

WOMEN'S VOICES: IN THE SHADOW OF THE SETTLEMENTS

A 2010 report on Israel's human rights violations against Palestinian women



مركز المرأة
للارشاد القانوني والإجتماعي

Women's Centre for Legal Aid and Counselling

مركز المرأة

Women's Voices: In the Shadow of the Settlements

The Women's Centre for Legal Aid and Counselling

The Women's Centre for Legal Aid and Counselling (WCLAC) was established by a small group of women in Jerusalem in 1991 as a Palestinian, independent, non-governmental, non-profit organisation. The Women's Centre for Legal Aid and Counselling aims to address the causes and consequences of gender-based violence within the community as well as the gender-specific effects of the occupation.

WCLAC provides social and legal counselling, awareness raising programmes, offers legal and social support and training, proposes bills and law amendments, and participates in the organization of advocacy and pressure campaigns nationally and internationally on behalf of Palestinian women and the community.

WCLAC's International Humanitarian and Human Rights Law programme 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 frame-work of international law and human rights, combined with a feminist vision of equality and social justice.

The programme 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 women in Palestine, 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.

WCLAC has special consultative status with the United Nations Economic and Social Council.

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Introduction

Around half a million Israelis now live in settlements in the occupied Palestinian territory (OPT), with 200,000 of those in East Jerusalem,¹ and while the area under their municipal jurisdiction is 9.8 per cent, they actually control 42 percent of the land area of the West Bank (not including East Jerusalem).² The presence of settlements and their associated infrastructure including checkpoints, roadblocks and settler-only bypass roads not only results in violations of the most fundamental principles of International Humanitarian Law and International Human Rights Law but also effectively fragments the West Bank into enclaves denying the Palestinians their right to self determination. The human rights situation of Palestinians in the OPT is dramatically different to that of Israel's settler population, which benefits from the same rights as Israelis inside Israel. In effect, the settlement project is a colonial one that results in the creation of two parallel and unequal societies in the OPT.

This report will analyse the link between the settlements and the violations of international law and highlight the reality of these human rights violations by presenting the narratives of affected Palestinian women. The issues are often spoken of in isolation, so in this report we try to join them up: the settlements as part of the political negotiations – the human rights violations that ensue from the existence of the settlements – and the reality of those violations for Palestinians.

This report focuses on the issue of settlements in order to contribute to a better understanding of the reality behind the headlines of a politically explosive issue. Settlement building started in 1967 and since then, 133 official Israeli settlements have been built in the West Bank, including 12 in East Jerusalem. A further 100 outposts were built that do not have official authorisation, but have been supported and assisted with the assistance of government ministries.³ The settlements and their infrastructure together with the Wall create “facts on the ground” that aim to create permanent measures to influence any final status agreement. During 2010, the issue of Israeli settlement building in the OPT featured heavily in the news from the region. The issue played a key role in why there were no peace talks; in the discussions during the short lived talks; and provided the principal reason for their collapse. The ten month moratorium on settlement construction in the OPT came to an end in September 2010 during negotiations, with the Palestinian leadership insisting that: “there will be no negotiations in the shadow of continued settlement”.⁴

The Women's Centre for Legal Aid and Counselling, only collects documentation from Palestinian women. This serves to redress the gender balance and ensure women's voices are heard and also to highlight the gender specific impact of the occupation and how women are particularly affected by specific rights violations. We also hope that the testimonies are able to speak to the experience of Palestinian families and communities: men, women and children living under occupation.

Through documenting violations of the human rights of Palestinian women, we have identified themes which are connected to the presence of the settlements and settlers. In this report, for each theme, we provide a summary of the issue, a legal analysis and then extracts from the women's statements to highlight the human reality of the human rights violation.

The first theme is settler violence. The section discusses the acts of organised violence that are being systematically perpetrated by settlers against Palestinians.⁵ These acts, which are part of the settlers' violent reaffirmation of control over the land, consist of beatings, shootings, intimidation, harassment, theft and the destruction of property. The women's testimonies reveal the extent of the problems that they face from Israeli settlers and what the women endure to continue living in their homes. There is also a lack of protection for women and their families: the Israeli authorities and police rarely investigate or prosecute offenders, meaning settlers can act with impunity.

