, his brother Muhammad, age 14, Anis Idris, age 12, his brother Omar, age 13, and Muhammad Sultan, age 12. The bodies of these five children were blown into fragments and scattered, and they were only identified by the remnants of school books they had been carrying. The Israeli army admitted planting explosive devices in that location in order to assassinate armed Palestinian activists.

The repeated shelling of Palestinian residential areas has caused a state of terror and panic among children who now suffer from anxiety, involuntary urination, fear of the

¹⁵² PICCR's *Report on the Israeli Violations of Palestinian Citizens' Rights During 2001*, p. 11-12.

dark, inability to sleep far from their parents, waking at night, and fear of leaving their home. Statistics issued by the Development Studies Program of Birzeit University on 19 February 2001 indicate that approximately 69% of Palestinian children between the ages of 4 and 14 suffer negative psychological effects from oppressive Israeli measures.¹⁵³

D. Women:

As seen in the precedent section and according to the Palestinian Ministry of Health, there have been several reported deaths of pregnant women at checkpoints, and cases of harassment by soldiers of pregnant women, as well as cases in which women were forced to give birth at the military checkpoints.¹⁵⁴ It has also been reported that there has been an increase of 30% in home deliveries, due to movement restrictions. According to the United Nations Population Fund (UNFPA)¹⁵⁵, one fifth of pregnant women in Gaza and the West Bank could not receive prenatal care because of the difficulty of traveling through checkpoints to health facilities. Women are being denied their basic right to deliver their babies in a safe and clean environment and thus their fundamental right to be treated with dignity.

4. Torture of Palestinians:

Torture is a practice used by the Israeli Intelligence Service ("the Shabak"), by the Israeli Military, the Israeli Police, and by collaborators (i.e. Palestinian prisoners recruited by Israeli authorities after their arrest and held in special wings in each detention facility).

Based on human rights organizations field visits to Israeli detention facilities and interrogation centers and on numerous testimonies from detainees who had been tortured during their interrogation after the High Court ruling, it is evident that the use of torture is still common practice amongst Israeli interrogators, albeit somewhat reduced. The Landau Commission's recommendation in May 1987 encouraged and allowed the use of torture by the Israeli Shabak of Palestinian detainees under the ambiguous phrase "moderate physical and psychological pressure," enabling this

¹⁵³ On the psychological damage to Palestinian children, see: Maisoon Atawneh al-Weheidi, *Israeli Violations to the Rights of Palestinian Children*, Ramallah, Ministry of Social Affairs, 2001, pp. 35-39.

¹⁵⁴ Source: UN Office for the Coordination of Humanitarian Affairs (OCHA). – Relief Web.

¹⁵⁵ The United Nations Population Fund (UNFPA), United Nations, New York, 5 April 2002.

illegal form of interrogation to be conducted in an environment of impunity, and approving a culture of abuse. Although the High Court ruling limited the use of torture in interrogation, it did not unilaterally ban it.

The Israeli Military use also cruel and degrading treatment against Palestinian civilians, particularly at military checkpoints and during their detention and prosecution. This is a policy that is implemented methodically, on a daily basis, making it so routine action that it is difficult to quantify. Soldiers and settlers frequently engage in violent beatings and shootings of Palestinian civilians, particularly during curfews. Israeli soldiers also attack Palestinian workers, with beating and humiliating them as they are come and go from their areas of residence.¹⁵⁶

On 5 December 2001, Israeli soldiers at the military point at Al-Matahin crossing in Khan Younis forced six Palestinian passengers in a taxi to disembark, remove their clothing, and walk in the cold rain with their hands on their heads. A soldier then threw their clothes into a basin full of rainwater and mud before the youths were allowed to don their clothing. They were then arrested. This humiliating treatment by the soldiers took place in full view of a number of passers-by, including several journalists who were able to photograph the incident¹⁵⁷.

As reported by the *Washington Post*, in December 2002, Israeli forces started engaging in a new practice, known as "The Lottery," where curfew violators are ordered to choose one of several folded pieces of paper that have different punishments written on them -- such as "broken leg," "smashed hand" or "smashed head" - and the soldiers then administer the selected punishment. This was reported to have happened in Hebron, where a group of Palestinian youths were taken to the Israeli settlement of Beit Hadassah and after selecting various pieces of papers, had their hands, legs or nose broken. Similar illegal behavior occurred in other West Bank locations, as testified to by Firas Mohammad Khamis El-Srafandi (17 years), who was subjected to it when he was stopped by Israeli soldiers while returning to his village of Jifna, near Ramallah.¹⁵⁸ It is believed that this practice lead to the recent

¹⁵⁶ See report by B'Tselem (Israeli Information Center for Human Rights in the Occupied Territories), *Routine Acts: Beating and Abuse of Palestinians by the Israeli Security Forces during the Al-Aqsa Intifada*, May 2001, and *In the Daylight: Israeli Armed Forces' Abuse of Palestinians*, July 2002.

These reports are available on B'Tselem's website at: <http://www.btselem.org>

¹⁵⁷ *The Jerusalem Post*, 6 December 2001, p 2.

¹⁵⁸ According to Mandela.

death of Amran Abu Hamediye, 18, who Palestinian witnesses reported was beaten severely around the head.¹⁵⁹

Among the new and bizarre developments reported towards the end of 2002, soldiers in the city of Nablus forced several Palestinians to remove their clothes and walk naked through the streets, while imitating animals with their movements and voices.

A. Forms of torture used against Palestinians:

Palestinian detainees continue to be subjected to the following forms of torture:

1. Tied up in painful positions for hours or days on end.
2. Solitary Confinement.
3. Placement in collaboration cells.
4. Confinement in tiny isolation cells.
5. Beatings.
6. Deprivation of sleep and food.
7. Preventing the use of the toilet.
8. Exposure to cold or heat.
9. Tightening of plastic cuffs
10. Verbal, sexual and psychological abuse.
11. Threats against the individual or the individual's family.
12. Lack of adequate clothing or hygiene.¹⁶⁰

Palestinian juveniles endure the same harsh treatment. Mandela notes that during their transfer to prisons and detention centre, juveniles are often victims of degrading treatment. Often, children, blindfolded and cuffed, are brought on foot. Accompanying soldiers beat them savagely either with rifle butts, punches or kicks with heavy military boots, while hurling vulgar insults at them. Virtually every child arrested undergoes a terrifying and abusive process that constitutes torture. Attorneys assert that many children arrested endure even more severe forms of torture, such as beating and shabeh.¹⁶¹ Isolation and the use of psychological pressure from collaborators¹⁶² have become mainstays of Israeli tactics against child detainees.

¹⁵⁹ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 34.

¹⁶⁰ According to Mandela Institute.

¹⁶¹ Position abuse, or *shabeh* in Arabic, is a form of torture in which extremes of bodily pain and psychological abuse are combined with physical isolation and immobilization of prisoners. Briefly put, shabeh is a form of torture that uses time and the prisoner's own body, shackled and bound, as the primary elements for inflicting pain. In position abuse, prisoners are tied up in painful positions,

B. Psychological consequences:

The inhuman living conditions Palestinian have to endure during detention and the degrading ill treatment, including torture, during interrogation has a far-reaching damaging impact that will stay with them for the rest of their lives. The Ramallah-based Center for Rehabilitation of Torture Victims reports that medical and psychological diagnosis of ex-prisoners treated in 2001 show that they were left with traumatic nervous disorders, including epilepsy. During 2002, the Center treated ten cases and reached the same conclusions.

The Gaza Community Mental Health Programme reached the same conclusions as the Center for Rehabilitation of Torture Victims in treating ex-prisoners in Gaza in 2000, 2001 and 2002. Specialists also report that juveniles find it extremely difficult to reintegrate into society due to long absence from family life, school or neighborhood. Many ex-detainees affirmed their academic absorption was greatly affected. Leading a normal life for female ex-prisoners is next to impossible, as the conservative Palestinian society looks down them.

A number of studies have also demonstrated a relationship between torture experiences and subsequent disorders, including depression, anxiety, antisocial behavior, and nonspecific physical complaints¹⁶³. Torture victims have also been

fettered to walls or small chairs that force them to contort and cramp their bodies for extended periods of time--each passing moment heightens the pain of stillness. In addition to the psychological effects of the entire torture process on its victims, long-term damage to internal organs, joints and limbs can result from this form of abuse. Most adult Palestinians who are tortured, including those who are physically brutalized in any other way, are also subject to position abuse.

¹⁶² Israeli occupation authorities regularly pressure Palestinians to collaborate with Israeli security. In many cases these collaborators are used to attempt to extract confessions from Palestinian children.

¹⁶³ Allodi, F. A. (1991). *Assessment and treatment of torture victims: A criteria review*. *Journal of Nervous and Mental Disease*, 179, 4-11; Basoglu, M., Parker, M., Ozmen, E., Tasdemir, O., & Sahin, D. (1994). *Psychological responses to war and atrocity: The limitations of current concepts*, *Social Science & Medicine*, 40, 1073-1082; Mollica R. F., & Caspi-Yavin Y. (1991). *Measuring torture and torture-related symptoms. Special Section: Issues and methods in assessment of post-traumatic stress disorder*. *Psychological Assessment*, 3, 581-587; Molice R. F., & Wyshak G., Lavelle J., & Truong T. (1990). *Assessing symptom change in Southeast Asian refugee survivors of mass violence and torture*. *American Journal of Psychiatry*, 147, 83-88; Ramsay R., Gorst-Unsworth C., & Turner S. W. (1993). *Psychiatric morbidity in survey of organized state violence including torture: A retrospective series*. *British Journal of Psychiatry*, 162, 55-59.

shown to have the typical symptoms of posttraumatic stress disorders (PTSD), which are reexperiencing of traumatic events through recurrent and intrusive recollections, dreams, and flashbacks about the event; persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness through avoiding significant feelings, activities, and recall; persistent symptoms of increased arousal. Such as sleeping difficulties, irritation, hypervigilance and concentration problems.¹⁶⁴

5. Health of the detainees in Israeli prisons and detentions centers:

At the date of 10 September 2002, there were approximately 960 detainees in Ansar III. According to Mandela information, the tents do not provide adequate protection from the extreme climate in the Negev desert. Detainees suffer from lack of adequate drinking water, lack of adequate food, both in terms of quantity and quality, lack of adequate sanitation facilities and clothing. They are also faced with infestation by the following insects and reptiles, some of which are dangerous: rats, mice, scorpions and mosquitoes.

Medical care is also inadequate. Treatment in most cases is limited to painkillers. Only one doctor is available during the day to meet with ill detainees, and the meeting itself requires a long process of coordination with a nurse. For example, when detainee, Loay Hammad who was complaining of tonsil inflation and severe headache, finally managed to meet with the doctor, he was told: "If you need medicine now, I'll give you Acamol. Otherwise you have to wait until next week to see whether you continue to suffer or not." Transferring serious cases to hospitals is extremely difficult and occurs rarely, and then, only after a deliberate delay. 57 of the detainees suffer from bullet injuries and thus the suitable place for them is a hospital, not a detention center. There is no proper clinic in Ansar III; a small tent with a cupboard for medicine and two apparatus make up the clinic.¹⁶⁵

6. Environmental Factory Pollution:

Strict environmental laws inside Israel do not apply in the West Bank and Gaza Strip. For this reason, many Israeli companies use the occupied territories as a dumping ground for toxic materials and hazardous manufacturing processes. The establishment of Israeli factories inside the occupied territories is attractive to Israeli businesses both

¹⁶⁴ American Psychiatric Association, *Quick reference to diagnostic criteria from DSM-IV*. Washington, DC, 1994.

¹⁶⁵ Information from Mandela international.

because of the lax environmental regulations and also because tax breaks and other financial incentives are offered for investment in these areas. It should be stressed that the environmental regulations in these areas are under Israeli jurisdiction – not Palestinian – and they differ dramatically from environmental legislation inside Israel proper.¹⁶⁶

The establishment of these Israeli factories has serious consequences for the environmental health of Palestinian residents in the surrounding areas. This is particularly problematic for Palestinian children, because the danger posed by toxic materials is much greater than for adults due to children's smaller frame and body size.

