

# Under Occupation

## A report on the West Bank

Britain Palestine  
All Party Parliamentary Group

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## **About the delegations**

The Britain Palestine All Party Parliamentary Group (BPAPPG) is conducting a series of fact-finding and introductory visits to the Occupied Palestinian Territories. Delegations visited the West Bank between 25<sup>th</sup>-29<sup>th</sup> November 2010 and 20<sup>th</sup>-24<sup>th</sup> January 2011. These trips followed a previous Group delegation to Gaza in October 2010. The Council for Arab-British Understanding (Caabu) organises these visits in its role as secretariat to the group.

### **November delegation**

The delegates on the November visit were Richard Burden MP, Ian Lavery MP, Grahame Morris MP, Sandra Osborne MP and Chris Doyle, (Caabu Director).

The programme included field trips to the Jordan Valley, the Nablus and Salfit regions of the West Bank and Jerusalem, as well as briefings with the United Nations Relief and Works Agency (UNRWA) and the UN Office for the Coordination of Humanitarian Affairs (OCHA). The delegation visited the Israeli Military Court at Ofer and held political meetings with Palestinian politicians, the Israeli Ministry of Foreign Affairs and British diplomats and DFID officials. Meetings with representatives of Israeli, Palestinian and international NGOs operating in the West Bank were also held.



*L-R: Ian Lavery MP, Grahame Morris MP, Richard Burden MP, Sandra Osborne MP*



*L-R: Margaret Curran MP, Ben Bradshaw MP, Richard Graham MP, Baroness Kishwer Falkner*

### **January delegation**

The January delegation included Rt Hon Ben Bradshaw MP, Richard Graham MP, Margaret Curran MP, Baroness Kishwer Falkner and Graham Bambrough (Caabu Parliamentary Officer).

The delegates visited Bethlehem, al-Walajah, Hebron and the surrounding governorate. As well as briefings with UNRWA and OCHA the delegation also visited the Israeli Military Court at Ofer and held political meetings with Palestinian politicians and a variety of NGOs. They met with the British Consul General to Jerusalem, Sir Vincent Fean, and HM Ambassador to Israel, Matthew Gould.

**For information on Gaza**, visit <http://www.caabu.org/what-we-do/advocacy/reports> to read a copy of the Britain-Palestine APPG's autumn 2010 report *The World's Largest Prison Camp*



## **About the Britain Palestine All Party Parliamentary Group**



The Britain-Palestine All Party Parliamentary Group seeks to foster good relations and understanding between Britain and Palestine and to promote a just and durable peace in the Middle East. The Group is made up of parliamentarians from across all political parties in both Houses of Parliament and chaired by the Labour MP, Richard Burden. The Group organises regular meetings in Parliament with Ministers, diplomats, specialist speakers and NGOs to discuss relevant issues. The Group also arranges for delegations of parliamentarians to visit the region.

## **About Caabu**



Founded in 1967 Caabu is the oldest and largest NGO of its kind in Europe. Caabu has over 90 British Parliamentary members and provides Secretariat services for the Britain Palestine All Party Group, as well as the Jordan and Qatar APPGs. Caabu has organised around forty delegations to the Middle East since 1997 and works to advance Arab-British relations by supporting international law, human rights and democracy. For more information please visit [www.caabu.org](http://www.caabu.org).

## **Executive summary**

**Approximately 700 Palestinian children are prosecuted every year in Israeli military courts. Since 2000, more than 7,000 children have been detained and at the end of January 2011, 222 Palestinian children were being held in Israeli jails.** Children are often arrested in early morning raids, during which time they are hooded, shackled and regularly subjected to abuse. Interrogations are not recorded and generally take place without the presence of a lawyer or a parent. Both delegations witnessed military trials conducted in Hebrew involving allegations of forced confessions and/or witness statements, allegedly extracted under torture. Israel's actions in relation to the treatment of minors represent serious breaches of the Fourth Geneva Convention, the UN Convention against Torture and the UN Convention on the Rights of the Child.

**The number of settlers inside the West Bank has now surpassed 500,000, spread out across 149 settlements and 100 so-called unauthorised outposts. Four of these settlements are now cities and all are explicitly illegal under international law.** In September 2010, despite the resumption of talks between the Israeli and Palestinian leaderships, settlement construction resumed following the end of a moratorium. Construction of the separation wall also continues. The creation of 'enclaves' has led towns, villages and in some cases single houses to be completely cut off from their wider surroundings. In al-Walajah for example, a village west of Bethlehem, the wall snakes and twists its way 360 degrees around the entire village. Once construction is complete the village will be completely encircled.

**Since the occupation of East Jerusalem began Israel has pursued a policy of reducing the Arab identity of the city. This has involved the forced displacement of part of the Palestinian population and the illegal construction of settlements in and around the city for Jewish Israelis.** The present pattern of eviction and demolitions, accompanied by plans to establish settlements in the heart of Arab neighbourhoods, weakens the Palestinian integrity of the city.

**Settler violence against Palestinians is on the increase. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2010 there was an average of 35 incidents of settler violence per month.** During the olive harvest at the end of 2010, some 5,900 olive trees were damaged or destroyed, apparently by settlers. In the week that the January delegation was in the West Bank, OCHA documented six separate incidents involving settlers. The aftermath of one incident was witnessed by the delegation.

**Area C, under total Israeli control, still accounts for 60% of the West Bank and is home to 150,000 Palestinians. Israeli restrictions upon Palestinian activity in these areas are severe.** Whilst Jewish construction in the Occupied Territories is encouraged in order to increase Israeli control over the area, Palestinians are similarly prevented from any meaningful construction in 60% of the West Bank.

**The mandates of the Palestinian parliament and presidency have expired. Municipal elections are also long overdue.** In areas of the West Bank controlled by the Palestinian Authority, human rights and freedom of the press have not been respected. Both delegations received a number of reports of activists from Hamas being detained by PA security forces.

## **Political context**

The West Bank has remained under direct Israeli military occupation since 1967. During this time settlements have expanded year upon year, irrespective of which party has been in power. The number of settlers inside the West Bank now numbers over 500,000, spread out across 149 settlements and 100 so-called unauthorised outposts. Four of these settlements are now cities – Ma’ale Adumim, Ariel, Beitar Illit, and Modi’in Illit. All of these are explicitly illegal under international law. In September 2010, despite the resumption of talks between the Israeli and Palestinian leaderships, settlement construction resumed following the end of a moratorium and Israel’s refusal to extend the freeze.

Settlements enjoy the protection of the Israeli military and over 500 obstacles to movement within the West Bank. These do not include the eight check points situated on the green line with Israel, and together with an average of 100 ‘flying’ check points, seriously dislocate Palestinian communities. In addition, in 2002 Israel began constructing a separation barrier (part concrete wall part electrified fence), arguing it was required to protect its citizens from attacks by Palestinian suicide bombers. However, 85% of the route lies within the West Bank, on occupied Palestinian land. The barrier in one area seen by the November delegation extends over 20 kilometres into the West Bank to incorporate the Ariel settlement bloc. The barrier has had a major impact on the Palestinian population through the confiscation of the lands, restriction of movement and denial of access to vital services.

