

Welcome to Gaza



An Introduction to Human Rights in the Occupied Palestinian Territories



PALESTINIAN CENTRE FOR HUMAN RIGHTS

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Fact Sheet: An Overview of the Gaza Strip

- The Gaza Strip was part of the British mandate of Palestine before 1948 and was captured by Israel from Egypt in the 1967 war. Although the Gaza Strip is under Israeli occupation, it is not considered a part of Israel, either by the Israeli government or by any other country. The Gaza Strip is approximately 360 square kilometers in area. It has an 11km land border with Egypt and a 51km land border with Israel. Its land borders and 40km coastline are under Israeli control. Unlike the West Bank, the Gaza Strip is **entirely surrounded on land by an Israeli-controlled security fence**.
- Some 1.2 million Palestinians live in the Gaza Strip, making it one of the **most densely populated places on earth**. Yet under the Oslo accords, **Israel retains military control of 42% of the Gaza Strip**, most of it reserved for 6,000 Israeli settlers (0.5% of the population). This 42% also includes military bases, bypass roads, a buffer zone along the border, and “yellow areas” (areas populated by Palestinians but under Israeli military control).
- Three-quarters of Gazans are **refugees** expelled from what is now Israel in the 1948 war, or their descendants. Approximately 400,000 of these people live in UN-registered camps. The Palestinian population in the Gaza Strip is growing rapidly, at over 4% per year; half of the population is under age 15.
- Israeli settlements in the Gaza Strip are all illegal under **international humanitarian law**.¹ Built mainly on expropriated land, settlements disrupt the territorial contiguity of Palestinian areas and are used to justify the Israeli military presence. They are heavily fortified and linked to Israel by roads that are off-limits to Palestinians. Settlers in the Gaza Strip have virtually no contact with the Palestinian population.
- Before the outbreak of the al-Aqsa Intifada in September 2000, the Gazan economy was valued at approximately \$US 1 billion. The service sector is the largest part the economy, followed by agriculture. According to the United Nations, the Palestinian economy contracted by 50% during the last quarter of 2000 due mostly to severe movement restrictions imposed by Israel.² Approximately 24,000 Gazans who used to work in Israel are now unable to reach their jobs due to Israeli border closures.

¹ “The occupying power shall not deport or transfer parts of its own civilian population into territories it occupies” (Fourth Geneva Convention, Article 49 paragraph 6).

² See reports available at www.unsco.org.



Fact Sheet: What is Occupation?

- The Gaza Strip and West Bank (including east Jerusalem) are known in official UN parlance as the **Occupied Palestinian Territories (OPT)**, captured by Israel in 1967 in what is perhaps the longest-running military occupation in modern history. Referring to the OPT exclusively as “Gaza and the West Bank” obscures the fact that the OPT are under occupation, which is their defining feature under international law.
- As civilians living under occupation, the 3 million Palestinians living in the OPT are entitled to legal protections under the **Fourth Geneva Convention**. The signing of the Oslo accords in 1993, the establishment of the Palestinian National Authority (PNA), and Israel’s unilateral annexation of east Jerusalem have no legal effect on these protections.³ This has been repeatedly affirmed by the UN; of the 189 countries that have signed the Convention, only Israel disputes the Convention’s applicability in the OPT.
- The **occupation itself is illegal**; numerous resolutions of the UN Security Council (which are binding on UN member states) since 1967 have called for an Israeli withdrawal. Moreover, the Commission on Human Rights has also repeatedly called for a withdrawal and affirmed that the “Israeli military occupation in itself constitutes a grave violation of the human rights of the Palestinian people.”⁴
- **The Oslo accords did not end the occupation**, either legally or in practice. Under the accords, Israel maintains military control over 82% of the OPT. Israel retains control over all borders and regulates all movement between Gaza and the West Bank as well as within those areas. Israeli military orders governing the Palestinian population and their land remain in effect, as do Israeli military courts. Some 300 Palestinian prisoners arrested before the 1993 Oslo accords continue to languish in Israeli jails. Moreover, the Oslo accords formally recognise Israeli control over settlements in the OPT, even though all such settlements are illegal under international humanitarian law. While Israeli officials sometimes claim that “90% of the Palestinian population lives under PNA rule,” the actions of Israel still have a direct impact on all aspects of life in the OPT.
- **The PNA is not a state**. It has no geographical contiguity or control over its borders or coastline, making it entirely dependent on Israel. PNA-controlled areas in the OPT are fragmented into dozens of isolated bantustans. All ties between the Gaza Strip and the West Bank and with the outside world are under Israeli control; even customs duties meant to fund the PNA are first collected by Israeli authorities (and have been withheld during the al-Aqsa Intifada). Basic governmental functions, such as the judiciary, executive, and Palestinian Legislative Council, are severely disrupted by Israeli restrictions on movement that have also strangled the economy.