The transfer of environmentally hazardous factories to the West Bank was particularly marked from 1995 onwards, particularly in the northern regions of Tulkarem, Jenin and Nablus. It is noticed that the percentage of children suffering cancer in the Salfet Area (consisting of approximately 23 residential areas) is the highest in the region of Nablus.¹⁶⁷ There is considerable probability that this high incidence of cancer is caused by toxic emissions from the large numbers of Israeli industrial establishments located in the settlement Burkan. This settlement is built on a relatively small area (840 dunums) and inhabited by a few hundred Israeli settlers most of whom work in the factories.¹⁶⁸ These factories produce huge amounts of solid and liquid toxic waste that are emitted into the villages of Kufr Ed-Deek, Sarata, Broukeen, and Deir Ballout. Around 11,000 Palestinians live in these four villages of whom approximately 4,750 are children between 0 and 14 years of age.¹⁶⁹

The entire Nablus area is affected by hazardous waste from Israeli industries, particularly the aluminum, leather tanning, chemical detergents, plastics, and fiberglass industries. These factories form adjuncts to the Israeli settlements of Alon Moray, Maali Afrime, Itamar, Ariel, Homesh, Maghdalim, Koni Shameron, Kadoumim, and Shilo. Palestinian villages most affected are Wadi Albathan, Beit Foureek, Awarta, Arabeh, Qalqilia, Burqa, Sabastia, Silet Elthaher, Karyout, and Turmos Ayya. Toxic solid waste is spread throughout the lands of these villages while fluids mix with valley waters and streams contaminating local springs whose waters

¹⁶⁶ Information from Defense for Children International/Palestine section.

¹⁶⁷ Nablus hospitals' records, 1999.

¹⁶⁸ Kurzum, George and Muhammad Sa'id Alhumeidi. *Development Need Assessment Study in Salfet Region*, Ramallah, MA'AN Development Center, 1997, p. 125.

¹⁶⁹ The Palestinian Central Bureau of Statistics, 1999.

are used for agriculture. The total number of Palestinians living in these areas is 65,000 with more than 28,000 children between 0 and 14 years of age.

Many Palestinian children from the Jenin area near the settlement of Homesh have suffered in recent years from sudden dehydration accompanied by vomiting and diarrhea. This is particularly apparent in the village of Silt Athaheh.¹⁷⁰ Other children in the same area report respiratory problems. Factories in nearby settlements produce aluminum, chemical detergents, batteries and car accessories. Medical experts report that these factories emit heavy metal residues such as cadmium that are known to be extremely poisonous and possible cause of severe vomiting, diarrhea and dehydration in addition to damage of lung tissue. Children are particularly susceptible to this type of poisoning.¹⁷¹

Many of the factories in the Tulkarem area were transferred there because of protests by Israeli citizens over the dangerous pollution to which they were continually exposed when the factories were located inside Israel. The presence of factories in the area of Tulkarem and the toxic waste they released caused respiratory infections to children living in the city and its surroundings.¹⁷² Dumping of toxic waste from Israeli factories in the area of Azzoun, a village in the Tulkarem region which is populated by some 20,000 Palestinians, led to the increase in the percentage of lead in the only drinking well in the area.¹⁷³ This means that thousands of children are drinking water contaminated with lead, proven conclusively to be detrimental to health and a cause of mental retardation.¹⁷⁴

Hospital records in Bethlehem and Hebron show that compared to the 1980s; there was an increased number of cancer cases in the 1990s amongst Palestinian children living near stone cutting factories and quarries. It is known that continued inhalation of dust resulting from quarries can cause cancer in humans. Due to the danger these industries bring about, Israel has imposed a rule that no further such industries can be established within its borders. Thus, quarries in the West Bank fulfill all Israeli needs of stones and rocks.¹⁷⁵

¹⁷⁰ Applied Research Institute.

¹⁷¹ Information from DCI/PS.

¹⁷² "Israel Buries its Toxic Industrial Waste in the West Bank and the Strip", *Environment and Development*, July\ August, 2000, p.14.

¹⁷³ Ibid.

¹⁷⁴ Information from DCI/PS.

¹⁷⁵ Ishaq, Jad and Violet Qumsieh. Ibid.

Moreover, the rise in the percentage of lead, nitrogen and carbon oxides, and sulfur carried by the western winds from Israel into the West Bank are additional factors causing an increase in respiratory system diseases, lung infections, breathing difficulties, eye infections and sight disorders among children. Respiratory disorders (including lung cancer) are considered common among Palestinian children under five years of age in the West Bank taking into account that these diseases are mainly caused by air pollution. These diseases are the main cause of child mortality. The percentage of children under five years old who died as a result of respiratory system infections in the West Bank had increased to 19.7%¹⁷⁶ in the year 1999 compared to 18.3% in 1996.¹⁷⁷

7. Wastewater:¹⁷⁸

Most Israeli settlements are located on hills and mountaintops of Palestinian lands occupied in 1967. Because of this elevated position, partly processed or unprocessed wastewater from these settlements flows towards homes, valleys, low lying agricultural lands, and water sources of nearby Palestinian towns and villages.

Chemicals carried by wastewater leaking from Israeli factories often seeps into groundwater in the vicinity. Children are the most severely affected by toxic heavy metals contained in this wastewater such as lead, mercury, cadmium, and chromium in addition to inorganic material such as phosphate, nitrate, and fluoride.¹⁷⁹

Among the effects of pollution from settlements in the Wadi Qana area (a valley in the district of Salfet) is the red colored rash that appears on the skin of Palestinian children as a result of their swimming, on hot summer days, in the only pond in the area.¹⁸⁰ The pond water collects from a number of natural springs present in the area. It is contaminated by wastewater emanating from the settlement.

¹⁷⁶ The Palestinian Central Bureau of Statistics, 2001. *Children of Palestine – Issues and Statistics. The annual report. 2001. Executive Summary*. Ramallah – Palestine, p. 10.

¹⁷⁷ The Palestinian Central Bureau of Statistics, 1998. *Children of Palestine – Issues and Statistics. Children Statistical Series*. Ramallah – Palestine, p.10.

¹⁷⁸ Information from Defense for Children International/Palestine section.

¹⁷⁹ The Palestinian Central Bureau of Statistics, 1998. *Children of Palestine – Issues and Statistics. Children Statistical Series*. Ramallah – Palestine, pp. 22-23.

¹⁸⁰ Fosini, Abdelrahim. “*Israelis are Creative...*”, previous source.

Children of Nahalin, a village to the southwest of Bethlehem, play in the village lands that are filled with harmful insects, mosquitoes, and flies. This insect presence is attributed to piles of refuse dumped by the Israeli nearby settlement known as Rosh Tsurim exposing children to dangerous infectious diseases.

Children of Beit Ummar to the west of Hebron, as well, play in lands of their village that are filled with wastewater and animal dung discarded from nearby Israeli settlements (Gush Etzion and Karmi Tsour) that yearly destroy vast cultivated areas and vineyards.

In addition, the flow of wastewater from “Irgman”, a settlement to the East of Zbeidat by Nablus, is contaminating the groundwater in the area. All inhabitants depend on this water for agricultural and household uses.¹⁸¹ Currently, all nine wells in the village and all children are prevented from drinking water from these wells. Instead, this water is used for cleaning and agricultural purposes while drinking water is purchased and transported by tanks from other areas.¹⁸²

It has been observed that hundreds of children living in villages and towns of Nablus, Salfeet, and Qalqilya, which are particularly affected by the pouring of wastewater from the settlement of Burkan, suffer diseases caused by certain bacteria such as gastro-intestinal infections in addition to viral infections such as bronchitis, hepatitis and polio, and parasitic diseases like bilharzias (Schistosomiasis) and amoebic dysentery.¹⁸³

It is not a coincidence that the number of infections of such diseases among children increased in polluted areas. These diseases are usually transmitted through using contaminated water for drinking, bathing, cooking and dishwashing in addition to eating fruits and vegetables that were irrigated with contaminated water.¹⁸⁴ Tens of children are also infected with meningitis on a yearly basis in the villages of Kafr Ed-Deik, Broukeen, Sarta, Deir Ballout, Beit Amin, Habla and Zbeidat in the districts of Salfeet, Nablus and Qalqeelia as well as many cases in the villages of Nahalin, Husan, Khader, Walajeh, Jaba', Dura, Beit Ummar, and others in the districts of Hebron and Bethlehem, which also suffer pollution from wastewater emitted by Israeli

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Alhayek, Nuha and others. *Environment, Health and Life*, Jerusalem: Education for Awareness and Participation Program, (the Anglican Lutheran Schools), 1992, p.27.

¹⁸⁴ Ibid.

settlements. It is known that meningitis¹⁸⁵ is contagious and its primary cause is contamination especially of food, water and sewage.¹⁸⁶

Palestinian children suffer from a lack of clean drinking due to the fact that Israel controls water resources and allows only a limited amount to Palestinians (see article 1). The gap between water demand and the permitted supply broadens over time since the latter is not consistent with the natural growth of Palestinians.¹⁸⁷ Israel discards about thirty thousand cubic meters per year of wastewater into inhabited areas of Gaza and Gaza Valley, which adds to the saltiness of the underground water and the contamination of the Valley.¹⁸⁸

More than 220 Palestinian villages are not provided with water supply networks.¹⁸⁹ Many of them depend on portable water tanks for their needs. As a consequence, the closure imposed by Israel prevents water distributors from reaching people in need. This means tens of thousands of people live in villages without the minimal supply of water. Other villages, such as Salfit, Akraha, Awarta and Aja in the Nablus district lack water distribution networks and have difficulty reaching water supplies because of settler attacks.¹⁹⁰ Approximately 9,500 children living in these villages thus suffer from severe lack of drinking water and are at risk of the resulting diseases.¹⁹¹

According to the Jerusalem Water Undertaking (the official Palestinian water supplier), Palestinians in the Gaza Strip currently obtain only about 30% of their water needs.¹⁹² Israel supplies Hebron with about 5,000 cubic meters of water daily, knowing that the actual need of the city is 25,000 cubic meters per day.¹⁹³ This leaves

¹⁸⁵ Meningitis is a disease caused by bacteria that attacks the brain's membrane causing its inflammation. In many cases it affects the brain through by means of the blood. Its symptoms are very high fever, severe headache, nausea, hallucination, and concussions.

¹⁸⁶ Alhayek, Nuha, Ibid, p. 67.

¹⁸⁷ Kurzum, George. *Dehydration of the Palestinian People*, Albeidar, (Al-Ayyam Newspaper supplement published by the Development Studies Program at Bir Zeit University), 6/3/2000.

¹⁸⁸ Ibid.

¹⁸⁹ Applied Research Institute. "*Israeli Violations...*", Ibid.

¹⁹⁰ Palestinian Hydrology Group.

¹⁹¹ The Palestinian Central Bureau of Statistics, 1999, *Population, Housing and Establishment Census - 1997, Final Results - Summary- Population, Housing, Buildings and Establishments*, Jenin Governorate. Ramallah –Palestine.

¹⁹² Kurzum, George, *Dehydration of Palestinian...*, Ibid.

¹⁹³ Ibid.

thousands of children in Gaza and Hebron suffering on a daily basis from severe lack of drinking water.

8. Consequences of the Israeli policies on the right to health of Palestinians:

A. Psychosocial status of Palestinians:

The United Nations Technical Assessment Mission-October 2002¹⁹⁴

The ongoing violence, closures and curfews and the continuing occupation of Palestinian self-rule areas are among the main causes of acute psychological distress among many Palestinian children and adults. One year after September 2000, 75 percent of Palestinian adults believed their children were experiencing greater emotional problems. Problems include sleeping difficulties, anxiety, psychosomatic problems, regression, withdrawal, risk-taking behaviour, rejection of authority, inability to concentrate, and aggression. Other behavioural changes in children have been noted, including: increasing violence among children and between children and parents; decreased levels of activity; decreasing hope in the future; increasing attachment to their community, but decreasing closeness in the family and trust in adults; increasing focus on political issues; the hardening of political attitudes; and an undermining of fundamental beliefs.

Problems caused by exposure to direct and indirect violence, curfews, poverty and the general atmosphere of hopelessness and frustration are increasing. Traumatic events such as shootings, death or injury of family and friends, shelling, demolition of homes, house-to-house searches, detention of fathers and brothers and children themselves are all creating a situation of widespread psychological ill-health among children and adults.

Approximately two thirds of adults report feeling continuously distressed; depression, anxiety, phobias and psychosomatic problems are widespread. In areas of high exposure to violence, the majority of mothers have developed psychological problems such as depression, and anxiety attacks. This is especially marked among women who have suddenly been left as heads of households because men have been imprisoned or killed. Familial stress is also creating situations that are fraught with potential for domestic violence, and men are being humiliated because they are unemployed and unable to protect their families and children. Parenting practices are also being affected and in many cases undermined. Although most parents are spending more time with their children, many feel unable to meet their children's psychological needs.

The effects of Israeli occupation and the current crisis have left and will continue to leave deep psychosocial scars on the population, unless interventions are put in place that ensure the population's right to life, protection, psychological and social well being.

PRCS through the work of its psychological department noticed that the current conflict results in victimization of entire Palestinian population. This results in groups of individuals at high-risk of developing mental and physical difficulties. Women,

¹⁹⁴ Information from the United Nations Technical Assessment Mission-October 2002, cited in Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003, p.21.

children, youth and families are always in need of special attention. However, the current conflict in Palestine has identified several specific groups at high-risk:

1. Those who have lost a loved one due to the current violence.
2. Those who have witnessed physical/military violence resulting in the death or injury of a person (Risk increase if the person was known to the witness).
3. Those who have been personally injured detained or humiliated or who have witnessed these events occurring to a friend or family member.
4. Those who have lost homes and/or property.
5. Those who do not have adequate support networks (such as family and community).¹⁹⁵

It should be noted that the above events have serious implications for any person who experiences them. Yet, for a child these events can have detrimental consequences and can influence long-term development into adult life.

