

## 5.12 Israel and the Occupied Palestinian Territories

### Introduction

The UK remains concerned about the human rights situation in Israel and the Occupied Palestinian Territories, which has not improved over the course of the last year. We are particularly worried by Israel's failure to improve Palestinian movement and access; the continued construction of settlements and the barrier in the West Bank; and whether Israel's use of force is necessary and proportionate.

On the Palestinian side, we are concerned about the ongoing militant attacks against Israelis, particularly rocket fire; increasing levels of intra-Palestinian violence, which has resulted in numerous civilian casualties; and the high number of kidnappings of Palestinians and foreign nationals in late 2006 and early 2007.

### Current concerns: Israel

#### Use of force

According to the UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA), 678 Palestinians died in conflict-related incidents in 2006 compared with 216 in 2005. A further 373 Palestinians died in conflict-related incidents in 2007.

The UK is concerned about the lack of convictions of Israeli Defence Forces soldiers resulting from investigations into Palestinian deaths. We are particularly concerned at Israel's failure to charge and convict any member of the Israeli Defence Forces for the killing of James Miller, a British citizen, who was shot in the Gaza Strip in May 2003. We have continually engaged the Israeli authorities on this issue, pressing them to investigate Mr Miller's killing fully and bring to justice those responsible.

While we have always recognised Israel's right to protect its citizens, it is essential that Israel conducts itself in accordance with its obligations in international law.

We have concerns over whether Israel's use of lethal force has always been justifiable. We have been particularly concerned that, in the course of Israeli Defence Forces operations, too little effort has been made to avoid civilian casualties. When appropriate, we have made our concerns clear to the government of Israel, including after the death of 22 Palestinian civilians in Beit Hanoun in the Gaza Strip in November 2006.

#### Freedom of movement

The implementation of the 2005 Agreement on Movement and Access stalled following the election of Hamas in January 2006. We continue to call on both parties to implement the agreement. We have repeatedly raised our concerns about movement and access with the government of Israel.

The ability of Palestinians to move within the West Bank has deteriorated due to continued or increased use of checkpoints, curfews, roadblocks, a permit system and the barrier. Permit and checkpoint restrictions have isolated residents of the West Bank from East Jerusalem and from each other. UNOCHA reports that 563 obstacles were present in the West Bank during early September 2007, an increase of 187 (49.7 per cent) over the baseline figure of August 2005. Bus and truck convoys between the Gaza Strip and the West Bank, agreed in the Agreement on Movement and Access, have yet to be implemented. There has been a disturbing increase in the number of delays to and denials of ambulance access at checkpoints. In 2006, there was a monthly average of 10 delays or denials of ambulance access. Between January and September 2007, there was a monthly average of 28 delays of ambulances reported at West Bank checkpoints.

A Palestinian's ability to move in and out of East Jerusalem depends on the type of identity card they possess. Palestinians possess either a West Bank or a Jerusalem identity card. Those with a West Bank identity card require a permit to enter Jerusalem; these are increasingly difficult to obtain. We are concerned about access for Palestinians in the West Bank to key services in Jerusalem.

#### Humanitarian situation in Gaza

The Hamas takeover of Gaza in June 2007 resulted in a breakdown in Israeli-Palestinian co-ordination mechanisms at the crossing points into Gaza. The continued closure of Gaza's crossings to all but

humanitarian supplies has had a devastating impact on the Gazan economy, which has caused the humanitarian situation to deteriorate further. On 14 August 2007, the Palestinian Trade Centre released a report stating that 85 per cent of manufacturing businesses had been temporarily closed, with over 35,000 workers laid off. An additional 35,000 workers had been laid off from other sectors, including construction, trade and service sectors. The current closures will also impact on the 2008 agricultural season in the Gaza Strip due to the shortage and increasing prices of items including animal feed and fertilisers, and current export restrictions.

The Rafah crossing point between Gaza and Egypt has remained closed since 10 June, leaving thousands of Palestinians stranded in Egypt. UNOCHA reports that Israel allowed 6,374 Palestinians to re-enter via the alternative crossing at Nitzana/Erez between 29 July and 12 August. The EU Border Assistance Mission is ready to resume its border-monitoring role at Rafah as soon as the situation allows.