³ “Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the [Fourth Geneva] Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory” (Article 47, Fourth Geneva Convention).

⁴ E/CN.4/RES/S-5/1, 19 October 2000, para. 4



Fact Sheet: Settlements and Apartheid in the OPT

- Since seizing the Gaza Strip and West Bank (including east Jerusalem) in 1967, Israel has sought to colonise the Occupied Palestinian Territories (OPT) through a policy of building settlements on occupied land. The settlements are the cornerstone of a system of **de facto apartheid** in the OPT, complete with separate and unequal systems of roads, laws, and discriminatory expropriation of natural resources.
- **Land.** There are 1.2 million Palestinians in the Gaza Strip, yet most of the 42% of the Gaza Strip under Israeli military control is reserved for 6,000 Israeli settlers (.5% of the population; this also includes non-settlement areas under Israeli military control, such as bases, bypass roads, and some rural areas inhabited by Palestinians). **Israeli settlers in the Gaza Strip have access to 699 times more land per capita than refugee camp residents.**⁵
- **Water.** Israel diverts 88% of the renewable water resources of the OPT for its own use or for the use of its settlements.⁶ In the Gaza Strip, Israel also forbids Palestinians from digging any new agricultural wells, while settlers continue to dig wells at will. As a result, annual per capita consumption of water among settlers in the Gaza Strip is 1,000 cubic metres, compared to 172 per Palestinian.⁷ Israeli government subsidies make water available to settlers at one-fourth the price of water for Palestinians in the Gaza Strip, despite the enormous income disparities.⁸
- **Laws.** Israelis who commit crimes in the OPT face civil courts in Israel (even though Israeli domestic law should not apply outside the country's borders), while Palestinians from the OPT arrested by Israel face military courts, which fail to meet international standards for fair trials, and are likely to be tortured.⁹ Moreover, proper investigations and prosecutions of settler crimes against Palestinians are rare, creating a culture of impunity amongst Israeli soldiers, settlers, and police. Between 9 December 1987 and 1 April 2001, Israeli settlers killed 119 Palestinians in the OPT, yet there were only 6 murder convictions in connection with these cases, and only 1 life sentence.¹⁰ Settlers enjoy the full benefits and protections of citizenship yet live on land that is under belligerent occupation and whose inhabitants are mostly stateless.
- **Freedom of movement.** After the Oslo accords, Israel built “bypass roads” (off-limits to Palestinians) to link settlements to Israel, disrupting the contiguity of Palestinian areas. At intersections with Palestinian roads, the Israeli army sometimes stops all Palestinian traffic for Israeli

⁵ Sara Roy, *The Gaza Strip: The Political Economy of De-Development*, 1995, p. 178.

⁶ Palestinian Hydrology Group, http://www.phg.org/report_02.html.

⁷ Ibrahim Mater, “Jewish Settlements, Palestinian Rights, and Peace – Information Paper Number 4,” Centre for Policy Analysis on Palestine, January 1996, p. 12.

⁸ Jeffrey Dillman, “Water Rights in the Occupied Territories,” *Journal of Palestine Studies*, Fall 1989, p.55.

⁹ Under the Oslo accords, the Palestinian National Authority (PNA) has no jurisdiction over Israeli settlers, even though all settlements in the OPT are illegal under international humanitarian law.

¹⁰ B’Tselem, “Summary of investigations and trials in cases where Palestinians were killed by Israeli civilians,” http://www.btselem.org/english/Israeli_Civilians/Trials_of_Is.asp.