The next theme is the harassment, violence, arbitrary arrest and imprisonment by the Israeli military. While the presence of the Israeli military in the OPT is an integral part of the occupation, it is also essential for the colonial and racist Israeli settlement project. The Israeli authorities impose a regime of separation between the Israeli settlers and the Palestinian population and the Israeli military is responsible for ensuring and maintaining this segregation. In this section, the women's testimonies reveal both the violence and brutality of the occupation forces and the casual humiliations which the women have to endure from the soldiers.

Palestinians, especially those living close to settlements face severe hardship and restrictions on their movement. Those living behind the Wall are disconnected from the major Palestinian cities and towns that provide vital services in health, education, employment and administration as well as from their extended families and communities. By contrast, Israeli settlements have new and modern connecting roads giving easy access to schools and health services. The Wall, which annexes large areas of the West Bank, does not follow the route of the Green Line, but rather is being built in such a way so as to include most of the large settlements and the areas designated for settlement expansion.⁶ We therefore focus in the third section on the impact of the Wall and the checkpoints, providing a legal analysis and testimonies which highlight the devastating impact of these measures on the lives of Palestinian women.

The next section addresses the issue of home demolitions and forced evictions. A UNOCHA report states that the Israeli Civil Administration only allows construction in less than one percent of Area C of the West Bank, much of which is already built up.⁷ According to Israeli planning organisation Bimkom, the 121 Israeli settlements and 100 outposts in Area C: “have long been the dominant factor in shaping and dividing this area.”⁸ Similar restrictions are faced by Palestinians living in East Jerusalem, who find it impossible to obtain permits to build homes. Many Palestinians risk building illegally but face the demolition of their homes and high fines and legal fees. In this final section, we focus on the experiences of women living in Area C and East Jerusalem

to highlight the discriminatory planning regime and the impact of these policies on Palestinian women.

The final section focuses on Israeli policies that deny family unification to Palestinians, which, along with the continued growth of settlements in East Jerusalem, aim to ensure a Jewish majority in Jerusalem. The renewal of the Nationality and Entry into Israel Law (2003) (temporary order) means that Palestinians from the OPT who marry Jerusalem permanent residents or Israeli citizens are not able to live with their spouse or are forced to live together illegally. In this section therefore we will examine the social, economic and cultural impact of this policy of denial of family unification in East Jerusalem on Palestinian women. Women can be particularly impacted by these policies, which can leave them isolated in their homes, or having to bring up children alone.

It is not possible in this report to address all the issues that are related to settlement activity in the West Bank, rather, the topics reflect the documentation collected during 2010. An important issue not addressed in this report is that of water resources and the gross inequality between water consumption rates in Palestinian communities and the illegal Israeli settlements.⁹ Palestinian women, who will usually have responsibility for cleaning, washing, cooking and for the care of children, are particularly impacted by the lack of clean running water, often having to collect the water from wells and other sources. Another related and vital issue, not covered in this report, is that of the environmental impact of the settlements on Palestinian communities: on agriculture, on housing and on land.¹⁰ We hope to cover these issues in future reports.

This 2010 report highlights how the situation for most Palestinians living in the OPT has deteriorated and that the colonialist settler project has led to the creation of two parallel and unequal societies in the OPT. An end to this colonial project is essential to enable the Palestinians to enjoy their basic rights and therefore this report concludes with some recommended actions to individuals and civil society.

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 law, combined with a feminist vision of equality and social justice. In this 2010 report, we focus on the Israeli settlements and their impact on the lives of Palestinian women. We 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).