Karni, the main cargo terminal for supplies entering and exiting Gaza, has been closed since 12 June. A single section of the terminal reopened in September 2007 to allow the import of grain and animal feed.

The Erez crossing has been closed since 12 June. Only a limited number of senior Palestinian traders and Palestinian staff from international organisations are permitted to use it. A number of compassionate and medical cases have also been granted permits to enter Israel.

We are extremely concerned by the humanitarian situation in Gaza and remain committed to supporting the Palestinian people. In particular, we are concerned that essential supplies should reach Gaza. We are funding the UN Relief and Works Agency, the International Committee of the Red Cross (ICRC), the Palestinian Authority and the EU's Temporary International Mechanism.

### Access to water and services

Since June 2007, the closures that have affected the Gaza Strip have exacerbated the problems of access to clean water and effective sewerage systems. Agencies operating within the Gaza Strip are unable to import materials needed to complete both drinking and wastewater projects. In addition,

collecting and pumping stations, as well as treatment plants, may soon cease functioning given the lack of parts. There is a particular risk of an environmental disaster happening at the Beit Lahia treatment plant, where a flood of effluent killed at least five residents of Um Al Nasser village in the northern Gaza Strip in March 2007. Israel has continually denied access for parts and personnel to repair and upgrade facilities as part of a World Bank-led project.

We were concerned by the decision of the Israeli cabinet to reduce fuel supplies to Gaza in October 2007. This decision has severely worsened the humanitarian situation as fuel supplies are required to power sewerage systems and water access. By the end of 2007, fuel supplies had been reduced by 40 per cent. The UK believes that Israel should not respond to actions by violent extremists by causing suffering to innocent Palestinians.

### Palestinian detainees/administrative detention

Administrative detention is detention without charge or trial for a period of up to six months, on the order of Israeli Defence Forces military commanders in the West Bank. Administrative detainees are held in both Israeli Defence Forces and Israel Prison Service facilities. According to the Israeli human rights NGO B'Tselem, there were 8,616 Palestinians being held in Israeli custody in August 2007, of whom 8,537 were being held in Israel Prison Service facilities and 79 in Israeli Defence Forces facilities; 5,486 prisoners were serving a custodial sentence; 2,027 were awaiting trial; and 818 were administrative detainees. The rest were those who had been arrested but not yet charged with an offence.

We continue to monitor the situation with regard to all Palestinian prisoners. Most Palestinian prisoners have been tried by Israeli courts and have the right of appeal. However, we have concerns about Palestinian prisoners who are being held in administrative detention. All Palestinian prisoners should have access to a fair trial, and we call upon Israel to ensure that any actions are in accordance with international law. We will continue to raise our concerns with the Israeli authorities.

We continue to call for the 40 elected members of the Palestinian government detained by Israel to be either released or subject to the due legal process. On 30 May 2007, the Quartet (UN, EU, US and



Palestinians leave their damaged homes after sewer water flooded in the Bedouin village of Um Al Nasser following the collapse of a sewerage system in the northern Gaza Strip.

Russia) also called for the release of the politicians. On 23 July, the EU called for the immediate release of all Palestinian ministers and legislators detained in Israel.

We are in close contact with the ICRC, which monitors conditions in Israeli prisons. Where appropriate, we raise our concerns with the Israeli authorities. The Israel Prison Service has stressed its commitment to honouring its international obligations with regard to the humane and dignified treatment of prisoners.

### Settlements

Since the signing of the Oslo Accords in 1993, the settler population has more than doubled, with profound implications for Palestinian daily life. Each settlement requires a range of security measures to protect its inhabitants, which hinders Palestinian movement and access within the West Bank, impacting heavily on the Palestinian economy, and threatens Palestinian territorial contiguity. This makes the prospect of establishing a viable and secure Palestinian state less likely.

The road map is clear that Israel should freeze all settlement activity, including the natural growth of existing settlements, and dismantle all outposts built since former Prime Minister Ariel Sharon's election in March 2001. Settlement-building is contrary to international law and is an obstacle to peace. This has been our consistent position and we will continue to raise this with the Israeli government.

Violence and harassment of Palestinians is carried out by settlers from the more extremist settlements

in the West Bank. We remain concerned by the claims of Israeli human rights NGOs that Israel does not do enough to prevent settler violence or to prosecute the perpetrators of violence against Palestinians, and we will continue to follow this issue and raise it with the Israeli government.