Direct negotiations between Israel and the Palestinian Authority (PA) collapsed in Autumn 2010. The United States had engaged in a process of attempting to persuade the Israeli government under the leadership of Binyamin Netanyahu to implement a further 90-day partial moratorium on settlement building, as a necessary step for resuming direct negotiations between both parties. The Israeli government insisted that any American offer, reportedly including arms sales to Israel, additional aid, and security guarantees, would have to be made in writing. At the end of the moratorium, there were announcements of the construction of 978 apartments in the settlement of Har Homa and 320 more units in the settlement of Ramot. The Palestinian President, Mahmoud Abbas, has promised not to return to the negotiating table until the moratorium has been reinstated. Sa’ib Erakat, who resigned as Chief Palestinian Negotiator in February, described this as an obligation for Israel, not a Palestinian precondition.

On 23<sup>rd</sup> January al-Jazeera and The Guardian leaked 1,600 documents detailing negotiations between the Palestinians, Israelis and American officials, over the past decade. The documents show that Palestinian negotiators agreed to Israel's annexation of all but one of its illegally constructed settlements in East Jerusalem, offered major concession over the Haram-al-Sharif / Temple Mount and accepted that the right of return for refugees could not be realised. These revelations show that since the end of the second intifada the Palestinian leadership has offered significant concessions to the Israeli government - over Jerusalem, the holy sites and refugees - and yet have found Israel unwilling to make any gesture in response.

## **The military court system and the treatment of child detainees**

Approximately 700 Palestinian children are prosecuted every year in military courts after being arrested, detained and interrogated by Israeli forces. Since 2000, more than 7,000 children have been held.<sup>1</sup> At the end of January 2011, 222 Palestinian children were in detention in Israeli jails, including 34 children between the ages of 12 and 15.<sup>2</sup>

Children are taken to military detention centres, outside of the Occupied Territories, in contravention of international law. The family of the child is rarely informed of the location of their child, and may only find this out once they appear in court or via contact with the International Committee of the Red Cross. Once in detention children are held for up to 8 days without access to a lawyer or their family. Some are held in solitary confinement.

Interviews take the form of military style interrogations, and despite UN demands to end the practice, without video recording. Lawyers and family members are not present and it is common that the first time a detainee will see their lawyer is inside the military court. The forms of abuse frequently reported during detention include sleep deprivation, beatings, slapping and kicking, denial of food and water, prolonged periods in uncomfortable positions, exposure to extreme heat or cold, denial of access to toilets and washing facilities. NGOs such as the Public Committee Against Torture in Israel, Adalah and DCI-Palestine report that abuse is widespread. Out of a sample of 100 sworn affidavits collected by lawyers from these children in 2009, 69 percent of the children reported being beaten and kicked, 49 percent reported being threatened, 14 percent were held in solitary confinement, 12 percent were threatened with sexual assault, including rape, and 32 percent were forced to sign confessions written in Hebrew, a language few understand.<sup>3</sup> Between 2001 and 2010, over 645 complaints were filed

### **The dual legal system in the OPT**

*Whilst Palestinians are subject to military law, Israeli minors in the illegal settlements live under Israel's civil code. Palestinian children are classified as adults from 16, while for Israeli children the age is 18. Palestinian children in the West Bank are tried in a military court, Israelis in a civilian one. An Israeli child has to see a judge within 24 hours of arrest; a Palestinian within 8 days. An Israeli minor can be held on remand for 15 days, a Palestinian three months. In Israel there are severe limitations as to when a child can be handcuffed, but there are no such protections for Palestinians. What's more a Palestinian child's sentence is decided on the basis of their age at the time of sentencing, and not at the time when the alleged offence was committed.*

<sup>1</sup> See DCI-Palestine, *Palestinian child prisoners: The systematic and institutionalized ill-treatment and torture of Palestinian children by Israeli authorities*, June 2009, p. 8 (available at: <http://www.dci-pal.org/english/publ/research/CPReport.pdf>)

<sup>2</sup> [http://www.dci-pal.org/english/doc/press/Detention\\_Bulletin\\_JAN\\_2011.pdf](http://www.dci-pal.org/english/doc/press/Detention_Bulletin_JAN_2011.pdf)

<sup>3</sup> [http://r20.rs6.net/tn.jsp?llr=wag5o6bab&et=1104032285491&s=0&e=001NRQBYEJ3zC9I7Z9rpxCQ2FXpWOy03P73XuS64sRbT2AOZ\\_IdTYi24cAq8YslUwXYH18Z4\\_72ql2qFayN-xgD44tLIN4m8i2bxCdxb1IIm\\_8iThY0w6tcvRpS6svIXg6ve43i3rmhweY06Uh0Rfgudg==](http://r20.rs6.net/tn.jsp?llr=wag5o6bab&et=1104032285491&s=0&e=001NRQBYEJ3zC9I7Z9rpxCQ2FXpWOy03P73XuS64sRbT2AOZ_IdTYi24cAq8YslUwXYH18Z4_72ql2qFayN-xgD44tLIN4m8i2bxCdxb1IIm_8iThY0w6tcvRpS6svIXg6ve43i3rmhweY06Uh0Rfgudg==)

against Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture. To date, there has not been a single criminal investigation.<sup>4</sup>

While stone-throwing is the most common charge levied against Palestinian children, they are regularly arrested indiscriminately and remanded in detention with little or no evidence, with the military court often relying on soldiers' testimonies and children's confessions, commonly extracted by coercion, to convict them. Confessions serve as the primary evidence against the children when they are prosecuted before the court. With no fair trial guarantees, and the prospects of harsh sentences,<sup>5</sup> 81% of children plead guilty, regardless of whether or not they actually committed the offence.<sup>6</sup> The system is designed to encourage this. On average, children are swiftly sentenced to between two and six months imprisonment for throwing stones, if they plead guilty. If they plead innocent however, they are generally held on remand for extended periods before their trial will be heard, at which point they are likely to still be convicted and sentenced to and even harsher sentence. The granting of bail and trials that end in an acquittal are very rare. Both delegations visited the military court at Ofer with Defence for Children International, a Geneva-based NGO that monitors the treatment of minors in Israeli and Palestinian jails, as well as providing legal representation in the military courts. The delegates witnessed a number of trials taking place.

