



للارشاد القانوني والاجتماعي

Women's Centre for Legal Aid and Counselling

مرکز المرأة

# Voices of Palestinian Women

A 2009 report on Israel's human rights violations against Palestinian women





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This is the second report that the Women's Centre for Legal Aid and Counselling (WCLAC) has prepared on women living under occupation. We hope to develop our expertise as we go on in this process. We are happy and honoured to present it mostly to the brave women who have agreed to tell their stories. We salute their courage for speaking out so their stories will not be buried in the annals of history. We also present this report to women's groups working in conflict situations, as an experience they can build on when helping women to help themselves. Moreover, we present this study to the global women's movement and human rights movement who are advocating for gender justice, and the rule of law through international human rights and international humanitarian law. We hope that it will provide some insights and encouragement in their struggle for local as well as global peace based on human security.

As a Palestinian women's human rights organization, the Women's Centre for Legal Aid and Counselling (WCLAC) recognises the importance of listening to and bringing out women's voices when addressing issues of gender power imbalance and patriarchy. Living in the Palestinian nation we know of the great loss we experience when our voices are muted for the sake of more powerful local and global power interests. Working in the context of military occupation we cannot address violence against women in the private sphere without addressing the violence that the whole society is subjected to. In our context we have to deal with patriarchy as well as military occupation and colonisation. The only way we can assess the gender specific impact of occupation is by analyzing through testimonies the gender specific consequences of military conflict on women. We cannot assess the extent of the long term damage to Palestinian society without hearing the story told through women's eyes.

More than ever, we know the need to amplify women's voices and have women tell their stories, not only for documentation and advocacy, but also because telling the story is part of a healing process that needs to take place, a healing process for the victim as well as the interviewer. Telling the story breaks the cycle of feelings of helplessness, isolation and emotional paralysis. It empowers women to become more resilient and in control of their own destinies which would reflect also on their families, and consequently on their communities. It is well known throughout conflict situations that it is the women, in times of crisis, who play the major role in maintaining family networks, social networks and therefore social peace. Whether in Palestine, Afghanistan, Iraq, Nigeria or Haiti; humanitarian and human rights programmes should give special attention to specific women's needs to empower women to bring about positive social change in their societies.

Maha Abu-Dayyeh,

General Director

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# Voices of Palestinian Women



Qalandiya check point  
photo credit: WCLAC

# Introduction

## Introduction

For more than 40 years, the civilian population in the occupied Palestinian territory (oPt), has suffered successive waves of violence, displacement and dispossession as a result of ongoing conflict and prolonged Israeli military occupation.<sup>1</sup> In 2009, the situation in the oPt is now increasingly being described as one of occupation, colonisation and apartheid.<sup>2</sup> During 2009, forced evictions and home demolitions increased particularly in East Jerusalem, becoming a major cause of forced displacement.

Violent acts continue to be perpetrated by settlers against Palestinians, with impunity for those responsible. Access to health facilities, education and work is restricted by policies of closure, checkpoints, permits and the wall and families and communities are separated from each other.

In this report the Women's Centre for Legal Aid and Counselling aims to highlight the human rights abuses faced by Palestinian women and the gender specific impact of the occupation. The report is set within the framework of international human rights and humanitarian law and will highlight the gender specific consequences through the testimonies of Palestinian women as told to WCLAC staff and fieldworkers.

The report presents the cases of nineteen women who in their own words tell their stories of life under occupation. The narratives reveal the reality of life under occupation as well as the impact on the women and their fears and worries for their families. The women's stories are testament not only to the brutality, discrimination and violence of the occupation but also to the strength and resilience of Palestinian women.

Interviews with the women often reveal other economic and social issues that are the consequence of occupation related issues, for example, their inability to travel or of their home being demolished. The testimonies render the immediate impact of specific violations but also connect these incidents to the wider economic and social consequences and gendered impact of the occupation. Most of the women are happy to have their full names made public and used in this report with their testimonies. Others prefer to have only their first name used or to be completely anonymous. In all cases, we have consulted with the women and fully respected their wishes.

The report is divided into a number of themes to reflect the violations that WCLAC has documented. It focuses on the dominant violations against women, but in doing

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<sup>1</sup> The events of 1948, known as the Nakba (catastrophe) which brought about the expulsion and dispossession of thousands of Palestinians from their homes are also part of this history, but are beyond the scope of this report which addresses the consequences of the Israeli occupation of the West Bank and Gaza Strip since 1967. At the beginning of 2007, there were approximately seven million Palestinian refugees and 450,000 internally displaced persons (IDPs), representing 70% of the entire Palestinian population worldwide (9.8 million) ([www.badil.org](http://www.badil.org))

<sup>2</sup> Tilley, V. (ed). (2009) *Occupation, colonialism, apartheid?: A re-assessment of Israel's practices in the occupied Palestinian territories under international law*. (Commissioned and coordinated by the Middle East Project (MEP) of the Democracy and Governance Programme, a research programme of the Human Sciences Research Council of South Africa.

so has discernable limits.<sup>3</sup> The issues are often cross-cutting, with many women affected by a number of different human rights violations. The first theme is violence against women which splits into two sections; first violence against women from Israeli settlers and second, violence against women from Israeli state actors. The lack of accountability for perpetrators of violence is particularly highlighted. The second theme is the restrictions placed on the freedom of movement in the oPt and how they impact on women. The next section focuses on residency issues and how Israeli policies and practices separate Palestinian families. Finally, the report focuses on the issue of home demolitions and forced evictions, particularly looking at the situation in East Jerusalem. Each section provides an overview of the policies and practices, highlights the relevant law and provides an assessment of the impact on women.

The report for 2009 only includes information and testimonies from women from the West Bank and East Jerusalem. WCLAC has not been able to work in Gaza during 2009 because of access restrictions imposed by Israeli authorities. The report also does not address violations by the Palestinian authority, as these involve different issues and consideration, nor does the report address violations by Palestinian actors in the private and domestic spheres as these are issues covered by other WCLAC projects.

## Methodology

WCLAC's International Humanitarian and Human Rights Law project was established to monitor and document Israel's violations of human rights and the impact of these violations on women. WCLAC documents women's testimonies using the framework of international law and human rights, combined with a feminist vision of equality and social justice. In this 2009 report, we then contextualise our qualitative research with statistics and data from our own research and that collected by other organisations and agencies such as the United Nations Office for the Co-ordination of Humanitarian Affairs (UNOCHA).

The project seeks to ensure that Palestinian women's rights violations are effectively monitored, then collected through a process of documentation. The documentation is used to advocate on behalf of Palestinian women, to promote awareness of human rights violations and to work towards accountability for those responsible. The documentation also provides testimony to women's experiences of war and occupation.

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<sup>3</sup> WCLAC recognizes the importance of many other human rights violations including those concerning Palestinian prisoners. This issue affects the lives of many Palestinian women, either as prisoners, former prisoners or as the spouse, sister or mother of one of the 8,500 Palestinians currently held in Israeli jails. Many women are denied visits to their family members and if they are permitted to visit often have to undertake lengthy journeys to prisons inside Israel where they undergo intrusive and humiliating searches. These issues will be explored in future reports.

The project has focused during 2009 on a qualitative approach to documentation, collecting statements (sometimes called affidavits or testimonies) from women living all around the West Bank who have been affected in some way by the occupation<sup>4</sup>. The process begins with the WCLAC fieldworker or staff member identifying a case and verifying that the woman is willing to be interviewed. The interview is then conducted in the woman's own home and care is taken to ensure that the information provided is comprehensive and accurate.

Obtaining information about the woman's family and background and the impact on her of the human rights violation is considered as important a part of the interview as the incident or human rights violation itself. After the interview the statement is written up by the fieldworker or staff member and the statement read back to the woman (usually on a return visit) and then signed to confirm that all the information is true and accurate.

The project in 2010 will continue to improve this approach developing the skills and capacities of the WCLAC fieldworkers to interview and then prepare comprehensive and accurate statements recording the women's experiences. The team of fieldworkers are a crucial part of the project and their continuing training and development is a core activity that is fundamental to the success of the project.

During 2009, 80 testimonies were collected by a team of WCLAC field workers and staff members in the areas of Jerusalem, Nablus, Hebron, Ramallah, Bethlehem, Tulkarem and Jenin. While all interviews were conducted during 2009, some of the testimonies were either of incidents that took place prior to this period or are of an ongoing nature.<sup>5</sup> 52 out of the 80 women interviewed (65%) reported one incident in which they experienced one type of violation while 23 women (29%) reported having experienced two violations. The remaining women reported having experienced three or four violations. A total of 113 incidents were reported by the 80 women interviewed. For details see diagrams 1, 2 and 3.

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<sup>4</sup> See diagram 1 for distribution of WCLAC testimonies by geographic area.

<sup>5</sup> See Table 1



# Experiences of Palestinian Women

Diagram 1: The number of testimonies collected by geographic area in 2009.

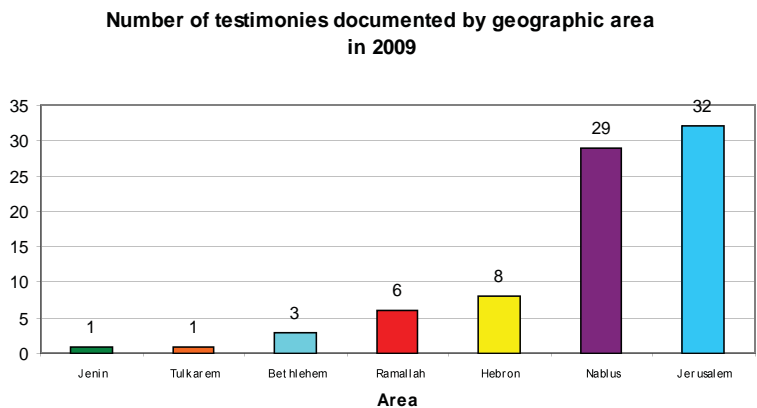


Table 1: Numbers of testimonies documented by date of incident

Year when incident took place	Number of incidents documented
2005	1
2006	1
2007	2
2008	16
2009	39
Ongoing	21
Total	80



Qalandiya checkpoint  
Photo credit: WCLAC

Diagram 2: Number of cases collected by type of incident

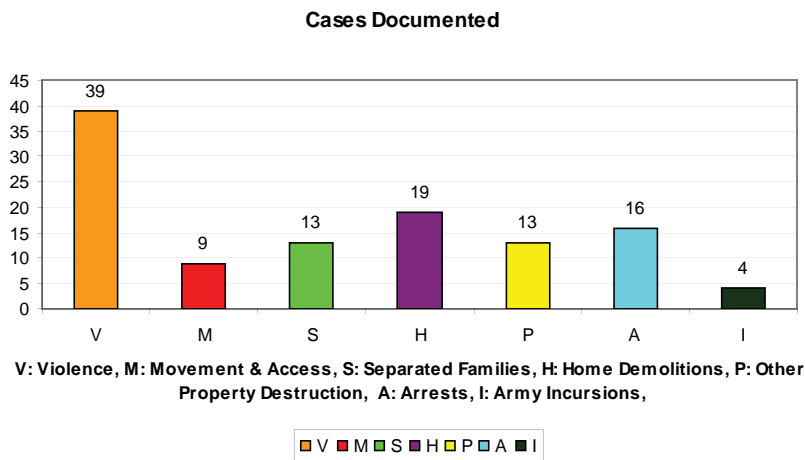
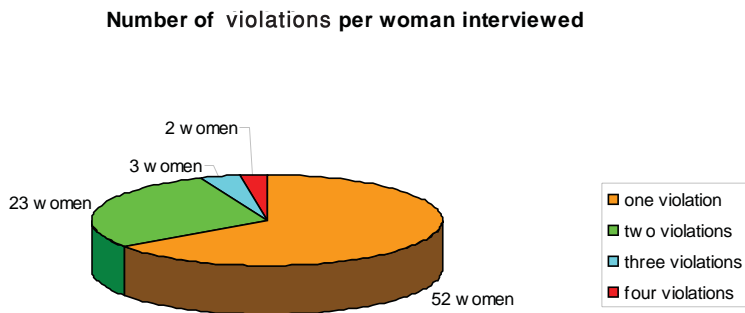


Diagram 3: Number of violations reported per woman interviewed



# Violence

## Violence

Palestinian women are regularly subjected to violence as a result of the Israeli occupation of the oPt. They are subjected to violence from Israeli settlers, often armed, who live in the West Bank and they are also victims of violence from the Israeli army. There is a lack of accountability for the perpetrators of violence, with few investigations or prosecutions of those responsible. Women often will not report complaints to the police, knowing that no action will be taken on their case and fearing the process of reporting to the Israeli police.

The legal framework of international humanitarian law (IHL) affords comprehensive protections to civilians in situations of armed conflict during the conduct of hostilities. IHL provides that Israel, as Occupying Power, is responsible for maintaining law and order in the Occupied Palestinian Territory and ensuring the protection of civilians under its control.<sup>6</sup> This obligation on the State of Israel is unaltered by the security arrangements of the Oslo Accords. The obligations of the Israeli Government are not limited to avoiding harming civilians, but also include the duty to ensure the protected populations well-being, including protection from violence at the hands of nationals of the Occupying Power.<sup>7</sup>

The International Court of Justice confirmed in its Advisory Opinion on the Wall, that international human rights law (IHRL) also applies in the OPT.<sup>8</sup> Palestinians also have “the right to security of the person” under Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR)<sup>9</sup>, which the Human Rights Committee has read to mean that the State has an obligation to take reasonable and appropriate measures to protect individuals from threats to the life of persons under their jurisdiction, including threats from private actors.<sup>10</sup>

The prohibition against torture and cruel, inhuman or degrading treatment or punishment found in Article 7 of the ICCPR is universal and absolute.

In its General Comment Number Ten, the Human Rights Committee commented that there is a positive obligation on States to not only take legislative steps, but also administrative, judicial and other measures to prevent and punish acts of torture and ill-treatment in territory under its jurisdiction. It is not sufficient for the implementation of Article 7 to prohibit such treatment or punishment or to make it a crime.<sup>11</sup>

<sup>6</sup> See Articles 43 and 46 of the Hague Regulations (1907) and Article 27 of the Fourth Geneva Convention (1949).

<sup>7</sup> Article 29 of GC IV provides: “Protected persons ... shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.”

<sup>8</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 43 ILM 1009 paras. 102-113

<sup>9</sup> The ICCPR was ratified by Israel in 1992.

<sup>10</sup> For example, *William Eduardo Delgado Paez v. Colombia*, Communication 195/1985, views adopted 12 July 1990. Also see the Report of the United Nations Fact Finding Mission on the Gaza Conflict, A/HRC/12/48 15 September 2009 (The Goldstone Report), p303

<sup>11</sup> UN Human Rights Committee, CCPR General Comment No. 20 – 10 March 1992, paragraph 8.

Further, insofar as acts of violence amounting to cruel, inhuman or degrading treatment are perpetrated by private individuals with the acquiescence of public officials (including security forces), Israel has also an obligation under Article 16 of the Convention against Torture to prevent such acts. Article 2(3) of the ICCPR is clear that any persons whose rights are violated under the Covenant shall have an effective remedy and that the State Party must ensure that the person's rights are determined by a competent authority and that any such remedies shall be enforced.

Israel also has obligations under the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW)<sup>12</sup> to protect Palestinian women from violence from private and state actors. The Committee that monitors CEDAW has clarified that "Gender-based violence which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions is discrimination within the meaning of Article 1 of the Convention."<sup>13</sup>

However, despite the legal prohibitions, state actors, notably the Israeli army have committed acts of violence against Palestinian civilians including women, and failed to effectively investigate such incidents and take appropriate measures against those responsible. Israel has also consistently failed to prevent settler attacks against Palestinians and to take adequate law enforcement measures against Israeli nationals who commit these crimes.

### a. Assessment of the Impact on Women

Incidents of violence can be singular incidents while women are waiting at checkpoints or walking home from work or they can be an ongoing process where women live with violence or the threat of violence from neighbouring settlements over many years. In these communities, as illustrated by the testimonies from Hebron and from Asira al-Qibliyeh, the women have lived with attacks on themselves, their families, their neighbours, their properties and their livelihoods over many years.

The presence of Israeli soldiers is not a reassuring one or a protective one for Palestinian women. In many of the cases of settler violence documented, the soldiers fail to protect women from attacks from settlers. As Khadra told WCLAC: "...the soldiers were standing beside the settlers, they did nothing to protect us."<sup>14</sup> In the cases of Halima (Case Study 7) and Fatima (Case Study 6), the Israeli soldiers and police were directly responsible for the violence. The Palestinian authorities exercise no control over Israeli citizens and therefore this leaves Palestinian women almost entirely unprotected from the violence and harassment. M told WCLAC: "The situation is getting worse, but there is nothing anyone can do."<sup>15</sup>

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<sup>12</sup> CEDAW was ratified by Israel in October 1991.

<sup>13</sup> CEDAW, General Recommendation 19: Violence Against Women (Eleventh session, 1992, UN Doc. HRI/GEN/1/Rev.7 (2004)

<sup>14</sup> Case Study 4, p.24

<sup>15</sup> Case Study 5, p.26

In most cases the women also cannot turn to their husbands, as would often be the case in Palestinian society, as the consequences for the men will be arrest and detention. While Halima was being assaulted by Israeli soldiers, her husband and son could only watch: "I also was worried about my sons and my husband who were watching through the house windows without being able to do anything to free me. They were too scared of the soldiers who might arrest them for no reason."<sup>16</sup>

The violence from Israeli settlers and soldiers affects women in many diverse ways. In Halima's case for instance the attack left her with a serious injury to her wrist, but also as a consequence of this, she was unable to do either paid work or housework, affecting her and her family economically and socially. In other cases, the stress and worry of living with settler violence and harassment takes its toll physically on the women. Hana Abu Haikal explained: "I and my sisters and mother all suffer from different illnesses which I believe are a result of the difficulties we suffer on a daily basis."<sup>17</sup>

WCLAC has also identified that there is a serious psychological and emotional impact on women affected by the violence and harassment: many of the women are left scared, and anxious. Some of the women told WCLAC that they were unable to carry on with their normal lives because of fears of repeat attacks. Ayat, whose case is recorded below in Case Study 1, is illustrative of this: she told WCLAC that after the attack, she did not return to the course that she was attending and was reluctant to leave the house at all because of fear of repeat attacks. Fatima, who was threatened by Israeli soldiers as well as experiencing regular harassment from settlers expressed in her statement her fears, feeling unsafe in her own home but with no means of protection: "Each time I see soldiers or hear loud sounds I panic. I feel I want to leave our house and go live somewhere else."<sup>18</sup>

Women also worry about the impact on their children of regular violence and harassment. Young children can be caught up in the violence and their mothers left unable to protect them. M describes how her daughter was tear gassed when soldiers came into her village to respond to settlers entering the village. "I went to check on my youngest daughter and found her crying with foam around her mouth, I think that this was because of the tear gas. I felt terrified for her and started to scream and shout asking for her father to come."<sup>19</sup> Khadra from Asira al-Qibliyeh describes in her testimony how her young daughter has been affected: "My youngest daughter, Ruba, who is one-and-a-half years old and is just beginning to speak, points to the window and says "settlers, settlers..." and starts to cry each time she hears noise around the house."<sup>20</sup>

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<sup>16</sup> Case Study 7, p29

<sup>17</sup> Case Study 3, p23

<sup>18</sup> Case Study 6, p28

<sup>19</sup> Case Study 5, p25

<sup>20</sup> Case Study 4, p24

## b. Settler Violence

Violence committed against Palestinian civilians and their property has continued during 2008 and 2009, with no indication that there has been any improvement in efforts to investigate and bring to justice those responsible. In 2009, Israel continued to confiscate Palestinian civilian property for the purpose of settlement expansion, in violation of international humanitarian law.<sup>21</sup> Since 1967, successive Israeli governments have supported a policy of settlement building in the oPt in violation of international law. In September 2005, following the unilateral withdrawal from Gaza and the evacuation of Israeli settlements, the number of settlers in the West Bank increased by 5.3%, including 4700 settlers resulting from the transfer of settlers from Gaza or Israel to West Bank settlements.<sup>22</sup> By the end of 2008, the number of settlers in the West Bank stood at 479,500.<sup>23</sup> In 2008, the population of Israel increased at a rate of 1.8 percent. However, in the same year, the population of the settlements increased by 5.6 percent, of which 40 percent was attributable to immigration, from Israel and abroad.<sup>24</sup> The expansion of settlements and growth of the settler population has brought a concurrent increase in settler violence against surrounding Palestinian communities.

Comprehensive statistics for 2009 are not yet available, but indications are that the number of settler-related incidents targeting Palestinians and their property will increase. In the first 10 months of 2008, there were 290 incidents recorded by United Nations Office for the Co-ordination of Humanitarian Affairs, an increase on the previous two years. (182 and 243 in 2006 and 2007, respectively). Similarly, Palestinian deaths and injuries resulting from settler-related incidents in 2008 exceed the number of Palestinian casualties in each of the previous two years (131 in 2008, compared to 74 in 2006 and 92 in 2007).<sup>25</sup>

There are concerns that attacks by Israeli settlers on Palestinian communities, will further increase in the context of settlers' objections to the limited 10-month freeze on new residential construction in West Bank settlements (excluding East Jerusalem), announced by the Israeli cabinet in late November 2009. UNOCHA recorded over ten incidents in a two week period between 25 November and 8 December 2009, the majority in the northern West Bank, where settlers hurled stones at Palestinian vehicles driving on the main roads in protest of the freeze.<sup>26</sup>

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<sup>21</sup> All Israeli settlements in the West Bank and East Jerusalem are illegal under Article 49 of the Fourth Geneva Convention.