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motorists. Moreover, Palestinian construction is prohibited in a buffer zone along these roads. In the West Bank alone, there are 340.8km of bypass roads, which, with buffer zones, cover 51 square kilometers. **Settlers can commute to and from Israel with ease, while Palestinians must encounter checkpoints simply to visit neighbouring communities.**

- **All Israeli settlements in the OPT are illegal** under the Fourth Geneva Convention.¹¹ This has been repeatedly affirmed by the UN and signatories of the Convention, except Israel. Under international humanitarian law, it is illegal for an occupying power to transfer parts of its own population into territory it occupies, nor is it permissible to introduce any permanent changes to an occupied territory that are not for the benefit of the occupied population.
- According to satellite imagery, there are some 308 Israeli built-up areas in the OPT, excluding military sites, of which at least 26 are in the Gaza Strip.¹² Approximately 400,000 settlers live in the OPT, half of them in or around east Jerusalem. Most settlers benefit from **generous government incentives**, including tax breaks, grants and loans for land and construction, subsidies for water and agriculture, free schooling, and preference in government jobs. Yet despite the burdens placed on the Israeli state budget for settlers, there is a surplus of at least 4,000 housing units in the OPT.¹³ Many settlers are also armed by the Israeli government.
- **All settlements are equally illegal.** Those in annexed east Jerusalem (often referred to as “Israeli neighbourhoods” of Jerusalem) are no less illegal than other settlements. Israel’s unilateral annexation of east Jerusalem has not been recognised by any other government. Moreover, while the Israeli government calls settlements established without its explicit authorisation “illegal,” this distinction is meaningless; all of the settlements are illegal under the Fourth Geneva Convention.
- **The Oslo accords legitimised settlements** by deferring them to “final status negotiations.” The Oslo accords did not require Israel to withdraw from a single settlement in the OPT; rather, Israel expanded its settlements at an unprecedented pace, increasing the number of settlers by 72% from September 1993 to March 2001 (excluding east Jerusalem), with a peak in construction under Prime Minister Ehud Barak. At least 25 new settlements were established by the Israeli government in the West Bank alone between February and October 2001. In implicitly accepting the legitimacy of the settlements, **the Oslo accords violate the Fourth Geneva Convention**, which cannot be superseded by any special agreements.

¹¹ “The occupying power shall not deport or transfer parts of its own civilian population into territories it occupies,” (Article 49, paragraph 6).

¹² GIS Unit, Applied Research Institute-Jerusalem.

¹³ “Fact Sheet: West Bank & Gaza Strip Settlements,” Americans for Peace Now, www.peacenow.org



Fact Sheet: Killings

During the al-Aqsa Intifada, Israeli occupation forces and settlers have **killed at least 2416** Palestinians in the Occupied Palestinian Territories (OPT). This figure does not include Palestinians killed while attacking Israeli targets.¹⁴ The vast majority of these were unarmed civilians, while **423 (17.5%) were children under age 18**. Some **23,224 Palestinians have been injured**.¹⁵ Most of these killings fall into several categories:

- **Demonstrations and “clashes.”** In the first months of the al-Aqsa Intifada (29 September-31 December 2000), Israeli forces killed approximately 300 Palestinians, 70% of them in the context of demonstrations or clashes. In the vast majority of instances, demonstrations are either peaceful or involve throwing stones at Israeli soldiers in well-fortified positions from considerable distances. Israeli soldiers frequently respond to demonstrations with excessive force, including live ammunition or rubber-coated metal bullets, even without a threat being posed to their lives or the lives of others, and without first using other means at their disposal. In most of the handful of cases involving Palestinian gunfire, gunmen were separate from demonstrators and opened fire after Israeli troops used live ammunition against unarmed protesters.¹⁶
- **Invasions.** Starting in late 2001, the Israeli army began launching major raids into areas under the jurisdiction of the Palestinian National Authority (PNA), including cities and densely populated refugee camps. By 2002, incursions had become a daily occurrence. During the first 6 months of 2002, approximately 68% of killings took place during invasions of PNA-controlled areas. Tanks, armoured vehicles, and bulldozers, often backed by combat aircraft, surround and invade communities, overwhelming any resistance. Incursions have been accompanied by: indiscriminate shooting, shelling, and bombardment; mass arbitrary detentions; mass house demolitions; use of civilians as human shields; attacks on medical workers and journalists; wanton destruction of and damage to civilian institutions; denial of access to humanitarian aid, ambulances, and independent observers; and imposition of curfews.
- **Indiscriminate shelling, shooting, aerial bombardment.** Palestinian communities, especially those located near Israeli settlements and military bases, are frequently subjected to indiscriminate shelling and shooting of residential areas, in some places every night. Heavy machine guns and tanks fire into Palestinian villages and refugee camps, while Apache helicopter gunships and F-16 fighter planes bombard PNA office buildings in civilian areas.