The January delegation witnessed part of the trial of "Mahmoud K.", a 15-year-old Palestinian from Bethlehem. As is typical, he was led into the court room with his legs shackled and his hands tied. Only the restraints around his wrists were removed for the duration of the hearing. Despite the court room being filled with security guards and situated within a military detention centre, his legs remained shackled throughout. The trial was conducted in Hebrew, a language not spoken by Mahmoud, with a translation

**Sandra Osborne MP describes a visit to the military courts**

*"There was a jangle of chains outside the door of the courtroom. All the visitors froze. Army officers led child detainees into the military courtroom, their legs shackled, their hands cuffed, kitted out in brown jumpsuits. Did the soldiers feel threatened by 13 and 14 year old boys? For the children we saw that morning, the only thing that mattered was to see their families, perhaps for the first time in months. They showed no faith in the proceedings neither caring what the judge was saying nor expecting to be released. One child shouted out to his parents the name of the prison inside Israel where he was being held.*

*"These children largely get picked by Israeli soldiers from their homes in the middle of the night and are bundled into military vehicles, blindfolded and cuffed. Their families are not told where they are taken. In the vehicles they are usually harassed by armed soldiers. Their interrogations are not videotaped; no lawyer or family member is present. There are consistent reports of abuse, intimidation and actual torture. A whole generation is criminalised through this process. They never lose these criminal records and as a result suffer even more restrictions than other Palestinians in the Occupied Territories."*

<sup>4</sup> B'Tselem and Hamoked, Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency, October 2010 – available at: [http://www.btselem.org/Download/201010\\_Kept\\_in\\_the\\_Dark\\_Eng.pdf](http://www.btselem.org/Download/201010_Kept_in_the_Dark_Eng.pdf)

<sup>5</sup> Under Israeli military orders, the charge of stone throwing carries a maximum sentence of 20 years.

<sup>6</sup> According to Yesh Din, in 2006, full acquittals were obtained in just 23 of the 9,123 – or 0.29 percent – cases in the military courts. Of those who were charged in 2007, approximately 90 percent were convicted. Of these convictions, approximately 98 percent are the result of plea bargains.

provided by an Israeli soldier. Whilst on the occasion of the delegation's visit the translation appeared largely accurate, it is a common complaint that much of what is said in Hebrew is not comprehensively relayed to the defendant in Arabic.

Mahmoud was accused of throwing a Molotov cocktail and had entered a plea of not guilty. He had been arrested in September and had been held on remand for four months, awaiting trial. Two Palestinian boys, also under arrest, had signed confessions saying they saw him commit the offence. However, upon appearing in the court, also shackled, both witnesses retracted their confessions. Witness A claimed that he was physically abused in custody by two Israeli soldiers and signed a statement in Hebrew without having it translated. Witness B also retracted his statement, saying he was threatened with physical abuse unless he testified against the defendant. At no point did the presiding judge, an Israeli military officer, ask any questions about the alleged abuse both witnesses had complained about. After a hearing lasting for no longer than one hour, the case was adjourned.<sup>7</sup>

Israel's actions in relation to the treatment of minors – cuffing, shackling, physical abuse, denial of access to legal representation, the widespread use of custodial sentences and detention inside Israel - represent serious breaches of the Fourth Geneva Convention, the UN Convention against Torture and the UN Convention on the Rights of the Child.



*Child in leg shackles: Photo by Annie Tritt*

Whilst current statistics on the number of children in PA jails is unavailable, in 2009 it was estimated that 316 juveniles were held in detention in the Dar Al-Amal prison for boys (Ramallah), and the Dar Riaiat Al-Fatayat prison for girls (Bethlehem).<sup>8</sup> The Britain-Palestine APPG will examine the issue of child detention in PA jails in the coming months.

## **Impact of the barrier**

In 2002 Israel began erecting a physical barrier along the border of, and crucially within, the occupied West Bank. The motivation for the wall is the protection and safeguarding of Israel's citizens against attacks from Palestinian groups. Israel has, and continues to argue, that the wall is a strictly temporary measure aimed at addressing the state's

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<sup>7</sup> Mohammad reappeared in court in mid-February and four charges against him were dropped. The prosecution indicated that if he pleaded guilty to the remaining charges of throwing a Molotov cocktail and assisting others, the likely sentence range would fall from around 26 months to 10 to 16 months, depending on the outcome of a pre-sentencing report. Mohammad pleaded guilty to four remaining charges. A pre-sentence report is now being prepared and the matter will be back before the military court on 21 March 2011.

<sup>8</sup> Statistics provided by DCI-Palestine

legitimate security concerns and is, at its heart, a response to Palestinian aggression. The barrier ranges from being an electronic fence, sandwiched by barbed wire and trenches on both sides, to a complete concrete wall, 8 metres high in some places.

Israel has slowed its pace of construction in recent years yet its route remains largely unaltered. When finished 85% of the barrier will stand within the West Bank.

Construction of the wall has been classed as illegal under international law by the International Court of Justice (ICJ). A 2004 ruling by the ICJ stated that the wall violated the right to Palestinian self-determination, aided the expansion of settlements (illegal under article 49 of the Fourth Geneva Convention) and severely undermined Palestinians' right to freedom of movement, right to work and right to an adequate standard of health and education.<sup>9</sup> The Court's ruling, supported by a resolution from the UN General Assembly, calls for Israel to cease construction of the barrier, dismantle what sections of it that have already been erected and to pay reparations to those whose homes and livelihoods have been affected by the wall. Israel has so far refused to comply.



*The wall, Bethlehem*

An examination of the barrier's route, in both its planned and completed stages, suggests that its two primary objectives are the inclusion of as many settlements as possible within the 'Israeli' side of boundary and the earmarking of as much land as possible for the future expansion of these settlements. When the remaining 42% of the barrier is completed nearly 10% of the West Bank will become de facto Israeli territory, either forming part of one of the 60 settlements included within the 'Israeli' side of the wall or being incorporated into the 'seam zone', a prohibited and militarised zone made up of the land located in between the 1967 Green Line and the separation barrier.

Israel appears to be using the wall under the pretext of national security to create and consolidate its settlements in the West Bank. Through protecting and expanding these illegal outposts, Israel may intend to strengthen its argument for the eventual annexation of parts of the West Bank.

As a result, the rights and needs of the Palestinian inhabitants of the West Bank have been repeatedly violated. The lives of residents who own land located near to or surrounding either the 'seam zone' or settlement enclaves face particular disruption with access to schools, medical facilities, markets and surrounding villages extremely limited.

<sup>9</sup> <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a>

The agricultural sector has been particularly impacted with thousands of farmers cut off from their livelihoods. Israel's series of 'agricultural gates', aimed to allow farmers to work their land under Israeli observation, are infrequently opened and available only to those fortunate enough to secure a 'farming permit' from the civil authorities.