<sup>22</sup> See <http://www.palestinemonitor.org/spip/spip.php?article7>

<sup>23</sup> Figures taken from <http://www.btselem.org/english/Settlements/Statistics.asp>. This figure is based on two components: according to Israel's Central Bureau of Statistics (CBS), in 2008, 285,800 settlers were living in the West Bank, excluding East. In addition, based on growth statistics for the entire population of Jerusalem, the settler population in East Jerusalem at the end of 2008 is estimated at 193,700.

<sup>24</sup> *ibid*

<sup>25</sup> OCHA, *Unprotected: Israeli settler violence against Palestinian civilians and their property*, December 2008, available at <http://unispal.un.org/UNISPAL.NSF/0/665317F0F18D199B852575230075076D>

<sup>26</sup> OCHA, *Protection of Civilians*, 25 November – 8 December 2009 available at [http://www.ochaopt.org/documents/ocha\\_opt\\_protection\\_of\\_civilians\\_weekly\\_report\\_2009\\_12\\_10\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2009_12_10_english.pdf)





Tel Rumeida, Hebron  
Photo credit: EAPPI

On 11 December 2009, Israeli settlers from the settlement of Yitzhar set fire to a mosque in the West Bank village of Yasuf. The arsonists also spray painted threatening messages in Hebrew on the building's floor, including "We will burn you all".<sup>27</sup>

As stated above, Israel has obligations under customary law, as reflected in Article 43 of the Hague Regulations, to ensure public order and safety in the West Bank. Further, where acts of violence amounting to cruel, inhuman or degrading treatment are perpetrated by private individuals with the acquiescence of public officials (including security forces), Israel has an obligation under Article 16 of the Convention against Torture<sup>28</sup> to prevent such acts. WCLAC believes that many of the cases documented amount to cruel, inhuman or degrading treatment on the women concerned.

<sup>27</sup> See news reports at <http://www.maannews.net/eng/ViewDetails.aspx?ID=246526> and <http://www.haaretz.com/hasen/pages/ShArtVty.jhtml?sw=Yasuf&itemNo=1134687>

<sup>28</sup> Ratified by Israel in October 1991

Many of the cases documented by WCLAC are concentrated in the Hebron area and in the villages around Nablus<sup>29</sup> where settlers subscribe to fundamentalist and extremist ideologies and are more likely to use violence against the local Palestinian population and to damage Palestinian property.<sup>30</sup> Women are particularly vulnerable to attacks from settlers during the day when men leave for work, as they usually remain in the home caring for children or elderly relatives.

## Hebron

Hebron is the largest industrial city in the West Bank with over 170 000 inhabitants. Approximately 500 Israeli settlers live in different settlements in the old city centre of Hebron and another 7000 live in bigger settlements on the outskirts of the city. As part of the Oslo agreement the city was divided in two areas: Area H1 was controlled by the Palestinians and area H2 controlled by the Israelis (this has no bearing on Israel's responsibilities under IHL).<sup>31</sup> Harsh restrictions are placed on the lives and movement of the Palestinian residents of area H2, with more than 100 roadblocks, fences, walls and checkpoints in the city center around the settlements and the access roads to them. This separates the Jewish settlers and the Palestinian residents and severely restricts the freedom of movement of most of the Palestinian residents. No Palestinians, only Israelis are permitted to drive in H2. Due to the restrictions and violence, as well as prolonged curfews, large areas of the old city are deserted. Several main shopping streets are closed by military order. The restrictions on movement have a direct impact on access to employment and education. Ayat (Case Study 1) describes how she no longer attends courses in Bethlehem because of the attack on her by settlers.

The impact of settler violence on the right to health is illustrated by Case Study 3. Hana Abu Haikal's testimony explains the coordination required to get an ambulance for her elderly and sick mother each time she needs to visit the hospital or the doctor as cars are not permitted on the roads near her home.

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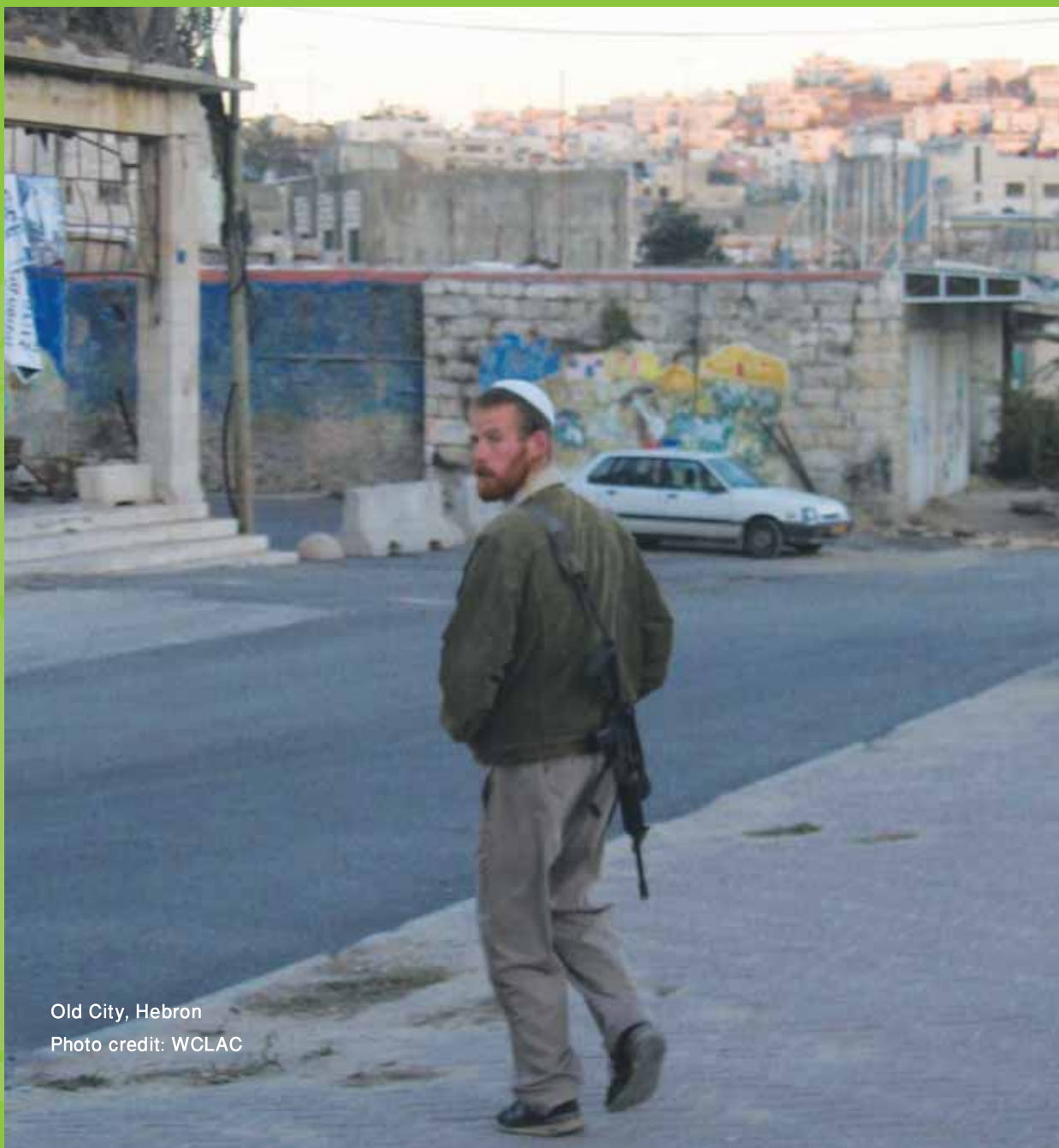
29 This is consistent with data from OCHA who state that: "Some areas of the West Bank suffer far higher levels of settler violence and related activity than others. While incidents were recorded by OCHA in all governorates during the first 10 months of 2008, they were more frequent in the Hebron and Nablus governorates, with 42% and 21% of all incidents, respectively. This trend was also witnessed in the preceding two years." OCHA, Unprotected: Israeli settler violence against Palestinian civilians and their property, December 2008

30 According to a survey conducted by Bar Ilan University in Israel in 1999, motivations for moving to the oPt were as follows: 46% of settlers give economic reasons, 27% for ideological and religious reasons, and 4% as defending the security of Israel (<http://www.pcpsr.org/survey/cprspolls/special/99/setpoll199e1.html>)

31 Information taken from the website of the Temporary International Presence in Hebron (TIPH), [www.tiph.org/en/About\\_Hebron](http://www.tiph.org/en/About_Hebron). TIPH is an international civilian observer mission that reports to the Palestinian and Israeli authorities and to the 6 member countries.



Settler violence and the fear of violence is a part of life for many women living in Hebron. The cases WCLAC has documented in Hebron illustrate the climate of fear that women have to live with as well as the wider impact on their lives. They also testify to the restrictions on access to health, to education, and to work that are a consequence of the influx of settlers and the associated violence.



Old City, Hebron

Photo credit: WCLAC

## Case Study 1

Testimony of Ayat Abdel-Karim Ibrahim Ja'bari

Location: Wadi Al-Husain / Hebron

Interviewed on April 13th, 2009

Date of Settler violence: March 15th 2009

Ayat is 25years old and lives with her extended family in the eastern side of Hebron, next to the Israeli settlements of Giva'at Ha'vot and Kiryat Arba. She described regular attacks from the settlers on her family and their property over many years. Here she describes an attack on her that occurred on the evening of March 15th 2009 when she was returning with her sister from attending a workshop in Bethlehem:



"We were returning after a video and production course at a centre called "Taqrub Bain Al-Shuoub".<sup>32</sup> When we were about 10 metres away from our house I saw about 30 settlers of different ages, 15 years and above, leaving the tent which they use as a Synagogue. They were walking in the direction of Giva'at Ha'vot. My sister and I started to walk faster because I knew the settlers were going to pass by our house. They immediately started to throw stones at me and my sister and said words in Hebrew which I couldn't understand because I don't understand Hebrew. It seemed to me they were cursing us. We tried to run away and at that point I felt a stone hit my head and cause what felt like an electric shock in my face. I immediately lost consciousness.

My sister Suhair later told me that I fell to the ground unconscious and that she informed my family who called a Red Crescent ambulance which arrived on the scene but was then held back for more than an hour by Israeli soldiers who enforced the Israeli rules that restrict the movement of Palestinian vehicles in the area. My sister told me that the settlers who threw stones at us left in the direction of the settlement neighborhood Giva'at Ha'vot. I gained consciousness after about 50 minutes and saw people around me trying to talk to me in Hebrew and to help me. I was very afraid and was unable to get up. Then I saw some of my family members including my father. This made me feel a little more comfortable since I knew, from the language that was spoken, that the other people around me were Israelis. My sister told me that an Israeli medical team arrived and gave me first aid on the spot. They cut off the sleeve of the clothes on my right arm which was tied with a rubber band for an injection. When I gained consciousness I heard my father ask me to walk. He explained to me that he was translating the Israeli medical team's instructions to me. I could not answer him and was unable to stand up after trying repeatedly.

The Red Crescent ambulance was finally allowed through by the soldiers at around 8:00 p.m. My father told me all this as I observed. I was in a state of shock and exhaustion. My father and the others carried me to the ambulance and I was taken to the Government hospital in Hebron which I am familiar with. I was with my mother and sister Suhair.

<sup>32</sup> This translates in English as "Bringing Nations Together".

I was taken to the emergency room and they gave me first aid and took an X-Ray of my skull. Fortunately, in the end I was told that I didn't have a fractured skull. But what worried the doctor was the soft area in my head which looked like a liquid, similar to water, had accumulated in the area of the injury. This is what I heard him tell my mother. The doctor advised me not to take any pain killers and not to eat or drink until the following day when I was supposed to go to the hospital at 10:00 in the morning.

I left the hospital at 10:00 at night on the same day and I felt severe pain in my head in spite of the treatment I took. When I arrived home I was tired and couldn't sleep all night. Since then I had constant headaches especially when I was exposed to the sun. I am unable to concentrate and forget things. I also lost consciousness twice a few days after the incident. In addition, I constantly feel afraid. I am afraid each time I leave the house, I do not go about my life in a normal way, inside and outside the house and I did not go back to the course I regularly attended. I was also attending a course in Hebron to gain experience in teaching and stopped taking part in that course too. I always imagine settlers and stones and am constantly looking around me. My family tells me I talked during the night, whispering sounds. I am also worried about my family and I am afraid that this incident will be repeated with me or with one of my family members. I am always getting upset and worry until everybody is home. My sister thought I was dead when I lost consciousness. She is always worried about me and kisses me a lot and many times I have caught her crying. If I ask her what is wrong, and repeat the question to her I know she is remembering how I fell down in front of her eyes and how she watched the medical team, thinking to herself I was dead. I visited the doctor many times. I now have no idea what our days will be like.

I have not made any report to the Israeli authorities about what happened as it will be a very stressful process and from what I've heard from others, I don't think that anything will come out of it."

## Case Study 2

Name: AR

Location: Wadi Al-Husein, Hebron

Date of interview: April 12th 2009

Date of settler violence: 4th December 2008

AR lives in the Wadi Al-Husein neighbourhood in Hebron and her home is only a short distance from the Israeli settlement of Kiryat Arba. She is a mother with four children aged between 3years and 8years.

"On December 4th, 2008 at around 1:00 o'clock in the afternoon I was at home. I noticed that the settlers had gathered. I took precaution since I was alone with my children. I took them inside the house and locked the doors and windows. At around 1:30 p.m. I started to hear voices. I looked through the side of the window and saw tens of settlers. One of them was carrying a gun in his hand which looked like a machine gun. I was scared. I didn't know where to hide my children. I took them to my bedroom and put them on the floor between my bed and my younger son's bed. A

short while later I heard the settlers talking in Hebrew. I understood they were cursing. I heard them say "Arabi meken" which I know in Hebrew means "Arab prostitute". I also heard shooting and voices of women shouting.

My husband was trying to get to us but he later told me the army did not allow him. He called me to make sure we were ok. He was not too far from the house. I remained at home and heard the sound of stones that the settlers threw at our windows. At around 4:00, my husband called me and asked me to take the cooking gas canister out of the kitchen. I asked why but he did not reply. Indeed, I went to the kitchen, and while I was unscrewing the gas canister I heard the sound of burning fire. I then understood that the settlers had put the wood we used for heating next to the house, on fire. Smoke entered the house and I did not know what to do with my children. They could suffocate. All I was able to do was to keep them in the room and close the door tightly and make them smell perfume, maybe it will help.

Half an hour later my husband called and told me our neighbor Um Walid will come to take me to her house. I heard her voice telling the soldier "there are children in the house with their mother". The soldier told her "go back, go, I will check on them". He spoke in Arabic and kicked the door with his foot. I said "who is it?" He said "the army" I asked "are there settlers with you?" He replied sarcastically "open the door, there are no settlers". I carried my son and the soldier carried Nada, the youngest, and I went up to the neighbors' house a few meters away. During this time the settlers were throwing stones at us, but thank God no one was hurt. When I reached the neighbors' house there were about 20 other people all women and children, but I felt safer, because I was no longer on my own, although the stone throwing at the house continued. At around 6:00 p.m. my husband was able to get to us and also foreign journalists, among them a Jewish journalist. They were the ones who called the police who then surrounded the settlers at around 8:00 p.m. and the situation was quiet again.

At around 8:30 I went back to my house with my husband. The settlers had already destroyed the water tanks, and the entire area around the house was burnt down, windows were broken and the wood was burned. The house smelled smoke. I was scared, that is why I refused to sleep in the house. I asked my husband to take me to his brother's house to spend the night there, and indeed I spent the night at their house. My husband stayed at home.

I think the army could have protected us by preventing the settlers from doing everything they did. They did not make any attempt to protect us. There were only three soldiers trying to prevent tens of settlers from attacking us, and every now and then they threw a tear gas canister at the groups of settlers. This was not enough. I later found out that the shooting was at our elderly neighbor Abdel Hai Matariyeh who was injured.

This incident greatly affected my psychological state of mind and my energy level. I used to do my house work energetically. Now my energy level is very low. When I open the window I worry that the same thing might happen again. I always think to myself that they will come back again and the same incident might be repeated. The slightest sound now scares me, scares me a lot. I often dream at night that the settlers are back and that they burned down my house."

### Case Study 3

Testimony of: Hana Jamil Ratib Abu Haikal

Location: Jabal Al-Rahma / Hebron

Date of incident: 11th April 2009



Hana Abu Haikal is 51 years old and has one daughter aged 19 years old. She lives in the Jabal Al-Rahma area of Hebron with her daughter, her sister Lina and her elderly mother. She owns her own hair salon in Hebron and runs it as a successful business.

Her home is located close to the Israeli settlement outpost of Ramat Yishai which was built in 1984. Since then, there have been severe restrictions placed on the freedom of movement of local Palestinian residents, meaning that there are now four checkpoints around her neighbourhood. She cannot use the road that goes through the settlement instead having to take dirt tracks through fields to access her home. She cannot bring large pieces of furniture, electrical equipment or construction materials to the house without prior co-ordination with the Israeli authorities. Visitors can only come to her home if they have arranged co-ordination with the Israeli authorities.

Worse are the problems Hana faces trying to ensure that her mother receives the regular and emergency medical treatment at the local hospital she requires. Her mother suffers from diabetes, heart problems and high blood pressure and has limited mobility. Cars cannot go to her house and the only way to take her mother to visit a doctor or go to the hospital is by ambulance: the prior co-ordination required between the Israelis and the Red Cross can be lengthy and may not be approved.

Hana described an incident to WCLAC that occurred on the 11th April 2009 when she was accompanying her mother in an ambulance from the hospital back to her home:

"On April 11, 2009 my mother was at the hospital. She had been admitted on an emergency basis because she had very high blood sugar levels and was receiving treatment for this. On that day doctors told us her condition had improved and she could return home. I called the Red Cross and informed them. They know my mother's condition very well and as usual, I asked them to obtain the necessary coordination for the ambulance. I waited at the hospital until I received a phone call back from the Red Cross employee who assured me that the coordination with the authorities was all done and that the ambulance was on its way to take my mother from the hospital to the house.

The ambulance arrived on time and my mother was taken out of the hospital into the ambulance. It was 3:20 in the afternoon. I sat in the back of the ambulance where my mother was and a paramedic sat in the front seat next to the driver. The ambulance



drove in the direction of our house. Israeli soldiers at the entrance to the "Shuhada" street stopped us to do the necessary checks and then let us pass without any problems. The ambulance drove for about 200 meters. At this point I heard a soldier say in Hebrew "stop...stop". The driver stopped and the soldier approached us with a gun in his hand. He asked the driver "who gave you permission to pass?" He said this in broken Arabic. The driver explained that coordination had been obtained and that the soldiers at the first checkpoint had already checked us and everything was fine.

Meanwhile, I saw through the back window a group of settlers, perhaps ten or fifteen of them gathered on the side of the road. One of the settlers' children, who was about 14 years old, was walking toward the ambulance. While the soldier talked to the driver I saw the boy lean down to pick up a stone. The soldier looked at the boy as he continued to talk to the driver. At this point the boy threw the stone at the back window of the ambulance and broke it. The stone landed near me and my mother. I was frightened and yelled at the soldier. I told him "my mother is in serious condition, take this boy away". I spoke to him in Arabic and I am not sure how much he understood of what I was saying. The soldier didn't move and didn't do anything. The boy then picked up another stone and threw it at the same window which caused whatever was left of the broken glass to fall down. When this was happening I leaned over my mother to protect her and to prevent stones and broken glass from falling on her. I then lifted my head up and saw a number of other settler children approaching us. The soldier didn't do anything to prevent the settlers from attacking us.

The soldier then told the driver to go back where he came from. The driver did so while the settler children chased us until we got to the other roadblock where the soldiers stopped us. The settlers followed us and threw more stones at us. I was terrified although I tried hard not to show my fear; I didn't want my mother to collapse. I felt deep despair when I realized the soldiers showed no concern, I felt everything was useless, even the coordination.

I heard the settlers curse us in Arabic. They were saying very bad words to us like "fuck you and fuck your mother". I am too embarrassed to repeat some of the words they yelled at us. I began to cry as I bent over my mother to protect her while the settlers kept throwing stones at us from all directions. My mother was crying too. I was very worried about her and didn't know what to do. I heard the driver speak to the soldier asking him to either protect us or to let us get out of the area.

In the end the ambulance left Al-Shuhada Street and drove back. When we got to the area under the control of the Palestinian Authority the driver stopped for a few minutes to inspect the damage to the ambulance. It was badly damaged with a lot of broken glass. I heard the driver speak to his boss, and I felt my mother became very tense. She started to look different. The driver then continued to drive until we arrived at the Red Crescent hospital, which was the nearest hospital to us. My mother was treated there and given first aid.

My mother was not able to return home that day. We took my mother in an ambulance to my cousin's house where she stayed for three days and I went home by foot. I visited her each day and she was in very bad condition. She so badly wanted to be at home and saw no end to this on-going ordeal.

I and my sisters and mother all suffer from different illnesses which I believe are a result of the difficulties we suffer on a daily basis. Our choices are very limited: either we accept to live like this or we leave our house and go live somewhere else and let the settlers take over our house.