### Barrier

The UK's concerns over the barrier being built by Israel were extensively reported in the 2006 report (p.79). Since that report, construction has continued. According to UNOCHA, 56.6 per cent (408 km) of the barrier had been completed by December 2007.

Israel has the right to self-defence and the UK has no objection to the construction of a barrier, provided it is built on Israeli territory. However, building the barrier along the chosen route, and its associated regime, is contrary to international law. This has been our consistent position and we will continue to raise this with the Israeli government.

### House demolitions

Due to Israeli restrictions on the granting of housing permits to Palestinians in Jerusalem and Area C of the West Bank (under Israeli control), Palestinians often build houses without obtaining permits. Properties that have been constructed without the necessary permits are targeted by the Israeli authorities for demolition. In 2007, a total of 250 residential properties were demolished in the West Bank according to B'Tselem. In East Jerusalem, 68 houses were demolished, leaving 239 people homeless.

Such actions harm innocent civilians, fuel anger among Palestinians and consequently risk undermining prospects for peace in the longer term. The British Embassy in Tel Aviv and the British Consulate in Jerusalem have raised our concerns with the Israeli authorities, in particular with the municipality of Jerusalem, and have encouraged them to ensure that adequate planning is in place for Palestinian residential areas.

### Minorities

Twenty per cent of Israelis are Arab Israelis, who are full citizens, with full civil and political rights. However, according to the Association for Civil Rights there are "glaring socio-economic differences between the Jewish and Arab population groups

[in Israel], particularly with regard to land, urban planning, housing infrastructure, economic development and education". The situation of the more than 200,000 Israeli Bedouin, the majority of whom live in the Negev desert in the south of Israel, is of particular concern. Since the mid-1960s, Israeli policy has been to restrict the Bedouin to seven government-planned townships in the Negev. Homes in unrecognised Bedouin settlements are not connected to water or electricity grids, nor do they have telephone lines or sewerage systems. Despite some indication from the Israeli government that they intended to resolve some of these problems, there has been no discernible progress on this issue over the last year.

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## Current concerns: The Palestinian Authority

### Terrorism, including rocket attacks

The UK condemns all acts of violence against Israel's population and we call upon the Palestinian Authority to work effectively to end all kinds of terrorist violence. We condemn the indiscriminate rocket attacks from the Gaza Strip into Israel. We are concerned that there are still incidents of attempted and successful Palestinian suicide bomb attacks against Israeli citizens.

According to UNOCHA, Palestinian militants fired a total of 871 Qassam rockets and 1,511 mortars at Israel during 2007. In comparison, a total of 1,194 and 1,786 Qassam rockets were fired by militants from the Gaza Strip in 2005 and 2006 respectively.

According to B'Tselem, seven Israeli civilians were killed by Palestinian militants in 2007, including three killed by a suicide bombing in the Israeli city of Eilat on 29 January 2007.

The Quartet issued a statement on 23 September 2007 noting its grave concern over the continued rocket fire from Gaza into Israel and recent efforts by Hamas to stifle freedom of speech and the press.

### Intra-Palestinian violence

According to UNOCHA, in 2007 more Palestinians were killed as a result of intra-Palestinian violence than were killed in clashes with Israeli security forces. Until 2005, most internal deaths arose from the killing of suspected collaborators, inter-factional violence, or a family feud.

We condemn the intra-Palestinian violence that resulted in 516 Palestinian deaths (486 deaths occurred in Gaza and 30 in the West Bank) between September 2006 and August 2007. The fiercest clashes occurred in June 2007, during the Hamas takeover of Gaza, resulting in 193 deaths (188 in Gaza and 5 in the West Bank). The Palestinian Authority Security Forces are the only legitimate security forces in the Occupied Palestinian Territories.

### Palestinian extra-judicial punishment

Extra-judicial punishments continue to be meted out to Palestinians suspected of collaboration with Israel. The Palestinian Centre for Human Rights reported that two suspected collaborators were injured in Nablus on 29 May 2007, after being taken to the main square and shot in the legs. The Al Aqsa Martyrs' Brigades, who claimed responsibility for the shootings, said that the two men had "confessed" during interrogation to working for the Israeli security forces.