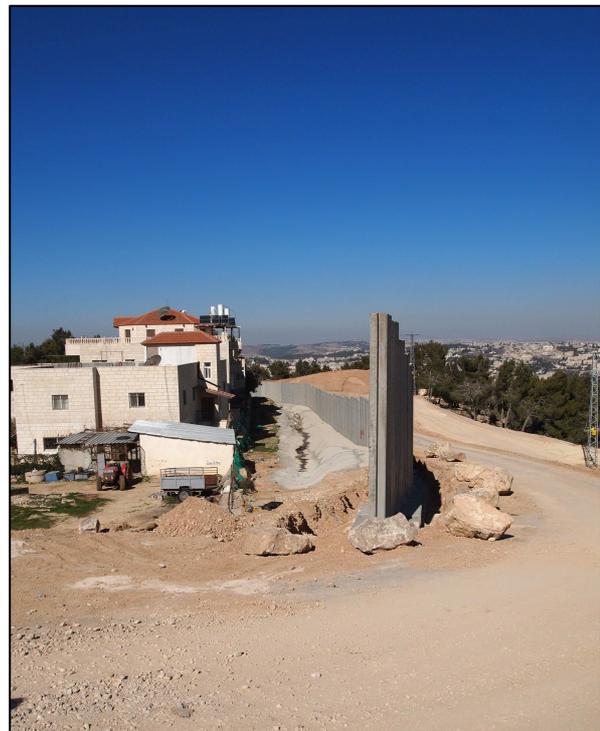
In addition to the terrible damage wrought on the West Bank's economy the social fabric of the territory has also suffered dramatically as a result of the barrier's construction. The creation of 'enclaves', areas of land left isolated by the wall's route, has led to towns, villages, communities, families and, in some cases, single houses being completely cut off from their wider surroundings (see below section).

East Jerusalem has suffered in particular as a result of the wall's construction. Built along the city's municipal border, the barrier has effectively cut off Palestinian access to the city and in the process separated families and communities, damaged the city's economy and considerably restricted its residents' access to health and education facilities. Construction of the wall is just one of the factors that helped East Jerusalem become the most poverty stricken area in "Israel" in 2008, with two thirds of families living below the poverty line.

## **The wall and al-Walajeh**

The January delegation visited the village of al-Walajeh, near Bethlehem, to examine the impact of the barrier. Following the creation of the state of Israel and the drawing of the Green Line border at the end of the 1948 war, 18,000 dunums or 70% of al-Walajeh's land ended up in Israel.

After the annexation of East Jerusalem and the extension of the city's municipal boundaries by the Israeli authorities in 1967 (see *Jerusalem* section for more information), the village was once again divided. The north of al-Walajeh was illegally incorporated into "Israel" and the southern part remained in the West Bank. However, unlike most Palestinians who found themselves living in annexed Jerusalem, Oxfam estimates that around 600 residents of the northern part of the village have not been granted Jerusalem identity cards and still find themselves living in a form of legal limbo, not officially



*The wall, under construction, in al-Walajeh*

permitted to live in their own homes or tend to their lands. Villagers are subsequently open to arbitrary arrest for not having the correct papers, whilst Palestinians with West Bank identification papers are not permitted to enter the north of al-Walajeh. As a

result of this unclear legal status, the UN estimates that 48 houses been demolished and a further 28 have demolition orders pending.

Now the construction of the wall is having a severe impact upon al-Walajeh. Whilst the village's northern and western boundaries run towards the Green Line with Israel-proper, to the east and south the settlements of Gilo and Har Gilo have lead the barrier to snake and twist its way almost 360 degrees around the village. Once construction is complete al-Walajeh will be completely encircled and entry and exit for 2,300 inhabitants will be controlled through just one operational checkpoint.

Delays at the Gilo checkpoint – the entry point to Jerusalem from the southern West Bank – are already deeply time consuming and frustrating for the tens of thousands of Palestinians who work in the city but live on the eastern side of the barrier. What should be less than a 30 minute drive from al-Walajeh can take up to three hours during peak times. In addition, checkpoints are not always guaranteed to operate. Many of the smaller ones are open for only a few hours per day, whilst all checkpoints are closed on Jewish holidays and at times of heightened security alerts. In 2010 the West Bank saw 42 days of closures, whilst in 2009 checkpoints were shut for 61 days.<sup>10</sup> During this time, Palestinians cannot move to and from, or around, the West Bank. Many workers are therefore forced to sleep away from their families at their place of work and return to the village only on a weekend. Once the barrier has encircled the town and villagers are forced to navigate an additional check point just to leave al-Walajeh it is feared much of the area's male, working population, will simply leave permanently.

Whilst on a wider scale al-Walajeh is an example of how the barrier can strangle an entire town, the delegation also witnessed evidence of the direct impact it can have upon individual families. UNRWA took the delegation to the home of a villager on the eastern edges of the town, who's property stands in the wall's path. The Israeli military plan build the barrier behind his property, severing it from the village, whilst surrounding his home on the other side with an electrified fence. A gate will then be built into the wall, for him to have access back into the town. The home owner has three young children who be forced to grow up living literally in the shadow of the wall and will an electric fence encircling their garden. Aside from the psychological effect this may have, the construction of the wall will also cut them off from their school. At present it is a 2km walk from their home to their school, but once the wall has been built, severing their route, their daily round trip will be extended to 12km.

On 22 April 2010, the Israeli military imposed a curfew on al-Walajeh in order to uproot olive trees and level land for the construction of the wall. In the following days of protest 30 Palestinian and international activists were injured and 20 detained.<sup>11</sup>

The legal limbo and physical access problems inhibit service providers. The 'Jerusalem' side of the village do not receive any services supplied by the Palestinian Authority (PA), whilst it remains neglected by Israeli authorities. There is no sewage network and solid waste has to be dumped in a site 60km a way.

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<sup>10</sup> Statistics on closures supplied by UNRWA

<sup>11</sup> Statistics on arrests provided by Oxfam GB

Oxfam GB is working with the community of al-Walajeh under an EC funded Community Development Project, empowering members to advocate for improved services. The delegation met with members of the local community, who pressed on them the extreme impact the wall is having upon the area.

They also spoke of the consistent abuses of human rights by PA security forces and referred to the arrest of a member of the local committee, who had apparently been detained for belonging to Hamas. He had allegedly been held for over three months, without charge. Criticism of the PA human rights record was consistent, with one activist referring to the Palestinian controlled areas of the West Bank, as a "police state".

## **Settlements in Jerusalem**

Since the occupation of East Jerusalem began in June 1967, Israel has pursued a policy of reducing the Arab identity of the city. This has involved the forced displacement of part of the Palestinian population and the illegal construction of settlements in around and the city, for Jewish Israelis. Today, 200,000 settlers live in Jerusalem and the surrounding area in contravention of international law. Israel claims Jerusalem as its capital (rejected by the international community and the UK government), whilst the Palestinians insist the illegal annexation of the city must be reversed, in order for Jerusalem to form the capital of any future Palestinian state.