¹⁴ This figure covers 28 September 2000-29 March 2003

¹⁵ Palestine Red Crescent Society, www.palestinercs.org, July 2003

¹⁶ See, inter alia, *Illusions of Restraint*, B'Tselem, www.btselem.org, December 2000



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Such use of force is disproportionate and often indiscriminate, resulting in deaths and damage and destruction to many homes.

- **Assassinations.** Using helicopter gunships, undercover units, and booby-trapped explosive devices, Israeli occupation forces have killed over 276 Palestinians in operations designed to eliminate Palestinian activists, including both political leaders and militants. These assassinations are a form of extra-judicial execution. They take place without any evidence, trial, or opportunity for appeal. In almost all cases, arrest is not even attempted. Moreover, Israel carries out assassinations in ways that show complete disregard for bystanders; *approximately 36%* of those killed in assassination operations have been bystanders, including children. As a category of willful killings, assassinations are grave breaches under the Fourth Geneva Convention and are thus considered war crimes under international humanitarian law. Israel's state-sponsored assassination policy has been universally condemned by the international community.
- **Other willful killings.** Dozens of Palestinians have been killed in circumstances of complete quiet, while walking down the street or waiting to pass through checkpoints, without any violence nearby. A number of Palestinians have also been extra-judicially executed after being arrested or incapacitated by Israeli forces. Such willful killings constitute grave breaches of the Fourth Geneva Convention, and are thus considered war crimes under international humanitarian law.
- **Settler killings.** Israeli settlers living illegally in the OPT have been linked to a number of acts of violence against Palestinians since 1967. During the al-Aqsa Intifada, dozens of Palestinians have been killed by Israeli settlers, and more injured or beaten. Israeli authorities, who provide generous economic incentives to settlers as well as automatic weapons for their "protection," have failed to adequately investigate such acts and punish those responsible.

In the hundreds of cases of Palestinians killed by Israeli occupation forces or settlers since the start of the al-Aqsa Intifada, the **Israeli government routinely fails to investigate and prosecute** those responsible for killings, and in none of these cases has compensation been paid to Palestinian victims or their families. This has created a climate of **impunity** amongst Israeli soldiers, settlers, and police.



Fact Sheet: Siege and Closure

- The siege and closure on the Occupied Palestinian Territories (OPT), dramatically tightened by Israeli occupation forces since October 2000, have essentially **placed three million Palestinians into a series of collective jails**, far tighter than at any other time since 1967 (even during the first Intifada). Israel has imposed a **closure** of international borders, sealing off the Gaza Strip and West Bank from Israel, from neighbouring countries, and from occupied east Jerusalem. Furthermore, it has imposed a **siege** on Palestinian towns, villages, and refugee camps, severely restricting movement **within** the OPT. In addition, Israeli troops often place communities under total **curfews** during incursions into areas under the jurisdiction of the Palestinian National Authority (PNA) or in the Israeli-controlled sector of Hebron, essentially a form of collective house arrest.
- In the West Bank, checkpoints and roadblocks have sealed off nearly every village and refugee camp, creating at least 64 isolated fragments, while the Gaza Strip has been divided into at least three parts. **Restricted movement impacts every aspect of economic and social life**, including businesses, schools, hospitals, and PNA institutions. Relatives find it difficult to visit families (especially those imprisoned in Israel), students cannot go to school (or are stranded away from home), access to places of worship is curtailed, fishermen cannot ply their trade. Moreover, Palestinians are routinely subjected to humiliating and degrading treatment at checkpoints, including threats at gunpoint, verbal harassment, invasive body searches, and arbitrary prohibitions on movement.
- Siege and closure have a **devastating economic impact**, especially given the dependency of the OPT on the Israeli economy cultivated by successive Israeli governments since 1967 (95% of all Palestinian exports go to Israel). Earnings of the approximately 120,000 Palestinians who used to work in Israel before the al-Aqsa Intifada, which constituted 25% of the labour income of the Palestinian economy, have evaporated. Internal movement restrictions are also severely disruptive for business, and poverty and unemployment levels have dramatically increased (to 50% and 39.8%, respectively). During the last quarter of 2000, the Palestinian economy contracted by 50%, mainly as a result of siege and closure.¹⁷
- Siege and closure as forms of **collective punishment** are forbidden under international humanitarian law.¹⁸

¹⁷ For comprehensive studies of the impact of the closures on the Palestinian economy, see reports produced by the United Nations Special Coordinator's Office (UNSCO), www.unsco.org.