Palestinian children experience many forms of violence from the current occupation and conflict. Those which are most likely to cause trauma among children are the death of a parent, relative or acquaintance, torture, witnessing an act of violence, separation from one or both parents for any period of time, injury, including those resulting in deformity or handicaps, engaging in violence, curfew (house arrest), poverty and severe deprivation, and shelling or demolition of their house.

Emotions and reactions of children are manifested in physical ways through bedwetting, difficulty concentrating, sleep problems, physical complaints, loss of recently acquired skills and feelings of guilt. Children must have safe places for healing and emotional support to be able to overcome these problems and continue to live normal, productive lives.¹⁹⁶

Since the beginning of the second Intifada in September 2000, Palestinian children have been exposed to harassment, displacement, shooting, and destruction of their homes and schools, harassment. These measures were drastically increased during the recent occupation, accentuating the psychological effects on children.

¹⁹⁵ *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003, p. 21.*

¹⁹⁶ *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003, p. 21-22.*

Prior to the incursion, and 7 to 8 months after the Intifada began (April–May 2001), the Palestinian Central Bureau of Statistics (PCBS) began to document the shooting, bombing and harassment of children.¹⁹⁷ The results showed that even at that time, 27331 (1.3 percent) of the Palestinians in the West Bank had changed their residence due to the situation—22.3 percent permanently and 54 percent temporarily. Of 483,460 school children interviewed at that time, 3 percent had been stopped at checkpoints, 1.2 percent shot at, 1.4 percent humiliated, 0.8 percent beaten, and equal number harassed.

At least half of the school children showed psychological symptoms such as crying and fear from loneliness, the dark, and loud noises. About a third showed symptoms of sleep disorder, nervousness, decrease in eating and weight, feelings of hopelessness and frustration, and abnormal thoughts of death. About half of the children showed deterioration in their schoolwork and one-third were unable to concentrate. In the same report, around 7 percent of families had experienced shooting at their houses, 3.5 percent raids into their homes by Israeli soldiers or settlers, and 6 percent were exposed to tear gas. Five percent of families reported damage to their land, 3 percent to their homes, and 4 percent to their cars.¹⁹⁸

In May 2002, a brief statistical report on the daily life, health and environmental conditions of families living under curfew has been prepared by the Institute of Community and Public Health, Birzeit University.¹⁹⁹ The report sampled five cities and showed that 23 to 37 percent of families housed other families because of life-threatening danger, houses being demolished or taken over by the army, or being stranded and not able to reach their homes. A range of 31 to 87 percent of witnesses reported considerable destruction to their neighborhoods and 28 to 59 percent reported exposure to shooting and /or destruction of their own home.

The Israeli occupying forces searched between 30 and 50 percent of homes; 12 to 36 percent of households reported the arrest of at least one family member. As a result, between 70 and 93 percent of interviewees reported mental health problems in at least one family member. Symptoms included great fear among children— shivering, crying, loss of appetite, and lack of sleep. Methods for coping included prayer, sleeping with the children, and intensification of normal activities, explaining to the

¹⁹⁷ PCBS 2001, *Impact of the Israeli Measures: Survey on the Well Being of the Palestinian Children, Women and Palestinian Households*, 2001, Main Findings. Ramallah, Palestine.

¹⁹⁸ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 25.

¹⁹⁹ Giacaman R & A. Hussein. 'Life and Health during the Israeli Invasion of the West Bank.' May 2002.

children what is happening, and sometimes seeking help from a counselor by telephone.

Now, after the third incursion, June 2002, psychologists expect that all the children to have been traumatized, as shooting, damage to properties, bombing and house demolition has become a regular event in all areas of Palestinian.²⁰⁰

The treatment and rehabilitation center for victims of torture conducted a study on 37 member of recently bereaved families in 2001.²⁰¹ Dominance of somatic complaints were remarkable, such as fatigue, agitation, and depersonalization. But also the center noted cognitive complaints: anger against society, shock, extreme feelings of sadness, feelings of helplessness, confusion, disbelief, preoccupation, and hallucinatory experience.

B. Economy and consequences on health services:

The decline in economic activity and the loss of income has reflected itself on the ability of household to pay for health services. As indicated by August 1, 2002 PCBS that 76.5% of households cannot afford the cost of health services and 28.4% have not received services for financial scrutiny. This was noticed through PRCS services that a total of 34,028 (14.9%) out of 228709 people have benefited from free medical, dental and laboratory days through the PRCS centres, hotline, and RDA during the year 2002. Almost all handicapped children were unable to buy and obtain the costly assistant equipment while PRCS-Rehabilitation services cannot afford it due to PRCS financial limitations.²⁰²

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society,

²⁰⁰ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 25-26.

²⁰¹ TRC, *Complicated Grief reaction*, paper presented at the WHO meeting, 8-10 June 2001, Athens, Greece.

²⁰² *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003.*

promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

1. Right to Education in East Jerusalem:

Palestinian children in East Jerusalem are also victims of discriminatory taxation and funding policies. Since 1967, only one school was built for Palestinian residents of East Jerusalem. This is despite a yearly population growth of over 6% for the Palestinian student population. The Israeli government spent less per Palestinian Arab child than per Jewish child, and Arab schools were inferior to Jewish schools in virtually every respect. Arab schools offered fewer facilities and educational opportunities than were offered other Israeli children, and some lacked basic learning facilities like libraries, computers, science laboratories, and recreation space. Palestinian Arab children attended schools with larger classes and fewer teachers than those in the Jewish school system, with some children having to travel long distances to reach the nearest school. Palestinian Arab children with disabilities were particularly marginalized. Many Palestinian Arab communities lacked kindergartens for three- and four-year-old students, despite legislation making such schools--and attendance--obligatory. Jewish three-year-olds attended kindergarten at four times the rate of their Palestinian Arab counterparts; Jewish four-year-olds at three times the rate.

Palestinian children in Jerusalem face their own specific obstacles to education resulting from discriminatory Israeli municipal procedures in place in the city.

While the official policy of the Jerusalem Municipal Authority is to grant school placement to any child resident of the city, actual policies demonstrates that this policy is a legal fiction that obscures reality on the ground. A report by Defense for Children International/Israel on the situation of education in Jerusalem notes, “The Educational Authority in Jerusalem denies equal access in its unwritten practice that only children who are recognized residents of Jerusalem, and hold an Israeli identity

number, may attend the municipal schools without a legal and administrative struggle.”²⁰³

The report goes on to document numerous interviews with principals of East Jerusalem schools, who indicate that the decision to accept students without residential status is contingent on agreement from the Municipal Authorities. Some interviewees indicated that the Municipal Authority instructs them not to accept such students.

As a consequence, many parents believe that they have no right to education in Jerusalem and choose to send their children to schools in the West Bank. This can create significant problems in the future, as these children are required to show record of attendance in a Jerusalem school in order to obtain an ID card when they turn 16 years of age.

Compounding problems caused by residency status, Palestinian children in East Jerusalem are also victims of discriminatory taxation and funding policies. Since 1967, only one school was built for Palestinian residents of East Jerusalem. This is despite a yearly population growth of over 6% for the Palestinian student population. Palestinians contribute about 25% of tax revenue to the municipality but are recipients of only 5% of municipal services.²⁰⁴

This situation, coupled with the generally poor economic situation of Palestinian Jerusalemites (28.6% of Palestinians living below the poverty line in 1998)²⁰⁵ contributes to a very high drop-out rate for Palestinian school-age children. A 1999 report by the Israeli Ministry of Education determined that the dropout rate for Palestinian children in East Jerusalem was a staggering 40%.²⁰⁶

²⁰³ Azra Khan, *Palestinian Jerusalemite Children Pay the Price of Political Conflict*, The International Children's Rights Monitor, Vol. 13, no.3, September 2000, p. 26.

²⁰⁴ Azra Khan, *The Right to Education in East Jerusalem: A Study of Policies and Practices Affecting Children of Palestinian Jerusalemites*, Defence for Children International/Israel Section, 1999, p.18

²⁰⁵ Palestinian National Authority, 1998. *Palestinian Poverty Report. National Commission for Poverty Alleviation*, PNA, Ramallah. pps 86-87

²⁰⁶ Azra Khan, *The Right to Education in East Jerusalem*, p. 19.

Facilities available for children:

In East Jerusalem schools are significantly substandard, especially in comparison to their neighboring West Jerusalem schools. During the 1999-2000 school year, the Palestinian Human Rights Monitoring Group noted that there were 35 schools in East Jerusalem. Of these schools, 12 were all male, 13 female, 7 are co-ed, and 3 were for special education.

- Only 15 of these 35 schools had libraries.
- 11 schools out of 35 had computer laboratories (two of which were extremely small and one had 16 computers serving 1,100 students with no internet access).
- There were only 3 schools that had audio-visual/language laboratories.
- For the 29,120 students in these schools, there were only 457 computers, thus one computer was shared by 67 students.
- 18 schools had science laboratories.
- There were only 3 gymnasiums in East Jerusalem schools and two were for Special Education
- There were no swimming pools for the average student population, only 2 for the Special Education schools.
- Two weight rooms existed, each in boys' schools.
- Only 9 schools (none of them in the boys' schools) had an art program.
- Only 9 schools had a music program.
- There was one photo lab in these schools.
- There were only 2 schools with theatrical/drama programs and auditoriums.²⁰⁷

Most students do not receive the academic or vocational education required to participate in modern technological society. The statistics regarding these figures are concerning for East Jerusalem. During the 1999-2000 school year:

- 57% of schools did not have libraries
- 69% of schools did not have computer laboratories and thus receive no computer training
- 74% of schools had neither music, art, nor drama
- 37% of students had no physical education and no recreational facilities in their schools (often existing facilities are substandard, i.e. a fenced in blacktop area as a sports area)²⁰⁸

²⁰⁷ According to the Palestinian Human Rights Monitoring Group.

²⁰⁸ According to the Palestinian Human Rights Monitoring Group.

There was no budget funding for East Jerusalem schools to offer after-school activities. Therefore it is easy to see that the Palestinian children are discriminated against in East Jerusalem, comparing to the Israeli children, and that they do not received a sufficient level of quality in their education.

A. Attendance:

Primary education should be compulsory and available free to all children. In East Jerusalem, during the 1998-1999 school year, only 40.5% of school-age children were enrolled in the publicly funded schools. 31% of children either enrolled in West Bank schools or did not attend school at all, even though they are eligible as residents of Jerusalem. (The status of residency for Jerusalemites is always obscure, so it is likely that many parents are not aware of their rights to education in Jerusalem for their children.) 28% of students enrolled in private and religious schools. The following year, the student age population grew by 4,450 students but only 305 of them enrolled in public schools. Even if more children enrolled in school, the schools are not equipped to absorb the extra students.²⁰⁹

The average class size for Arab schools in East Jerusalem is 30.6 students. If all of the students eligible to attend these schools were indeed registered, it would bring the classroom size to an average of 54 students per class. In comparison, the average size of an Israeli (West) Jerusalem classroom is 24.6 students per class.

Also important to note is that the State of Israel and the Jerusalem Municipality fund both secular Hebrew education and Ultra-Orthodox education. 91% of Israeli students in Jerusalem are enrolled in these schools that are publicly funded. In contrast, Muslim schools are not publicly funded.

There is a severe lack of vocational training in East Jerusalem schools. Only Abd Allah Ibn al-Hussein Boys' School and al-Ma'mouniyeh Girls' High school have any vocational training. In the boys' school, only 90 students may participate in the vocational training each year which consists of six different tracks. In the girls' school, only sewing and commerce are available. 226 girls were allowed this training in 1999.²¹⁰ This lack of available vocational training greatly increases the discipline problems in classrooms as students more suited for the vocational track are forced to

²⁰⁹ Statistics according to the Palestinian Human Rights Monitoring Group.

²¹⁰ Statistics according to the Palestinian Human Rights Monitoring Group.

go through the traditional education track. Thus, all of the students suffer from the situation of students being in classes not suitable for them.

It is known that the overall atmosphere of a school supports and encourages education and learning. The average classroom is drab, old, crowded, and with graffiti on its walls and fenced in windows. Many classrooms have over 40 students per class. Because East Jerusalem schools suffer from an extreme shortage of classrooms, there is a great use of rented facilities as classrooms and converted classrooms from what previously were computer or science laboratories, libraries, or bomb shelters. At least 40% of East Jerusalem classrooms are rented houses or apartments. Often 30 or more students are cramped into a bedroom-turned-classroom, roughly 4 by 5 meters in size, with four students at one small table.²¹¹

Bathrooms and drinking fountains are extremely unsanitary and in disrepair. This has reached a point so as to cause a strike amongst parents from Ahmed Sameh al-Khaldy Boys School and Abu Tur Girls' School where children were kept at home in protest of the unsanitary conditions. Ventilation is also a grave problem in many of these schools, with small windows, and lack of heating and cooling systems in all of these schools.