### Women in the Occupied Palestinian Territories

In 2007, there was a sharp increase in the number of "honour crimes" committed in the Gaza Strip, with 14 cases reported. In comparison, four such crimes were reported in the whole of 2006.

### Kidnappings in the Occupied Palestinian Territories

The Gaza-based Palestinian NGO Al Mezan Centre reported that during the period from August 2006 to September 2007, four foreign nationals were kidnapped (and later released) from within the Gaza Strip. Alan Johnston, a UK national, was kidnapped in Gaza City on 12 March 2007 and was released on 4 July, after 114 days in captivity. During the same period, 380 Palestinians were kidnapped.

A member of the Israeli Defence Forces, Corporal Shalit, was seized from Israel by Palestinian militants in June 2006. He remains captive. We continue to call for Corporal Shalit's immediate and unconditional release. We are in close contact with the Egyptians, who are leading international efforts to secure his release.



BBC correspondent Alan Johnston after being released in Gaza on 4 July 2007. Mr Johnston was kidnapped by an armed Palestinian group on 12 March 2007.



## UK action

The UK has repeatedly pressed the Israeli authorities at all levels to respect the human rights of the Palestinians. We recognise Israel's right to protect itself against terrorist attacks, but we call for the Israeli government to do so in full compliance with its obligations in international law. We raise individual cases where they arise, and engage with Israeli ministers, officials and the military to address matters of policy. Over the course of the past year, we have raised a wide range of concerns with the Israeli authorities, including on the construction of settlements and the barrier, the conduct of Israel's armed forces, Palestinian movement and access, and the humanitarian situation in the Gaza Strip.

The UK also supports a number of Israeli and Palestinian NGOs, which are working on human rights issues. In addition, the British Embassy in Tel Aviv supports several projects aimed at promoting the rights of Arab Israelis, focusing in particular on the Bedouin in the Negev and the participation of Arab women in the Israeli job market.

We call upon both parties to implement the 15 November 2005 Agreement on Movement and Access. We also call on the government of

Israel to permanently reopen the Karni crossing for commercial imports and exports.

## UK and European Union assistance to the Occupied Palestinian Territories

The UK has made £31.6 million available in support to the Occupied Palestinian Territories for 2007/08. We gave £12 million through the Temporary International Mechanism in 2006/07 and a further £3 million in May 2007. The mechanism remains an effective and reliable way of funding basic services and allowances for Palestinian Authority workers and Palestinians in need of support.

The UK has committed £100 million over five years to the general fund of the UN Relief and Works Agency for Palestinian refugees across the Middle East. We provided our annual allocation of £15.6 million in April 2007. The agency is delivering essential healthcare, education, social support and basic infrastructure.

During 2007, the Department for International Development (DfID) provided £5.2 million for basic needs through the Temporary International Mechanism, bringing its total contribution since June 2006 to £15 million. In April, DfID gave £15.6 million in core funding to the UN Relief and Works Agency (UNRWA). With this assistance

UNRWA provides essential services such as healthcare, housing and education to 4.4 million Palestinian refugees across the Middle East. This was supplemented with humanitarian support of £1 million to the ICRC. In July, DfID announced £3 million to help the Palestinian Authority pay off its private sector debts. DfID also provided technical assistance to the Palestinian Authority and to President Mahmoud Abbas. This included support to the Palestine Liberation Organisation's Negotiations Affairs Department and assistance to the Ministry of Planning in producing the Palestinian Reform and Development Plan.

We continue to be very concerned by the humanitarian situation in Gaza. In June, DfID announced £1 million for the ICRC to meet immediate humanitarian needs. Together with the World Bank, we have also launched the Palestinian Fund for New Market Development to address the lack of capacity in the private sector.

The EU gave over €680 million to the Palestinians in 2006, more than in any previous year. During 2007, the EU has stepped up its assistance even further, and is scheduled to deliver over €830 million. The EU Co-ordinating Office for Palestinian Police Support, the UK-led EU support to Palestinian civil police, became a fully accredited mission. It is accomplishing its objective of improving Palestinian security through training programmes, penal capacity-building and the supply of urgent operational equipment such as radios. The Rafah crossing to Gaza has been closed since 10 June 2007 due to Hamas's takeover of the Gaza Strip. However, the EU's border mission is ready to become operational if circumstances change.