¹⁸ "No protected person may be punished for an offence he or she has not personally committed" (Article 33, Fourth Geneva Convention).



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- Israeli soldiers at checkpoints frequently prevent or delay the evacuation of sick and wounded Palestinians to hospital, in violation of international humanitarian law. During the al-Aqsa Intifada, **63 Palestinians have died as a result of prolonged obstructed access to medical care** by Israeli occupation forces.¹⁹ In many cases, deaths occurred after Israeli soldiers detained critically ill people at checkpoints for hours only a short distance from hospital.
- **The OPT have been under varying forms of closure since 1967.** The introduction of a magnetic card system in the late 1980s signaled a dramatic tightening of external and international closure. A complicated and often arbitrary system of permits was developed during the 1990s, making contact and cooperation between Israelis and Palestinians *more* difficult during the “peace process.”

The area of the Gaza Strip most severely affected by closure is **al-Mawasi**, a highly fertile agricultural zone on the southern part of the coast, between Khan Yunis and Rafah. Al-Mawasi is home to 8,000 people, mostly farmers and fishermen, who live under a de facto apartheid system on the edge of a bloc of illegal Israeli settlements. It is completely closed off except for two checkpoints, through which only residents of the area can enter. They can only enter on foot, during daylight hours, in small groups, and often after enduring humiliating and degrading treatment at checkpoints. Ambulances and relatives of residents cannot enter the area. Inside, wide and well-paved roads for settlers run parallel to paths reserved for Palestinian use, while electric fences and military patrols separate the settlements from Palestinian communities. Land belonging to several of the local farmers has been illegally seized for use by settlers, who occasionally attack and harass Palestinian residents or destroy their greenhouses and fields. Four Israeli army checkpoints regulate movement within al-Mawasi.

Starting in March 2002, Israeli forces dramatically tightened measures at al-Mawasi, including regular imposition of curfews. In May 2002, magnetic ID cards were issued to residents, required for entry to or exit from the area.

¹⁹ Between 28 September 2000 and 29 July 2003



Fact Sheet: Crimes Against Housing and Agriculture

In addition to the massive destruction in Jenin and Nablus during Israel's April 2002 military offensive in the West Bank, Israeli occupying forces regularly destroy Palestinian property in the Occupied Palestinian Territories (OPT), "cleansing" land of Palestinians and sometimes later appropriating it for either army or settler use. The extensive, unlawful, and wanton destruction or expropriation of property not justified by military necessity is a **war crime** under the Fourth Geneva Convention.²⁰

- Israel often claims that Palestinians use houses and land as bases from which to attack Israeli military posts and illegal settlements. Yet most destruction of property in the Gaza Strip takes place **without any judicial process**, including presentation of evidence, adequate warning, or opportunity for appeal. In some refugee camps, swathes of houses have been destroyed to create "**buffer zones**" between Israeli army positions and Palestinian areas. Israeli forces also demolish houses of alleged "terrorists" or their families, even though **collective punishment** is prohibited by the Convention.²¹
- Israeli occupation forces have **demolished at least 1209 housing units** in the Gaza Strip during the al-Aqsa Intifada, rendering thousands of Palestinians homeless.²² Often, families are woken in the middle of the night to find an Israeli army bulldozer outside and given minutes to collect whatever belongings they can before the demolition begins. The destruction of a house and its contents is a crushing economic blow for most Palestinians, from which financial recovery is almost impossible.
- The Israeli Supreme Court in March 2002 **chose to legalise house demolitions** in the OPT rather than ban them, while ruling that the army must give an opportunity for appeal. Israeli forces have since demolished a number of houses without warning, however, in violation of the Supreme Court ruling.
- House demolitions are also carried out by Israeli authorities in occupied east Jerusalem. These demolitions are often justified on the pretext that such houses were built without a proper permit, even though discriminatory building regulations make obtaining a permit almost impossible for Palestinians.
- Israeli occupation forces have **razed approximately 20,554 donums²³ of land in the Gaza Strip**, most of it agricultural, during the al-Aqsa Intifada, or more than 10% of the total arable land of the Gaza Strip, crippling the livelihoods of thousands of farmers. This often entails the destruction of trees, greenhouses, wells, irrigation networks, and storage facilities. Even if hostilities were to cease immediately, restoring this land to full agricultural use would take years.