The Israeli government had promised to build 130 new classrooms in 1999, but only 19 were built. The government cites the problem of no zoning for public institutions in East Jerusalem and that they must purchase land from private landowners, costing millions and thus exceeding the budget. In truth, the Planning and Construction Law of 1965 allows the Israeli government to confiscate 25-40% of land, without compensation to the landowner, for the exact purpose of constructing public facilities.²¹²

It is also of interest to note the municipal service discrepancies between Palestinian Jerusalemites and their Israeli counterparts. Palestinians pay the same rate of taxes as Israelis, thus accounting for 26% of municipal tax revenue. Yet Palestinians only receive about 5% of municipal services that are the source for improving these schools in need of dire improvement.²¹³

²¹¹ According to the Palestinian Human Rights Monitoring Group.

²¹² According to the Palestinian Human Rights Monitoring Group.

²¹³ According to the Palestinian Human Rights Monitoring Group.

A 2001 Human Rights Watch investigation confirmed these statements and found pervasive and systematic discrimination against nearly one-fourth of Israel's 1.6 million schoolchildren -Palestinian Arab citizens- who were educated in a public school system that was wholly separate from the schools of the Jewish majority.²¹⁴

The Israeli government spent less per Palestinian Arab child than per Jewish child, and Arab schools were inferior to Jewish schools in virtually every respect. Arab schools offered fewer facilities and educational opportunities than were offered other Israeli children, and some lacked basic learning facilities like libraries, computers, science laboratories, and recreation space. Palestinian Arab children attended schools with larger classes and fewer teachers than those in the Jewish school system, with some children having to travel long distances to reach the nearest school. Palestinian Arab children with disabilities were particularly marginalized. Many Palestinian Arab communities lacked kindergartens for three- and four-year-old students, despite legislation making such schools--and attendance--obligatory. Jewish three-year-olds attended kindergarten at four times the rate of their Palestinian Arab counterparts; Jewish four-year-olds at three times the rate.

Palestinian Arab students studied from a government-prescribed Arabic curriculum that was derived from the Hebrew curriculum: common subjects were developed with little or no Palestinian Arab participation, and they were translated years after the Hebrew language material was published. The government devoted inadequate resources to developing the subjects unique to Arab education, and Palestinian Arab teachers had significantly less choice in textbooks and teaching materials than did Jewish teachers. The curricula's content often alienated students and teachers alike, particularly the study of Jewish religious texts, which was required in secondary-level Hebrew language classes.²¹⁵

Palestinian Arab students dropped out of school at three times the rate of Jewish students and were less likely to pass the national exams common to the two systems for a high school diploma. Only a handful made it to university. Among Palestinian Arabs, the Negev Bedouin and children in villages not recognized as legal by the Israeli government fared the worst in every respect.²¹⁶ In its 2001 report to the Committee on the Rights of the Child, Israel acknowledged the gaps between Arab

²¹⁴ View the full report at: <http://www.hrw.org/reports/2001/israel2/ISRAEL0901-11.htm>.

²¹⁵ Ibid.

²¹⁶ Ibid.

and Jewish education, but as of October 2001 it had failed to take necessary steps to equalize the two systems.

2. Right to education in the Occupied Palestinian Territories (OPT):

Following the September 29, 2000 renewal of violent clashes in the Israeli-occupied West Bank and Gaza Strip, Palestinian children were frequently blocked from attending school. It is important to emphasize that the Israeli occupation is experienced by Palestinian children as an ongoing characteristic of daily life. It is impossible to escape this reality despite repeated Israeli claims that children are “manipulated” into confrontations with Israeli soldiers. Rather, the extensive and systematic policies of occupation in regards to education: killing and maiming of school-age children; widespread destruction of schools and school property; the forced closure of schools; the ever-present danger faced by staff and students while attempting to fulfill their right to education; the arrest of students and teachers – these policies demonstrate the utter disdain of the Israeli government towards the educational future of Palestinian children.

A. Schools closed:

In 1981, the Israeli Authorities issued Military Order 854 which gave the head of the Israeli Military sweeping powers to intervene in the educational process. This law remains in effect and allows the Israeli military to order a school closed. As a result, the education system is beholden to the decisions of the Israeli military overriding the provision of compulsory education as a right.²¹⁷

In the year 2000, four schools in the Al Khader region were closed by Israeli military orders - Al Khader Secondary school for Boys, Sa’eed Al As Primary, Al Khader Girls High and Al Khader Girl’s Primary. These four schools serve approximately 2500 students and were closed for a total of 45 days.²¹⁸ The Israeli military claims that these schools were closed for security reasons, a similar argument to one that was made in the first Intifada during the regular school closures by the Israeli military.

The fact that children who are aged 6 and 7 years old are prevented from going to school because they are deemed a “security” risk is one indication of the falsity of the Israeli argument. Rather, the breadth of the Military Orders indicates that school

²¹⁷ Kuttab, Attallah. Military Order 854 and Other Orders. Al-Haq.

²¹⁸ According to Defence for Children International /Palestine Section.

closure is another means of collective punishment designed to punish communities as a whole. The fact that first grade students are treated in the same manner as twelfth grade students is overwhelming indication of this intent.

B. Curfews and closure:

Another means by which Palestinian children are denied the right to education are the periodic curfews placed on Palestinian areas (see article 13). This has been particularly prevalent in the Old City of Hebron, home to 35 000 Palestinians but controlled by 300 Israeli settlers. Curfews placed on this area do not apply to the Israeli settlers only to the Palestinian residents. A complete or partial curfew on the Old City was in place for 82 consecutive days during the last 3 months of the year 2000.²¹⁹ During periods of curfew, Palestinian residents are confined to their houses for extended periods of time. In cases where Palestinians venture outside their houses, even for an emergency, he or she could be shot dead on the spot "for violating the curfew" and "obstructing the function of the Israeli Defence Force."

In terms of the right to education, at least 27 schools in the Old City were forced to close during the 84-day long curfew in 2000. Included in this figure are three schools, which were taken over by the Israeli military and transformed into military installations: Ossamma bin Munqith, (584 students, 13 teachers), Al Maa'ref Boys (871 students, 30 teachers), and Jawhar Girls (380 students 13 teachers).²²⁰ These schools had their bathrooms, kitchens and other facilities destroyed. A total of 2386 students and around 80 teachers attended these schools.

The November 2001 PCBS report,²²¹ which covered only the first year of the uprising and siege, reported that of those children attending schools, 14 percent said their schools were closed, bombed, became a military base or had been entered by Israeli occupation forces; 36 percent said their time at school had been reduced due to the Israeli measures; 60 percent had been absent for at least one day due to these measures, with an average of 10 absent days; and 2.4 percent had had to change their schools. The teachers also have to face the problem of curfews and closure. **Annex H** presents the testimony of Amneh Mahameed Zeid Al-Kilani, Superintendent in the Ministry of Education in Jenin.

²¹⁹ According to Defence for Children International /Palestine Section.

²²⁰ See **Annex G** for detailed information on Palestinian schools affected by curfew (DCI/PS).

²²¹ PCBS 2001. *Impact of the Israeli Measures: Survey on the Well Being of the Palestinian Children, Women and Palestinian Households*, 2001, Main Findings. Ramallah, Palestine.

Another problem was the secondary school matriculation exam (Tawjihi), especially in 2002. Every district has been affected to a certain extent by Israeli curfews and closures. For example, villages to the west of Ramallah have not been able to hold classes for more than two months due to the complete closure placed on that area. Education officials are concerned how to conduct the nationwide Tawjihi exams when each school has reached a different stage in the curriculum. The exam, taken during the month of June, has been completely disrupted in 2002. All Palestinian cities have been reoccupied and are under curfew: Jenin, Beitunia, Tulkarem, and Bethlehem since 19 June 2002; Nablus since 21 June; Qalqilia since 22 June; Ramallah since 24 June; and Hebron, Tubas, and Arrabeh village since 25 June.²²²

UNICEF estimates that more than 600,000 (61 percent) of 986,000 children in the West Bank and Gaza Strip were unable to attend school on a regular bases.²²³ The percentage in the West Bank where most of the closures took place will be much higher, probably approaching 90 percent.

C. Attacks on schools:

One of the most serious examples of collective punishment implemented by the Israeli government is the ongoing attacks carried out on schools by the Israeli military and settlers. These attacks involve shooting at school buildings, raids of schools carried out by Israeli soldiers and settlers, and most worrying of all – systematic shelling of schools using heavy artillery.

DCI/PS research documented 49 cases of schools hit by Israeli ammunition or raided by Israeli settlers or soldiers in the year 2000. In other words, 2.7% of the 1838 Palestinian schools were affected by this form of collective punishment. A large number of these attacks took place while students were in class. To put this figure in perspective, it is equivalent to over 3100 elementary and secondary schools in the US coming under attack by a foreign army in the last 3 months of the year 2000.

During the year 2001, 98 schools were fired at by Israeli soldiers using live ammunition, rubber-coated steel bullets or tear gas. 71 Palestinian schools came under Israeli attack either through tank shelling or rockets fired from helicopters. In some cases, school students were present during these attacks.²²⁴

²²² MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 19.

²²³ UNICEF Status Report 2002.

²²⁴ According to DCI/PS.

Thirty-seven school students were killed by the Israeli military or settlers during the year 2001. Six of these were killed on their way to school or inside their classroom. On 18 October 2001, 10-year old Riham Nabeel Ward was killed by live ammunition to the chest while attending school in the German Area, Jenin. According to DCI/PS sources in Jenin, Riham and other students of the Shahidayn Al Ibrahmiyyeh Basic Girls School arrived for class in the morning and found Israeli tanks and soldiers positioned near the school following an Israeli incursion into the area the previous night. Israeli soldiers opened fire while the students were attempting to take cover on the floor of one of the classrooms. Riham died in her older sister's arms while five other students and a teacher were also injured.

In 2001, eight schools were closed by Israeli military orders and five schools were taken over by the Israeli army and turned into military bases. Thirty-two schools were placed under curfew, preventing students from attending classes.²²⁵

The United Nations Technical Assessment Mission-October 2002²²⁶

The Israeli Civil Administration handed over the administration of the education facilities in the occupied Palestinian territories to the Palestinian Authority in 1994. The Palestinian Ministry of Education (MOE) inherited a few empty and decimated school buildings, with overcrowded classrooms and minimal in-service training for teachers. Intensive efforts have been made since to improve the quality as well as the coverage by the Palestinian education system, including their physical environment.

These investments are now unravelling. Learning in the present environment has proved extremely difficult. The current situation is affecting close to one million students (government, private and UNRWA) and over 39,000 teachers in some 1,900 schools.

Continued curfews and impeded freedom of movement imposed by the Israeli military undermine the basic right of all Palestinian children to a quality education. The current conflict underscores the difficulty for the Palestinian Authority to develop a viable system of services provision for the development of children. The absence of freedom of movement, among other constraints, leads to significant loss of time for students and teachers, with severe disruptions to the entire educational system.

Adding to the gravity of the situation, physical injury and loss of life to young children has further aggravated psychosocial conditions of youth and children. School buildings have been shelled and roads leading to schools have been demolished. Statistics reflecting the profile of the injury, death and damage to the educational system since September 2000 include:

- 252 students have been killed;

²²⁵ According to DCI/PS.

²²⁶ Information from the United Nations Technical Assessment Mission-October 2002, cited in *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003*, p. 14-15.

- 2,615 students have been injured;
- 197 schools have been damaged (three of which have been converted to military bases);
- 275 schools are in the direct line of confrontation;
- Passing grades in Arabic have declined from 71 percent in 1999-2000 to 38 percent in 2001;
- Passing grades in Mathematics have dropped from 54 percent to 26 percent during the same period.

Factors noted above have undermined the learning environment, have frightened students and have converted schools into potentially hazardous places. The overall atmosphere of violence and conflict undoubtedly affects the ability of students to concentrate both in the classroom and in their studies. During the first month of the current school year, more than 226,000 children and over 9,300 teachers have been unable to reach their regular classrooms and at least 580 schools have been closed due to Israeli military curfews, closures and home confinement. Children living in the districts of Nablus, Jenin Tulkarem and Hebron have been the most affected.

Affected communities have created substitute-schooling systems in order to deal with this situation, that include parent run home based schools, makeshift classrooms in mosques, basements, and alleyways. These alternative arrangements are a clear indication of the extent to which lives of Palestinian children have been disrupted. At present, the quality of home-based education cannot be assessed or assured, outcomes are clearly deteriorating. Data from 2000-2001 taken from UNRWA schools in the West Bank alone presents a grim picture. Overall a very high drop out rate from scores on final exams in the main subject areas as a result of the psychological effects of violence and the disruptions that prevent teachers and students from reaching their classrooms has been noted.