Three days later we submitted another request for coordination to transfer my mother by ambulance to our house. We got the necessary coordination and my mother arrived home without any problems. I was with her. My mother feels that her condition has deteriorated after this incident. She cannot stand on her feet easily. She is scared each time she hears noise around the house. She probably is more worried about us and the young children than about herself, especially since she feels help-

less and unable to protect us. She doesn't sleep well at night. She often wakes up in the middle of the night feeling restless. When I ask her what the problem is I realize she has been having bad dreams. We rarely leave my mother alone anymore.

We feel very lonely in our struggle with the settlers. The complaints we submitted to the police have not made any difference to our lives. I did submit a complaint about what happened on 11 April 2009 and gave a statement to the Israeli police at the Kiryat Arba police station but nothing has happened."



Tel Rumeida, Hebron  
Photo credit: EAPPI

## Nablus

WCLAC has also been documenting cases in the area around Nablus in the north of the West Bank. Villages around Nablus like Asira al-Qibliyeh, Kufr el-Deik and Burin are regularly subjected to attacks from the nearby settlements of Yitzhar and Zahav.

## Case Study 4

Testimony of Khadra Abdel-Karim Ahmad

Location: Asira al-Qibliyeh / Nablus

Interviewed on July 2nd, 2009

Date of incident: June 29th 2009

Khadra lives with her husband Ibrahim and their six children in the village of Asira al-Qibliyeh near the West Bank town of Nablus. Her house is located on the side of the hill where the Jewish settlement of Yitzhar is located. There is also an Israeli military camp about 300 metres away from her house. She described to WCLAC how repeated settler attacks have been happening to the village since 2000 with arson attacks, theft of goats and graffiti painted on village property. Here she describes one particular incident.

"On 29th June, 2009 my children were playing outside the house, I was in the house. All of a sudden the settlers appeared, there were about 15 of them, and they started to shoot and throw stones at our house. My husband, who was in the house at the time, went outside to bring the children in. He saw Israeli soldiers around the house; they were protecting the settlers. My husband asked the commander what the settlers were doing around our house. The commander told my husband not to ask any questions.

As soon as my husband and my children entered the house they then started to throw petrol bombs at the neighbour's house. They hit the windows and the door with a small explosion but outside of the house. They created small fires but luckily they just died out. I was scared by the petrol bombs, I don't seem to get used to them, no matter how often it happens.

The settlers had women and children among them. There were so many of them outside our house and I could hear many of them shouting at us and using bad words. I could hear some of them insulting the Prophet Muhammad and others shouting insults and calling us dirty prostitutes. I heard them chanting 'mavet le a'ravim' which means death to the Arabs. We were terrified, and the children were especially. All this time, the soldiers were standing beside the settlers; they did nothing to protect us. Rather they were ready to arrest any Palestinian who tried to confront or stop the settlers.

My youngest daughter, Ruba, who is one-and-a-half years old and is just beginning to speak, points to the window and says "settlers, settlers..." and starts to cry each time she hears noise around the house.

The Israeli human rights organization, B'tselem, gave us video cameras so that we could record what happens when the settlers attack us. This didn't make much of a difference; the settlers have only become more vicious. My husband has made complaints to the Israelis about the settlers from Yitzhar, he has been to the DCO at Huwarra to give a statement but nothing has come of it. "



## Case Study 5

Testimony of MA

Location: Asira al-Qibliyeh / Nablus

Interviewed on July 27th, 2009

M also lives in Asira al-Qibliyeh with her husband and six children. Her youngest daughter H, was only 4 months old when M was interviewed by WCLAC in July 2009. Like Khadra, her house is near the settlement of Yitzhar. She also describes the regular attacks from the settlement on the village and the fear and worry she feels when her children play outside. She described to WCLAC an incident from 23rd July 2009 when the settlers entered the village.

"On Thursday July 23rd, 2009, at around 5:30 in the afternoon about 15 – 20 settlers began to walk down the hill from Yitzhar toward our house; my children were playing outside. Soldiers also came into the village with the settlers. Other people from the village gathered when they heard the news that settlers were coming into the village. The settlers were standing around 10-15 metres away from my house. They were throwing stones at the nearby houses and also at some of the people from the village who had gathered. Fortunately nobody was hit on this day. I recognized one of the settlers because he often comes into the village; he is more than forty years old and has long side burns and a long beard. Three of the settlers covered their face with t-shirts so they couldn't be recognised. Then the soldiers began to fire sound grenades and tear gas and I was scared for my children, especially my eight-year-old son, Ahmad. He is terrified of settlers. He always cries when settlers attack us.

My youngest three children were in the house, but three of my older boys were outside. So I went outside to bring the boys inside because I was worried about what would happen to them. Me and my sister in law were outside collecting the boys when the soldiers started firing sound grenades at us, one of them landed at my feet, then more landed, perhaps three or four amongst the other people around us. I was scared and so was my sister in law. I managed to return back into my house with my twelve year old son and at that moment the soldiers started firing tear gas near my house. I went to check on my youngest daughter and found her crying with foam around her mouth, I think that this was because of the tear gas. I felt terrified for her and started to scream and shout asking for her father to come. My husband then carried her out of her bed and took her outside – he wanted to show her to the soldiers to show them what they'd done to her. But nothing changed; they continued to fire the tear gas and wouldn't speak to my husband.

While my husband took our daughter, I followed him outside with my son A and my daughter B. After he'd shown H to the soldiers I took her from him and took her with A and B down to their uncle's house which is a short way further down in the village. I did this to get them away from the tear gas. As we set off, there was still a smell of tear gas in the air and we saw some army jeeps coming up through the village. When I returned passed my neighbour's house, she told me that my mother was at her house and that she had been badly affected by the tear gas and had passed out. She had been trying to get to my house. I was terrified – really worried about my mother. I went into the neighbour's to see and found her shaking and very pale. I said to her

"why did you come? I told you not to come when there is trouble up here." My mother told me that she worries about me and cannot but come and see me when she hears that there's trouble. Someone had called the ambulance and when it arrived, they gave her oxygen to help her breathe. I wanted my daughter to get some treatment from the paramedics and so I went back the 50 metres to my uncle's house to collect her. They checked the level of oxygen in her blood and they said that she was ok and they advised me to keep her outside the house rather than inside. The soldiers stayed in the neighbourhood until sunset and the settlers did not retinto the village, but stayed on top of the hill that looks down into the village. That night, I couldn't sleep I was so worried, I thought the settlers would come back into the village.

The situation is getting worse, but there is nothing anyone can do. My husband went to make a complaint to the Israeli authorities about the settlers' behaviour in our village, at the beginning of this year, 2009, but nothing came of it."

### Lack of Accountability

Israel is failing to comply with its obligations under Article 2 of the International Covenant on Civil and Political Rights which provides that State Parties must ensure that there is an effective remedy for victims of violations of the Covenant. WCLAC's experience is that Palestinians who are the victim of settler attacks are hesitant to file complaints because they lack confidence in the law enforcement system that affords little protection and allows settlers to act with impunity. Victims fear further harassment or reprisal attacks from settlers if they file complaints against them and fear exposing themselves to harassment and threats from the Israeli police when filing complaints.



Yanoun, Nablus  
Photo credit: EAPPI

A comprehensive monitoring project carried out by Israeli human rights organization Yesh Din which looked at the investigations by the Israeli police in the West Bank (referred to as Samaria and Judea or SJ) into complaints by Palestinians against Israeli citizens found that there was a general absence of law enforcement against Israeli settlers who commit offences against Palestinians in the West Bank. The report "A Semblance of Law: Law enforcement upon Israeli citizens in the West Bank" concluded that: "[t]he results of Yesh Din's monitoring reveal a total failure of the SJ District Police in investigating Palestinian complaints about Israeli civilians harming them and their property. In 90% of the complaints that were filed the police treatment ended with the investigation file being closed or the complaints lost."<sup>33</sup>

### c. Violence from State Actors

The most notable recent and obvious example of Palestinian women becoming the victims of violence from Israeli state actors, from the Israeli Army, were the attacks by Israel on the Gaza Strip that began in December 2008 and lasted 23 days. According to UNOCHA, the attacks left 1366 people dead, including 430 children and 111 women, and 5380 injured, of whom 1870 were children and 800 were women.

<sup>34</sup> The United Nations Fact Finding Mission into the Gaza Conflict found in their report that Israeli operations were carefully planned in all their phases as a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population and further found strong evidence that Israel committed grave breaches of international humanitarian law during the attacks.<sup>35</sup> Unfortunately during 2009, WCLAC has not been able to access Gaza to document women's experiences from the war but hopes to do so through Gazan fieldworkers in 2010.<sup>36</sup>

WCLAC has documented cases of violence against Palestinian women in the West Bank committed by Israeli soldiers. The testimonies highlight the consequences of such violence: women are left traumatised by the experience, fearful of repeat attacks and afraid to leave their homes.

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<sup>33</sup> Yesh Din, A Semblance of Law: Law enforcement upon Israeli citizens in the West Bank, (Yesh Din, June 2006), 124, <http://www.yesh-din.org/report/ASemblanceofLaw-Eng.pdf>

<sup>34</sup> Voicing the needs of Women and Men in Gaza: Beyond the aftermath of the 23 day Israeli military operations, produced by UNIFEM (2009) p.9

<sup>35</sup> Report of the United Nations Fact Finding Mission on the Gaza Conflict, A/HRC/12/48 15 September 2009 (The Goldstone Report)

<sup>36</sup> For accounts from women in Gaza see: "Through Women's Eyes: A PCHR report on the gender specific Impact and Consequences of Operation Case Lead." Palestinian Centre for Human Rights, 2009. Available at [http://www.pchrgaza.org/files/Reports/English/pdf\\_spec/through-women's%20eyes.pdf](http://www.pchrgaza.org/files/Reports/English/pdf_spec/through-women's%20eyes.pdf)

## Case Study 6

Testimony of Fatima S

Location: Kufr Edik, Salfit

Interviewed on 11th July 2009

Date of Incident: October 2008

Fatima S lives in Kufr Edik, a village located very close to the Israeli settlement of Zahav from where regular attacks by settlers and soldiers are reported. Fatima told WCLAC about an incidence of a physical assault on herself together with a threat of sexual assault or rape on her daughters as well as a sexually suggestive gesture towards Fatima herself by an Israeli soldier in her home. She has not reported the incident to the Israeli authorities, having little confidence that anything will be done. Meanwhile Israeli soldiers and settlers continue to enter her village on a regular basis and she continues to live in fear.

"Israeli soldiers came to the house. It was around 9:00 p.m. My husband and son were not at home at the time. I was alone with my daughters, N who is 20 years old, K who is 23 years and H who is 27 years old. We suddenly heard loud banging at our door that sounded like it was being made by feet and by weapons, and I told the girls to get dressed and then I opened the door.

When I opened the door I saw that it was a group of Israeli soldiers, six of them in total. The commander looked to be an Israeli Druze and was round faced with a moustache, he was wearing military uniform and a helmet. He spoke good Arabic and asked me in Arabic about the village Chief [mukhtar], he wanted to know if I knew where he was. I told him we don't have a Chief in this village. He then pushed me away in the chest and entered the house with the other soldiers. I told him there wasn't anyone else in the house except me and the girls. They were carrying guns and aiming them at us. The Commander asked me again about the Chief and I told him again there is no Chief. He then threatened me and told me "if you don't tell me where the Chief is I will open up your daughters" and pointed at my daughters. I was horrified, understanding him to mean he would rape or sexually assault my daughters. I shouted at him and told him the girls have nothing to do with anything. He then aimed his gun at me and put it against my chest. I shouted at him again and told him "shut up and leave". I was trembling from inside, I was very scared and I was worried about the girls.

He told me again that if I didn't tell him where the Chief was he would break the glass in the cupboard. I told him to go ahead and break whatever he wanted but not to touch the girls or speak to them. He laughed at me and came closer to me and pushed me with his hands on my chest against the wall. I felt my back was about to break. He put his hands on his belt as if he was going to un-tie it. I screamed at him and told him to get out. The other soldiers who were with him started to laugh. I was terrified but tried not to show it. The soldiers then slowly started to leave the house. Each time I see soldiers or hear loud sounds I panic. I feel I want to leave our house and go live somewhere else. I can no longer bear to have settlers and soldiers breaking in. Each week there is one attack at least and there is shooting around the house. The situation is unbearable. I live in constant fear.

I haven't filed a complaint with the Israeli authorities because I have no confidence that anything will be done about what happened to me."



## Case Study 7

Testimony of Halima Abed-Rabu Muhammad Shawamra

Location: Khirbet Deir El-Assal Alfoqa / Dura / Hebron

Interviewed on April 11th, 2009

Date of Incident: March 11th 2009

Halima lives in Khirbet Deir El-Assal, in the district of Hebron, with her husband and her eight children. Her home is located close to the wall. It is just 50 metres to the west of her house and there is a gate in it which is used by the army to go in and out of the village. She described to a WCLAC fieldworker an incident in which she was assaulted by Israeli soldiers.

"On March 11, 2009 at around 10 p.m. the family donkey ran away toward the West where the wall is built. It stopped near the wall, as I was able to see from inside the house. I ran toward it and when I got there I noticed that the donkey's leash was stuck to the barbed wire of the fence near the gate, the leash is what we use to control the donkey. I untied the leash and pulled the donkey back to the house. After walking a few steps I saw a green Toyota car with lights similar to those on ambulances approaching from the northern side of the road that runs parallel to the fence on the side of the area within Israel. Two men, both quite tall, got out of the car. They were wearing green uniforms that made me think they were border guards from the Israeli army. They looked about 20 years old. They approached me after they entered through the gate. One of them tried to take the leash by force. He talked to me in perfect Arabic and said: "I will take the donkey away. You can get it back from the quarantine in Bir Essabe' after paying a fine of 1000 shekels". While one soldier pulled the leash the other soldier hit me on my hand with the back of his gun. He hit me hard on my left wrist. I felt severe pain. I shouted and dropped the leash. I told the soldier I didn't have money to pay them, and then both of the soldiers started kicking me mercilessly on my leg and thigh. When I shouted "You broke my hand" they made fun of me and repeated what I was saying, told me I was a liar and abused me, saying "liar, fuck your mother, damn your father.." in arabic ("kus immeck yila'an abouki"). They brought metal handcuffs and tied my hands in front of me. I did not know what to do or how to get myself out of this situation. I felt my left hand was broken and the handcuffs were causing me severe pain. At the same time I was worried about the donkey because life will be very hard for me and my family without the donkey. I use it to plough the land and to carry heavy things around. I also was worried about my sons and my husband who were watching through the house windows without being able to do anything to free me. They were too scared of the soldiers who might arrest them for no reason. I pleaded with the soldiers and threatened to report them to the police and the civil administration. While doing so I felt nauseous and fell to the ground. One of the soldiers replied to me in Arabic saying "we did not break your hand". They then ran back to their car without the donkey and the car drove toward the South.

After they were gone, my husband came to the site and brought me water and helped me wash my hands and face. Then I went with my daughter to an elderly woman who is known for treating fractured bones. She placed a patch on my wrist to relieve the pain and told me my hand was broken. I went back home but I couldn't sleep all night because of the pain. I was also thinking about my family and our house and land. Our only fault is that we live near the wall. How much longer will our suffering go on for? How many more of those seemingly endless incursions will take place? Each time they threaten us and order us to leave the house, but we own no other house. The next morning I went to the Government hospital in Hebron. I arrived there at 8 in the morning. The two X-Rays showed that my wrist was fractured. I was treated with plaster which covered my arm. I was given prescription medicine which I bought at the pharmacy at my own expense. The doctor told me to see the orthopedic clinic in the hospital on April 27, 2009. I could not work because of the fractured wrist. I could not do the house work either. I still feel severe pain when I move my hand even slightly. I know that it will take a long time for an old woman like me to recover from a fractured bone. "



Qalandiya checkpoint  
Photo credit: WCLAC



Hebron

Photo credit: WCLAC

### Lack of Accountability

Again, the experience of WCLAC is that, in the case of attacks from soldiers or other Israeli State actors, Palestinian women are reluctant to make a complaint. This is for the same reason women do not make complaints about settler violence: they lack confidence in the law enforcement system that affords little protection and allows soldiers to act with impunity. Women fear further harassment or reprisal attacks from settlers if they file complaints against them and fear exposing themselves to harassment and threats from the Israeli police when filing complaints.

Statistics from the Israeli army provided to the Israeli human rights organisation Yesh Din, illustrate the low probability of a successful outcome to any complaint made. The Israeli army statistics, on results of Military Police investigations of criminal offences in which Israeli army soldiers harmed Palestinians and their property since the beginning of the Second Intifada in September 2000 until June 2007, show that some 90 percent of these investigation files were closed with no indictment. The data also shows that out of the 239 investigations on killing and injury of Palestinian civilians not involved in the hostilities, only sixteen resulted in convictions: less than seven percent of the investigations.<sup>37</sup>

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<sup>37</sup> Yesh Din, Accountability Project. Investigation of Criminal Offenses by IDF soldiers against Palestinians and their property: figures, Yesh Din, <http://www.yesh-din.org/site/index.php?page=criminal3&lang=en>

# Freedom of Movement

## Freedom of Movement

While some checkpoints have been removed during 2009 from some parts of the West Bank, the right to freedom of movement in the occupied Palestinian territory has continued to be severely restricted. The West Bank is still obstructed by 634 physical obstacles, including staffed checkpoints and random, or “flying”, checkpoints, earth mounds, trenches, road blocks, road gates and other kinds of obstacles.<sup>38</sup> As of 31 August 2009, the Israeli army had 60 permanent checkpoints inside the West Bank, 18 of them in the city of Hebron.<sup>39</sup> Also, spread throughout the West Bank are roads on which the army restricts or entirely prohibits Palestinian movement (except for East Jerusalem residents), while Israelis are allowed to travel freely.

According to the United Nations Population Fund (UNFPA) and the United Nations Development Fund for Women (UNIFEM), these movement restrictions impact heavily on expectant mothers, with an estimated 2,500 births per year facing difficulties en route to a delivery facility. Many Palestinian women have developed various higher-risk coping mechanisms in response to a fear of being unable to cross the checkpoints to reach health-care services, drastically affecting birth location patterns. The risks presented by checkpoints, road closures and other obstacles are reported to have led to an increase of 8.2 per cent in home deliveries, further compounding the risk to women's health and to their babies.<sup>40</sup>

The presence of settlers in the West Bank and in East Jerusalem is a primary reason for the curtailment of the freedom of movement of Palestinians. Checkpoints and other obstacles are erected that severely impact on the daily lives of Palestinians while allowing Israeli settlers to travel largely unimpeded. Hebron, unlike most West Bank towns has checkpoints in the centre of the city because of the presence of the Israeli settlers there. The presence of the settlers results in severe restrictions on the freedom of movement of Palestinians, as well as being the source of the violence that is documented in the previous section. Large areas of the old city of Hebron are completely cut off to many Palestinians and those living there are subjected to the most severe restrictions. Women are particularly affected by these measures, their lives often revolving around their homes rather than going out to work, the checkpoints and restrictions mean that essential social interaction with family and neighbours is impossible.

The wall is yet another source of restrictions on movement, separating Palestinian communities and families and preventing normal interaction.

All this is in violation of Article 12 of the International Covenant on Civil and Political Rights. This Article provides that “Everyone lawfully within the territory of a State, shall within that territory, have the right to liberty of movement and freedom to choose his residence.” Any restrictions must be necessary and proportionate. International humanitarian law also requires Israel, in its capacity as the occupier, to ensure the safety and well-being of the local residents, and to maintain, to the

<sup>38</sup> UNOCHA, West Bank Movement and Access Update, May 2009 available at [http://www.ochaopt.org/documents/ocha\\_opt\\_movement\\_and\\_access\\_2009\\_05\\_25\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_movement_and_access_2009_05_25_english.pdf)

<sup>39</sup> [http://www.btselem.org/English/Freedom\\_of\\_Movement/Statistics.asp](http://www.btselem.org/English/Freedom_of_Movement/Statistics.asp)

<sup>40</sup> Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, The issue of Palestinian pregnant women giving birth at Israeli checkpoints: report of the High Commissioner for Human Rights, A/HRC/10/35, 26 February 2009, <http://daccessdds.un.org/doc/UNDOC/GEN/G08/104/12/PDF/G0810412.pdf?OpenElement>



extent possible, normal living conditions<sup>41</sup>

Freedom of movement is vital to the exercise of other rights, such as those set out in the International Covenant on Economic Social and Cultural Rights. These include the right to work (Article 6), the right to an adequate standard of living (Article 11), the right to health (Article 12), the right to education (Article 13), and the right to protection of family life (Article 10). The extent to which women's right to health is affected by the restrictions placed on movement and in particular by restrictions on access to specialist hospitals in Jerusalem is illustrated by the case of Iman (Case Study 8). She tells her story about being turned back at the checkpoint between Ramallah and Jerusalem because her permit to enter Jerusalem to receive cancer treatment at the Palestinian hospital the Augusta Victoria had expired.

Other measures that result in restrictions on freedom of movement are bureaucratic



rules and procedures that limit Palestinians to certain areas through a system of permits. Palestinians holding 'West Bank' identification can only enter Jerusalem with a permit obtained from Israel. Otherwise they may not pass through the checkpoints into Jerusalem. This means many Palestinians are prevented from accessing religious places, hospitals and family and social networks. Equally Palestinians from the West Bank cannot travel to Gaza to visit family or friends and visa versa. Women are separated from family and spouses because of these systems and this issue is dealt with separately in the next section.