²⁰ Article 147. Also: "Any destruction of real or personal property belonging individually or collectively to private persons, or to the State, or other public authorities, or social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations" (Article 53).

²¹ "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism of are prohibited. ... Reprisals against protected persons and their property are prohibited" (Article 33).

²² The statistics in this document cover the period from 28 September 2000 to 29 July 2003 and exclude partially demolished homes and homes damaged or destroyed by shelling or bombardment

²³ One donum is 1,000 square meters.



Fact Sheet: Prisoners and Torture

Israeli military courts and thousands of military orders have governed the civilian population in the Occupied Palestinian Territories (including PNA-controlled areas) since 1967. Between 1967 and 1998, approximately 600,000 Palestinians were held in Israeli jails for periods ranging from one week to life.²⁴ The transfer of Palestinians from the OPT to facilities inside Israel is a **war crime** under international humanitarian law.²⁵

- Since February 2002, Israeli occupying forces have regularly carried out **mass arbitrary detentions** without charge during invasions of Palestinian communities, often indiscriminately rounding up males between the ages of 15 and 45. Many of these detainees are deprived of adequate shelter, food, and water during interrogation before being either released or transferred to detention facilities.
- **Torture remains common** against Palestinian prisoners during interrogations by Israeli forces, despite a 1999 Israeli Supreme Court ruling outlawing some interrogation methods. Such practices include: beatings, violent shaking, shining a hot burning light into the eyes and face at close range, sleep deprivation, solitary confinement, painful shackling, and forcing prisoners to remain in excruciating positions for long periods of time. Torture techniques are often designed to inflict maximum pain while minimising physical marks. The UN Committee Against Torture reminded Israel in November 2001 that there can be **no justification for torture** under any circumstances. Under the Fourth Geneva Convention, torture is a **war crime**.²⁶
- In 1999, the Israeli Supreme Court ruled that the government can **legalise torture** if it wishes to do so.²⁷ The Attorney General also stated that he reserved the right not to prosecute interrogators using “physical pressure.”
- **Prison conditions for Palestinians often fail to meet minimum basic standards.** Palestinian prisoners are kept in overcrowded jails, often exposed to extremes of temperature with inadequate nutrition and poor hygiene. Access to medical care is also unsatisfactory. Palestinian minors are sometimes confined with Israeli criminals, exposing them to physical and psychological dangers.
- Since 1995, Israel has prohibited Palestinian lawyers from the OPT from practicing in Israeli courts. Moreover, due to Israel’s **closure policy**, lawyers from the OPT cannot visit their clients in Israel, and visits by families are almost impossible, despite efforts of the International Committee of the Red Cross (ICRC).

²⁴ *Palestine Times*, No. 83, May 1998.

²⁵ Article 147, Fourth Geneva Convention. Also: “Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein” (Article 76).

²⁶ Article 147, Fourth Geneva Convention.

²⁷ “If the state wishes to enable ... interrogators to utilise physical means in interrogations, it must seek the enactment of legislation for this purpose,” Israeli Supreme Court decision on torture, para 37.



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- Israeli military courts have long been criticised by human rights organisations for **failing to meet international standards for fair trial**. Access to legal representation is often severely limited and evidence extracted through torture remains admissible.
- Israeli military officers can issue **administrative detention** orders, which allow Palestinians to be detained without charge or trial for indefinitely renewable periods of six months. Currently, there are approximately 1045 Palestinians in administrative detention in Israeli jails.



Fact Sheet: Violations of the Right to Health Care

Guaranteeing the protection and neutrality of medical personnel is one of the most important functions of international humanitarian law.²⁸ The Israeli army systematically violates the right of Palestinian civilians living in the Occupied Palestinian Territories (OPT) to medical care in numerous ways:

- **Attacks on Emergency Medical Personnel.** The Israeli army has killed at least **18** on-duty medical personnel during the al-Aqsa Intifada, and injured at least **350**.²⁹ According to the Palestine Red Crescent Society, **28** of its ambulances have been destroyed and approximately **80%** of its ambulance fleet has been damaged. Palestinian paramedics have also been arrested, beaten, and used as human shields on numerous occasions. A number of wounded Palestinians have died after Israeli forces refused to allow medical personnel access to them.
- **Attacks on hospitals and infrastructure.** During their attacks on Palestinian cities, Israeli forces have shelled and raided hospitals and clinics, including Ramallah, Bethlehem, Hebron, and al-Bireh, disrupting health care for patients. These attacks have included: destruction of medical equipment; beating, detention, and harassment of medical personnel; use of medical personnel as human shields; forced closure of hospitals; and converting medical facilities into military outposts. In addition, Israeli attacks on Palestinian infrastructure and industry have severely affected the health sector; since early 2002, Israeli forces have prevented work at the al-Ghusain factory, the only manufacturer of medical oxygen in the Gaza Strip.
- **Checkpoints.** At least **63** Palestinians have died during the al-Aqsa Intifada due to delayed or obstructed access to medical care at Israeli checkpoints, often within short driving distance of hospital. In over a dozen cases, women have been forced to give birth at checkpoints, resulting in at least 5 stillbirths. The Israeli army frequently detains, delays, or altogether denies passage to ambulances or emergency patients at the checkpoints it has established around nearly every Palestinian city, village, and refugee camp in the West Bank.
- **“Closed Military Zones.”** Israeli forces attacking Palestinian areas routinely seal them off for hours, days, or weeks, denying access to medical workers, humanitarian supplies, and independent observers. Declaring areas to be “closed military zones” has led to numerous deaths that could have been averted with timely medical care.

²⁸ The Fourth Geneva Convention, to which Israel is a signatory, has multiple provisions to ensure the protection and neutrality of medical workers and facilities: “Civilian hospitals organised to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties of the conflict” (Article 18). “Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected” (Article 20).

²⁹ PCHR data; Palestine Red Crescent Society (www.palestinercs.org); Palestine Monitor (www.palestinemonitor.org)



Fact Sheet: Human Rights and the Palestinian National Authority

The Palestinian National Authority (PNA) is an autonomous entity created by the Oslo accords that administers part of the Occupied Palestinian Territories (OPT).³⁰ Although it is accorded security and civil control over 18% of the OPT and civil control only over 41%, its existence does not change the legal status of the Gaza Strip and West Bank (including east Jerusalem) as occupied territories, as Israel invades PNA-controlled areas at will, and its policies still have a direct impact on all aspects of life in the OPT. The PNA's human rights record fails to meet international standards in several areas:

- **Illegal arrests.** Since its creation in 1993, the PNA has carried out numerous politically motivated arrests under Israeli or American pressure, often without charge and in violation of international human rights standards. In addition, Palestinian police have failed to implement judicial orders issued by Palestinian courts to release illegally detained individuals. The PNA released nearly all of its prisoners at the beginning of the al-Aqsa Intifada, fearing that detention facilities would be bombed by Israeli warplanes. In the autumn of 2001, however, the PNA resumed its practice of illegal arrests without evidence or judicial process.
- **Torture and ill-treatment.** During 2001, at least four Palestinians died under suspicious circumstances in PNA custody, indicating that torture continues to be used.
- **State security court.** The PNA has established special state security courts to bypass the judiciary, violating standards of transparency and due process. Trials are often summary and take place before military judges with court-appointed defence counsel; sentences are carried out without opportunity for appeal.
- **Death penalty.** The PNA has in rare cases sentenced prisoners to death, often for alleged collaboration with Israeli occupying forces. PCHR is categorically opposed to the death penalty.
- **Collaborators.** Many of those subjected to torture, unfair trials, and the death penalty have been accused of collaborating with Israeli occupation forces. This situation is further complicated by the Oslo accords, which grants blanket immunity to any Palestinian who has "maintained contact with the Israeli authorities." PCHR supports investigation, trial, and punishment for collaborators, but maintains that such processes must meet international human rights standards.
- **Democratic institutions.** Before the al-Aqsa Intifada, the executive branch of the PNA regularly undermined the Palestinian Legislative Council (PLC), failing to ratify laws that have been passed, ignoring the PLC's demands and orders, and failing to consult it properly. The PLC has been unable to meet in full during the al-Aqsa Intifada due to the closure imposed by Israel.

³⁰ The PNA is distinct from the Palestine Liberation Organisation (PLO), which is considered the representative of the entire Palestinian people throughout the world. Both are under the leadership of Yasser Arafat.