Following annexation Israel added 64km<sup>2</sup> to the municipality of the city. Palestinians in this area were effectively separated from the West Bank and brought under domestic Israeli law. They were given residence permits for Jerusalem, but not Israeli passports. Residency status is at best a temporary measure however, which can be revoked at the will of the Israeli state. For example, if a Palestinian resident of Jerusalem is absent from the city for seven years they lose their right to live there. The most up to date publically available figures show that in 2008 the residency of 4,577 Palestinians in East Jerusalem was revoked, an all time high.<sup>12</sup>

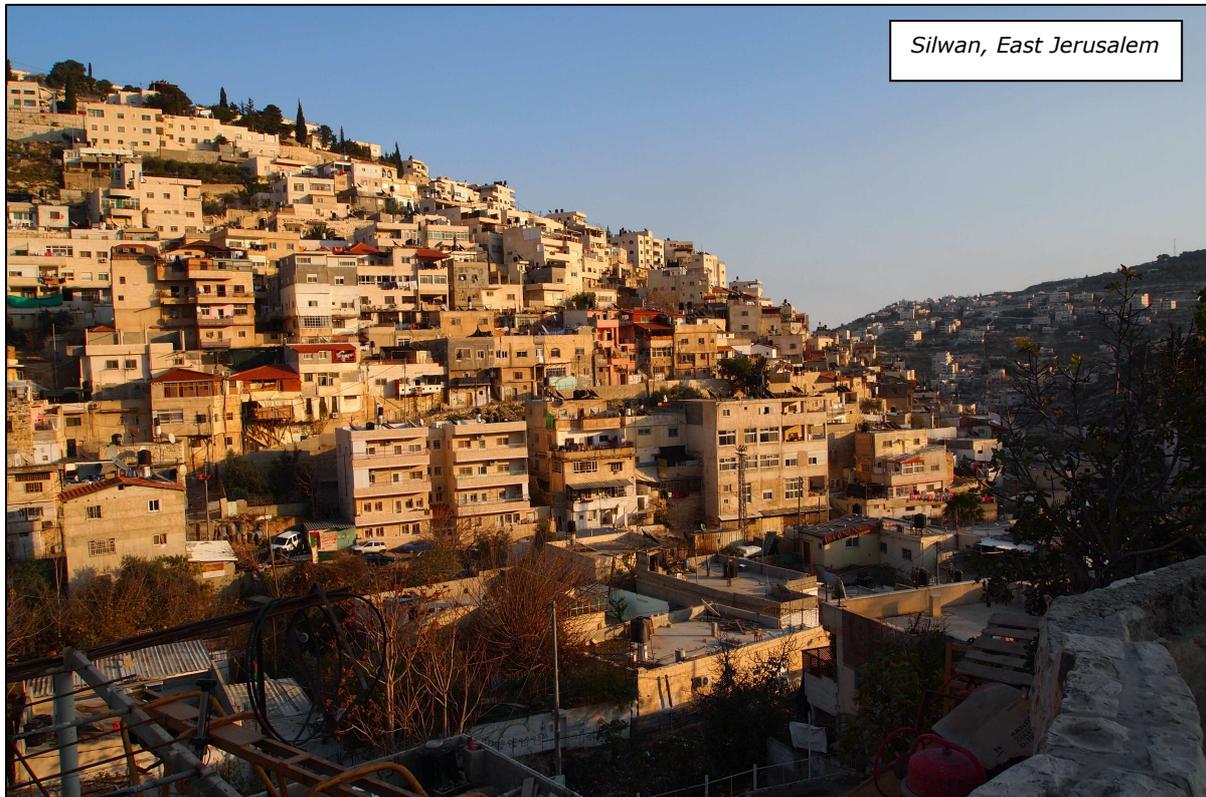
The situation in Jerusalem has been increasingly tense over recent years. Both delegations were taken around key sites in the occupied eastern part of the city by Israeli NGO, Ir Amim, witnessing the overcrowding and the lack of space for construction. Palestinians have very limited area for further building and according to the UN and human rights groups have been compelled to build homes and other buildings without the necessary permits. These homes are threatened with demolition. On average according to the United Nations 100 Palestinian homes a year are being demolished in East Jerusalem, with 1,500 demolition orders pending affecting 60,000 people.

In addition, Jewish Israelis are moving into the city in increased numbers, either living in confiscated properties or constructing new homes on the site of demolished Palestinian buildings. The November delegation viewed various Israeli settlements built in Palestinian areas. These included Nof Zion in the middle of the Palestinian

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<sup>12</sup> <http://www.haaretz.com/print-edition/news/israel-stripped-thousands-of-jerusalem-arabs-of-residency-in-2008-1.3006>

neighbourhood of Jabal Mukabber, constructed in 2005. Stage two of the settlement began in November 2009, and will see the scope of Nof Zion increase significantly. In nearby Sheikh Jarrah, the neighbourhood that is home to most of the diplomatic missions in the city, including Britain's Consulate General in Jerusalem<sup>13</sup> <sup>14</sup>, Israel drew international condemnation after a settler organisation demolished part of the historic Shepherd Hotel, situated next door to the British diplomatic compound.



Both delegations also visited Silwan, home to 45,000 Palestinians, and where settlers protected by private security firms, have begun moving at an increased rate. Also in Silwan the Jerusalem Local Planning Committee has recently approved the development by Israeli settler organization El'Ad, of a historical "theme park" in the Al Bustan area of the neighbourhood. According to the plans at least 88 Palestinian buildings in the western section of Al Bustan will be demolished to make way for the park, displacing 500 Palestinians in the process. This has been condemned by the UN Secretary-General Ban Ki Moon, who labelled Israel's plans as "contrary to international law, and to the wishes of Palestinian residents". So far El'Ad is believed to have moved 500 Jews into 15 sites in Silwan.<sup>15</sup> Such moves are provocative to Palestinian residents, leading to clashes and confrontations, generally between stone-throwing youths and Israeli security services. Despite the actions of El'Ad, it enjoys the popular support of the Israeli state.

The present pattern of eviction and demolitions, accompanied by plans to establish settlements in the heart of Arab neighbourhoods, weakens the Palestinian integrity of

<sup>13</sup> <http://www.ir-amim.org.il/eng/Uploads/dbsAttachedFiles/sheikhjarrahrevieweng.pdf>

<sup>14</sup> <http://unispal.un.org/UNISPAL.NSF/0/62542A1C86A18E5A852576150064C414>

<sup>15</sup> <http://www.haaretz.com/print-edition/features/full-haaretz-expose-how-the-state-helped-right-wing-groups-settle-east-jerusalem-1.323312>

the city, while forging a contiguous link between Israeli settlements in East Jerusalem and the remainder of the West Bank.

Silwan is also reflective of the widespread discrimination that Palestinians suffer in East Jerusalem. There is also a clear lack of investment in the infrastructure in Palestinian areas of the city, where roads are in worse condition, rubbish is not collected, street lights are intermittent and many areas do not have proper piped sewage. Only 13% of the area of the city is zoned for Palestinian construction, despite Arabs constituting almost 50 per cent Jerusalem's population.