It is important to note that the restrictions on freedom of movement do not apply to Jewish settlers. This policy is blatant discrimination based on national origin since these restrictions apply only to Palestinians. Jewish residents are permitted to enter

<sup>41</sup> Articles 50, 55, 56, 59, 63, 64 of the Fourth Geneva Convention

and leave settlements without restriction.<sup>42</sup> This violates Israel's obligations under international human rights law to ensure that human rights are applied to all individuals equally.<sup>43</sup>

## Assessment of Impact on Women

WCLAC has documented the impact on women through in-depth interviews in which the women talk about how they are affected by restrictions on freedom of movement and reveal the social, cultural and economic consequences as well as the emotional and psychological impact on them and their families. Case studies 8 to 10 reveal the damaging consequences of these policies on women and their families. Kifaya's testimony which WCLAC documented in 2009 tells of the difficulties she and her family face, separated from family and community by the Israeli checkpoint of Hizma which denies access to Palestinians without the necessary permit. As can be seen from the testimonies of Iman, (Case Study 8), Kifaya (Case Study 9) and Rima (Case Study 10) below, the restrictions on freedom of movement come from many sources: checkpoints, the presence of settlers and the requirement of permits to travel to certain places.

The testimonies of these women illustrate the many ways that the restrictions placed on freedom of movement impact on women's lives. Both women are cut off from their extended families and from their social and community networks. Rima describes her life living in the Tel Rumeida area of the old city of Hebron, opposite an Israeli settlement, built in 1984. As a result of the settler presence there are now four checkpoints around her home and visitors require a permit simply to enter the road she lives on. Rima and her family cannot drive on the roads around the house and yet her neighbours, the Israeli settlers, have no such restrictions. She describes the regular harassment that she suffers from the settlers and how her family including her married daughters cannot visit her without obtaining a permit and how she was prevented by soldiers from simply carrying out a normal visit to a relative who she wanted to accompany to the doctor. Rima describes how she is confined to her home, only leaving the house once a month and her married daughters only having visited once in the previous ten months. She describes it like this: "It feels a bit like living in a prison, but at least prisoners are allowed family visits. My extended family have been given permission only once in the last ten months to visit our home and that was for a meal during the month of Ramadan. Even for that, my five brothers had to come together on the same day and had to leave before midnight."<sup>44</sup>

Almost every aspect of Kifaya and her family's lives are dominated by the Hizma checkpoint and the permit system, and the restrictions it places on her and her family's life. The education of her children, traveling for health care for her and her children and even where she can shop for food are all limited. Kifaya describes how she feels: "...the checkpoint makes our lives a misery. This is my life; this is my tragedy, me and my children. I don't know how we will manage."<sup>45</sup>

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<sup>42</sup> For further information on this see [http://www.btselem.org/English/Freedom\\_of\\_Movement/Index.asp](http://www.btselem.org/English/Freedom_of_Movement/Index.asp)

<sup>43</sup> Article 2, ICCPR

<sup>44</sup> Case Study 10, p41

<sup>45</sup> Case Study 9, p 39

How the restrictions on movement impact on the right to health is cruelly illustrated by Iman's case. Vital and potentially life saving visits to the hospital are made difficult and at times impossible by a complex and foreign permit system with devastating consequences for Iman's health.

## Case Study 8

Testimony of Iman Atta Eddin Ismail Eddiek

Location: Kufr Eddiek, Near Nablus.

Interviewed on April 20th, 2009

Iman was interviewed by a WCLAC fieldworker in April 2009 and WCLAC staff members met with her a few months later to talk with her about her situation. She was a young woman of 31 years who had had little education and worked in a sewing factory until she was diagnosed with lung cancer in February 2008. After that, she had to travel regularly to the hospital in Nablus before being referred on to the specialist cancer hospital in Jerusalem, the Augusta Victoria. In order to travel to the hospital in Jerusalem, Iman had to obtain a permit from the Israelis, a complicated process made even more difficult by her illness and by the fact that she was illiterate and the forms had to be completed in Hebrew, which is not her own language. She described one unsuccessful attempt to get to the hospital on March 19, 2009.

"When we arrived at Qalandia checkpoint (between Ramallah and Jerusalem) the hospital car was stopped by the soldiers. The woman soldier asked the driver for the permits for all the passengers to travel into Jerusalem. After about half an hour the woman soldier came back and said that one of the permits is expired. She spoke to the driver in Hebrew. The driver told the patients that one of the permits had expired yesterday, and that the name of the person is Iman Atta Eddin Ismail Eddiek. I told the driver it was me, and that this was my permit. The driver told me to get off and go back. I told the driver I was going to speak to the woman soldier. I got out of the car and told the soldier I was sick and tired and that I had chest pain. I told her "look, I can barely breathe, I have medical reports that prove that I have lung cancer, please look at my face, it is swollen from fatigue, for God's sake, I am unable to stand and balance myself". She said in Hebrew "no no no, go home". The sun was hot somehow and I felt pain in my head. Because I begged so much the soldier went and spoke in Hebrew to another soldier but then came back and said "no no, go home". The car carrying the other passengers then carried on to Jerusalem without me and my sister."

Iman's condition deteriorated after this incident and while her brother managed to obtain another permit for her, she told the WCLAC fieldworker:

"While waiting for the permit I suffered tremendously. I then went to the hospital in Jerusalem and spent one week in the intensive care unit. The reason was because I did not take the necessary medication in time. My condition now is much worse than when I was able to take the medicine regularly. I am now unable to get out of bed except to go to the bathroom. I am tired and, on some days, I am unable to sleep from the pain.

Tragically, although Iman recovered to some extent and continued receiving treatment in Jerusalem and then in Jordan, she died in late 2009.



Qalandiya checkpoint  
Photo credit: WCLAC

## Case Study 9

Testimony of Kifaya Issa Salim Al-Khatib  
Location: Hizma, Jerusalem  
Interviewed on 9 June 2009 and 1 August 2009  
Date of Incident: ongoing

Kifaya's home, Hizma and Pisgat Ze'ev  
Photo credit: WCLAC



Kifaya Al-Khatib is 64 years old and lives with her extended family to the west of the village of Hizma to the east of Jerusalem. She moved to live with her husband when she married on land owned by her husband's family and they kept livestock on the land, making a living through selling the animals and also the produce such as milk, cheese, yoghurt and eggs. She described to WCLAC her life and the problems she faces because of the occupation. She has lived now in this house for 40 years, but since 1993, her home has been located beyond the Israeli checkpoint called Hizma. Her home is now on the Jerusalem side (illegally annexed by Israel), while she and her family have Palestinian, or West Bank identification. This means that she has to have a special permit to travel through the checkpoint, but can only go as far as her home, she and her family are not allowed into Jerusalem itself to access the shops, hospitals, schools or universities. Many of her family and friends do not have permits to visit her on the Jerusalem side of the checkpoint resulting in increasing isolation and severe restrictions on her access to her community and social and cultural life.

"When we first moved from the village, I had my oldest two children, a boy and a girl. I now have eight daughters and three sons. My sons all live with me, AG, with his wife and five children and AE with his wife and seven children and the youngest Yousef. Three of my daughters who are not married, also live with me, Z and then K and IK who both suffer from a disability and can only get around using wheelchairs. I have five other daughters who are married and live with their husbands in the village



of Hizma, which is on the other side of the Hizma checkpoint. They are: F who has 4 daughters and 2 sons, H who has 2 sons and 2 daughters, R who has four sons and one daughter, I who is pregnant and already has one son and one daughter and IB who has two daughters and two sons. She recently came back from the States and will be staying with us in our house with her husband and children.

Things have changed a lot over the years. Before, I used to be able to move freely between the village of Hizma, to Ramallah and through to Jerusalem. Then the Israelis started building the settlement of Pisgat Ze'ev in 1982 just over the valley from us, probably about 500 metres or so away from our house. We have problems with the settlers, just recently a goat was stolen from me by someone from the settlement. A neighbour of mine saw it in the settlement and managed to have it returned to me. In 1993, the Israelis placed the military checkpoint called Hizma between our house (on the Jerusalem side) and Hizma village. The dirt track down to our house is about 200 metres from the checkpoint, but the road to our house is rough and since then, our lives have been made impossible, my life is a tragedy.

I and all the members of my family have West Bank ID cards, which means that we are not officially allowed to go into Jerusalem. But because my home is on the Jerusalem side of the checkpoint I have to pass through the checkpoint to get home from our village. We are unable to get to our house except by passing through the checkpoint and with a special permit for each and every member of the family. Until four or five months ago, 45 members of my family were registered on a list held by the soldiers at the checkpoint but this has now been reduced so that only 27 members of the family can pass through, this is the 22 members of the family who live in my house and my five daughters who live in Hizma village. Their children can only pass through the checkpoint with their mother to visit me if they produce their birth certificates for the soldiers to prove they are under 16 years old. When they reach 16 years old, they can no longer come to visit me. This means that my daughter Fatma's three oldest children can no longer come through to the house to see me. The other grandchildren also complain and ask why their fathers can't come with them to visit.

I can pass through to the other side of the checkpoint, but we have to walk through and it is only designed for cars. We can't drive through it because you can only drive through the checkpoint if you have a car with Israeli 'yellow' number plates. We can't have one of these because we don't have Jerusalem ID. We also can't take a taxi because Jerusalem taxis can't carry passengers who have West Bank id without a permit to go into Jerusalem. Our permit is just a seam zone permit to allow us to pass through the checkpoint, we're not allowed into Jerusalem. If we were stopped in Jerusalem we could be arrested. I did apply with other members of my family for Jerusalem Identification papers and we went through a long court process, but in the end we were refused because they said that we had moved to the house after 1967 and therefore we were not entitled to be considered Jerusalem residents.

So I can't go into Jerusalem and if I want to go to the West Bank, to Hizma village or to Ramallah, I have to walk the dirt track up to the main road, which is rocky and difficult to walk in, it's never been improved by the municipality and although some local people improved it a couple of years ago, it is still in a poor condition. Then I





Qalandiya checkpoint

Photo credit: WCLAC

walk the road down to the checkpoint, which is busy with many cars and there are no pavements. I am not young anymore, I'm 64 years old and I have had leg surgery and back problems, problems with the discs in my back which makes it difficult for me to walk. I have to see a doctor once a week for injections and for massages.

Sometimes the soldiers at the checkpoints change and they don't allow us to pass. This forces us to call the Red Cross in order to allow us to pass and this takes a lot of time, sometimes more than two hours.

I am unable to do my shopping except in Ramallah, since I hold a West Bank identity card and I am not allowed to go to Jerusalem. Our shopping gets confiscated at the checkpoint if the products are Palestinian such as eggs, dairy products, all kinds of meat, and even cooking gas canisters. A gas canister costs 55 shekels if we buy it in Hizma whereas it costs 95 shekels in the settlement which is the only place I can buy it from.

Our house is made up of four rooms and a small veranda, two kitchens and three bathrooms. In the past it used to be two rooms, one kitchen and one bathroom, but as the family grew and more grandchildren arrived we wanted to extend the house. We applied to the Jerusalem Municipality to allow us to add one or two rooms next to the house but the Municipality refused our request. After consulting with the lawyer

(AS), he advised us to go ahead and build, but with wooden or asbestos roofs. We went ahead and built a cement house with a zinc roof.

Everything about our lives is restricted. We can't extend the house so my family can live comfortably, we can't keep the animals and we can't plant the land behind the house that separates us from the settlement. We have a lot of land but we can't use it for anything, either to build or to plant on. Then the checkpoint makes our lives a misery. This is my life; this is my tragedy, me and my children. I don't know how we will manage. I don't know what will happen to us. I am very worried about my future and the future of my family especially my two daughters who are sick."

## Case Study 10

Testimony of Rima Abu Eisheh

Location: Jabal Al-Rahma, Tel Rumeida, Hebron

Interviewed on 20 October 2009

Rima Abu Eisheh is 42 years old and lives in the Tel Rumeida area of the old city of Hebron in a large house she shares with her extended family. She lives on the first floor with her husband and five of her children, Muhammad who is 19 years old, Fida who is 17 years old, Ashraf who is 15 years, Sharif who is 12 years and Haitham who is 2 years old. Her three oldest daughters are all married and live with their husbands.

In her detailed testimony Rima describes the restrictions placed on her movement as a result of the settlements that have built up around her home. Her home is surrounded by four checkpoints and access to the house, to anyone other than the members of the household, requires a permit which must be shown to the soldiers before entry is allowed. Her movement and her family's activities are also restricted by the presence of the settlers who harass and attack them on the streets around their home.

"In 1984 a Jewish settlement was built on an area believed to be a Roman archaeological site. The settlement first started as a few caravans and was about 5 meters away from our house. Three checkpoints were placed on the road leading to our house. The first was placed 500 meters to the east of our house and blocked the entrance to the Shuhada' street from the Bab Ezzawiyeh side. This checkpoint has prevented cars from entering the area from there, since the 1990s. A metal-detecting machine is placed there that all people have to pass through. We live at the top of a steep hill and the second checkpoint is placed on a corner of this hill, about 55 meters to the north of our house, which inspects the identity cards of members of our family and prevents visitors from gaining access to our house. There is a third checkpoint that was placed about five meters to the south of our house. There is also a fourth checkpoint, about 15 meters north of our front door, which doesn't have soldiers on all the time, but there are sometimes, especially on Saturdays.

In 1996 the Israeli army imposed restrictions on cars coming to our house. In 2001 cars were required to have a special permit, issued in advance, before they were allowed to enter. This applied even to ambulances. Since then we found ourselves having to carry our shopping and other heavy items for long distances, or carry them on carts which were often stopped and obstructed by soldiers. They even banned

anybody from visiting us except with a special permit from the civil administration. They tried to make us use an alternative road to get to our house but there is no alternative road. In 2002 the settlers built an apartment building opposite our house. It has 16 apartments and was intended to provide housing to the settlers who until then lived in movable caravans."

Over the years, we have had many problems and my family has been subjected to repeated attacks by the settlers and Israeli soldiers. Our windows were repeatedly broken by stones thrown at us by the settlers. We decided to build metal bars



that covered the entire eastern part of our house to try and minimise the harm the settlers do. It feels a bit like living in a prison, but at least prisoners are allowed family visits. My extended family have been given permission only once in the last ten months to visit our home and that was for a meal during the month of Ramadan. Even for that, my five brothers had to come together on the same day and had to leave before midnight.

The latest incident occurred on Sunday 4th October 2009. I was going to meet my brother in law's daughter, Mervat, who lives down the hill from us, just next to the second checkpoint. I don't leave the house very often but this was important as she wanted me to accompany her to an appointment with the doctor for her four month old son. I walked out of my house but when I had walked a few metres and was near the container structure near the settlement I saw a woman from the settlement who



I know lives in one of the caravans nearby. She came out of her house at the same time as me and was carrying a laundry bin. I carried on walking but heard the settler woman walking quickly towards me. I turned around to see her picking up a stone, slightly bigger than an orange and throw it towards me. I quickly moved away to avoid the stone and crossed over to the other side of the street. Again I could hear the woman walking towards me and I turned to see her pick up another stone and throw it again at me. I dodged the stone again and crossed back to the other side of the street to get away from her. Fortunately she missed me both times.

The woman was shouting then down towards the soldiers on the checkpoint. She was shouting in Hebrew which I understand a little saying "She doesn't live in that house." By this she meant, that I didn't live in the area and so shouldn't be allowed to pass by the checkpoint. The soldiers know who I am, I've been passing by the same soldiers for the past two or three months. But still when I reached the checkpoint the soldier said: "I know you live here, but I cannot let you pass because she gave orders not to let you in." Meaning that the settler woman had made the accusation that I didn't live there and so they had to refuse me. The soldier told me to ring the Israeli civil administration office who would co-ordinate with the Palestinian co-ordination office. This was ridiculous but there was nothing that I could do.

My father in law had seen and heard everything that was going on from the second floor of our house. He rang the civil administration to try and deal with the situation, he then came down and joined me where I was waiting by the checkpoint. I had to wait there for more than an hour while a decision was being made about whether I lived in my own house. There was nowhere to sit so I had to remain standing in the street. The soldiers wouldn't let me go anywhere - they told me that I had to stay until I had co-ordination from the civil administration. After an hour they told me I could go. I went back home, I couldn't face going to Mervat's house, in any case, she would have had to leave already for her appointment.

This is just one example of what it's like here. Our every movement is monitored by the settlers and by the soldiers who are a permanent presence on our street. I constantly worry about my children and won't eat until they return home safely after school. I keep watch for them out of my window and my father in law looks out for them from the second floor as they come up the hill to the house. The children know to go into my husband's shop to let him know that they are on their way home before they pass through the first checkpoint. My husband then calls to tell me to expect them and that they are on their way.

We are all trapped in this prison. I only leave the house about once a month because of the situation. I worry that the settlers will attack the house while I'm away from it or will attack the children. My brothers have only visited us once since January 2009 because of problems getting co-ordination and my married daughters haven't visited at all in more than ten months. It's also difficult for us to go out much as a family as we're not allowed to use a car.

I never let the children play outside on the street, it is too dangerous, the settlers are always around and the soldiers with their guns are a constant presence. My children have to show identity documents just to enter the street to their home. Yet the settler children play out on the streets and we see the settlers and their families going out in their cars and they are free to do as they please. I particularly feel the contrast during feasts and occasions, while I cannot have my family to visit as I would like and have to co-ordinate a week in advance, the settlers have big festivals and

# Residency and Se

celebrations with no restrictions.

## Residency and Separated Families

International human rights law provides that everyone lawfully within the territory of a State has the freedom to choose her residence.<sup>46</sup> It further provides that no-one should be subjected to arbitrary interferences with her privacy, family or home.<sup>47</sup> Despite these legal provisions, thousands of Palestinians are affected by Israeli policies which prevent families from living together, through a complex system of permits and administrative bureaucracy. These policies affect Palestinians who have a spouse or other family members with a foreign passport, Palestinians from the West Bank wishing to live with a spouse or other family members in East Jerusalem<sup>48</sup> and Palestinians from Gaza wishing to join a spouse or family in the West Bank or East Jerusalem.

Since November 2007 Israel has required Palestinians from Gaza to obtain a permit to remain in the West Bank<sup>49</sup> and Israel does not consider marriage between residents of the Gaza Strip and West Bank a criterion for issuing a permit to remain in the West Bank.<sup>50</sup> In essence, it is preventing couples from the West Bank and Gaza Strip from living together. Families have to remain living apart for many years waiting for applications to be processed and approved: many have had to emigrate in order to stay together.<sup>51</sup>

Israel's arbitrary denial of entry to foreign passport holders at the Israeli-controlled borders also impact heavily on the lives of Palestinians. As a result of Israel's policies and practices, economic investment has been handicapped and obstructed in numerous ways. Educational institutions, health care and other essential welfare services are also burdened and degraded by scarcities of skilled personnel. Recent measures also include the issuance of a "Palestinian Authority Only" visa stamp to some foreign passport holders. These stamps prevent access to Jerusalem as well as hindering travel between Areas A, B and C.

### a. Assessment of Impact on Women

WCLAC is aware of hundreds of women affected, and has documented the testimonies of some of these women by in depth interviews in which the women talk about their experiences of being separated from a family member and reveal the ways their every day lives are impacted and the emotional and social and economic consequences on them.<sup>52</sup>

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<sup>46</sup> Article 12, ICCPR

<sup>47</sup> Article 17, ICCPR

<sup>48</sup> See the next section in this report on the special case of residency rights in East Jerusalem

<sup>49</sup> B'Tselem and Hamoked, Separated Entities: Israel Divides Palestinian Population of West Bank and Gaza Strip, Position Paper, September 2008, p2

<sup>50</sup> Ibid, p3

<sup>51</sup> See for example, Hamoked, Perpetual Limb: Israel's freeze on Unification of Palestinian Families in the Occupied Territories, July 2006 available at [http://www.hamoked.org.il/items/13000\\_eng.pdf](http://www.hamoked.org.il/items/13000_eng.pdf)

<sup>52</sup> For information about the economic and social conditions of women in Jerusalem, see Nabris, K, Iweida, S, Abdo, H, "Economic and Social conditions of Jerusalemite Women" Women's Studies Centre, July

# Separated Families

Whilst these policies have had a devastating effect on the entire population, the disproportionate impact on Palestinian women and on their ability to enjoy the fundamental human rights guaranteed to them by international covenants and conventions cannot be emphasized enough. Women are often left with the burden of raising children without a father present; they find it difficult to find employment for both cultural reasons and for practical reasons when having to care for children, with the consequent negative economic and financial impact that this brings.

Rimaz (Case Study 12) lives with her husband in Jerusalem but, without the right papers, cannot live a normal life and describes how this impacts on almost every aspect of her life: "It became more and more difficult for me to go to my work or to get anywhere in Jerusalem. I couldn't do my shopping, I couldn't visit my friends I couldn't take my children to school or to a doctor or a hospital. During the summer holidays my children and I could not go anywhere together. I couldn't take them to summer camps where other children their age went. I was completely dependent on my husband who was very busy."<sup>53</sup>

The impact on children and the mother's relationship with her children is also impacted by these Israeli policies which can also bring about a breakdown in the family network. Rimaz believes that her children have been affected by the restrictions placed on her life: "They couldn't understand why their friends' mothers took them places, drove them around and did things in the city with them while I couldn't. They were too young to understand. I sometimes felt they resented me. It was very difficult for all of us."<sup>54</sup>

Zarifeh (Case Study 11) married her cousin who was born in Brazil and does not carry a Palestinian identity card. The couple have been separated from each other for 9 out of the 17 years of marriage; the family unification application which they submitted to the Israeli authorities just after they got married is still being processed. Their younger child who is now 5 years old has seen her father for only three weeks since she was born. Zarifeh's life as a single mother raising her six children in a conservative society has not been easy. To make things worse, Zarifeh's husband was denied entry at Ben Gurion Airport in 2006 when he attempted to visit his family on a tourist visa and the couple have not seen each other since that time. Zarifeh is worried about her future relationship with her husband; she doesn't feel she knows him anymore.