The continued curfews and impeded freedom of movement not only undermine the basic right of all Palestinian children to a quality education. It also undermined, for a relative long time, the handicapped children to reach their special education centres. In the year 2002, about 678 handicapped children were unable to reach the PRCS special education centres. For example, 20 mentally retarded children in Hebron living in H2 area were unable to attend their PRCS education centres in H1 area for 18 months. Similarly, 7 mentally retarded children from Jerich-Aloja and 10 deaf children from Nablus-Beitforeek could not attend for 18 months. In addition the teachers and rehabilitation workers were also unable to reach their education centres in Khan Younis, Ramallah, Jericho and Nablus for different definite periods of time. For example, the average number of absent days for Ramallah staff working in PRCS-Ramallah total communication centre during the first 6 months of 2002 was estimated as 17.7 days/month.²²⁷

²²⁷ *Israeli Army violations to human rights to the highest attainable standards of health, a report compiled by the Palestine Red Crescent Society, September 2000- January 28, 2003, p. 15.*

Annex I presents an interview with the Principal of the Ramallah Secondary School for Males, Mr. Mohammad al-Matur, in which he exposes the difficulties faced by the students of his school recently.

In a report issued on 2nd October 2002 a month into the Palestinian school year, the UNICEF Special Representative in the Occupied Palestinian Territory, Pierre Poupard, expressed serious concern over the number of Palestinian children being prevented from attending school by Israel-imposed restrictions²²⁸. *"Right now the Israeli military is preventing thousands of Palestinian children and teachers from attending school,"* Mr. Poupard said. *"A generation of Palestinian children is being denied their right to an education."*

UNICEF noted that most Palestinian children have either returned to school or are receiving alternative schooling, with more than 226,000 children and over 9,300 teachers are unable to reach their regular classrooms, and at least 580 schools closed due to military curfews and closures. There are almost one million Palestinian children of school age with children living in the districts of Nablus, Jenin, Tulkarem and Hebron being the most affected.

The mobility restrictions in these areas have necessitated the creation of a substitute schooling system. Many Palestinian school children are now being home-schooled by their parents, or being taught in makeshift classrooms such as mosques, basements, and alleyways. *"Alternative schooling initiatives are an indication of the extent to which the regular lives of Palestinian children are being devastated by this conflict,"* said Mr. Poupard. The quality of such substitute education cannot be assured.

The dire economic situation also affects children's education as the poorest parents are no longer able to afford the costs of education for their children. *"This year, with the economy on the verge of collapse, many Palestinian parents are unable to afford to send their children to school,"* Mr. Poupard said. Some 317,000 Palestinian school children are now in desperate need of assistance due to financial hardship.

UNRWA runs its own network of 264 schools and teachers for 250,000 pupils across the West Bank and Gaza. These schools have suffered the same effects of severely restricted access due to closure and curfews. In 2001 an average of 29 working

²²⁸ *Thousands of Palestinian Children Denied Access to Schools*, UNICEF, 2nd October, 2002. Cited in a report of LAW, *Closures an Curfews: Security Measures or Punishing and Imprisoning a Nation?*, February 2003, p. 62.

school days were lost per school because staff or teachers could not get to their classes, and a total of 72,000 teacher work days were lost²²⁹. UNRWA has been offering extra classes after school hours in its schools to try and redress the substantial amounts of time which have been lost.

It has not been possible to sit exams in some schools because of curfews, other schools have been declared as closed military zones as they have been commandeered to be used as detention centres. The effects of having to run the gauntlet of checkpoints and troops and tanks is having a market effect on the children, dropout rates are rising for the first time in a decade and in a society which has never seen pupil assaults on teachers, these are now beginning to appear. Teachers are increasingly reporting signs of psychological trauma²³⁰.

D. Israeli's incursions of March-April 2002:

Violations of Palestinian children's right to education have drastically increased in 2002, particularly since the 29 March onset of daily Israeli military attacks on and invasions into Palestinian communities. According to the Palestinian Ministry of Education's initial assessment of damage to schools during the first 3 weeks of the siege that began on 29 March 2002, 11 schools were completely destroyed, 9 vandalized, 15 schools used as military installations, and 15 schools used as a detention/holding facility. The systematic destruction and abuse of Palestinian educational facilities results not only in material damage and financial loss, but heavily impacts the education of hundreds of thousands of Palestinian children. The Ministry estimates that 54,730 teaching sessions per day were lost in the siege period alone as a result of the Israeli curfew and the ensuing complete cessation of classes in Ramallah, Nablus, Jenin, Tulkarem, Bethlehem, Qalqilya, Salfit, and Qabatia district schools. Moreover, the widespread destruction or confiscation of vital Ministry files, such as documents necessary for certifying students' transcripts, make rebuilding this sector an extremely difficult task.

Human Rights Watch investigations during March-April 2002 found that in the Israeli-controlled H-2 section of Hebron, Palestinian schools serving some 12,000 children were closed for almost five months during almost continuous curfews imposed on Palestinians. Israel announced in January 2001 that schools in the area would be allowed to operate during curfews, but Israeli soldiers continued to prevent

²²⁹ UNRWA Comment for *International Herald Tribune*, Peter Hansen, 9th October, 2002.

²³⁰ UNRWA Comment for *International Herald Tribune*, Peter Hansen, 9th October, 2002.

some teachers and students from reaching these schools, and three major schools serving 1,845 students remained closed because Israel had turned their grounds into military bases. Children living in the H-2 area who transferred to schools in Palestinian-controlled areas were still subject to the curfew, and Israeli soldiers often prevented them from returning home at night if a curfew was re-imposed. Palestinian primary school students in Hebron told Human Rights Watch that they were frequently cursed, stoned, or beaten by armed settlers while on their way to or from school. Israeli soldiers or police rarely intervened, they said, except to beat or arrest Palestinian children who struck back.²³¹

The process of assessing the damage of the Ministry and schools during this Israeli military operation was very complicated, and encountered many obstacles as mobility was impossible under the situation of siege and blockades posed among the cities and inhabited areas. Therefore, the Ministry has formed committees in all districts to prepare a preliminary estimation of the cost and size of damage occurred in the period between 28/3-1/5-2002 through a standardized inspection process.

As result of the assessment, the total cost of the physical damage to the Ministry and schools has been estimated at 2.5 million USD categorized into four domains:²³²

Damage in Buildings: this includes the damage in MoE building; three district offices, and 102 schools, from which 8 schools are need of major repair.

The total cost of the damage is estimated by 1,620,000 USD, resulting from the shelling and bombing of buildings and changing several schools into a military posts, following table shows the distribution of the cost between schools, district offices and schools.

| Item | Cost (USD) |
|-------------------------|------------------|
| Schools | 1,005,000 |
| District Offices | 604.000 |
| MoE Building | 21.000 |
| Grand Total | 1,620,000 |

Damage in labs equipment and appliances: this includes the damage in computer, phone, and electric nets, photocopiers, printers, in MoE building, district offices, and schools in addition to the equipments of the industrial schools (equipment of all workshops of Tulkarem industrial school has been totally damaged).

²³¹ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 19.

²³² MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 21.

The damage has been estimated by 674.00 USD shown in the table below:

| Item | Cost (USD) |
|---------------------|-------------------|
| Schools | 618. 700 |
| MoE Building | 55. 800 |
| Total | 674. 500 |

Damage in furniture and educational tools: This includes vandalism of desks, tables, cupboards, and educational tools. The estimated cost of the damage in this domain is 135.000USD of which 98% is the cost of the damage in school furniture.

Damage of cars and vehicles: This includes 12 cars in the Ministry and district offices. The estimated cost is 47.700 USD of which 40.00 USD is the cost of tow cars completely destroyed.

The following table shows a summary of the damage cost in the three damage domains as explained in each district and the ministry.

Estimated Cost of the Total Damage

In Schools, MOE headquarters, and District offices (in USD)²³³

| Item | No. Of Schools | Buildings | Lab Equipment | Furniture & | Total US\$ |
|----------------------|-----------------------|------------------|----------------------|------------------------|-------------------|
| Nablus schools | 14 | 107280 | 183400 | 42530 | 333210 |
| Tulkarem Schools | 20 | 508606 | 333295 | 33505 | 875406 |
| Qalqilya Schools | 1 | 520 | 0 | 2079 | 2599 |
| Qabatia Schools | 7 | 15745 | 19516 | 10687 | 45948 |
| Salfeet Schools | 3 | 9750 | 0 | 0 | 9750 |
| Bethlehem Schools | 12 | 23318 | 300 | 1247 | 24865 |
| Ramallah Schools | 18 | 145403 | 20100 | 16447 | 181950 |
| South Hebron Schools | 5 | 15580 | 17180 | 10920 | 43680 |
| Jenin Schools | 12 | 68266 | 44868 | 15774 | 128908 |
| Gaza Schools | 10 | 101500 | | | 101500 |
| MoE Building | | 21800 | 53750 | | 75550 |
| District Offices | | 604050 | 1650 | 2100 | 607800 |
| Vehicles | | | | | 47693 |
| Grand Total | 102 | 1621818 | 674059 | 135289 | 2478859 |

²³³ MIFTAH, *A Humanitarian Disaster in the Occupied Territories*, p. 22.

Note: Due to the continuous curfew in Bethlehem 4 schools were not inspected, the Ministry was unable to assess the size of damage there.

The destruction has affected 102 schools, 8 schools are severely damaged and so the Ministry was compelled to transfer students to other schools in a double shift format. Many schools need rehabilitation, in addition to the schools that were turned into military posts.

Annexes

Annex A

Palestinian Refugees, Internally Displaced Palestinians, and Convention Refugees, 1950-2002

| Year | Actual & Estimated 1948 Refugees | | Estimated 1967 Refugees (3) | Estimated 'Other' Refugees (4) | Estimated 1948 Internally Displaced Persons (5) | Estimated 1967 Internally Displaced Persons (6) | Convention Refugees (7) |
|------|----------------------------------|-----------------------------|-----------------------------|--------------------------------|---|---|-------------------------|
| | Registered Refugees (1) | Non-registered Refugees (2) | | | | | |
| 1950 | 914,000 | 257,021 | | | (32,302)* | | |
| 1955 | 905,986 | 305,260 | | | 39,680 | | 1,643,600 |
| 1960 | 1,120,889 | 362,553 | | | 48,742 | | 1,516,000 |
| 1965 | 1,280,823 | 430,599 | | | 59,875 | | 4,368,900 |
| 1970 | 1,425,219 | 511,417 | 250,402 | 63,000 | 73,550 | | 2,480,200 |
| 1975 | 1,632,707 | 607,403 | 297,400 | 168,000 | 90,349 | | 2,991,200 |
| 1980 | 1,844,318 | 721,404 | 352,218 | 273,000 | 110,984 | | 8,894,000 |
| 1985 | 2,093,545 | 856,802 | 419,512 | 378,000 | 136,333 | | 11,817,200 |
| 1990 | 2,668,595 | 1,017,611 | 498,249 | 483,000 | 167,470 | | 17,228,500 |
| 1995 | 3,172,641 | 1,208,603 | 591,763 | 588,000 | 205,720 | | 14,573,600 |
| 2000 | 3,737,494 | 1,435,441 | 702,829 | 693,000 | 252,706 | | 12,062,000 |
| 2002 | 3,973,360 | 1,537,681 | 752,888 | 735,000 | 274,379 | 150,000 | 12,051,000 |

Sources: There is no single authoritative source for the global Palestinian refugee and IDP population. The figures above reflect estimates according to the best available sources. Figures are therefore indicative rather than conclusive.

(1) 1948 registered refugees – UN Relief and Works Agency for Palestine Refugees (UNRWA). UNRWA figures are based on data voluntarily supplied by registered refugees. The figures do not claim to be and should not be taken as statistically valid demographic data. Figures as of 30 June each year.

(2) 1948 non-registered refugees – Derived from *The Palestinian Nakba 1948, The Register of Depopulated Localities in Palestine*. London: The Palestinian Return Centre, 1998, and the average annual growth rate of the Palestinian refugee population (3.5%). The figures do not account for the small number of refugees reunified with family inside Israel.

(3) 1967 first time displaced refugees – Derived from *Report of the Secretary General under General Assembly Resolution 2252 (EX-V) and Security Council Resolution 237 (1967)*, UN Doc. A/6797, 15 September 1967 and the average annual growth rate of the Palestinian population (3.5%). The figures do not include 1948 refugees displaced for a second time in 1967. The figures for 1967 exclude those refugees who returned under a limited repatriation program in August-September 1967. The figures do not account for Palestinians who were abroad at the time of the 1967 war and unable to return, refugees

reunified with family inside the occupied Palestinian territories, or those refugees who returned since 1994 under the Oslo political process.