International Humanitarian Law: The Only Way Forward

The Oslo process suffered from three severe, related flaws. First, it was a negotiating process between two vastly unequal parties, without any mechanism to meaningfully mediate the imbalance of power between them. Second, it placed political expediency above basic human rights and protections granted under international humanitarian law. Third, it implicitly legitimised Israel's settlements in the OPT, even though they are prohibited by international humanitarian law. This allowed Israel, as the stronger side in the negotiations, to evade its obligations while continuing to expand its illegal settlements and violate human rights with impunity. Instead of ending the occupation and withdrawing Israeli forces and colonists from the Occupied Palestinian Territories (OPT), Oslo repackaged the occupation as a form of de facto apartheid and economic strangulation. The central element of PCHR's philosophy is that **a just and lasting peace is only possible if built on respect for human rights and international humanitarian law.**

- The **Fourth Geneva Convention** (1949) is a cornerstone of international humanitarian law that ensures minimum protections for civilians in armed conflict and occupation. It forbids, among other things: the construction of settlements on occupied land (Article 49), unilateral annexation (Article 47), willful killing of civilians (Articles 146-147), collective punishment (33), torture (Articles 31-32, 146-147), and the destruction of property without a compelling military reason (Articles 53, 146-147). It also requires judicial accountability for those who commit war crimes (defined as “grave breaches” listed in Article 147 of the Convention). The Convention **fully takes into account military necessity** and cannot be violated for “security” reasons.
- **Special agreements cannot negatively effect the protections afforded for civilians** under the Convention (Articles 7, 47). Yet during the Oslo process, Israeli violations of the Convention continued, including: expansion of settlements, killings of unarmed civilians, use of torture, and collective punishment (closure). Moreover, Israel transferred 2,000 Palestinian prisoners from jails in the OPT into Israel proper after signing the accords, in further violation of the Convention. These violations, especially the expansion of settlements, were key factors in undermining the peace process and setting the stage for a return to violence in 2000. Since September 2000, Israeli violations of the Convention have escalated to an unprecedented level.
- Israel is one of 189 states that have signed the Convention (“High Contracting Parties”) and is **legally bound** to it. Yet Israel refuses to apply the Convention in the OPT, despite the fact that the international community has repeatedly affirmed that the Convention continues to apply in all areas seized in 1967, including east Jerusalem. Not only is Israel legally bound to respect the Convention, but **all High Contracting Parties** are obligated under Article 1 to “ensure respect for the [Convention] **in all circumstances.**”



PALESTINIAN CENTRE FOR HUMAN RIGHTS

- The **international community has failed to abide by its obligations** under Article 1 to ensure Israel's respect for the Convention. In July 1999, a meeting of High Contracting Parties called by the United Nations General Assembly to discuss ways of enforcing Israel's respect for the Convention adjourned after only 15 minutes to "give peace a chance." The unprecedented expansion of illegal settlements under the Barak government continued, followed by a breakdown in negotiations and a return to violence. In December 2001, after 14 months of escalating Israeli attacks against Palestinian civilians, a similar meeting adjourned without taking any enforcement measures. The US and Israel boycotted both meetings with impunity, while the remaining states did nothing more than reaffirm the applicability of the Convention in the OPT. The US and Israel have consistently opposed any attempts to deploy international monitors or peacekeepers, with the former wielding its veto at the UN Security Council numerous times to this effect. **The failure to enforce Israel's respect for the Fourth Geneva Convention has allowed it to consistently act as a state above the law.**
- Under the Article 1 obligation, and given Israel's persistent refusal to apply the Convention since 1967, **states must take immediate and practical steps** to ensure that Israel fully applies international humanitarian law in the OPT, and should pressure other states to do so as well. Such steps could include **sanctions** such as: a ban on transfers of arms and military equipment, an end to economic aid, suspension of signed agreements, a trade embargo (especially enforcing already-existing laws banning imports made in Israeli settlements in the OPT), downgrading or severance of diplomatic relations, and censure in various international forums.
- Israel's occupation and settlement system in the OPT is a form of **de facto apartheid that is the root cause of instability in the region**. As most of these policies violate Israel's existing legal obligations under the Fourth Geneva Convention, it is clear that the enforcement of international humanitarian law presents a clear, consistent, and effective means of addressing violence in the region. By compelling Israel to dismantle settlements, refrain from attacks against civilians, end its policies of collective punishment, and ensure judicial accountability for suspected war criminals, the international community can create a stable environment in which Palestinians and Israelis can resolve outstanding political issues and conclude a just, lasting, and comprehensive peace.