She is also distressed about the fact that her children are growing up not knowing what it means to have a father: "Since 2004 until now my children and I have been separated from my husband. They have been very difficult 5 years. It is not easy to raise six children without my husband. It is very difficult for the children too."<sup>55</sup> "My youngest daughter rejected her father in the beginning and didn't want him to hug or kiss her. She cried and screamed each time he approached her. She didn't know how to relate to him; to her he was just a stranger."<sup>56</sup>

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2007 (Arabic only)

<sup>53</sup> Case Study 12, p 49

<sup>54</sup> Case Study 12, p 49

<sup>55</sup> Case Study 11, p45

<sup>56</sup> Ibid

ZA's relationship with her husband is also inevitably impacted by the separation, she told WCLAC: "Our relationship is not the same anymore. We have been living apart for too long. I worry about the future."<sup>57</sup>

### Case Study 11

Testimony of Zarifeh Abdel Jawad Abel Rahman  
Location: Deir Dibwan, Ramallah  
Interviewed on 30 July 2009



My name is Zarifeh Abdel Rahman, I am 37 years old I live in the village of Deir Dibwan near Ramallah together with my six children; the oldest is 17 years old and the youngest is 5 years old. I carry a Palestinian Identity Card. I married my cousin Jamal Abdel Rahman in 1992. My husband is Palestinian but does not carry a Palestinian Identity Card. He was born in Brazil in 1970, and lived most of his life abroad. He has a Brazilian passport. He entered the country on a tourist visa when we got married in 1992. One month after our marriage we left to the United States, to New Jersey, where we lived and I had my first three children.


"In 1996 my grandmother became very ill and I decided to travel back to my village to take care of her. I stayed in Deir Dibwan until 2000. During this time my husband came to visit us once a year on a visitor's visa. He never overstayed his visa. During one of his visits in 1997 he submitted a family unification application to the Israeli authorities via the Palestinian civil affairs office. If approved, this would allow him to join us and to be able to live with us in Deir Dibwan, in the house that his family owns, and later on in our own house which we are building in the village.

In 2000 my husband moved to Canada because he could no longer stay in the United States. In 2000 we all joined him and stayed in Canada with him until 2004. I did not return to my village during this period of time. In 2004 my husband and I decided that it is better for our children that we come back to live in Deir Dibwan. My children and I moved back to Deir Dibwan in 2004. At that time we thought that my husband's family unification application would soon be approved and he would be able to live with us in the village. But this did not happen. I repeatedly inquired about his application but was told that the Israeli authorities have stopped processing family unification applications for foreign passport holders who live abroad since the start of the Second Intifada in 2000.

Sine 2004 until now my children and I have been separated from my husband. They have been very difficult 5 years. It is not easy to raise six children without my husband. It is very difficult for the children too. My youngest daughter, who is 5 years old now, saw her father for three weeks only since she was born. She grew up not knowing what it means to have a father. I also worry about my son. Boys his age need a father; to give support and guidance.

In 2006 my husband decided to come to the village for a visit. At the airport the Israeli authorities denied him entry and wanted to deport him immediately. He objected, explaining that his family lived in the country and he needed to see them. He appointed a lawyer who asked for \$3000 which we paid. The Israeli authorities detained my husband at

<sup>57</sup> Ibid, p 46



the airport for 15 days and assigned him a court session at the end of that period.

My children and I applied for permits to enter Israel in order to attend the court session and to see my husband. We were given permits to enter Israel and that is when I saw my husband for the first time in two years. It was a very emotional moment. We waved at him from a distance. The children were excited but did not really understand what was going on.

Two Israeli secret service men were brought into the court room. We don't know what they told the judge. Everybody spoke in Hebrew in the court and my husband and I don't understand Hebrew. My husband's lawyer was not given a chance to speak. The judge then decided not to grant my husband entry into the country claiming he was a threat to Israel's security. I was devastated when I heard the news. It was the worse moment in my life. I know for sure that my husband is not involved in any wrong doing; he spent all his life abroad, working hard to make enough money to raise a family and to support his parents. In fact, he was in the country only as a child between the ages of 9 to 14. He was a little boy at that time and couldn't have done anything wrong. I was very sad and began to worry about my future and the future of my children.

The judge allowed us to spend one hour with my husband before they put him on the next flight back. It was the first time that he saw our youngest daughter. There were 4 guards surrounding us, keeping an eye on my husband. The children and I sat with my husband in a café. The whole time my husband tried to reassure us, and talked about plans for us to see each other either in Jordan or in Egypt. When he went to the store next door to buy things for the children the guards followed him as if he was a criminal. The children were confused and didn't understand what was going on.

One of the guards then came and handcuffed my husband and took away. It was a very difficult moment for all of us. I was in tears. I was worried about the children and wondered what was going on in their minds. I didn't want them to see their father being treated like a criminal. My husband told us not to worry because he was going to find a way for us to see each other soon. He cried as they took him away.

In the summer of that year we all traveled to Egypt to meet my husband. We spent a wonderful time together. We took a boat ride in the Nile and took the children to the zoo. My youngest daughter rejected her father in the beginning and didn't want him to hug or kiss her. She cried and screamed each time he approached her. She didn't know how to relate to him; to her he was just a stranger. It wasn't until the end of our trip that she finally warmed up to him and accepted him. It cost us a lot of money to spend three weeks in Egypt but it was worth it. Unfortunately we had to cut our trip short. My father was very ill and asked to see me. We traveled back to the village and two days later my father passed away.

My husband now lives and works in Dublin. He moved there in 2004 after his application to continue to live and work in Canada was rejected. He is in Dublin on a short term visa which he has to renew on a six-month basis. He has a small shop in Dublin and the business is doing o.k. My husband has to work very hard to pay his debts and to spend on his children. He sends us money every month and he calls the children by

telephone almost everyday. At least once a month I inquire about his family unification application to see if the Israeli authorities are processing it or not but unfortunately nothing new has happened. The last time I asked was 6 weeks ago. My husband is planning to visit us in December, around Christmas; this is when his current visa in Ireland expires. My children and I are counting the days. We can't wait to see him, but we are also worried that he will be denied entry again. I will be devastated if he is not allowed to enter again, I don't want to think about this possibility.

If the situation doesn't change our only choice will be to move to Brazil. It is the only place where we can all live together as a family. It will be very difficult for us to move there; the children don't speak the language and the economic situation in Brazil is not very good. It also means they will have to leave their friends and family in order to be with their father. It will be a very difficult choice; I don't want to think about it. I will be very lonely in Brazil, I don't have family or friends there and I don't speak the language. I will be a stranger. All my children have Brazilian passports and can live in Brazil, but I don't. My husband will have to apply for a passport for me once we are there. My husband will have to leave his business in Dublin and look for something else to do in Brazil. It is not going to be easy.

I sent my son to Dublin to be with his father this summer. He is enjoying his time there, helping his father in the shop and learning the language. The girls are jealous, they want to travel to Dublin too, but we cannot afford to send them all there. I feel proud of my children; they are doing very well at school. They keep me going. It hasn't been easy for me. I think my husband and I were separated for a total of 9 years during our 17 years of marriage. Our relationship is not the same anymore; we have been living apart for too long. I worry about the future; I worry about my teenage girls who grew up without a father. It is not easy to be a single parent in my society. I feel anxious; I don't know what the future will hold for me.”

Although nearly 35,000 family unification applications were approved by Israeli authorities for West Bank families during the past two years,<sup>58</sup> these did not include applications made by families residing in Jerusalem and were mostly awarded to individuals who had no choice but to overstay their visitor's visas and who are married to holders of Palestinian identity cards. Hundreds of thousands more applications are still awaiting Israel's approval.<sup>59</sup>

## b. Special Case of Residency Rights in East Jerusalem

When Israel occupied the West Bank and the Gaza Strip in 1967 it gave the Palestinians living in East Jerusalem the status of permanent residents. In December 1995, without forewarning, the Israeli Ministry of the Interior claimed that permanent residency, unlike citizenship, is a matter of the circumstances in which the individual lives, and when these circumstances change, the permit granting permanent residency expires. Thus, every Palestinian who lived outside the city for a number of years lost their right to live in the city, and the Ministry ordered them to leave their homes.<sup>60</sup>

<sup>58</sup> WCLAC interview with Ayman Qandil, Palestinian Ministry of Civil Affairs on Decmber 27th, 2009.

<sup>59</sup> Family unification applications for residents of the Gaza Strip have not been processed since the recent military attack on Gaza in December of last year.

<sup>60</sup> See Btselem, Revocation of Residency in East Jerusalem at [http://www.btselem.org/english/Jerusalem/Revocation\\_of\\_Residency.asp](http://www.btselem.org/english/Jerusalem/Revocation_of_Residency.asp)



This status lays the practical and legal grounds to allow the Israeli Ministry of Interior to cancel residency rights of thousands of Palestinians if certain conditions could be proved. This has meant in practice that:

Any Palestinian resident of East Jerusalem who leaves the country for seven years or more will lose his or her residency right in Jerusalem. For this purpose, a person living in the rest of the West Bank or in the Gaza strip (in Ramallah or Nablus for example) is considered to be living abroad.

Any Palestinian resident of Jerusalem who obtains citizenship or permanent residency in any other country will lose their residency right in Jerusalem.

Over the years Israel has cancelled the residency of thousands of Palestinians who were studying, working or living abroad, meaning they cannot return to live in Jerusalem.

As a result of these policies, in 2008, the Ministry of the Interior revoked the Israeli residency status of 4,577 residents of East Jerusalem - including 99 minors.<sup>61</sup> This is equal to approximately one half of the entire total of residency revocation cases between 1967 and 2007.<sup>62</sup>

This highlights the government of Israel's primary goal in Jerusalem which is to create a demographic and geographic situation to maintain Israeli sovereignty in Jerusalem.<sup>63</sup> As stated by the Israeli human rights organisation, B'Tselem: "To achieve this goal, the government has been taking actions to increase the number of Jews, and reduce the number of Palestinians, living in the city."<sup>64</sup>

Israel's policy in relation to East Jerusalem makes it almost impossible for Palestinians with West Bank identification to gain the status of "permanent residents" in East Jerusalem. Palestinians are able to live with spouses in East Jerusalem, but only with a permit that grants them limited rights and after going through complicated bureaucratic procedures.

Over the years it has become increasingly difficult for residents of Jerusalem to successfully complete the process of a family unification application for a family member. Even when successful, the process is lengthy, tedious and involves exposing the person to consequences of limiting their ability to practice basic rights.

It is particularly difficult for a resident of Jerusalem to successfully obtain an approval for a family unification application for a spouse with a West Bank or Gaza identity card. In May 2002, the government froze the handling of applications for family unification filed by residents of the oPt and in July 2003, the government enshrined that decision in a statute - the Nationality and Entry into Israel (Temporary Order) Law, 5763 - 2003. The statute prohibits Israelis married to residents of the

<sup>61</sup> See Hamoked Update of 01/12/2009 at [http://www.hamoked.org.il/news\\_main\\_en.asp?id=870](http://www.hamoked.org.il/news_main_en.asp?id=870). Information obtained from the Israeli Ministry of Interior pursuant to a request for Information submitted in April 2009.

<sup>62</sup> Ibid

<sup>63</sup> East Jerusalem is occupied territory under International Law.

<sup>64</sup> Quote taken from <http://www.btselem.org/English/Jerusalem/>

Occupied Territories, or who marry them following implementation of the law, to live with their spouse in Israel. The policy is plainly discriminatory and racist, as highlighted by Israeli human rights organisation, B'Tselem: "Israel is seeking to prevent the further increase of the Arab population in Israel in order to preserve the Jewish character of the state. The state's attempt to avoid relying on demographics as the stated reason for the law is a result of its understanding that such a reason is racist and illegal, and would be nullified upon judicial review."<sup>65</sup>

## Case Study 12

Testimony of Rimaz Farid Awad Kasabreh

Location: Zabadeh, West Bank

Interviewed on 29 July 2009

Rimaz Kasabreh. is a 33-year-old Palestinian woman from the village of Zababdeh in the northern part of the West Bank. She married a man from East Jerusalem and moved to live with him in the house his family owned in Jerusalem. Rimaz describes the ordeals of her every-day life during her 13 years of marriage as a West Banker living "illegally" with her husband in Jerusalem without a Jerusalem identity card which the Israeli authorities unlawfully refrain from granting to eligible spouses from the West Bank. Her family unification application is still being processed. Until the Israeli authorities approve her application and grant her an identity card issued for residents of East Jerusalem Rimaz will not be able to have a job, drive her husband's car, ride a taxi or visit her family in the West Bank. She is also unable to enjoy many other benefits otherwise granted to residents of Jerusalem like affordable health insurance.

Rimaz is one of thousands of such Palestinian women in Jerusalem whose rights under Articles 12 and 17 of the ICCPR have been violated by Israel.

"My name is Rimaz Kasabreh, I am 33 years old. I am from the village of Zababdeh in the north of the West Bank near Jenin. I am a holder of a Palestinian identity card. In 1996 I married my husband Ghassan who is a resident of Jerusalem and holds a Jerusalem identity card. We now have three children: Salim who is 12years old, Sari who is 10years old and Serina who is 6years old.

After we got married we lived in a house owned by my husband's family in the neighborhood of Beit Hanina in East Jerusalem. My husband and I were aware of the fact that the process of obtaining a Jerusalem identity card for me through a family unification application was not going to be easy; we knew that the Israeli authorities were not processing such applications. That is why we did not submit an application until a few years later. I cannot remember the exact year when we submitted the application. But when we did it took years for the Israeli authorities to process our application.

At the time when I got married, I was still a student at Al-Najah University and wished to continue my studies. It was possible for me to commute back and forth between our house in Beit Hanina and Nablus where the university was; our house was lo-



<sup>65</sup> B'Tselem, Residency and Family Separation available at [http://www.btselem.org/English/Family\\_Separation/East\\_Jerusalem.asp](http://www.btselem.org/English/Family_Separation/East_Jerusalem.asp)

Rimaz's children



cated before the checkpoint, on the side of the West Bank town of Ramallah, so I had no problem making the commute every day and I did not feel a need for a Jerusalem Identity Card.

After I graduated from university I found a job at one of the private schools in East Jerusalem, the Schmidt School. I was very happy to find a job very quickly. The problem was that I now needed to travel in the opposite direction and cross an Israeli checkpoint in order to get to my work. Over the years this became more difficult for me with my West Bank Identity Card which, according to Israeli law, doesn't allow me access to Jerusalem. This was in 2001. It happened many times that the Israeli soldiers at the checkpoint would ask me to go back home because I did not have a Jerusalem Identity Card. The School then issued me a card saying I was employed by them. That did not help much. In order to avoid passing through the checkpoint I used to walk through dirt roads and climb over the hills. I rarely made it to school in time. In the winter I would arrive completely wet and cold. In the summer I would be hot and sweaty. I always carried extra clothes and an extra pair of shoes with me. It was difficult to carry all those things without a car.

In 2003 more rules were enforced by the Israeli authorities to prevent West Bankers from being in Jerusalem. For example it became illegal for taxi and bus drivers from Jerusalem to take passengers from the West Bank. Taxi drivers would ask each and every passenger about their identity card to make sure it was a Jerusalem Identity Card. If they didn't have a Jerusalem identity card they would not allow them on the taxi.

It became more and more difficult for me to go to my work or to get anywhere in Jerusalem. I couldn't do my shopping, I couldn't visit my friends I couldn't take my children to school or to a doctor or a hospital. During the summer holidays my children and I could not go anywhere together. I couldn't take them to summer camps where other children their age went. I was completely dependent on my husband who was very busy. This affected my children too. They couldn't understand why their friends' mothers took them places, drove them around and did things in the city with them while I couldn't. They were too young to understand. I sometimes felt they resented me. It was very difficult for all of us.

Very often I took risk, I had no other choice. One day I was going to school. It was 7:30 in the morning and I was 9 months pregnant with my daughter Serina. I don't remember the exact date. I took a taxi to Jerusalem and didn't tell the driver I didn't have a Jerusalem Identity card. Suddenly an Israeli police stopped the taxi and asked for our identity cards. When the police found out I did not have the right identity card he asked the driver to pull over, took his name and license number and told him next time he is caught with West Bankers in his taxi the police would confiscate the taxi. The policeman then pulled me from my arm and wanted to push me into the jeep. I refused and told him I was pregnant and didn't want to sit in a jeep. The policemen then asked the taxi driver to take me to the police station in the settlement of Neve Yacov. I was released two hours later after they checked my records and realized I was married to a person from Jerusalem. They made me sign a piece of paper pledging I will not move within the state of Israel, which of course according

to their definition also includes East Jerusalem where I live.

In October 2003 I was caught again in a taxi. This time it was really horrible because the police punished the taxi driver by confiscating his taxi for three months and taking his driving license. This meant that the taxi driver could not work for three months. The taxi driver blamed me for this and asked me to pay him a large amount of money as compensation. He used to wait for me outside the school gate until it was time for me to go home and would verbally harass me saying if I didn't pay him the money I would be in trouble. I was afraid he would cause me harm. In the end and after the interference of some people from the community my husband paid him some money and he stopped harassing me. After this incident I decided to quit my job. It was not possible for me to continue to go to work this way. I was very sad because I enjoyed my work. I also lost the income which I needed at that time.

Most taxi drivers in Jerusalem now recognize me and know where I live and refuse to take me in their taxis. I am not allowed to drive my husband's car without a Jerusalem Identity Card. I am confined to the house. I hardly ever leave except to go for a walk to the neighbors' house. It is very hard for me. I am not used to staying at home. My family cannot come to visit me because they carry West Bank identity cards and are not allowed to cross the checkpoint into Jerusalem.

Nearly three-and-a-half years ago the Israeli Ministry of Interior finally told me they accepted my application for family unification. They gave me a piece of paper which was valid for one year on the basis of which I could apply for a permit to enter Jerusalem. Although this did not mean I was a resident of Jerusalem yet, but still I was very happy. At least it meant I could take a taxi and go places.

I have repeated the process of renewing this piece of paper for three times now. Each time my husband and I had to provide evidence that we were living together in Jerusalem. We had to show that we paid water and electricity bills, that we paid municipal taxes and that our children went to schools in Jerusalem. It takes weeks sometimes months to just get through to the ministry of interior for an appointment. They don't pick up the phone.

The third such paper expired in December 2008. Although I requested an appointment in time and submitted all the evidence they requested, it took them months to get back to me. This meant that during this time I was once again confined to the house. They told me they were checking my security record and that of my family, including my parents, my brothers and sisters and their families and the family of my husband.

This has been very difficult for me. Without a permit I am unable to visit my parents in the West Bank because I won't be allowed back home into Jerusalem at the checkpoint. They cannot visit me either. My sister lives in Ramallah, just half an hour away from me and I cannot visit her for the same reason. My husband and I appointed a lawyer to try to speed up the process of getting a Jerusalem identity card. After we paid him a large amount of money he told us the Ministry of Interior is not approving any applications. I have no idea how long this situation will go on for. My husband and I have been married for 13 years now and I am still unable to live a normal life with my husband and children. Many of my friends have the same problem. I still cannot apply for a job. Nobody will employ knowing that I am in Jerusalem on short-term permits which I have to renew every year. Everybody knows that renewing the permit is not guaranteed. It might happen again that I will spend months without a permit before the authorities process my request. I feel I am losing the best years of

# Home Demolitions



my life sitting at home.  
**Home Demolitions**

The policy of demolishing the homes of Palestinians especially in East Jerusalem has increased during 2009, despite in most cases, being contrary to international law. IHL expressly forbids the destruction of private property unless it is absolutely necessary for military purposes<sup>66</sup> while extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly is a war crime.<sup>67</sup> The ICCPR provides that no one shall be subjected to arbitrary or unlawful interference with his privacy or home and has the right to the protection of the law against such interference or attacks.<sup>68</sup> Housing rights are also specifically protected by Article 11 of the International Covenant on Economic, Cultural and Social Rights (ICECSR)<sup>69</sup> which provides that State Parties must recognise the right of everyone to an adequate standard of living and this includes housing.<sup>70</sup>

WCLAC believes that the Israeli policy of house demolitions not only violates these principles of international law but furthermore devastates the lives of Palestinians, particularly affecting women and children.

During 2008, 1,151 Palestinians including more than 500 children were displaced or affected by house demolitions. In 2009, the Israeli authorities have demolished a total of 237 Palestinian-owned structures, including 57 in East Jerusalem and 180 in Area C.<sup>71</sup> These demolitions have displaced 588 Palestinians. Over half of those displaced (298) have been children. Conservative estimates indicate that as many as 60,000 Palestinians in East Jerusalem may be at risk of having their homes demolished

<sup>66</sup> Article 53 Geneva Convention IV

<sup>67</sup> Article 147 Geneva Convention IV

<sup>68</sup> Article 17, ICCPR

<sup>69</sup> Ratified by Israel on 3 January 1992

<sup>70</sup> Article 11: "The State Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of his living conditions. The State Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent."