(4) 'Other' refugees - Derived from George F. Kossaifi, *The Palestinian Refugees and the Right of Return*. Washington, DC: The Center for Policy Analysis on Palestine, 1996, based on an average forced migration rate of 21,000 persons per year. Includes those Palestinian refugees who are neither 1948 or 1967 refugees and are outside the Palestinian territories occupied by Israel since 1967 and unable due to revocation of residency, denial of family reunification, deportation, etc., or unwilling to return there owing to a well-founded fear of persecution. The figures do not account for family reunification or those refugees who returned to the occupied Palestinian territories since 1994 under the Oslo political process.

(5) 1948 internally displaced persons – Derived from initial registration figures from UNRWA in *Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/1905, 30 June 1951 and an estimated average annual growth rate of the Palestinian population inside Israel between 1950 and 2001 (4.2%). According to the Israeli Central Bureau of Statistics, the Palestinian Muslim population inside Israel (which comprises 82 percent of the total Palestinian population inside Israel) increased annually by 4.4 percent between 1948 and 2001. Israel Central Bureau of Statistics, 2002. *Statistical Abstract of Israel*, No. 53. A significant number of internally displaced Palestinians received assistance from UNRWA until the Agency turned over responsibilities for the internally displaced to Israel in 1952. The bracketed population estimate indicates that many of the internally displaced were likely included as UNRWA registered refugees. The figure does not include those Palestinians internally displaced after 1948, conservatively estimated at 75,000 persons. *Internally Displaced Palestinians, International Protection, and Durable Solutions*. BADIL Information & Discussion Brief No. 9 (November 2002).

(6) 1967 internally displaced persons – The estimate includes persons internally displaced during the 1967 war due to expulsion and demolition of homes, and persons displaced after 1967 due to ongoing land confiscation, house demolition, and revocation of residency rights in eastern Jerusalem. *Internally Displaced Palestinians, International Protection, and Durable Solutions*. BADIL Information & Discussion Brief No. 9 (November 2002). According to the Palestinian Central Bureau of Statistics, an estimated 56,000 Palestinians were forced to change residence during the first 7 months of the second Palestinian *intifada* due to the proximity of their homes to Israeli military checkpoints and Israeli colonies (i.e., settlements). Palestinian Central Bureau of Statistics, 2001. *Impact of the Israeli Measures. Survey on the Well-being of the Palestinian Children, Women, and the Palestinian Households*, June 2001. In addition, some 80,000 Palestinians have been rendered homeless. United Nations, *Humanitarian Action Plan of Action 2003. Occupied Palestinian Territory*. Geneva and New York, November 2002. *Also see*, Norwegian Refugee Council, 2002. *Profile of Internal Displacement*,

Palestinian Territories. Compilation of Information Available in the Global IPD Database of the Norwegian Refugee Council (as of 13 November 2002).

(7) Convention Refugees – UNHCR, *The State of the World's Refugees, Fifty Years of Humanitarian Action*. Oxford: UNHCR and Oxford University Press, 2000. UNHCR, *Refugees by numbers 2002*. Geneva: Office of the UN High Commissioner for Refugees.

Annex B

Israel Land Laws (Prepared 20 May 2002)

1. 1943 Land (Acquisition for Public Purposes) Ordinance. *Laws of the State of Israel*, Vol. 34, p. 190.
2. 1945 British Mandate Defense (Emergency Regulations). *The Palestine Gazette* 1442, no. 2 (27 Sept. 1945): 1058.
3. 1948 Abandoned Areas Ordinance, *Laws of the State of Israel*, Vol. 1, Ordinances, 5708 (1948), p. 25-26.
4. 1948 Emergency Regulations Concerning Absentee Property, *Laws of the State of Israel*, Vol. 1, Ordinances, 5708 (1948), p. 8.
5. 1949 Emergency Regulations (Security Zones), *Laws of the State of Israel*, Vol. 3, 5079 (1949), p. 56.
6. 1949 Emergency Regulations (Cultivation of Waste [Uncultivated] Lands), *Laws of the State of Israel*, Vol. 2, 5709 (1948/49), pp. 71-77.
7. 1949 Emergency Law Requisition (Regulations) Law, *Laws of the State of Israel*, Vol. 4, 5710 (1949/50), p. 3.
8. 1950 Absentees' Property Law, *Laws of the State of Israel*, Vol. 4, Ordinances, 5710 (1949/50), pp. 68-82.
9. 1950 Development Authority (Transfer of Property) Law, *Laws of the State of Israel*, Vol. 4, Ordinances, 5710 (1949/50), p. 151.
10. 1951 State Property Law, *Laws of the State of Israel*, Vol. 5, p. 45.
11. Amendment to the Emergency Land Requisition (Regulations) Law of 1949. *Laws of the State of Israel*, Vol. 6, 5712 (1951-1952), p. 103.
12. 1953 Land Acquisition (Validation of Acts and Compensation) Law, *Laws of the State of Israel*, Vol. 7, 5713 (1952/53), pp. 43-45.
13. Absentees' Property (Amendment) Law, 5716 (1956), *Laws of the State of Israel*, Vol. 10, 5716 (1955-56), p. 31.
14. Amendment to the Emergency Land Requisition (Regulations) Law of 1949. *Laws of the State of Israel*, Vol. 9, 5715 (1954-55), p. 109.
15. 1958 Prescription Law (No. 38), *Laws of the State of Israel*, Vol. 12 (1958), pp. 129-33.
16. 1965 Succession Law ??

17. 1965 Absentees' Property (Amendment No. 3) (Release and Use of Endowment Property) Law, *Laws of the State of Israel*, Vol. 19 (1953), p. 55.
18. Israel Land Law 1969. *Laws of the State of Israel*, Vol. 23, p. 283.
19. 1970 Legal and Administrative Matters (Regulation) Law (Consolidated Version), *Laws of the State of Israel*, Vol. 27 (1973), p. 176.
20. 1976 Absentees' Property (Compensation) (Amendment) Law, *Laws of the State of Israel*, Vol. [] (1976), p. [].
21. Land Acquisition (Validation of Acts and Compensation) Law, 7 *Laws of the State of Israel*, 5713 (1952-1953), pp. 43-45.
22. The Negev Land Acquisition (Peace Treaty with Egypt) Law 1980, *Laws of the State of Israel*, Vol. 34, p. 1990.

Annex C:

Ministry of Labor

Permits to work in Israel & Settlements²³⁴

The following tables show the number of permits for Palestinian employees to work in Israel, Settlements and Industrial Zones since the beginning of 1998. Permits given to work in Industrial Zones were added to Settlements permits.

Table1
Total Permits in 1998

| Month | West Bank | | | | Gaza Strip | | | | Grand Total |
|------------------|-----------|------------------|---------------|-------|------------|------------------|---------------|-------|-------------|
| | Israel | Industrial Zones | Non Submitted | Total | Israel | Industrial Zones | Non Submitted | Total | |
| January | 20411 | 25 | 512 | 20948 | 23640 | 3090 | 0 | 26730 | 47678 |
| February | 20965 | 30 | 216 | 21211 | 23422 | 3090 | 0 | 26512 | 47723 |
| March | 20399 | 54 | 398 | 20851 | 23769 | 3090 | 0 | 26859 | 47710 |
| April | 19263 | 73 | 547 | 19883 | 22917 | 3090 | 0 | 26007 | 45890 |
| May | 19755 | 123 | 208 | 20086 | 24259 | 3090 | 0 | 27349 | 47435 |
| June | 19822 | 139 | 704 | 20665 | 24825 | 3090 | 0 | 27915 | 48580 |
| July | 19249 | 114 | 657 | 20020 | 19858 | 3090 | 0 | 22948 | 42968 |
| August | 19417 | 110 | 276 | 19803 | 19249 | 114 | 0 | 19363 | 39166 |
| September | 8955 | 49 | 620 | 9537 | 13837 | 2960 | 0 | 16797 | 26334 |
| October | 15434 | 39 | 564 | 15473 | 22743 | 2960 | 0 | 25703 | 41176 |
| November | 17816 | 50 | 0 | 17866 | 24843 | 2960 | 0 | 27803 | 45669 |
| December | 18628 | 31 | 0 | 18659 | 25382 | 2960 | 0 | 28342 | 47001 |

²³⁴ Available at <http://www.mol.gov.ps/english/statistics/permits.htm>

* during September, there were 87 non-submitted permits in west bank that are calculated with in working in Israel permits, and therefore subtracted from the total permits in West Bank.

** during October, the non-submitted permits were included in the total number of permits in Israel and therefore, they are not added to the total number of permits in West Bank.

Table 2
Total Permits in 1999

| Month | West Bank | | | | Gaza Strip | | | | Grand Total |
|------------------|-----------|------------------|---------------|-------|------------|------------------|---------------|-------|-------------|
| | Israel | Industrial Zones | Non Submitted | Total | Israel | Industrial Zones | Non Submitted | Total | |
| January | 18591 | 24 | 0 | 18615 | 25757 | 2960 | 0 | 28717 | 47332 |
| February | 18890 | 71 | 0 | 18961 | 25699 | 2960 | 0 | 28659 | 47620 |
| March | 18842 | 63 | 0 | 18905 | 25359 | 296 | 0 | 28319 | 47224 |
| April | 18370 | 81 | 0 | 18451 | 24873 | 2965 | 0 | 27838 | 46289 |
| May | 18460 | 77 | 472 | 19009 | 25494 | 2966 | 0 | 28460 | 47469 |
| June | 18641 | 46 | 580 | 19267 | 25359 | 2970 | 0 | 28329 | 47596 |
| July | 18210 | 76 | 435 | 18721 | 25678 | 2970 | 0 | 28648 | 47369 |
| August | 17909 | 13 | 468 | 18390 | 25182 | 3519 | 0 | 28701 | 47091 |
| September | 17182 | 6 | 409 | 17597 | 25086 | 3519 | 0 | 28605 | 46202 |
| October | 16967 | 0 | 1257* | 16967 | 25651 | 3852 | 0 | 29503 | 46470 |
| November | 18083 | 0 | 1074* | 18083 | 26189 | 3852 | 0 | 30041 | 48124 |
| December | 18054 | 0 | 935* | 18054 | 25735 | 3852 | 0 | 29587 | 47641 |

* Means that the number in the cell containing the (*) was included in the total number of permits in Israel, and therefore they did not included in any total.

Table 3
Total Permits in 2000

| Month | West Bank | | | | Gaza Strip | | | | Grand Total |
|------------------|----------------------|------------------|---------------|-------|----------------------|------------------|---------------|-------|-------------|
| | Israel | Industrial Zones | Non Submitted | Total | Israel | Industrial Zones | Non Submitted | Total | |
| January | 18074 | 0 | *625 | 18074 | 24958 | 3852 | 0 | 28810 | 46884 |
| February | 16816 | 0 | *656 | 16816 | 24903 | 3863 | 0 | 28766 | 45582 |
| March | 16868 | 1 | *287 | 16869 | 24302 | 3868 | 0 | 28170 | 45039 |
| April | 16682 | 1 | *398 | 16683 | 23981 | 3871 | 0 | 27852 | 44535 |
| May | 14724 | 1 | *52 | 14725 | 23981 | 3871 | 0 | 27852 | 42577 |
| June | 15287 | 0 | *1259 | 15287 | 23867 | 3871 | 0 | 27738 | 43025 |
| July | 16692 | 0 | *827 | 16692 | 23976 | 3871 | 0 | 27847 | 44539 |
| August | 16967 | 0 | *762 | 16967 | 24104 | 3871 | 0 | 27975 | 44942 |
| September | 17342 | 0 | 0 | 17342 | 24370 | 3871 | 0 | 28241 | 45583 |
| October | Closure (no permits) | | | | Closure (no permits) | | | | 0 |
| November | Closure (no permits) | | | | Closure (no permits) | | | | 0 |
| December | 6107 | 0 | 0 | 6107 | 8076 | 0 | 0 | 8076 | 14183 |

* Means that the number in the cell containing the (*) was included in the total number of permits in Israel, and therefore they did not included in any total.

Note: The second Intifada started during September 2000; that affects the number of permits seriously during the later months.

Table 4
Total Permits in 2001

| Month | West Bank | | | | Gaza Strip | | | | Grand Total |
|------------------|----------------------|------------------|---------------|-------|----------------------|------------------|---------------|-------|-------------|
| | Israel | Industrial Zones | Non Submitted | Total | Israel | Industrial Zones | Non Submitted | Total | |
| January | 4973 | 0 | *20 | 4973 | 9210 | 3852 | 0 | 13062 | 18035 |
| February | 4926 | 0 | *16 | 4926 | 9776 | 1725 | 0 | 11501 | 16427 |
| March | 2510 | 0 | 0 | 2510 | Closure (no permits) | | | 2510 | |
| April | 4766 | 0 | *200 | 4766 | 1913 | 0 | 0 | 1913 | 6679 |
| May | 6356 | 0 | 0 | 6356 | 6598 | 3480 | 0 | 10078 | 16434 |
| June** | 6452 | 0 | 0 | 6452 | Closure (no permits) | | | 6452 | |
| July | Closure (no permits) | | | | Closure (no permits) | | | | |
| August | Closure (no permits) | | | | 0 | 4601 | 0 | 4601 | 4601 |
| September | 836 | 0 | 0 | 836 | 399 | 4601 | 0 | 5000 | 5836 |
| October | 826 | 0 | 0 | 826 | 475 | 4601 | 0 | 5076 | 5902 |
| November | 1545 | 0 | 0 | 1545 | 1263 | 4601 | 0 | 5864 | 7409 |
| December | 636 | 0 | 0 | 636 | 1478 | 4601 | 0 | 6079 | 6715 |

Means that the number in the cell containing the (*) was included in the total number of permits in Israel, and therefore they did not included in any total.