## **E1 settlement plan**

The November delegation visited an area on the outskirts of Jerusalem's municipal boundary, earmarked for a major and significant settlement expansion. As early as 1995, during the time of the Oslo Accords, Israeli Prime Minister Yitzhak Rabin oversaw plans to extend the settlement of Ma'ale Adumim across an additional 60 square kilometres to link it with East Jerusalem. Known as E1, the accomplishment of the plan would encircle the city with Israeli settlements, cutting Jerusalem off from the wider West Bank and dividing it from the core of any future Palestinian state. In 2005 Israel began work on the infrastructure required to support the new settlement units, and to date has spent \$50m on roads, a police station, bridges and a drainage system. The plans include homes for an additional 100,000 settlers, along with 10 hotels for visitors to Jerusalem. Added to Ma'ale Adumim, home already to 32,000 settlers, this would make the E1 area larger in geographic terms than metropolitan Tel Aviv.

Only international pressure, not least from the US, has prevented the construction of housing units from proceeding. If completed, Palestinians argue that this will permanently split the West Bank into two areas. Rafiq Hussein, former Chief Staff to President Abbas said that the "E1 plan would separate the northern and southern West Bank from East Jerusalem, which would prevent the establishment of Palestinian state".

Israel's separation barrier, whilst not yet complete in the area, is planned to reach 14km into the West Bank and encircle Ma'ale Adumim.

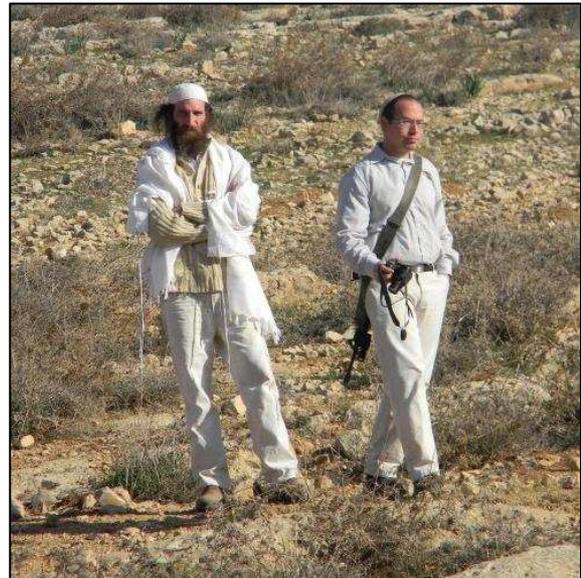
## **Settler violence and intimidation in Hebron**

The January delegation visited Hebron and the surrounding governorate, an area particularly affected by the occupation and the expansion of settlements. In the village of al-Atwani the delegation witnessed at first hand the interference and intimidation Palestinians must often endure at the hands of settlers. Farmers from the village were being prevented from accessing their lands by settlers from the nearby outpost of Havat Maon – one of approximately 100 outposts scattered across the West Bank. Such outposts generally represent a handful of small buildings positioned on strategic hill tops

across the Occupied Territories, inhabited by religious-nationalist Israelis who believe that all of the West Bank belongs to the Jewish people in the eyes of God. Outposts are illegal even under Israeli law, yet they are rarely dismantled and are often provided with water and electricity by the Israeli state.

Senior government figures have also encouraged the growth of outposts. Speaking in 1998, Ariel Sharon, who would go on to be elected Prime Minister of Israel two years later, said "everybody has to move, run and grab as many hilltops as they can to enlarge the settlements because everything we take now will stay ours... Everything we don't grab will go to them."<sup>16</sup>

When the delegation visited al-Atwani settlers from the nearby outpost were harassing local farmers and attempting to prevent them from ploughing their fields. Border Police and the army were attempting to keep both sides apart, following the alleged assault of a farmer by one of the settlers.



*Settler carrying automatic weapon, near Atwani*



*Settlers preventing farmers from ploughing their land, near Atwani*

Settler violence against Palestinians is on the increase. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2010 there was an average of 35 incidents of settler violence per month, up from 15 cases in 2006. During the the olive harvest at the end of 2010, some 5,900 olive trees were damaged or destroyed, and over 800 dunums of Palestinian land torched, allegedly by settlers.

In the week that the January delegation was in the West Bank, OCHA documented six separate incidents involving settlers.<sup>17</sup> These involved:

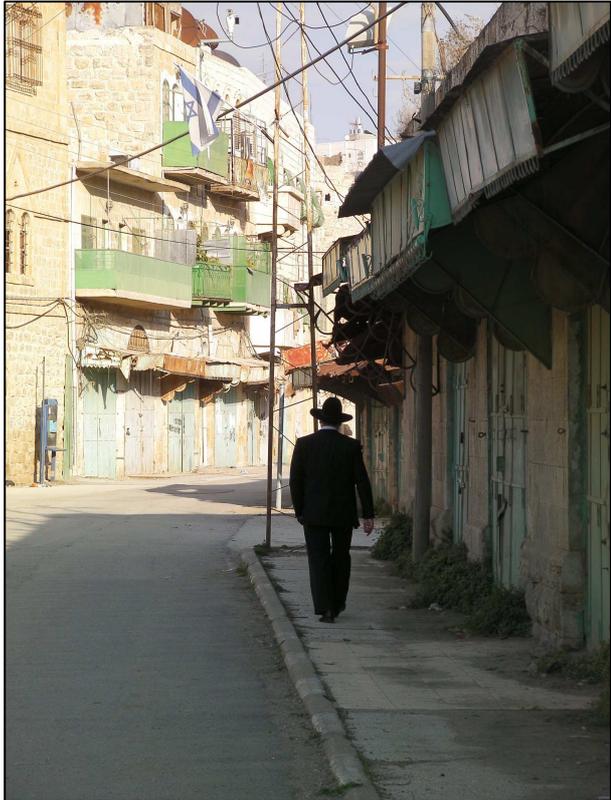
- the injury of two international activists near Karmel settlement (Hebron governorate), while they were escorting a Palestinian shepherd herding sheep in land near the settlement.
- settlers planting over 1,500 olive, pine and almond trees and grapevines on land belonging to Palestinians in the communities of Artas and Al Khader (Bethlehem) and Al Baq'a and Um al Kheir (Hebron).