<sup>71</sup> UNOCHA, Situation Report, The Humanitarian Monitor, October 2009, p.5



due to "illegal" construction.<sup>72</sup>

Since 1967, Israel has failed to build homes and provide services to Palestinian residents of East Jerusalem to meet natural population growth. Palestinians face massive financial, legal and logistical obstacles to legal building on the 13 percent of East Jerusalem designated for Palestinian construction. Meanwhile, Israeli settlements flourish on the 35 percent of land expropriated for them, in contravention of international law.<sup>73</sup>

UNOCHA reported in April 2009 on the near impossibility for Palestinians of obtaining a building permit in East Jerusalem.<sup>74</sup> This leaves most Palestinians living there no choice but to build without a licence. This was the situation faced by many of the women whose home demolition cases were documented by WCLAC during 2009. WCLAC has documented the process and the impact on women through in-depth interviews in which the women talk about their experiences of threatened or actual home demolitions and reveal the emotional and psychological consequences as well as the social and economic impact on them and their families.<sup>75</sup>

Case studies 13 to 18 expose the damaging consequences of these policies on women and their families.

### a. Assessment of Impact on Women

WCLAC's documentation of women affected by violations of their housing rights reveals the psychological as well as social, economic and cultural impact on women of the policy of home demolitions and forced evictions. Women are often most profoundly affected, with their lives usually revolving around the private sphere of the home where they raise their children and take care of the home. The women that have been interviewed by WCLAC invariably suffer from anxiety and depression during the often long and prolonged process that leads up to a home being demolished and then after displacement find themselves in overcrowded and unsuitable living conditions, further perpetuating the anxiety and other psychological problems.

Ilham from Silwan (Case Study 13) has been left chronically depressed by the fourteen years of living with the threat that her home will be demolished. She describes herself as isolated and emotionally damaged. "I am always thinking about it, but can't really talk about it to anyone. I am living with no sense of security, and can't seem to enjoy anything anymore. Basically, I am chronically depressed."<sup>76</sup> IA (Case Study 14) describes similar feelings as a result of the constant worry about her home. These

<sup>72</sup> UNOCHA, Protection of Civilians, 18-24 November, 2009, p1.

<sup>73</sup> UNOCHA, The Planning Crisis in East Jerusalem: Understanding the phenomenon of "illegal" construction in East Jerusalem, Special Focus (UNOCHA, April 2009)p17 available at: [http://www.ochaopt.org/documents/ocha\\_opt\\_planning\\_crisis\\_east\\_jerusalem\\_april\\_2009\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_planning_crisis_east_jerusalem_april_2009_english.pdf)

<sup>74</sup> Ibid p.7-9

<sup>75</sup> The effects of home demolitions on families has been documented recently in a study conducted by Save the Children and the Palestinian Counselling Centre. The report documents the displacement, long term instability and mental health disorders in both parents and children caused by the demolition of a family home. See Save the Children UK, Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children and Families, (STCUK, April 2009)

<sup>76</sup> Case Study 13, p56

cases are illustrative of the problems faced by many women who are faced with a home demolition: their emotional health is damaged leading to stress and depression and difficulties in their relationships with their husbands and children. This is consistent with the findings of other studies. One study published on the psychological impact of home demolition showed a tendency among mothers to develop symptoms of depression.<sup>77</sup>

The woman's mental health, as primary carers for the children in most Palestinian households, is a crucial factor in maintaining the mental health of children in the family. When the mother's mental health suffers, the children are also likely to suffer.<sup>78</sup> IA told WCLAC that her relationship with her husband and children suffered because of her situation: "I also feel insecure in my relationship with my husband and towards my children. I try and make things feel normal but it is so difficult – I feel tense and nervous and take out these feelings on my husband and on the children."<sup>79</sup>

The interviews reveal that women are aware that their own stress and worry can impact on their children and this worry about children is often foremost on their minds. The testimonies reveal that women try to protect their children from the events but often that is difficult when Israeli police and soldiers are often present in great numbers for demolitions and even for bureaucratic procedures. Ilham described one such day when the Israeli authorities arrived to survey the Bustan neighbourhood and the impact on her children: "The children were really scared because there were so many police about and no one knew what was going on. They were screaming hysterically. My daughter Nour slept with me in my bed that night because she didn't want to be on her own. Now my youngest child, M, won't go out and play because he says that there are police there"<sup>80</sup> Maysoon was particularly worried about the impact of the house demolition on her children and her relationship with them. She told WCLAC "It's so difficult to raise good children, it is a real struggle and I think I have done my best. But the occupation is making it impossible. All my hard work is unravelling since our home was demolished."<sup>81</sup>

Women like Amani (Case Study 16), who have had to move back to live with their parents in law after demolition have difficulties in adjusting to new living arrangements. Amani told WCLAC: "I've lost my independence and I've lost my privacy. I used to wear short sleeves in the house and go without my headscarf. Now I always have to worry about what I am wearing because I'm living with other people. I used to cook for my family, cook meals for them all. Now I don't do this, others in the house do the cooking. I have no privacy or time or space to myself at all."<sup>82</sup> Maysoon (Case Study 15) is in the same situation, after years of saving up for her own home, now her home has been demolished, she has to go back to living with her husband's family. The women have not only lost their homes, but their privacy, independence and normal family life.

<sup>77</sup> Qouta, S., Punamki, R-L., El-Sarraj, E., (1998) "House demolitions and mental health: Victims and witnesses." *Journal of Social Distress and Homelessness* 6(3),203-11, cited in 'Broken Homes, Addressing the impact of House Demolitions on Palestinian Children and Families, Save the Children UK, April 2009, p.13

<sup>78</sup> Also see Broken Homes, Addressing the impact of House Demolitions on Palestinian Children and Families, Save the Children UK, April 2009, p. 33

<sup>79</sup> Case Study 14, p60

<sup>80</sup> Case Study 13, p56

<sup>81</sup> Case Study 15, p65

<sup>82</sup> Case Study 16, p67

The financial impact can also be disastrous. All the women interviewed have been impacted financially by home demolition policy. They and their families have had to spend money on lawyers' fees, court fines and in some cases on new accommodation after their homes have been demolished. This can be crippling on families already living on low incomes. R Jabarin (Case Study 18) describes the impact on her family of having to pay the huge fines for having built their home "It was disastrous for our family having to pay 800 shekels a month. The children were still young and we had very little money. But we thought that by paying the fine we would keep the house. We deprived ourselves of lots of things to pay the fine. We borrowed money at times and paid it back, to try and keep on top of the fine we had to pay. This was a very difficult time for us all. My children suffered from the lack of money, from our poverty."<sup>83</sup> Even after paying these fines and fees, her home was demolished and she is now having to rent poor quality accommodation and struggles to pay her bills including medical bills. Manal (Case study 17) describes similar worries after her home was demolished: "We are both very worried about our financial situation. My husband had borrowed money to build the house and so had debt from this. We had been trying to save money and I didn't mind going without things because it was all going into the house. But all turned out for nothing. I deprived myself and my family of things for nothing and a huge debt."<sup>84</sup>

## b. Silwan, East Jerusalem

In the Bustan neighbourhood of Silwan, a historic area located just south of the Old City Walls, more than 1000 Palestinians risk losing their homes if the Jerusalem municipality carries out its plans to clear the buildings from this area.<sup>85</sup> In March 2009, Jerusalem Mayor Nir Barkat stated that: "...it is very fair to assume that [in the end] there will not be residential housing" in Al Bustan.<sup>86</sup> WCLAC staff have interviewed in depth, three women from Bustan, all of whom have described their own anxiety and their worry for their families, living in constant fear that their homes will be destroyed. One of the women whose case has been documented by WCLAC has had to live with the threat of demolition since her home was built in 1996 in Bustan on land inherited from her parents. Despite having paid thousands of dollars in court fines and lawyers' fees, the threat of demolition still hangs




<sup>83</sup> Case Study 18 p

<sup>84</sup> Case Study 17, p

<sup>85</sup> UNOCHA, The Planning Crisis in East Jerusalem: Understanding the phenomenon of "illegal" construction, Special Focus, (UNOCHA, April 2009), p7

<sup>86</sup> Ibid, p7, citing Etgar Lefkovits, "Barkat may relocate Silwan residents", The Jerusalem Post, 19 March 2009. URL: <http://www.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=1237461629053>



over her and her family. She describes herself as 'chronically depressed' because of the situation as well as exhibiting physical symptoms that the doctor has told her are related to her psychological state.

## Case Study 13

Testimonies of Ilham Ramouz

Location: Bustan, East Jerusalem

Interviewed on 26 May 2009

"I am Ilham Ramouz and I am now 32 years old. I am from the Silwan area of Jerusalem, which is located near to the Old City. I got married in 1995 when I was 17 years old and for the first year of my marriage, we lived with my parents in their home in Silwan, in two rooms in one part of their house.

We soon started building our own home on land that was given to me by my parents, and that was part of my inheritance, the papers for the land are in my name. We needed to build our own home as with children it wouldn't be practical to stay in the home of my family. We now have five children: the eldest is N, a girl, who is 12 years old; J, a boy who is 10 years old; H a girl who is 8 years old; J, a boy who is 6 years old and the youngest M, a boy, who is 4 years old.

I helped to build the house with my own hands, we couldn't afford to pay for workers to do all of the work and so me and my husband worked ourselves on the house. We completed and moved into the house in 1996 when I was pregnant with my daughter N and before the house was completely finished. Soon afterwards, in 1996, and I can't remember the exact date, my husband went to the municipality to apply for a permit for the house. He paid the application fee but was immediately told that his application had been rejected. In August 1996 - we received a demolition order for the house. I was a nervous wreck after this.

We found a lawyer to help us fight against the demolition order, but it was a very lengthy process and also very expensive, we paid the lawyer \$4000 in fees.

The lawyer managed to prevent the demolition order being carried out, but in February 2002, we were ordered to pay a fine of 72,000 shekels (which at that time was about \$16,000). This we paid in monthly installments of 1000 shekels (about \$250) each, this is on top of the municipality housing tax that we have to pay of around 4000 shekels a year.

Financially, this has been very difficult for me and my family. After paying out on the fine, the local taxes, electricity and other bills each month, we barely have enough money for food never mind for clothes and other things for the children. There have been times when I've had to borrow from my family, although I've never asked them. I'm too embarrassed to ask, but they have just given it to me when times have been really hard and they have just known that I've needed help. But really, I don't want financial help, I just want to stop the demolition order and keep my home.

It's difficult for me to talk about the situation, which has been going on now since 1996. I am always thinking about it, but can't really talk about it to anyone. I am living with no



sense of security, and can't seem to enjoy anything anymore. Basically, I am chronically depressed. I also get stomach cramps and chest pains and the pills I was taking were not effective. I now have to go to the doctor to have medication by way of injection that the doctor has prescribed to me. But he tells me that my symptoms are psychological, that they are because of 'sadness', rather than being a physical problem. In 2003, after the court had ordered us to pay a fine, some municipal council workers came to our house and took some pictures of the house. There were five of them and they came with the police. They didn't knock at the door or try and talk to us at all. I was never told what they were doing or what they wanted.

The next thing that happened was on 8 February 2009, when a man came on a motorcycle and handed a document to my daughter, H. He asked H whether she knew me, and said my name. My daughter replied that she did and so he handed her the paper. The paper turned out to be a legal document summoning me to court and stating that if I didn't attend at the court then this would be held against me. After this, my husband then went back to see a lawyer and asked him to represent us in the court. The first hearing on this new case was on the 17 May 2009. I'm not sure what we were being summoned to court about, but I know it is something specific about our home and related to the demolition order that was issued back in 2006.

Then later in February, more municipal workers came to Bustan, but this time not just to my house. They came with a machine, I'm not sure what it was but it seemed to be some sort of laser camera for measuring and photographing our home and our neighbours' homes. I was at home with all my children on that day, it must have been a day when there was no school, and my husband was at work. The children were really scared because there were so many police about and no one knew what was going on. They were screaming hysterically. My daughter N slept with me in my bed that night because she didn't want to be on her own. Now my youngest child, M, won't go out and play because he says that there are police there.

In the beginning, when all this started happening, I just wanted to sleep, I felt so tired, so exhausted by the whole situation. Now I'm given the injections by the doctor, that seems to help. My close family is sympathetic, and I could talk to them about the problems, but then they are also facing problems and their homes are under threat and I just feel like I need to try and help them instead. I go to pray in the mosque every Friday, and cry all through the sermon.

I haven't thought about where I would go if the house is demolished, there isn't anywhere. I would put up a tent on my land and just stay there."

Follow up interview with Ilham Ramouz  
June 23rd 2009

"On June 22, 2009 I read on a website on the internet that the Municipality workers were going to come the following day to Al-Bustan with explosives and bulldozers to demolish houses in the neighbourhood. I felt I was going to have a nervous breakdown when I read the news. I could not eat or drink anything, I could not sleep. My children kept asking me "when are they going to demolish our house? Where will we go?" My daughter N followed me from place to place as if she was my shadow. She



could not stay away from me. What can we do? I then quickly went to the house of my neighbour,, to tell her what I had heard.

That night many of the men in the neighbourhood spent the whole night at the community protest tent which we put up a few months ago. My neighbour and I spent many hours on the roof talking and waiting for something bad to happen. There were many policemen at the entrances to Silwan probably monitoring any unusual movements in the neighbourhood. The men took turns at the tent to make sure enough people were awake in case the bulldozers showed up. I stayed up until the early hours of the morning waiting and thinking that Municipality workers were going to show up at our house any minute. In the end, nobody came but I felt exhausted and so tense from the expectation that they could arrive any minute.

The following day my husband told me to go to the tent to attend a press conference to which the neighbourhood lawyer was invited to speak. The lawyer re-assured us that the Municipality did not inform him of a specific date to start to implement the demolition orders. Still, I don't feel I can trust what they tell or don't tell the lawyer. They are playing a psychological game. They want to drain and exhaust us so that when they actually come we will have no energy left to resist.

Later on that day my friend and I took a walk to Al-Aqsa mosque. We sat there and prayed and listened to the sermon. I was crying throughout the sermon, I could not hold my tears back. I was exhausted from lack of sleep the previous night and from fear and anxiety. Crying helped me calm down and relax. I always liked to go to the Mosque whenever I felt disturbed. It is a five-minute walk from my house. What will I do if one day I am forced to leave Al-Bustan area?

Recently a group of my women friends decided to start a little cooperative project where each one of us would contribute a small amount of money each month and the money is then given to one of us in rotation to do whatever she wanted with it. The women decided to keep the money with me. Today I decided to take the money out of my house and to give it to another woman who does not live in Al-Bustan. I didn't feel comfortable keeping a large amount of money that wasn't mine at my house. I am afraid the money will be lost in rubble if the house is demolished. There is no way I would be able to pay this money back to the other women. "

## Case Study 14

Testimonies of IA

Location: Bustan, Silwan, East Jerusalem

Interviewed on 26 May 2009

IA also lives in the Bustan neighbourhood of Silwan

"My name is IA and I live in the Bustan neighbourhood of Silwan in Jerusalem. I was born in the Silwan area and have lived there all my life. This neighbourhood is located near to the Old City in Jerusalem. I am 40 years old, and married when I was 16years old. I now have six children, the oldest W is 23 years old, M is 20 years

old, I is 18, AR is 17 years, K is 12 years old and the youngest, R is 8 years old. In Bustan, all the houses are threatened with demolition.

When I was first married, I lived in a small room in the home of my husband's family but it was totally unsuitable once we had children as it was too small and was also damp. I used to have to move the closet away from the wall because the damp from the wall would make the clothes damp also. I and my husband then started to build our home in the late 1980s on land that belonged to my husband's family, the land belonged to his grandfather and had been passed down. It was marked out by two fig trees. This was part of his inheritance which he was given early so that he could build a home for his family. We also bought some more land around it from his uncles and two other people from Silwan so there was a decent area to build our family home.

We moved into the house in September 1989, and it was a relief because by this time I had two children and was pregnant with my third child and we really needed to move into somewhere bigger and more suitable for the family. The house wasn't finished though, there was no sink and some of the doors were still missing. One of the reasons was because we didn't have enough money to finish all the works but another was that we were worried about the Jerusalem municipality officials coming to inspect the house and maybe giving us an order that said it had to be demolished. We hoped that by moving in this would prevent this happening. My husband went to the municipality before we started building the house to request a permit for the house but they refused on the very same day saying that Bustan was a green zone and that they allocated no permits for the area.

But what could we do? We couldn't carry on living in the one room and I am from Silwan and couldn't think about living anywhere else. I can't live anywhere but in this neighbourhood, its where all my family are from, I know all my neighbours and I am only 5 minutes away from the Al Aqsa Mosque where I go to pray. This is all so important to me; I can't live without this neighbourhood.

Not long after we moved in, I can't remember the exact date, some officials from the Jerusalem municipality came to our house and measured the area of the house and after this we got sent a local tax bill based on the size of the house. I remember thinking, although I'd been worried about what the municipality would do to our house, that once they knew about the house and we were paying tax on it, then surely things must be fine.

Between when we moved in, in 1989 and 2005 we had no problems, and didn't hear anything from the Jerusalem municipality. But then in 2005 municipality workers came to the area and started taking pictures of the area, I think that they were also taking aerial pictures of the neighbourhood. I was never told anything by the Jerusalem municipality and didn't receive any information from them about what was going on. But the Silwan residents committee announced that there was a plan by the municipality to demolish all the houses in Bustan. This was a terrible time, really difficult for me and for everyone living in Bustan. My children were asking me "where will we go?" and "Will they throw us out of the house and what will happen to us?" I would try and be strong in front of the children but sometimes I just couldn't and would feel weak in front of them and their questions. Anyway, I really didn't

know very much about what was happening and hadn't been told anything specific about my home and what was going to happen to it.

During this time, the residents' committee was quite active and a tent was constructed to hold meetings and activities to discuss what was happening and organize about it. But then after three months and nothing more had happened, things quieted down again. At this time also, there was an understanding amongst all the residents in Bustan that nobody would add anything to their houses, no extensions, no more building at all. I had started to pave over some of the rough ground in my garden, but I even stopped doing this and just put some carpet over the area that I hadn't finished.

Then in February 2009, I can't remember the exact date, municipality workers came back to Bustan and they were accompanied by 40-50 police cars. They arrived at around 8-8:30 in the morning when I was at home with all the children except my second oldest son M who was at work, as was my husband. As soon as I noticed something going on, I went up to the roof to see what was going on and could see all the police and the workers from the council. My children came up with me and were asking what was going on, asking me "What are they doing" and "are they still here?" I know that the children were aware of what was going on and were scared with all the police around.

The workers from the council had brought lots of equipment to film and measure the houses and some other machine which we hadn't seen before. But I hadn't been told that this was going to happen, I hadn't received any notification of what they were doing and so it was a total shock. I felt like a nervous wreck on that day - I felt scared. They stayed in the neighbourhood for about 1 ½ hours - 2 hours in total before they left. I didn't receive anything from the municipality afterwards to tell me what this was about and what they had been doing.

In March 2009 the workers from the municipality came back. Again, all the family was at home except for my husband and my son M who were at work. I saw a person hold a camera up to the gap between the gate and the gate post and it seemed that they were taking pictures of the garden and the house. Again, I hadn't been told that they were coming and knew nothing about what they wanted to do. They banged really hard and noisily on the gate but I didn't let them in and I kept the children quiet so that they wouldn't know that anyone was in. I felt afraid for myself and for the children, I didn't know what they wanted and what they were planning on doing.

Then in April 2009, I heard that the lawyer for the Silwan residents' committee had been handed demolition orders by the Municipality for all the houses in Bustan. I haven't seen any of these papers but I understand that the lawyer is trying to appeal this decision on our behalf. Some representatives from the municipality came to the tent in Bustan which we put up again in February 2009 and announced that unless they hear from the court that the decision has been changed, they will be going ahead and demolishing all the homes in Bustan.

I have no sense of security, I am living constantly with this feeling of not knowing what is going to happen to my home. I also feel insecure in my relationship with my

husband and towards my children. I try and make things feel normal but it is so difficult - I feel tense and nervous and take out these feelings on my husband and on the children. When the kids are doing their homework and ask me for help I'm irritable and tell them to go away. The whole situation is making me feel and behave this way. I can't think about the future and don't allow myself to think about it as it would be too much, too upsetting. If I start to allow my mind to think this way, I immediately distract myself. Where would I go if my home was demolished? I have nowhere else to go. I would stay in Bustan on the land where we built our house, on the land that belongs to my husband's family and would build a tent and stay there.

My health is affected by the situation, when I start to think about what the future holds for me and my family, I feel that I have high blood pressure. In 2005, when the problems started, I started to take tablets for anxiety because I was so tense. I also get headaches which normal painkillers couldn't control. I'm now prescribed painkillers by my doctor for the headaches. I am so stressed, and because of the stress and tension I also get chest pains. I can't talk to my husband and children about the situation because I don't want them to worry and keep everything and all my worries about the future to myself. I sometimes talk to my sister, but what can she do? We all have the same problems. I have four brothers and four sisters and they all live in the Silwan area. This is why I can't imagine living anywhere else, my children were all born here and all my family has stayed and live in Silwan. I love it here and there isn't anywhere else for me to go."