** The actual work days in June 2001 is 0 because of the Israel closure on Palestinian Territories

Table 9
Total Permits in 2002

| Month | West Bank | | | | Gaza Strip | | | | Grand Total |
|------------------|-----------|------------------|---------------|-------|----------------------|------------------|---------------|-------|-------------|
| | Israel | Industrial Zones | Non Submitted | Total | Israel | Industrial Zones | Non Submitted | Total | |
| January | 1574 | 0 | 0 | 1574 | 1817 | 4601 | 0 | 6418 | 7992 |
| February | 636 | 0 | 0 | 636 | 2475 | 4601 | 0 | 7076 | 7712 |
| March | 1050 | 0 | *20 | 1050 | 2239 | 4601 | 0 | 6840 | 7890 |
| April | 1081 | 0 | *20 | 1081 | Closure (no permits) | | | | 1081 |
| May | 599 | 0 | 0 | 599 | 0 | 4702 | 0 | 4702 | 5301 |
| June | 406 | 0 | 0 | 406 | 693 | 3950 | 0 | 4643 | 5049 |
| July | 451 | 0 | 0 | 451 | 3888 | 3950 | 0 | 7838 | 8289 |
| August | 530 | 0 | 0 | 530 | 9592 | 3676 | 0 | 13268 | 13798 |
| September | 1337 | 0 | *300 | 1337 | 11121 | 4655 | 0 | 15776 | 17113 |
| October | 193 | 0 | 0 | 193 | 11982 | 4783 | 0 | 16765 | 16958 |
| November | | | | | | | | | |
| December | | | | | | | | | |

* Means that the number in the cell containing the (*) was included in the total number of permits in Israel, and therefore they did not included in any total.

Annex D:
Palestinian Central Bureau of statistics
Revised Main Findings According to the Relaxed Definition of Unemployment
(July - September 2002) Round²³⁵

**The Distribution of Persons Aged 15 Years and Over in the Palestinian Territory by
Labor Force Components and Region is as follows:**

| Region | Labor Force | | Outside Labor Force | | Total | |
|------------------------------|----------------|-------------|---------------------|-------------|------------------|------------|
| | Number | Percent | Number | Percent | Number | Percent |
| West Bank | 566,000 | 46.1 | 662,000 | 53.9 | 1,228,000 | 100 |
| Gaza Strip | 256,000 | 39.9 | 385,000 | 60.1 | 641,000 | 100 |
| Palestinian Territory | 822,000 | 44.0 | 1,047,000 | 56.0 | 1,869,000 | 100 |

| Region | Employment | | Unemployment | | Total | |
|------------------------------|----------------|-------------|----------------|-------------|----------------|------------|
| | Number | (%) | Number | (%) | Number | (%) |
| West Bank | 339,000 | 59.9 | 227,000 | 40.1 | 566,000 | 100 |
| Gaza Strip | 113,000 | 44.1 | 143,000 | 55.9 | 256,000 | 100 |
| Palestinian Territory | 452,000 | 55.0 | 370,000 | 45.0 | 822,000 | 100 |

**Employed Persons Aged 15 Years and Over in the Palestinian Territory are Distributed
by Place of Work and Region as follows (%):**

| Place of Work | West Bank | | Gaza Strip | | Total | |
|--|---------------|------------|---------------|------------|---------------|------------|
| | Number (1000) | (%) | Number (1000) | (%) | Number (1000) | (%) |
| Palestinian Territory | 288 | 85.0 | 111 | 97.9 | 399 | 88.2 |
| Israel and Settlements (Persons who have Palestinian Identity) | 15 | 4.5 | 2 | 2.1 | 17 | 3.9 |
| Israel and Settlements (Persons who have Israeli Identity or foreign passport) | 36 | 10.5 | - | - | 36 | 7.9 |
| Total | 339 | 100 | 113 | 100 | 452 | 100 |

Note: (-) means there are no enough observations in this section.

²³⁵ Available at http://www.pcbs.org/english/press_r/press26/result26.htm

Work days, hours and wages: The average weekly work hours, average monthly work days and average daily wage per employee aged 15 years and over according to Place of Work are as follows:

| Indicator | West Bank | Gaza Strip | Israel and Settlements |
|-------------------------------|-----------|------------|------------------------|
| Average weekly work hours | 39.5 | 42.3 | 45.6 |
| Average monthly work days* | 22.2 | 24.8 | 22.6 |
| Median daily net wage in NIS | 67.3 | 53.8 | 115.4 |
| Average daily net wage in NIS | 76.5 | 57.8 | 120.0 |

*: Including paid days that have been not worked

Annex E:

Examples on the Israeli policies on shelling homes and infrastructure from October 2000-January 2001.²³⁶

Bethlehem

The main area of clashes in 2000 has been around Rachels Tomb, where the Israeli army have deployed soldiers to give Jews easier access to the holy site. This military post is placed close to the centre of Bethlehem, with the nearest Palestinian refugee camp located 200 meters away.

The areas targeted by Israeli shelling are mostly Aida and al-Azza (Beit Jibrin) refugee camps, Bethlehem city, along with the western villages of Houssan and Nahalin. The southern village of al-Khader has also sustained considerable damage. The villages of Beit Jala and Beit Sahour will be analysed separately. Again, the main type of weapons have been light and medium machine guns, together with 30 mm shells from attack helicopters, tank rounds, grenades and TOW rockets.

Hebron

During the 63 days between October 1 and December 3, 2000, the residents in the Hebron area experienced only 7 days *without* shelling from the Israeli army. People lived in a state of terror at night, while closure, curfew and limited medical relief

²³⁶ Information from the Palestinian Human Rights Monitoring Group, *OVERKILL, Israeli Bombardment and Destruction of Palestinian Civilian Homes and Infrastructure during the Al-Aqsa Intifada*, January 2001, to be found at www.phrmg.org.

make their lives even more difficult. 20 % of the city was under Israeli control (H2 Area), where 50 000 Palestinians live. Families lived in shelters in wet basements of their buildings to avoid casualties.

A committee was formed to review the damages caused by Israeli shelling of civilian houses and infrastructure, consisting of The Hebron Municipality, the Ministry of Housing and Hebron Rehabilitation Committee. Their survey shows that 721 civilian private houses have been hit, together with 57 other public and private buildings (end of 2000). The estimated cost of damage is not as high as in for example Beit Jala. It might be explained by the wide use of 40 mm grenades, which spread a huge amount of small fragments, lethal to human beings but causing less damage to walls and furniture. The grenades are normally launched through windows. Also, the houses in Beit Jala have been built of more expensive material. However, water tanks and the electricity supply have been hit, with many uninhabitable homes as a result. And the scope of the shelling has been broad, spreading fear among large number of residents in the city.

Nablus

The areas in Nablus targeted by Israeli fire are situated close to the checkpoints where Israeli snipers operate and where there have been many clashes in the end of 2000. The areas with damage from Israeli machinegun fire and helicopter missiles and 20 mm bullets were al-Dahia, Askar (new camp), Jabal il-Shamali and Balata refugee camp. Grenades have hit Al Quds Open University. Ten helicopter raids have taken place, where between 50 - 100 20 mm bullets were fired in each raid.

Most of the damages in Balata came from 12,7 mm machinegun fire, together with light machinegun fire. The Palestinian police in Nablus have collected shells and bullets fired by the Israeli army. There are substantial amounts of shell debris including 40 mm High Explosive grenades, 50-80 mm mortar carrier shells, TOW missile debris, nose parts of a Discarding Sabot rounds (105 mm or 120 mm) as well as small and medium arms bullets. Fire appears to have been extremely indiscriminate and disproportionate in Nablus, given the use of 40 mm Machine guns firing grenades over larger areas while demonstrations are taking place.

Gaza

The Israeli army has during this intifada for periods effectively divided the Gaza Strip into three or four sections – preventing movement from one section to another.

North Gaza and Gaza City have been cut off from Rafah and Khan Yunis by roadblocks and Israeli military outposts. The Netzarim area constitutes a constant point of friction between the Israeli army and the Palestinians, and the Israeli army has been using RDX high explosive missiles in their shelling attacks on Palestinian police buildings. Netzarim junction is a key position for the Israeli army, controlling the main entry route to the Jewish settlement of Netzarim. The Israeli military spokesperson's office says that the violence that occurs at the junction "disrupts the daily life in the settlement"²³⁷.

The area around Al-Nadah Towers/Al Shuhada junction has repeatedly been hit, and more than 40 houses damaged both by shelling and bulldozing. Also along the Salah El Din street leading to the Al-Matahen junction, where demolishing took place during October and November last year. Considerable damage has also been made in Dir el Balah refugee camp, close to Kfar Darom settlement and the settlement area of Gush Katif.

On November 20, 2000, the Israeli army launched a massive attack against Gaza as retaliation for the Palestinian bombing of an Israeli school bus carrying children and grown-ups from a nearby settlement. 76 mm high explosive rounds were fired from Reshef patrol boats (ZAR 4), and five Israeli IAF helicopters participated in the attack. Shells from a ship are extremely inaccurate. Used against the densely populated Gaza City, it clearly breaches the law about indiscriminate firing and protection of civilians. Further, since the Israeli army clearly stated "retaliation" as the sole reason for the attack²³⁸, this use of force was not justified by military necessity or according to the law of indiscriminate targeting. It was a clear case of collective punishment because of the killings of two Israeli soldiers in Ramallah. Dozens of missiles were fired with no prior warning at the headquarter of the Preventive Security Service, a Palestinian television relay, the headquarters of Fateh, training installations of PPS, three Force 17 buildings. The targets were located in Rafah, Gaza City, Khan Yunis and Dir el Balah. The attacks knocked out the electricity in much of the Gaza Strip. Several civilian houses took hits in the attacks, and one Palestinian was killed and 120 wounded, strongly suggesting indiscriminate fire.²³⁹

²³⁷ Israeli army spokesperson statement 08.10. 00.

²³⁸ Israeli army spokesperson statement 20.11.00.

²³⁹ Abdallah Mahmoud Al-Farra (21) was killed. He was a member of the PA National Security.

Damages to Public Buildings and Institutions

The Israeli shelling of the centre of Hebron in the end of 2000 as described above was very extensive. Three schools have been damaged²⁴⁰, the Othman Ibn Affan Mosque, Hebron Library, 31 stores, the offices of 2 private associations, 5 clinics, 1 pharmacy, 2 medical labs, 1 Union, 5 offices, 1 bank, 1 restaurant, the Chamber of Commerce and the Force 17 offices, along with 29 private cars. This suggests a widespread practise of indiscriminate fire.

In al-Bireh, the Force 17 office, and several Fateh offices have been destroyed. Further, there is considerable damage to PA ministries and local government buildings from the shelling attack on November 8, 2000. The al Bireh Islamic primary school was also hit that day.

Palestine Technical College and five schools in Tulkarem were shelled during the week before November 14, 2000.²⁴¹ The top floor was significantly damaged and the holes were approximately 1-2 meters in diameter in the walls,²⁴² suggesting 120 mm tank fire or missiles. The Force 17 office in Betunia, Ramallah police station, Palestine Central Bureau of Statistics, Ramallah Radio station was hit on October 12, 2000. Ariay Arabie Medical Center and Ramallah Hospital have also been targeted. In Jenin, Palestinian police posts have been hit.

In the Gaza Strip, Force 17 offices, police stations, Fateh offices, training premises for security officers, a college and mosques have been hit. The Force 17 offices in Khan Yunis were attacked three times with helicopters, the buildings were totally destroyed. Fragments of shells hit the nearby UNRWA elementary school, damaging the windows of the building on the side facing the Force 17 offices. There were no warnings before the attacks, where four people were injured.

In Nablus, Ma'azouz al Masri Girls Basic School, Bassam al Shak'a Basic School, Qadri Tuqan Secondary School and Beit Wazan Mixed School and alQuds Open University have been hit by Israeli fire. All together, 21 schools and educational

²⁴⁰ Banat Khadij Abdin School, Wedad Naser al-Din School and Abu Dih School.