<sup>16</sup> Ariel Sharon, Agence France Presse, November 15, 1998

<sup>17</sup> [http://www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_2011\\_01\\_28\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_2011_01_28_english.pdf)

- settlers from Newe Danniyeel settlement levelling four dunums of land belonging to the village of Al Khader (Bethlehem), damaging around 280 olive trees and grapevines.
- Israeli settlers from Maon settlement (Hebron) attacking a Palestinian shepherd, herding sheep near Maghayer Al Abeed village, and killing his dog and a sheep after forcing him off the land.
- a confrontation between settlers and Palestinians residents of Dura Al Qara' village (Ramallah governorate), after the settlers gathered near a water spring in the area. Israeli forces arrived later at the scene and fired tear gas canister at the Palestinian civilians, forcing them to leave.
- settlers from the outpost of Gil'ad (Qaqiliya governorate) throwing stones at farmers from the nearby village of Far'ata. Israeli forces evacuated the settlers and the farmers were able to access their land under the protection of Israeli forces.

The delegation also visited Hebron where 500 Jewish settlers live in Tel Rumeida surrounded by police and the Israeli military. The imposition of the settlement upon the centre of the town has led to the creation of a "secure zone" in the heart of the city. H2, as it is named by the Israeli military, is buffed by check points and only Palestinians with properties inside of the area are permitted to enter. The remaining 120,000 residents of Hebron are restricted to H1, a 20 sq km area outside of the zone.



*Shops closed by military order, central Hebron*

Settlement properties dot H2, populated with largely ultra-nationalists. Within H2 Palestinians are barred from the main thoroughfare of the area and formerly the home to scores of Palestinian businesses. These have all been closed under military orders, rendering the once bustling central district of Hebron something of a ghost town. The closures and restrictions have been made to protect the settlers from attacks, whilst Palestinians living near settler properties are not permitted to have visitors to their homes.

Whilst visiting H2 the delegation received a graphic demonstration of the restrictions upon Palestinians in Hebron, as well as the zeal of the settlers occupying the town. Firstly the delegation's local guide was prevented from walking through the centre of H2 by an Israeli soldier with the phrase "no Arabs", though the delegation were permitted to

visit the Grave of Yishai and Ruth, a holy site for Jews and the focus of much of the settlement. Whilst part of the delegation was visiting the site, one of the parliamentarians was surrounded by a group of settlers and aggressively verbally abused. A soldier standing nearby did not intervene.

Whilst all settlements are expressly prohibited under international law, the settlement within Hebron, as with those built within the heart of Arab communities in East Jerusalem, is highly provocative to Palestinians. It has destroyed the continuity of the city and led to the closure of scores of businesses and the eviction of Palestinians from their homes. Tel Rumeida enjoys the full support of the Israeli state and provides a stark example of the impact of settlements upon the lives of Palestinians.

Shortly after the delegation's visit the Israeli Ministry of Education announced plans to fund school visits to Hebron in order to teach Israeli children about the Jewish heritage of the city. The announcement was attacked as a form of "brainwashing" by the leader of Meretz, MK Haim Oron.<sup>18</sup>

## **Vulnerable communities in** **"Area C"**

Following the Oslo Accords, the Occupied Territories were divided into three categories – Area A, B and C. Area A (18% of the West Bank), generally the large urban areas such as Ramallah, were placed under Palestinian administrative and security control; Area B (22% of the West Bank) under Palestinian administrative, but *Israeli* security control; and Area C (60% of the West Bank) under total Israeli control. This was viewed as a temporary arrangement, whilst lands in Area C were meant to be gradually transferred over to the control of the Palestinian Authority. This process never happened however, and there are increased fears that the division of the Palestinian Territories is becoming permanent, 11 years after the Oslo process was due to finish



*Area C, Jordan Valley*

The November delegation visited the Jordan Valley with UNRWA, which designated as Area C, is under full Israeli control. Israel has imposed widespread restrictions on the estimated 150,000 Palestinians living in area C.<sup>19</sup> Palestinian construction of even an outhouse or an extension to an existing property is prevented in 70% this region, whilst according to OCHA, owing to planning regulations in practice Palestinians can in fact only build in just 1% of the land. These restrictions have forced Palestinians to build without

<sup>18</sup> <http://www.haaretz.com/print-edition/news/meretz-head-sending-students-to-hebron-is-form-of-brainwashing-1.343844>

<sup>19</sup> <http://eng.bimkom.org/Uploads/23ProhibitedZone.pdf>

permits, risking having their homes and other buildings demolished by the Israeli military. In 2009, there were 180 demolitions in Area C as a result of a lack of permit, displacing 319 Palestinians, including 167 children. This contrasts with the settlements where there are detailed and extensive planning procedures. Although the built up area of settlements take up only 1.5% of the West Bank, 39% of it is under the jurisdiction of settler councils, over 40 times the size of their built up area.

In al-Atwani – also designated as Area C - the January delegation heard that in 2001 the local resident's council applied to the Israeli authorities for permission to build pylons in order to provide the village with electricity. The request was turned down. Three years ago however Quartet Envoy, Tony Blair, raised the issue of Atwani's lack of electricity with Defence Minister, Ehud Barak, and apparently received permission for the construction of the installation to proceed. Yet despite the assurances of the Office of the Quartet Envoy, the Israeli military stopped the construction work and dismantled the project. A challenge to the High Court has since seen the village granted permission to carry out the necessary construction work, and the project should be complete by mid-2011.

The nearby settlement of Havat has had no such planning restrictions placed upon it. Whilst it has an abundant electric and water supply, Atwani has one communal tap for the whole village. It should also be noted that whilst the Israeli military were quick to dismantle the pylons constructed in 2007, the outpost from which the delegation witnessed settlers attempting to intimidate Palestinian farmers has not been dismantled.

Whilst Jewish construction in the Occupied Territories is encouraged by the state in order to cement Israeli control over the area, Palestinians are similarly prevented from any meaningful construction in 60% of the West Bank, in order to develop "facts on the ground" that favour Israel's expansion beyond its borders.

## **Political discussions**

On the final day of the January delegation's visit, al-Jazeera and the Guardian leaked 1,600 documents detailing negotiations between the Palestinians, Israelis and American officials, over the past decade. The documents show that Palestinian negotiators were prepared to agree to Israel's annexation of all but one of its illegally constructed settlements in East Jerusalem, proposed major concessions over the Haram-al-Sharif / Temple Mount and accepted that the right of return for refugees could not be realised. These revelations appear to show that since the end of the second intifada the Palestinian leadership have offered significant concessions to the Israeli government - over Jerusalem, the holy sites and refugees - and yet have found Israel unwilling to make any gesture in response.

On Jerusalem the leaked documents show that in June 2008 Palestinian negotiators offered Israel annexation of all but one of the settlements built in East Jerusalem, since 1967. Documents show that the PLO negotiating team were prepared to lose large swathes of the city to Israel, in return for land swaps elsewhere on 1967 borders. The

Palestinians even offered up the Arab neighbourhood of Sheikh Jarrah, a centre of increased settlement activity in recent years. The offer clearly rewarded Israel's policy of building "facts on the ground" - settlements that had grown in such size that dismantling them would prove practically impossible. Palestinian negotiator Ahmed Qurei acknowledged that the proposal was "the first time in history we [Palestinians] have made such an offer". Despite this, Israel rejected the deal because it did not include the settlement of Har Homa.