Follow up interview with IA on June 23rd, 2009

"On the morning of Thursday June 18th, 2009 I heard very loud banging at our front gate. It was around 9:00 a.m and I was at home with my little daughter, R, and my son AR. I asked "who is it?" A man answered me "it is the police, open the gate". I was terrified; I stepped back and did not open the gate. The heavy banging continued. I think they were banging at the gate with their boots and guns. The policeman said again "open the gate". I answered back "I will not open". My thoughts went to my daughter R who was terrified. I tried as much as possible not to make her feel that I was terrified too although I was trembling from fear. A short while later the banging stopped. I went to the front gate and saw that a folded piece of paper had been inserted in the slit in the gate.

I took the piece of paper out and read it. It was a notice from the Jerusalem municipality and was written in Arabic. It was about the measures that the municipality will take against illegal construction in the city. At the top of the notice there was a hand-scribbled note in Hebrew which said "house number 35". I know this is our house number according to the municipality's classification. The notice had four bullet points and bullet point number four said that the municipality will issue an administrative demolition order. I was absolutely terrified and called my husband immediately.

I then went up to the roof to see what was going on in the neighbourhood. I saw four police cars and a number of Israeli policemen, soldiers and members of the "special unit" who were dressed in grey and navy uniforms and were carrying plastic shields. I saw them go to our neighbour's house, to the R and AS houses. They went through

the upper side of the neighbourhood and stayed there inside their homes for about an hour or an hour and fifteen minutes. I later found out from our neighbours that they measured their houses from the inside and did not hand them written notices like the one they left in our gate. We were the only ones to receive such a notice on that day.

My son M called me during the day to see if I needed anything from the market and to check on me. He did not know what had happened and I did not tell him. I wanted to protect him from the bad news. But when he later came home after work and had a sense that there was something wrong just by talking to the neighbours I felt I had to tell him the whole story. I was very worried when I saw how he reacted to the news. He threw up the food he had eaten earlier and looked like he was very sick.

I took a picture of the notice with my camera to make sure I had a copy. My husband later gave it to the lawyer who didn't have reassuring words to tell us. My husband also showed it to his brother who is the head of the neighbourhood committee. His brother told him it was a dangerous notice and carried bad news with it. It indicates that the municipality is in the process of carrying forward the demolition and an administrative order meant that we could not appeal against the decision in court.

It seems to me it is only a matter of time before our house is demolished. I feel anxious and afraid since I received this notice. I have bad dreams at night and lost my appetite. I have problems dealing with my children; I am unable to meet their needs. I don't have the energy or the ability to help them with their homework. All this came at a very bad time for us. It is exam time at school and my children are unable to concentrate on their school work. My son K does not want to go to school anymore; he is worried that when he gets back from school the house will be gone. All this makes me feel more anxious and afraid. I have a deep sense of frustration.

Some of my neighbours and family members advise me to be prepared for the worse and to start packing my personal belongings. I cannot make myself do such a thing, I cannot pack, and I cannot even imagine myself doing it. I don't know where to begin. I feel my body has changed; I have irregular periods. I don't have a normal relationship with my husband and my children. My whole being has been turned upside down. I fear for the future. I don't know whether it is better to open the gate or not if they come back again. I feel confused and have lost my ability to do even the simplest tasks."

### c. Isawiya, Jabal Al-Mukabber and Ashkariya, East Jerusalem

Isawiya, Jabal Al-Mukabber and Ashkariya are three other areas of East Jerusalem where the threat and reality of home demolitions is faced by many Palestinian families. WCLAC has documented a number of cases in these areas that illustrate the impact of the various stages of the process on women. Case Study 13 is a testimony from a woman from Isawiya who WCLAC interviewed just days after her home was demolished. Case Studies 14 and 15 are testimonies from two sisters from Jabal Al-Mukabber, one whose home was demolished in 2005 and the other in May 2009. They are now living together in the home of their parents' in law. The women describe the time leading up to the demolition, the day itself and the impact on them



and their families over the longer term.

The last case study in this section is from R Jabarin, a woman living in Ashkariya. Her home was demolished at the end of 2006 and she has had to move around, living in insecure rented accommodation. Her situation is very uncertain; she is living back in Ashkariya in poor housing conditions, in a home that may not have a permit. She is very sick, she has diabetes and recently had a toe amputated because of gangrene, confining her to the house.

## Case Study 15

Testimony of Maysoon Shaher Dari

Location: Isawiya, East Jerusalem

Interviewed on 23rd November 2009

Maysoon Dari has lived all her life in the Isawiya neighbourhood of East Jerusalem. She is 40 years old and is married with four children. Her oldest daughter, is 20 years old and is studying engineering at Birzeit University, her oldest son is 18 years old and is studying physical education. Her younger two are M who is 10 years old and N who is 8 years old, both at school. She lived until early 2009 in the home of her parents-in-law but for many years up until then she and her husband had been saving money to build their own home. The house was almost finished in January 2009 and she and her family started to live some of the time in the house while it was being completed. Then on 18 November 2009, the Israeli authorities demolished her home. Maysoon in her testimony talks about her life, the home they built and how the recent events have impacted on her and her children.

"I got married in 1988 when I was 18 years old. I studied Biology at Birzeit University but I didn't finish my degree because of the First Intifada and all the problems that we faced at that time with closures and not being able to travel. I've always worked, first working in a school in Isawiya and now I have trained to teach children with special needs and other children. I'm currently working at St George's School in Jerusalem, teaching a class of 5 year olds.

When I first married I moved in with my husband's family in Isawiya. It was very crowded when I first moved in, my husband has seven sisters and all but one of these was unmarried and still living at home at this point. It was very crowded and so me and my husband had just one room to live in. Later, we had an extra room that my children shared. Everything else in the house was shared, we had meals together, washing was done together and child care was also shared. I was happy here and got on with my husband's family. There are definitely advantages to living with the family - it was cheaper, we shared expenses and the family helped with child care. But I wanted to have some privacy and not to be in such a crowded space. This is normal especially for an educated woman, to want my own independent home. I also wanted more space for the sake of my children and to allow them some more privacy and space. So over the years, I with my husband tried slowly to save some money to build our own house.

I have a very good relationship with my sister, Fatima and together with her family, we decided we would build a house for both our families. Although it would be for both we would live in separate sides of the house. So in 2006 we started the process

of building the house. We were slowly, slowly trying to finish off the house – it was almost complete. We had electricity and water connected to the house but some parts were still not finished. But we moved into it at the beginning of 2009 when we heard that the municipality might be coming to look at the house.

I didn't really deal with much of the detail regarding the house because I'm working, I leave things like the administration and financial issues to my sister Fatima and to my husband. They didn't apply for a permit initially but applied after we had already started to build it. Not surprisingly, the application was refused. The reason that we were given was that the area that we were building on is a road. This would mean all the houses, and there are many in this area, are also illegal and have been built on a road.

It doesn't really make any sense as there is a road in front of the house, not a very good one, but that is because there is never any maintenance done by the municipality on our area.

I wasn't worried about anything happening to the house though. I thought it would be fine, I didn't think it would be demolished.

We all moved into the house in January 2009. Me, my husband and our children and Fatima's family. We brought in the basic things, beds, cupboards, chairs and things but not everything because the house wasn't completed yet and there was still this doubt hanging over us about the demolition. I talked with Fatima about what we should do and we decided not to move everything in because we didn't want to take the risk of losing everything.

The house was demolished on 18 November 2009. I left for work as normal at around 7.15am. There was already some police and Israeli soldiers around the top entrance to Isawiya but this didn't worry me as there is usually something going on, either traffic police or soldiers checking people's identification. I carried on to work as normal.

At around 9.30am, my husband called me. This first call was to tell me that the bulldozers were entering our neighbourhood. I said that hopefully they won't be demolishing anyone's house. He called a second time and said to me: "Maysoon, they're coming to our house." I can't describe how I felt at this time. I left the classroom and stood outside. I couldn't speak, my tongue was tied and I felt somehow like I was choking. My thoughts went immediately to my husband, to my sister and our children. I was worried about the boys and how they would react to the demolition.



A young man was killed during a demolition in Isawiya not long ago and I was scared that something like this could happen again. What I most wanted was that everyone, that the people would be all right, and that there wouldn't be a confrontation with the police and the army. I couldn't bear the thought of anyone being hurt, and this was more important than any attempts to resist the demolition.

I finished work at 1.30, but I couldn't go back to Isawiya. I just drove around until around 3.30 when I came to my sister Fatima's old house. Everyone from the family was there including my husband. He was in shock, stunned. I felt the same way, I couldn't take any calls or speak to anyone on that day.

I and my family are now back living with my husbands' parents. We're lucky that we have somewhere else to go. But it's back to the same situation and now all the money and effort that we have put into building a new home has been reduced to rubble.

I'm having a really hard time, I don't know how to cope or what to do. I haven't been eating properly. What I'm most worried about though, is my oldest son K. I have a really good relationship with all my children, including K and I can talk about everything with him. Normally he stays around the house or around Isawiya and I know where he is. He's changed since the house was demolished. He won't talk to me and I don't know where he is, he doesn't tell me where he's going or what he's doing. He comes back really late and I can't sleep until he returns back. He used to always call to say where he was but since then, he's not been doing this. It's so difficult to raise good children, it is a real struggle and I think I have done my best. But the occupation is making it impossible. All my hard work is unravelling since our home was demolished. I'm really worried about my son K. He's 18 years old and I am scared to think about what will happen to him. He blames us for not resisting the demolition and for not letting him do anything about it.

I feel lost now, like I'm in the middle of the ocean and don't know where to go and what to do. I raised my children to express themselves and to say what they want to do, to have discussions about their lives. But in this case, it's all irrelevant, I wanted them to stay quiet and not get involved. There's nothing to discuss, we have no choices. My oldest daughter hasn't spoken about it. She didn't know what had happened until she got home from university. My younger son is pretending that he confronted the soldiers and that he was there. My daughter N is asking whether we won't be able to do nice things together, like art anymore. I think what has happened has changed my relationship with my children. I think we all need counselling."

## Case Study 16

Testimony of Amani AS

Location: Alja'abis neighbourhood, Jabal Al-Mukabber, East Jerusalem  
Interviewed on 7 September 2009

Amani AS is 25 years old and grew up in the neighbourhood of Jabal Al-Mukabber in East Jerusalem. She is married and has four children, a son O who is 6 years old, twins AR and AA who are 3 years old and a son, M just one year old. When she mar-

ried in 2001 she moved in to a small home in Jabal Al-Mukabber with her husband, but in May 2009 after going through a lengthy court process, her husband had to demolish the home he had built for his family. Such instances of 'voluntary demolition' (a Palestinian demolishes their own home) usually takes place for economic reasons. That is, the Israeli authorities threaten to charge Palestinians for the cost to the municipality of demolishing the home unless they do it themselves. This places a terrible psychological burden on those tasked with the choice of demolishing their own home or further economic hardship. She describes what happened and her situation now: living in one room in the home of her parents in law.

"When I married my husband I moved in with him to a small house that he had built near to the home of his parents. My husband built this house himself on land belonging to his family. It was small, just one bedroom, a kitchen and bathroom but it provided a good home with private space for me and my family. I knew that it is very difficult for Palestinians to get permits to build homes but didn't know about any problems with my home when I first moved in.

Some time in 2005, we received a paper saying that we needed to pay a fine to the municipality for illegal building. I understand, although I wasn't aware of all the details, that this paper was also a demolition order for my home. My father in law who owns the land on which the house was built dealt with the paper. He went to see a lawyer who sorted it out so that we could pay the fine in installments. The fine was 9000 shekels and we also had to pay another 9000 in legal costs and we paid this in monthly installments of 500 shekels. Although I didn't really know the whole situation, I believed that because we were paying the fine and because we paid the local municipality tax 'arnona, that our home was safe and that everything was going to be ok.

Then in around May 2009 (I can't remember exactly when), my husband told me that the court had made a decision that the house would be demolished and that either we could demolish it ourselves, or the authorities would do it and we would have to pay the additional costs of the demolition. When my husband told me this, I was shocked, I said to him "Where are we going to go" and "where are we going to live". My husband was very sad and he told me that the municipality were determined to demolish the house although the fine had been paid. He said there was no alternative, that he would have to demolish the house, that this was it.

We then talked about where we could go and decided that we would have to move into the house of my father in law. We moved in May 2009, myself, my husband and our four children into one room in my father in law's home next to our home in Jabal Al-Makaber.

The night before our home was demolished, my husband told me that he was going to demolish the house before the municipality came to do it and charge us for it. I went to bed feeling very sad.

My husband started demolishing our home on 26 June 2009. It was a Friday.

On the first day, he removed the zinc roof from the house and the next day, Saturday, he used a heavy hammer to break down the walls of our house. While he was



Aman's demolished home  
Photo credit: WGLAC

doing it, the children were asking me why - why is our dad demolishing the house? While he was doing it, I went back and forth between our room in the other house and outside where my husband was demolishing the house. The children were also backwards and forwards between him and their grandparents house watching what their father was doing.

We had moved out some of the furniture and our clothes and some other things before the demolition. But some things we left in the house. The beds were too big to move and so we left them, they are still there now, in the open air. We also left the big closet but we've now moved that into the room in my father in law's house.

When he was done, my husband was shattered. I think he was exhausted physically and mentally, he was in despair. He had built the house with his own hands and then he had torn it down. I kept asking myself why was this happening to us, why us?

So I am living in one small room in my parents in law's home. We share a kitchen a bathroom with them and my husband's brothers and their families live in an apartment upstairs and are often downstairs with us. They are four adults and five children living up there and they also usually eat and spend their time down with us. I've lost my independence and I've lost my privacy. I used to wear short sleeves in the house and go without my headscarf. Now I always have to worry about what I am wearing because I'm living with other people. I used to cook for my family, cook meals for them all. Now I don't do this, others in the house do the cooking. I have no privacy or time or space to myself at all. Its also hard for the children to sleep at the times they need to because there is so much noise.

I so wish that we could get a permit for a house. My husband has to try but we have no money at the moment. My husband works as a skilled tiler, but he is a day labourer and work is irregular and so money is short.

I feel in a bad state psychologically. I feel sad about what has happened, the home we lost and I worry about my husband and the children. It has affected the children as well. My oldest child is in first grade and can't do his homework with all the noise and the lack of space. They fight amongst themselves and with their cousins and I'm unable to control their behaviour. Before they could have spent time in our own home with some privacy to get away from the other children but now there is no private space and there's nothing I feel I can do.



What makes the situation worse is that the Israeli authorities rejected my request to have my name registered at the checkpoint for the soldiers to allow me to cross. The authorities claim that I live too far away from the wall where the checkpoint is to have my name registered there. This makes things worse for me. I feel I am under house arrest. I am not allowed to move freely, or to visit my family on the other side of the wall."

## Case Study 17

Testimony of Manal S

Location: Shqeirat neighbourhood, Jabal Al-Mukabber, East Jerusalem

Interviewed on 7 September 2009

Manal S is 27 years old and lives in the Jabal Al-Mukabber area of East Jerusalem. She is Amani's sister. She describes life living with her husband's parents' family after her home was demolished by the Israeli authorities in 2005. She has three children, aged 7 years, 3 years and 1 year.

"When I married I moved into a room with my husband on the top floor of the home of parents in law in Jabal Al-Mukabber. At this time, we shared the top floor with my mother and father in law and also with my husband's brother....

In around 2004, my husband started to build a house for our family on land that belonged to his father, not far from his parent's home. It was to be a small house, two rooms, a kitchen and a bathroom. By January 2005 it was almost finished. The structure was complete and the roof had been laid, there was glass in the windows and doors. We still needed to paint the walls and tile the floors but we had put some mattresses in and a table and so we slept there sometimes although we still needed to do some work on it. I can't remember much about the papers that we received from the municipality but my father in law tells me that we first received a demolition order for the house in January 2005. He says that he then appointed a lawyer who attended court on our behalf and attempted to resist the order. Apparently, there were only two court sessions and at the second hearing the demolition order was finalized.

I first remember anything about it when we received a paper from the council in early March 2005. I'd been to the doctor that morning and when I arrived home I found a piece of paper left outside on the window. It was in Hebrew, which I read but don't understand. I phoned my husband first and then took it to my father in law who reads Hebrew. He told me that the paper said that the house was not licensed and would be demolished. I'd heard about other cases and so hoped that it would end up being a fine, which would be better than the house being demolished. I really didn't imagine that our new home would be demolished - really it was the last thing I thought could happen. In those two weeks, there was no time to do anything and anyway it seems as if a final decision had been made. But we still continued to move into the house and even speeded up trying to finish off the house, and spent more money on it. I suppose we hoped that this would somehow prevent the demolition.

On 22 March our new home was demolished by a bulldozer from the municipality. I

remember the day very well, although I had no idea that it was going to happen on that day. On the morning at around 8am I took my son and went with my sister to the shop to do some shopping. When I was in the shop, my sister in law called and said that my home was being demolished. I left my shopping in the shop and took a taxi to my parents' house. My sister started crying but I didn't. At my parents house I could see the bulldozer demolishing my home and when I saw this, we all collapsed, my mother was crying as well. The image that remains in my mind from that day is the bulldozer.

No one was in the house when it happened and my husband was at work. None of us had expected it on that day, I hadn't expected it at all. When I saw it being demolished I called my mother in law and asked if she had had time to take out the glass from the windows. She told me no, that there had been no time to do anything. I also called my husband and told him what was happening. My father in law was there near the house and saw the soldiers and municipality workers. He said that he tried to speak with them and to try and prevent the demolition, but the soldiers and police stopped him from going near the bulldozer. I stayed with my parents until the evening when my husband came back from work. He was very very sad. He also had not expected it to be demolished so soon.

We are both very worried about our financial situation. My husband had borrowed money to build the house and so had debt from this. We had been trying to save money and I didn't mind going without things because it was all going into the house. But all turned out for nothing. I deprived myself and my family of things for nothing and a huge debt.

Since then we've been living in the apartment upstairs, there's not enough space for me, my husband and our three children. My parents in law have moved downstairs but the brother in law who was living with us got married too now and has two children of his own. So we share the kitchen and bathroom with them as well. Really, try to imagine what it's like. We have three young children and we're living on top of another family of two adults and two young children. I'm in despair and don't have any thoughts or plans for how to change the situation. We're still paying back the debts from the house and so there's no hope of changing anything soon.

At least I have my sister living here, she now lives downstairs with her husband (my brother in law) and their four children. We give each other support although the children are always fighting each other. The children are the same age and so they fight - they don't help each other with homework or anything. They just cause trouble, they break their grandmother's furniture. I need to get out and have my own home, the situation is impossible.

I don't get out of the house much. I go to my parents and go to the doctors when the children need to. But it's very difficult with three young children. To add to the problems, I have West Bank identification papers although I was born and live in East Jerusalem. This means that I can't take taxis into Jerusalem as they refuse to take me without Jerusalem ID. I also can't go into Ramallah or anywhere in the West Bank because if I left Jerusalem I wouldn't be able to come back in through the checkpoints and wouldn't be able to return home. My application to have my name registered at the checkpoint in order that the soldiers allow me to return to Jerusa-



lem when I leave was rejected. The Israeli authorities told the lawyer who tried to get my name registered that our house is too far from the wall where the checkpoint is built and that they are only allowing people with West Bank identity cards who live closer to the wall to have their names registered at the checkpoint. I don't understand the logic, but this has meant that I am practically under house arrest."

## Case Study 18

Testimony of R Jabarin

Location: Al-Ashkariya, Beit Hanina, East Jerusalem

Interviewed on 10 September 2009

R Jabarin lived with her husband in Isawiyeh after she married. But with seven children, the one bedroom house they lived in was too small, had an outside bathroom and was also expensive. They wanted to move somewhere where the children could have more space.

So in 1990 we bought some land in a cheap neighbourhood, in Al-Ashkariya in Beit Hanina because it was all we could afford and built a small home on it. It wasn't much, but it was bigger than the old house - with two rooms, a kitchen and a bathroom. The house was built in 1990 and we moved in soon after it was finished. But at that time there was no roads, no electricity and no water connected to the house. We also didn't get a permit to build the house because we knew we wouldn't be able to get one. My husband went to the municipality but they told him that the area was a green zone and that there were no permits issued to people building there. We felt like we had no other choice. Our rented home was too small for nine people and it was also too expensive, we needed to move out and could only afford to buy land in this neighbourhood. There was no other option for our family.

We spent the first three years without electricity and had to use a gas lantern for light. Our neighbour would give use water because he had built his home a long time ago and was connected to the water supply. Then by 1994, more houses had been built and we were connected to the electricity supply. In 1998 our home finally started getting water.

By 2000, we wanted to expand the house, our children were growing up and needed their own space and to get married themselves. So we built an extension to the house, just one room that was eight by six metres. Again, we didn't apply for a permit because we knew that the land was zoned as a green zone and no construction was allowed on it. We had not received any notices in respect of our home and had been paying the local municipality 'arnona tax and so we thought everything would be ok. But then just two or three months after we built the extension we received a notice from the municipality informing us that we had to attend court. The notices were in Hebrew and so I don't know the details of what they said but I know that they were about our home and having to go to court. We appointed a lawyer and he went to court on our behalf. We ended up with a fine of 48,000 shekels which we paid in instalments of 800 shekels a month. The fine was to give us time to apply for a permit for the house but this was impossible. We made some inquiries about getting a permit, an engineer visited our home but said that there was no point making a full application: our house was built in a green zone and therefore we would not be granted a permit.

R Jabarin's demolished home  
Photo credit: WCLAC

It was disastrous for our family having to pay 800 shekels a month. The children were still young and we had very little money. But we thought that by paying the fine we would keep the house. We deprived ourselves of lots of things to pay the fine. We borrowed money at times and paid it back, to try and keep on top of the fine we had to pay. This was a very difficult time for us all. My children suffered from the lack of money, from our poverty.