²⁴¹ Khadouri Technical College (estimated damages \$ 1. 635. 000), Tulkarem Boys High School, Ajnadin Boys Basic School, Ihsan Samara High School, Al-Fadeliya High School, Taha Hussein Boys Basic School (estimated costs of damage for the five schools are \$ 90. 135).

²⁴² The Union of Palestinian Medical Relief Committees update, November 14, 2000 (www.upmrc.org).

institutions have been hit, with estimated damage of close to \$ 2 million. The damage caused to electricity networks and water installations has also been substantial, including a destroyed power plant in Qalqilia.

Civilian houses hit by Israeli shelling, September 29 – December 31, 2000²⁴³

| Location | Number of private houses hit²⁴⁴ | Number of civilians affected by shelling | Number of civilians dead / wounded | Estimated number of homeless people²⁴⁵ | Estimated cost of damage |
|--|---|---|---|--|---------------------------------|
| Hebron | 778 | 119230 | 3 dead, 28 wounded | 300 | NIS 361, 631 |
| Bethlehem ²⁴⁶ | 485 | 123680 | 1 dead, 14 wounded | No report | NIS 1, 276, 009 |
| Beit Jala | 438 | 12325 | 3 dead, 300 wounded | 1799 | NIS 1, 835, 728 |
| Beit Sahour | 261 | 1281 | 2 dead, 24 wounded | 910 | NIS 639, 194 |
| Rafah | 204 | 49615 | 3 dead, 30 wounded | 245 | No report |
| Gaza | 389 | 367388 | 1 dead, 123 wounded | 161 | No report |
| Khan Yunis | 92 | 88820 | 100 wounded | 490 | NIS 2, 732, 035 |
| Jericho | 69 | 32713 | 51 wounded | 200 | No report |
| Ramallah and al-Bireh | 78 | 46648 | 7 dead, 48 wounded | 70 | NIS 960, 000 |
| Nablus, Tulkarem Jenin and other areas | 178 | 161027 | 5 dead, 11 wounded | 7 | No report |
| Public buildings and institutions | 93 | | | | No report |

²⁴³ Information from the Palestinian Human Rights Monitoring Group.

²⁴⁴ Many of these houses have been hit in several attacks, but counted only once.

²⁴⁵ Including people who have been forced to evacuate and people who do not sleep in their house at night but return during the day, both categories for longer or shorter periods of time. Estimated from average size of households in Gaza and West Bank: 7.

²⁴⁶ Including Aida refugee camp, Al-Azza refugee camp, the village of Al-Khader, and the western villages of Hussan, Nahalin, Wad-Foki, Beit Fajjar and Battir.

| | | | | | |
|--------------|---------------------------|--|---|-------------|--|
| Total | 3065²⁴⁷ | <i>1. 002, 727(46, 9 % younger than 14 years)</i> | 25 dead, 729 wounded²⁴⁸ | 4182 | NIS 6, 032. 562²⁴⁹ |
|--------------|---------------------------|--|---|-------------|--|

Annex F

The Case of Wafa Mohammad As' ad Naseef²⁵⁰

(this case was written by Mohammad Al-A'raj from Tulkarem City and given to
WCLAC upon their request)

My wife was sitting in the veranda of the house with my two children. She was teaching Mohammad, our son (12 years old) religion. I came to the house and went directly to the bathroom, when I washed my self she prepared a cup of coffee for me. We sat at the veranda looking at the Israeli tanks that were passing from our house, that day, (13/Nov/2001) almost 25 Israeli tanks entered into Tulkarem City. Shareefah, our daughter (15 yrs.) was also sitting with her mother. I stand up and went to the bedroom. As soon entered the bedroom, I heard some bullets and the kids, shouting: Mum has been injured! I run into the veranda, and saw her on the floor. This all was about six p.m.

I know that my wife is always very afraid, and when she hears shooting or any voice related to the Israeli soldiers, she throws herself to the floor. I though this time again, she was afraid and threw herself down the floor, or maybe she fainted. I tried to wake her up, I called her name, shacked her, but in vain. I called the ambulance in Tulkarem Hospital, and calmed down the kids, I told them: don't be afraid, mum is OK. I saw on the right side of her chest a small hole. We were waiting for the ambulance to come. I could not wait any more; I carried her on my arms and went down the street. All neighbors went out and one of them brought his car to take my wife to the hospital at the same time that the ambulance arrived. It took the

²⁴⁷ MIFTAH reports that 3 669 buildings have been hit in shelling attacks, where 226 were totally destroyed in Gaza and 333 in the West Bank (MIFTAH report: *Losses and Damages in Palestine 29.09.00-29.12.00*, www.miftah.org).

²⁴⁸ HDIP operate with a higher number of killed by shelling attacks, stating that 9, 6 % (34 persons) of the total number of killed Palestinians (354) have died as a result from missiles or tank fire (www.hdip.org)

²⁴⁹ This number does only include some areas, excluding others where severe damage has been inflicted, due to inaccurate reports and missing reporting from PA ministries and municipalities.

²⁵⁰ Wafa Mohammad Asa'ad Naseef. Date of Birth: 1/1/1961. mother of Lua'i (17 years old) Shareefeh (15 years old), Mohammad (12 years old), Alaa' (11 years old). Place of Residence: Tulkarem, Dahhyat Irtah. Husband's Name: Azam Sudqui Kamel Amyieh.

ambulance 30 minutes to come. They explained that the Israeli army stopped them and did not allowed them to drive despite that they told the soldiers that they are going to bring an injured woman. The soldiers ordered them to go back. They had to change they way, and used a longer road which is between the trees, to get to our house.

We went in the ambulance to the hospital. I never thought she could be dead. When the doctor examined her, he said she is dead. I could not believe, I could not control myself, I began shouting and crying. I did not see blood coming out from the wound, but a little bit, also some little blood from her mouth as well.

Her son, said: we did not know what to do; after my dad took my mum to the hospital I took my sister and brother to the house of my grand father and waited there. I knew she passed away from the news on the TV. I still don't believe it. My smaller brother and sister wake up in the night shouting, they still have nightmares.

Annex G:

Palestinian Schools Affected by Israeli Policy of Curfew in 2000 (DCI/PS)

| | | | |
|----------------------------|--|---------|------------------------------|
| Hebron (Old City) | Ossamma Primary School for girls | | 584 students, 22 teachers |
| | Al Maa'ref Boys | | 871 students, 30 teachers |
| | Jawhar Girls | | 380 students 13 teachers |
| | Al Ukhwa | | 551 students 24 teachers |
| | Tareq Boys School | 84 days | 725 students 31 teachers |
| | Al Jaza'er Boys | | 301 students 12 teachers |
| | Beer Sabaa' Boys (1-6 grades) | | 276 students 11 teachers |
| | Beer Sabaa' Boys (7-8 grades) | | 227 students 13 teachers |
| | Al Yacoub'iya | | 310 students 13 teachers |
| | Al Ibrahim School | | 539 students 19 teachers |
| Al Khaleel (1-5 grades) | 487 students 22 teachers | | |

| | | | |
|--|------------------------------|--|-----------------------------|
| | Al Khaleel (6-9 grades) | | 310 students 14 teachers |
| | Al Nasir | | 306 students 11 teachers |
| | Al Mantbee | | 267 students 10 teachers |
| | Sidr (4-10 grades) | | 495 students 20 teachers |
| | Sidr (1-3 grades) | | 255 students 8 teachers |
| | Qortaba School | | 196 students 13 teachers |
| | Abdul Khalq (4-10 grades) | | 371 students 17 teachers |
| | Abdul Khalq (1-3 grades) | | 174 students 8 teachers |
| | Shajra Al Dar | | 220 students 10 teachers |
| | Al Fiyha' | | 335 students 14 teachers |
| | Al Hajreeya | | 650 students 25 teachers |
| | Al Zahra (5-10 grades) | | 640 students 24 teachers |
| | Al Zahra (1-5 grades) | | 582 students 17 teachers |
| | Thu Al Nowreen | | 186 students 7 teachers |
| | Al Khadeeja Bint Khowled | | 577 students 21 teachers |
| | Al Yaqtha | | 442 students 19 teachers |

Annex H

Testimony by Amneh Mahameed Zeid Al-Kilani, Superintendent in the Ministry of Education , Jenin²⁵¹

It was 6:30 a.m. on 26 March 2002 when we were stopped at the wicked checkpoint. To our left there stood the two permanent tanks, and to our right there was a camp and a watchtower.

A familiar scene always witnessed at those checkpoints is bringing out men out of the cars and conducting a physical checkup on them, in addition to

²⁵¹ Teacher Creativity Center, *Under Curfew*, 2002 (book of personal accounts written by female and male Palestinian teachers).

checking their identification cards. And that's exactly what happened; all men members in my family were grabbed out of the car, and the soldiers conducted the normal procedures on them, then they were allowed to go back to the car.

I was sitting in the front seat of the car and my children were in the back. I snapped a look at the soldier after hearing him shout in Hebrew at my youngest son who is seventeen years old. The soldier threatened that he would let him out of the car again because my son was laughing. The truth was that my son was talking with his brother sitting beside him, and he continued to talk because he couldn't understand what the soldier was saying.

The soldier was upset now, he pulled him out of the car one more time and asked him to walk. We tried continuously to explain to the soldier that my son does not understand Hebrew, that my son was acting in a normal way by just conversing with his brother. What on earth is happening to us... it is unbelievable to prevent people from acting out their natural emotions and thoughts.

What is presented here regarding the daily distress is not the highlight event of our daily routine, in fact this distress is only a small part of a sea full of daily distress among one of thousands of families who face much worse and painful encounters.

Annex I

Interview with the Principal of the Ramallah Secondary School for Males, Mr. Mohammad al-Matur²⁵²

The school consists of two grades, eleventh and twelfth (art stream) and divided into eleven sections. There are 370 students in the school; most of them are from Ramallah city, students also come from other areas, such as Rafat, Qalandia Camp, Surda, Ein Qinya, and the Jalazon Camp.

²⁵² Done by Maisun Sammur, from the Women's Center for Legal Aid and Counseling, translated by Rana Musa.

Many families from Nablus and Jenin were forced to move to Ramallah to register their kids in Ramallah schools as a result of the continued closures and curfews on those two cities.

The economical status of those students range from; 5% good, 30% very difficult, and the rest are considered to have moderate status.

With regards to the invasion:

On 29 March 2002, the Israeli Army Forces invaded all the cities that fall under the complete control of the Palestinian National Authority (Areas A), whereby hundreds of tanks and army carriers guarded by army helicopters re-occupied Ramallah and Al-Bireh cities.

The school was invaded for the first time from 1 April 2002 until 23 April 2002. The army destroyed everything in the school through the following:

1. Sweeping away the school fence and the main entrance for the school.
2. Sweeping away the courtyard.
3. Sweeping away the gardens.
4. Bombing the administration's office and the classes' doors, which resulted in breaking all the classes' windows.
5. Damaging all official documents, financial books, and students' records.
6. Damaging the furniture (tables, chairs, blackboards).
7. Stealing more than 500 books from the school's library especially the ones related to History.
8. Damaging the copy machine and all computers.

At the same time, the Israeli forces used the school premise as a detention camp for Palestinians, they were detained in four to five rooms. Palestinians were kept in this detention for two days or more until they were transferred to another detention camp. In addition, those detainees were used as human shields to protect the Israeli army.

The second invasion was in June 2002 for ten days as an army barracks, and once again destroyed many things.

The third invasion was in July 2002 for 3 days only, whereby they left a chaos in the school and threw out formal books and paper in the hallways.

The fourth time was in September 2002, but this time, the army called the school's principal at 11:30 p.m. so he can open the school. When the principal arrived, he found 30 army jeeps parked outside. He was asked to open the main door for the school because the army claimed that there were wanted individuals hiding inside the school premise. However, after long search, no one was found, but the army confiscated all pictures, video tapes, and posters that documented the Israeli army's violations during the previous invasions.

Challenging the army was the immediate reaction of the students because they felt that not only the school was the army's objective but rather the educational trek as a whole. The principal, teachers, and the students went and re-organized, cleaned, and repaired everything that was destroyed by the Israeli army especially the damage that resulted from the first invasion. Cleaning and organizing lasted for almost a week, and many things were found left behind the Israeli army, such as, keys, and personal belongings for the Palestinian detainees. Tawjihi (high school) students went by their daily classes as regular.

Despite this challenge that students showed, many of them suffered from psychological problems, some students' grades dropped, and the teachers' academic performance fell back. An educational counselor worked with students for one month, some on individual basis for students that suffered from their homes being bombed or had martyrs in their families or the ones that were detained for a while, other sessions were conducted on a group basis for each class. This process helped students in overcoming their pain and suffering.

Finally, four students from this school were killed by the Israeli army:

1. Ninth grader was killed on 10 October 2000.
2. Tenth grader was killed on 21 October 2000.
3. Eleventh grader was killed on 1 April 2002.
4. Twelfth grader was killed on 26 December 2002.