These revelations show just how flexible the Palestinian leadership have become, offering up major concessions on the peace process' most deep rooted sticking points. Under international law Israel's settlements and the annexation of East Jerusalem are illegal, whilst refugees are guaranteed the right of return to their homeland. However, the Palestinians have shown they are willing to significant compromises on all of these issues, and yet Israel has demonstrated a complete lack of willing to engage in any meaningful discussion.

Both delegations engaged in political meetings with senior Palestinian officials, including the Prime Minister, Foreign Minister and Chief Negotiator. Prime Minister Fayyad accused the international community of only playing to the sensitivities of the Israelis and losing sight of the fact that Gaza and the West Bank represent occupied land, not disputed territory. It feels to the Palestinians that the international community has forgotten this, and expect the Palestinians to make wide ranging concessions for little in return. Prime Minister Fayyad has engaged in a process of building the Palestinian's state institutions. He reported that this has proceeded well and that by late summer the PA will be in a position to proclaim statehood. He urged the international community, and in particular the European Union, to recognise and support this in 2011. He urged the EU to move from being a "payer to a player" in the Middle East, cutting a more cohesive and approach, independent from the United States.

The need for fresh Palestinian elections was also discussed. Whilst elections for the presidency and parliament are over due by in excess of one year, municipal elections were last held in some areas as long ago as 1976. In addition, the January delegation raised specific issue of al-Walajeh and reports that a local member of the community had been detained for his support of Hamas. Assurances were given that this case would be looked into.

## **Recommendations of the Britain-Palestine APPG**

### **1. The mass arrest and ill treatment of children has to end**

Israel's mass detention of Palestinian children, around 700 per year, and the widespread abuse and intimidation these minors endure whilst in Israeli custody, is an affront to the concept of human rights and the behaviour of any democratic state. The detention of children should be a last resort, not a widespread policy. Israel must desist from criminalising an entire generation of Palestinians. In particular Israel must class all under 18s as children, as in line with international standards; provide for the video recording of all interviews with minors; ensure that all children, once arrested, are provided with immediate access to a lawyer or a family member; end immediately the shackling, blind folding and cuffing with painful plastic tags of children; end the dual legal system that openly discriminates against Palestinian minors; and oblige by its obligations under the Fourth Geneva Convention, the UN Convention against Torture and the UN Convention on the Rights of the Child.

### **2. The construction of settlements and the barrier outside of the green line must stop immediately**

The construction of settlements began over four decades ago as a policy of the Israeli government to expropriate Palestinian land. Their growth has continued consistently irrespective of which political party has been in power, be it Likud, Labour or Kadima. Settlements enjoy ideological and financial support from the Israeli state, as well as physical protection from the army. Settlements expanded dramatically during the Oslo Peace Process, whilst Israel refused to extend its brief moratorium on settlements in September 2010, despite knowing that this would instantly derail newly resumed talks with the Palestinians. Settlements are a serious obstacle to any prospects of a Palestinian state and their construction must stop immediately. No Israeli government can credibly claim to be interested in peace whilst expanding settlements and supporting extremist settler groups, such as those in Hebron. In creating "facts on the ground" Israel is forcing the Palestinians into conceding land. There is already widespread international acceptance that the large blocs such as Ma'ale Adumim will never be dismantled – Israel must not be allowed to continue its policy of forcing the further annexation of Palestinian land onto the agenda of future negotiations. The international community, and the UK government in particular, must take a firm line on settlements and link their continued growth with the continued level of relations Israel enjoys.

### **3. Israel's policies towards Jerusalem should be reversed**

Just as Israel's policy of constructing settlements is apparently intended to alter the terms of future negotiations, the de-Arabification of Jerusalem and its illegal and unrecognised annexation cannot be rewarded. Israel must end immediately the policy of transferring settlers into the city in order to shift its demographic balance. The displacement of Palestinians from the city must also end. The international community must be more vocal in its criticism of Israel's policy within East Jerusalem and settlements within the city should never be differentiated from settlements in the wider West Bank. The construction of the archaeological park in al-Bustan must not be allowed to proceed.

### **4. Vulnerable communities in Area C require greater international protection**

The Oslo process has long since expired and yet the situation in Area C has become intolerable. Restrictions upon Palestinian activity in the area must be eased, and an immediate focus placed upon transferring territory to Areas A and B. The international community should give greater attention to the Palestinians in vulnerable communities, such as those in the Jordan Valley that the November delegation visited, and ensure that Israel lives up to its legal obligations.

### **5. The European Union should take a more active and assertive role**

The Palestinian Prime Minister is keen for the European Union to take a more active role in the region, treading a path independent from, and more robust than, the US position. As Israel's biggest trading partner, the EU has the potential to exert great influence on Israel. The UK, along with Baroness Ashton, should take a lead role in defining the EU's position. The existing Association Agreement between the EU and Israel states that "relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles." Should Israel not dramatically improve its compliance with these obligations, the Agreement should be suspended.

### **6. A proper framework for negotiations needs to be developed**

Negotiations between Israel and the Palestinians should resume within a proper framework and conducive environment. Whilst the security situation the West Bank

remains relatively calm, this will not continue as long as Israel's occupation is allowed to persist. Renewed conflict in Gaza cannot be ruled out in the near future. Credible talks therefore cannot come soon enough. The documents leaked by al-Jazeera and the Guardian highlighted the extraordinary concessions offered by the Palestinian leadership over settlements, Jerusalem and the right of return for refugees. In contrast, the recent US-brokered talks collapsed because of Israel's refusal to even temporarily halt settlement building. Israel must be forced back to the negotiating table by the international community or face the growing prospect of international isolation.

## **7. Palestinian municipal, presidential and legislative elections should be held**

The Palestinian Legislative Council (PLC) elections of 2006 are recognised as amongst the most free and fair ever to have been held in the Arab world. However, the mandate of the Palestinian parliament and the presidency has since expired. Municipal elections were last held in 1976 and are also long overdue. The British government should encourage the Palestinian authorities to ensure that elections are held as soon as possible, in order to renew the democratic mandate of the Palestinian people's leaders.

## **8. Human rights and political opposition have to be respected across the OPT**

The Palestinian Authority must respect human rights and the right to political opposition across the areas under its control. Both delegations received a number of reports of activists from Hamas being detained by PA security forces, whilst press freedoms have also been curtailed. The areas of the West Bank under PA control must not see political opposition neutered. The British government, which has played a role in the training of PA security forces, must continue to ensure that human rights are respected across the West Bank.

## **Thanks**

The delegations would like to thank the United Nations Relief and Works Agency, the UN Office for the Coordination of Humanitarian Affairs, Al-Haq, Ir Amim and DCI Palestine. The delegations would also like to thank the British Consul General in Jerusalem and the British Embassy in Tel Aviv.

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