Then in 2005, we received a new summons to the Court. And it was at this time that the Court ordered that our house should be demolished and ordered us to pay a fine of 100,000 shekels if we wanted to delay the demolition further. We didn't pay this money. We didn't have it and my husband said that it was far more than the house itself was worth.

So on the 20th December 2006, our home was demolished. It was a black, dark day. I suffer from diabetes and on that day, it was worse than usual. My eldest son left the house to go to work at 6am that morning and saw the bulldozers at the entrance to our neighbourhood. He called home to say that the bulldozers were coming and that they were probably coming to demolish our home. Some time after 8am they arrived. We knew our house was under threat but didn't know which day it would happen, so it was still a shock to see that our home would be demolished on that day. The bulldozer arrived and there were some soldiers and some municipality workers with them.

I was at home with my husband and my sisters and some neighbours who had come to visit when they heard the news. When we heard the bulldozers arrive, I went outside of the house and saw the municipality workers who told us that they were going to demolish our home. We hadn't cleared anything out of the house and the Israelis told us that we weren't allowed to do it. They took out some of the bigger items of furniture but some things were left inside, some kitchen things and some of the children's clothes.

I sat outside and watched the demolition of the home that we'd built and lived in for sixteen years. This was yet another disaster for my family, on top of all the poverty we'd endured over the years. It didn't just affect me and my family but also my son's families. My eldest son S who is married with three children had had his house demolished in 2005 and so they had been living with us. My son H is also married and at the time his wife was pregnant with their first child and were living in the basement of our house.

A friend of my sister's husband said that we could use his house and so we moved to this rented house which was in Hizma in East Jerusalem. It was a small house, with two small rooms, a kitchen and a bathroom. All of us moved in there, about thirteen of us I think it was. We moved there on the same day as our home was demolished. We stayed there for two years, but it was expensive, \$400 a month, and it was also too small for us. So in April 2008 we moved back to Al-Ashkariya. We moved into another rented house that has more space than the other place. I don't know whether the house has a permit or not. My son S and his family now live separately in Beit Hanina.

I am worried and I am sick. I have diabetes and have recently had an operation to



amputate my toe because I had gangrene in my foot. They had thought they would have to remove the whole foot but in the end, it was just one toe. I now have to use a wheelchair to get around and really can't do much for myself and find it uncomfortable sitting up for any period of time. I haven't been able to leave the house for the last month and a half. I've also got heart problems, and have had an operation to unblock the arteries.

I also worry about my children: that they've had to move around and live in these conditions. I'm adjusting to the new place because I have no other choice. I'm afraid of trying to build another house because there are no permits, I wouldn't build again without a permit although we still own the land where our house was demolished. The rubble is still lying on the land. There is an engineer working with the village committee who are trying to get the land in this area changed to residential from being a green zone. This would be our only hope of being able to build a house for our family again."

#### d. Forced Evictions

WCLAC is deeply concerned about the increased rate of forced evictions<sup>87</sup> taking place in East Jerusalem, including the area of Sheikh Jarrah. The eviction on 2 August 2009 of two families from their homes in Sheikh Jarrah, where they had lived since being made refugees in 1948 is illustrative of a policy that is affecting many in this neighbourhood and others in East Jerusalem, whereby Palestinians are evicted to make way for Israeli settlers. The forced eviction made 40 persons, including 20 children, homeless. The houses are part of 27 buildings, housing approximately 300 Palestinian refugees, which were built in 1956 on the basis of an agreement between UNRWA and Jordan. Such evictions have continued through to the end of 2009, with November seeing a Palestinian family of four evicted from the house they were renting in Sheikh Jarrah, following an eviction order issued by the Israeli authorities.<sup>88</sup> Construction of a new settlement for Israelis with 200 units is planned for the same area.<sup>89</sup>

The broader picture is that the transfer of the Israeli population to East Jerusalem (of which Sheikh Jarrah is illustrative) coupled with practices that lead to the displacement of the Palestinian population from East Jerusalem, amount to concerted policies which change the demographic status of occupied East Jerusalem. Based on growth statistics for the entire population of Jerusalem, the settler population in East Jerusalem at the end of 2008 is estimated at 193,700<sup>90</sup> and approximately 2,000 settlers were living in Palestinian neighbourhoods of occupied East Jerusalem at the beginning of 2009.<sup>91</sup> Significant expansion of existing illegal settlements and establishment of

<sup>87</sup> Under international human rights law, forced evictions are defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection, UN Committee on Economic Social and Cultural Rights, General Comment No. 7, The right to adequate housing: forced evictions, 1997, U.N. Doc E/1998/22, annex IV, para. 3.

<sup>88</sup> UN OCHA oPt, Humanitarian Monitor, November 2009, available at <http://www.ochaopt.org/>

<sup>89</sup> UN OCHA oPt, Humanitarian Monitor, August 2009, available at <http://www.ochaopt.org/>

<sup>90</sup> <http://www.btselem.org/english/Settlements/Statistics.asp>

<sup>91</sup> Centre on Housing Rights and Evictions, Third Quarterly Report: Violations to the right to adequate



new ones are planned in five neighbourhoods of East Jerusalem. In total, 377 new housing units are under construction, while plans for a further 444 units are awaiting approval.<sup>92</sup> Under international law, East Jerusalem is part of the Palestinian territory unlawfully annexed by Israel since 1967 and as such, this building is illegal.

Forced evictions, as with home demolitions may also violate Article 17 of the ICCPR<sup>93</sup> and Article 11 of the ICESCR<sup>94</sup> Furthermore, the settlements are contrary to IHL which prohibits the transfer of the population of the occupying power into occupied territory.<sup>95</sup>

## Case Study 19

Testimony of Maysoon Muhammad Ghawi  
Sheikh Jarrah / East Jerusalem  
Interviewed on December 22nd, 2009

"My name is Maysoon Muhammad Ghawi. I am 43 years old. I married my Husband Nasser Ghawi in 1986. I have been living in Jerusalem since that time. I am originally from Ramallah but my husband is from Jerusalem and carries a Jerusalem Identity Card. My husband and I submitted a family unification application soon after we got married and three months later my application was approved and I received a Jerusalem Identity Card. I became a resident of Jerusalem and was able to live there with my family. In the eighties it was easy to obtain a Jerusalem Identity Card through marriage. They were routinely issued but now it is almost impossible to obtain and Jerusalem Identity Card. Things are very different.

My husband is ill. He became ill three years after we got married and needed to have an open heart surgery done to him. That is why he is unable to have a regular stable job. Our income is very limited. My husband's father is a refugee. In 1948 he fled his village, Sarafand Al-Kharab, in what later became part of the state of Israel and came to East Jerusalem as a refugee with his family. They lost their property, their orange grove and their home. In 1956 UNRWA (United Nations Relief and Works Agency), on whom he and his family were dependent on for food aid, health care and education, came up with a deal whereby they would give the family a home in the Sheikh Jarrah neighborhood if the family agreed to no longer receive aid from UNRWA in the form of food supplies and health and education support. My husband's father's family agreed, together with 28 other families who were lucky enough to be eligible for this offer.

My husband was born in the house in Sheikh Jarrah which UNRWA provided to his father. His father built a fence around it and connected it to electricity and water. He took care of it and kept it in good shape. The deal also included a promise by

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housing in the Occupied Palestinian Territory, July-September 2009, p.2

<sup>92</sup> Ibid

<sup>93</sup> Article 17, ICCPR: No one shall be subjected to arbitrary or unlawful interference with his privacy or home and has the right to the protection of the law against such interference or attacks

<sup>94</sup> See footnote 72

<sup>95</sup> Article 49, Fourth Geneva Convention

UNRWA and the Jordanian government to eventually register the house in the family name. Unfortunately the six-day war in 1967 happened before this promise was fulfilled. Some people say that the Jordanian government did not cooperate and was not really interested in fulfilling the promise.

My husband and I have lived in this house since we got married. It is a large house and a total of 8 families of 40 members were living there: my father in law who is 87 years old, Khaled, my brother in law and his four children, Munir, my other brother in law and his wife and six children, Fouad, the third brother in law and his wife, Juma'a and his wife and two children, Khamis and his wife and seven children, Jamal who is not married and Itaf, my sister in law and her two children in addition to my husband and I and our five children. We had all our children in that house and continued to live in it until August 2nd of this year when we were forcefully evicted. It was horrible. I will never forget what happened on that day.

Tens of heavily armed Israeli police broke into our house at 4:30 in the morning on August 2nd, 2009. It felt like a whole battalion had broken into our house. They were dressed in black uniforms and were wearing masks on their faces. They even had metal protection on their legs. I was still in bed sleeping at that time. One of the policemen grabbed me from my arm. I was terrified. I was very worried about the children. He then let go of my arm and I quickly grabbed my son Adam and my daughter Sara who were sleeping next to me and held in my arms. A group of policemen then pushed me out of the house to the neighbor's house. I was shivering from fear. I didn't know where my other children were. I was separated from them. Four hours later I realized that my other son was injured and was bleeding. My son later told me he was kicked on the buttocks very hard and the next thing he knew is he was on the street. He broke my heart.

I later begged the soldiers to allow me to go back into the house to take our official documents, the birth certificates and identity cards. I also wanted to have my telephone and to take the car keys. They forced us out in such a rush that we didn't have a chance to take those things with us. They finally allowed one member of each of the families to go back to the house.

They prevented journalists from getting close. I was so desperate and determined to go back to the house and to speak to journalists that I jumped over from the neighbor's house. At that moment I felt I overcame the initial fear that gripped me. I had so much energy and determination to go back to my house. I talked to journalists and was relieved when I saw the rest of my children.

We have been living in a tent which we put up in front of our house since we were forced to leave. My husband sleeps there and I sit in front of the tent most of the



day. Our neighbors give us water to drink and to wash and I use their bathroom to go to the toilet. My younger kids go to the toilet under the trees. I bathe my youngest daughter and her three younger brothers on the side walk. I wrap a blanket next the tree to and I light fire and I heat water in a big pot and use it to wash my daughter. Settler families have moved into our house and are living there. I see children and pregnant women among them, I see them walking in and out of the house. One of the settlers once told me, as he passed by "go to Gaza, go to Jordan". Provocative and insulting comments by settlers have become part of our daily routine. It often happens that in the middle of the night, just when we are about to fall asleep, settlers terrorize us by attacking our tent. We have been sleeping three or four hours a day. We are constantly exhausted. The police and soldiers who are present in front of the house do not intervene to stop the settlers from harassing us. They just sit in their van and watch. In fact, they attack and harass us instead of protect us. They have so far torn down the tent eight times since we put it up.

Since the eviction, several of my family members who were living in the house have been arrested, interrogated or banned from entering the neighborhood, myself included. I was summoned for interrogation at the police station together with my husband. I took my youngest children, Sara and Adam with me. One of the settler leaders accused me of attacking him. My fingerprints were taken and a DNA test was done to me. They took cell samples from inside my mouth. My husband and I were asked to pay NIS 5000 each as bail.

Settlers claim that the land on which our house is built belonged to Jews a long time ago but they have not been able to come up with documented proof in the Court. We have been living under fear of eviction since 2002 when I first heard that settlers are claiming the land was theirs. We were handed an eviction order in April 2002. We quietly emptied the house and put up a tent on the side walk and lived in it for six months. But when the Court could not prove that the house did not belong to us we broke the locks that the police had put on our doors and moved back in. Court sessions took forever. They kept delaying a decision. In 2008 we were issued another eviction order. On July 28th, 2009 Israeli military showed up in four military jeeps in front of our house. They came to our house at 11 in the morning and handed us a notice that said we were going to be evicted within a month. A few days later we were evicted. Immediately after the eviction the Palestinian Authority rented hotel rooms for us. We all had to stay in one small room. It was better than being on the street but it was very difficult to cope. I had no privacy. My children did not have enough space to play and do their homework. After repeatedly asking the Palestinian Authority for help, they finally offered to pay the rent of an apartment for one year. This was after we had already spent three months in the tent on the street. A modest apartment in Jerusalem costs at least \$800 a month. I have no idea how we will manage. We are slowly buying new furniture and other things that we need for the new house. We have very little income.

I am very worried about my children. They are not doing well at school. They are unable to concentrate on homework. My son Abdullah, who is in third grade, went to school without doing his homework on the day the police destroyed our tent. My son Muhammad is refusing to go to school unless we go back to live in our house. Adam spends a lot of time in school crying. He wants to be alone and does not cooperate with the teacher. He was recently moved to a class for children with special needs because he could not cope in a regular class. Life is very hard and I don't know what the future will bring but I don't want anybody to pity me. All I want is to be able to go back and live in my own house."

# Concluding Remarks

## Concluding Remarks

This report aims to highlight some of the main policies and practices of the Israeli military occupation and its impact through the testimonies of Palestinian women. The testimonies collected by WCLAC illustrate the brutality of the occupation and also help us to understand how women and their families are affected by the human rights violations.

The testimonies illustrate how the occupation impacts on the lives of Palestinians in many and diverse ways and in clear violation of international human rights and humanitarian law<sup>96</sup> Israeli policies and practices such as the wall, the separation of families through a restrictive permit and entry regime, a failure to process family reunification applications, the expansion of the illegal settlements, checkpoints, home demolitions and the impunity for Israeli civilians and soldiers for acts of violence and harassment, have continued during 2009. These practices have fragmented communities, divided families, seriously infringed on the right to freedom of movement and violated the rights to health, education, an adequate standard of living, work and family life in stark violation of Israel's obligations as Occupying Power under international humanitarian law, to protect the civilian population.

In this report, WCLAC also wishes to draw attention to the social, cultural and economic impact on women of these human rights violations in order to develop an understanding of the devastating and gender specific impact on the lives of the Palestinian women. The testimonies documented reveal these social and economic consequences as well as the serious psychological and emotional impact on the women interviewed. AR (Case Study 2), who was at home with her children when a fire was started by settlers outside her home, described her fears: "When I open the window I worry that the same thing might happen again. I always think to myself that they will come back again and the same incident might be repeated. The slightest sound now scares me, scares me a lot. I often dream at night that the settlers are back and that they burned down my house."<sup>97</sup> In other cases of violence, some of the women told WCLAC that they were unable to carry on with their normal lives and live with fears of repeat attacks. Ayat told WCLAC that she constantly feels afraid after being subjected to an attack by Israeli settlers in Hebron: "I am afraid each time I leave the house, I do not go about my life in a normal way, inside and outside the house and I did not go back to the course I regularly attended. I was also attending a course in Hebron to gain experience in teaching and stopped taking part in that course too. I always imagine settlers and stones and am constantly looking around me."<sup>98</sup>

In cases of home demolitions too, the consequences for women's social and cultural lives are profound. The women have not only lost their homes, but their privacy, independence and normal family life. Amani who has had to move back to live with their parents in law after demolition has difficulties in adjusting to new living arrangements: "I've lost my independence and I've lost my privacy. I used to wear

<sup>96</sup> See also the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly Resolution 62/106, 13 August 2008, para. 24

<sup>97</sup> Case Study 2, p20

<sup>98</sup> Case Study 1, p19

short sleeves in the house and go without my headscarf. Now I always have to worry about what I am wearing because I'm living with other people. I used to cook for my family, cook meals for them all. Now I don't do this, others in the house do the cooking. I have no privacy or time or space to myself at all."<sup>99</sup> Manal is living in one room in her parents in laws' home after the demolition of her home: "Really, try to imagine what it's like. We have three young children and we're living on top of another family of two adults and two young children. I'm in despair and don't have any thoughts or plans for how to change the situation"<sup>100</sup>. Maysoon (Case Study 15) is in the same situation, after years of saving up for her own home, now her home has been demolished she has to go back to living with her husband's family.

The women interviewed about home demolitions and evictions also told WCLAC of the impact on their physical and psychological health, particularly stress and depression and difficulties in their relationships with their husbands and children. Ilham from Silwan told WCLAC that she was chronically depressed by the fourteen years of living with the threat that her home will be demolished: "I am always thinking about it, but can't really talk about it to anyone. I am living with no sense of security, and can't seem to enjoy anything anymore. Basically, I am chronically depressed."<sup>101</sup>

The testimonies from women affected by the restrictions placed on freedom of movement also reveal the social, cultural and economic consequences of Israeli policies that limit Palestinian's basic human rights. Kifaya describes her situation: "I and all the members of my family have West Bank ID cards, which means that we are not officially allowed to go into Jerusalem. But because my home is on the Jerusalem side of the checkpoint I have to pass through the checkpoint to get home from our village. We are unable to get to our house except by passing through the checkpoint and with a special permit for each and every member of the family."<sup>102</sup> She is 67 years old and has health problems, but the restrictions take no account of this: "I can pass through to the other side of the checkpoint, but we have to walk through and it is only designed for cars. We can't drive through it because you can only drive through the checkpoint if you have a car with Israeli 'yellow' number plates. We can't have one of these because we don't have Jerusalem ID. We also can't take a taxi because Jerusalem taxis can't carry passengers who have West Bank id without a permit to go into Jerusalem."<sup>103</sup> In another testimony, Rima describes how the settler presence, the checkpoints and a permit system means that she is confined to her home, and her family rarely able to visit her. She comments: "It feels a bit like living in a prison, but at least prisoners are allowed family visits. My extended family have been given permission only once in the last ten months to visit our home and that was for a meal during the month of Ramadan. Even for that, my five brothers had to come together on the same day and had to leave before midnight."<sup>104</sup>

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<sup>99</sup> Case Study 16, p67

<sup>100</sup> Case Study 17, p69

<sup>101</sup> Case Study 13, p56

<sup>102</sup> Case Study 9, p37

<sup>103</sup> Ibid

<sup>104</sup> Case Study10, p40



It is evident after 42 years of Israeli military occupation that the situation is systematically violating the basic principles of international human rights law and international humanitarian law. WCLAC will continue to document the testimonies of women affected by the occupation, to analyse the impact on women and to use the information to advocate and to raise awareness of the situation of women in the OPT. WCLAC believes that accountability and an end to impunity for those responsible for violations of international human rights law and international humanitarian law through international legal mechanisms is a central tenet of bringing an end to the occupation.

# Recommend

## Recommended Actions

There are a number of ways you can take action on the issues raised in this report and support the work of the Women's Centre for Legal and Counselling.

### *Write to your elected representatives and the Israeli authorities*

Write to the Israeli government and/or contact your elected representatives, wherever you are, raise one or more of the issues in this report with them and demand action. For UK MPs use [www.writetothem.com](http://www.writetothem.com) and for Irish TDs use [www.oireachtas.ie](http://www.oireachtas.ie)

### *Visit Palestine*

Study tours to understand the situation in the oPt are organised by Rediscovering Palestine, (<http://www.rediscoveringpalestine.org.uk>), by the Olive Co-operative ([www.olivecoop.com](http://www.olivecoop.com)) and Experience Travel Tours ([info@experiencetraveltours.org](mailto:info@experiencetraveltours.org)) all based in Britain and also by the Alternative Tourism Group, based in the West Bank (<http://www.patg.org>).

### *Organise a meeting or discussion session*

Get together a group to meet and discuss the situation of women in Palestine. Use the Case Studies in this report to raise awareness with your friends, colleagues and local community. Contact WCLAC by email on [info@wclac.org](mailto:info@wclac.org) for advice and suggestions on subjects and speakers for meetings.

### *Help end trade with illegal settlements*

Contact your local supermarket to say that you don't want to buy produce from Israeli settlements, which are illegal under international law. Be alert for herbs, dates, fruit and vegetables sourced "from the West Bank" as these may originate from illegal Israeli settlements on occupied Palestinian territory. Tell the supermarkets that if they are to stock this produce, goods need to be labelled correctly so that customers can avoid buying settlement products. Refer to the website [www.whoprofits.org](http://www.whoprofits.org) for information on businesses that profit from settlements and occupation

### *Twinning and Friendship Links*

Establishing a twinning or friendship link between your town, university, school or union and one in the occupied Palestinian territories, is an effective way of drawing the human rights situation there to the attention of people in your locality. [www.twinningwithPalestine.net](http://www.twinningwithPalestine.net) provides practical advice about setting up a friendship link or twinning association.

### *Become better informed*

The reality of daily life in Israel/Palestine is not covered well enough in the daily press and media. The following websites provide useful information to consult on the situation in the oPt.

# ded Actions

[www.wclac.org](http://www.wclac.org) - the website of the Women's Centre for Legal Aid and Counselling  
[www.alhaq.org](http://www.alhaq.org) - reports and statistics by Palestinian Human Rights organisation on human rights abuses in the oPt.

[www.adalah.org/eng](http://www.adalah.org/eng) - Information on litigation and policy work conducted by a Palestinian human rights organisation based in Israel

[www.btselem.org](http://www.btselem.org) - reports and statistics by the Israeli human rights organisation on human rights abuses and Israeli government policies in the oPt.

[www.dci-pal.org](http://www.dci-pal.org) - information, reports and statistics on children's rights in Palestine, particularly on children detained in Israeli prisons.

[www.icahd.org](http://www.icahd.org) - the website of the Israeli Committee Against House Demolitions gives news and actions regarding house demolitions in the oPt.

[www.ochaopt.org](http://www.ochaopt.org) - the United Nations' Office for the Co-ordination of Humanitarian Affairs (OCHA): regular updates and other authoritative information about the current humanitarian situation in the Occupied Territories.

[www.whoprofits.org](http://www.whoprofits.org) this Israeli website details exports, and businesses that profit from the settlements and occupation.



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