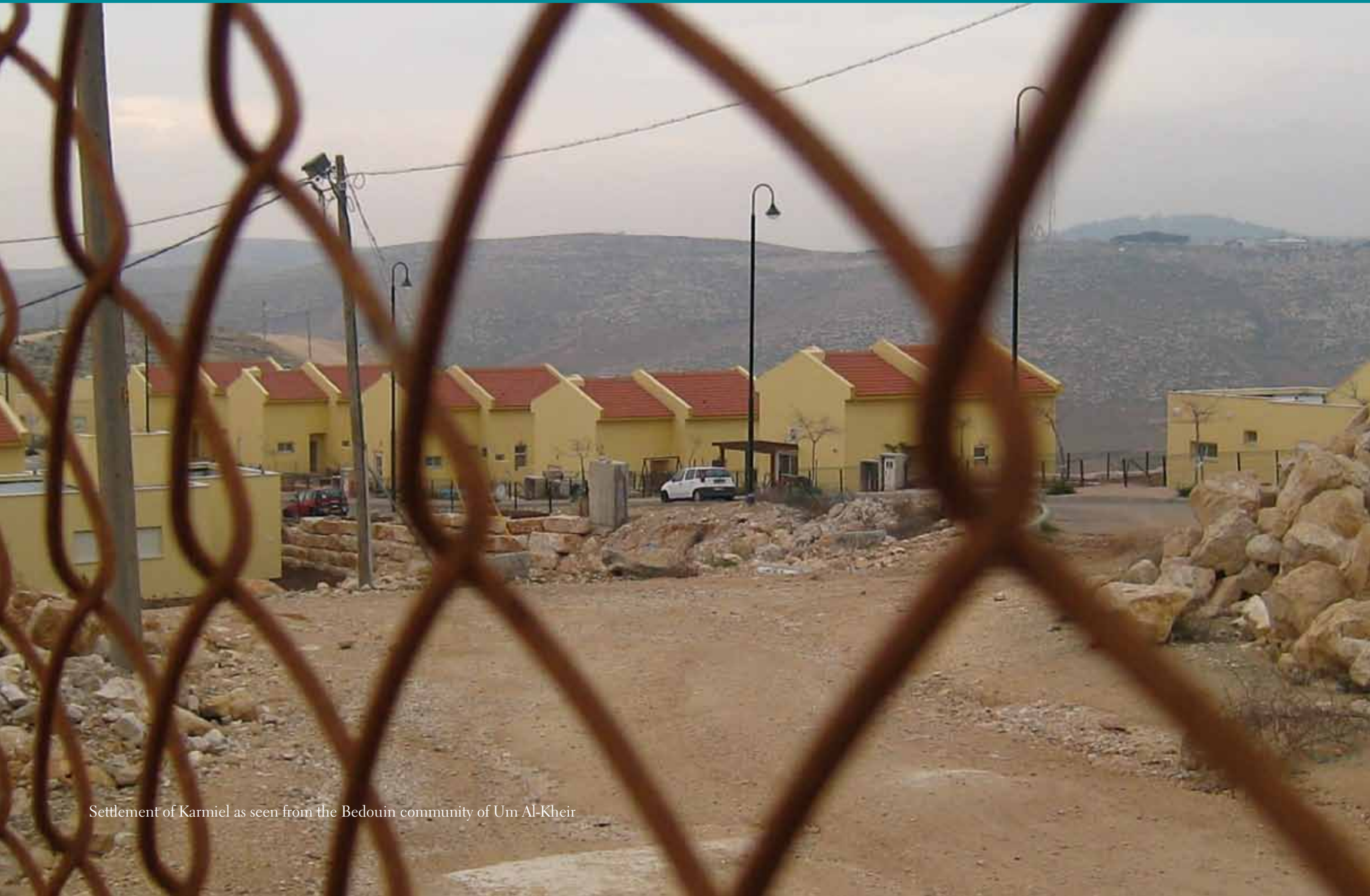
The project seeks to ensure that Palestinian women's rights violations are effectively monitored, then collected through a process of documentation. The documentation is used to advocate on behalf of Palestinian women, to promote awareness of human rights violations and to work towards accountability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

The project focuses 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. 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 usually 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. Not all of the women want to have their full names made public, and in these cases we have used a pseudonym or initials. In all cases, we have consulted with the women and have fully respected their wishes.

The project continues 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.

International Law and Israeli Settlement Policy in the Occupied Palestinian Territory

1



Settlement of Karmiel as seen from the Bedouin community of Um Al-Kheir



International Law and Israeli Settlement Policy in the Occupied Palestinian Territory¹¹

The built-up area of the settlements consists of less than 3 percent of the area of the West Bank, but the area under their municipal jurisdiction, constitutes 9.28 percent of the West Bank and the total area controlled by settlements is about 42 percent of the West Bank.¹² In September 2009, the number of settlers reached about 500,000 in the West Bank, about 200,000 of whom live in East Jerusalem.¹³ The annual growth rate of the settler population in the West Bank (excluding East Jerusalem) is 3.7 percent, which is significantly higher than the population growth rate inside Israel.¹⁴ Many settlements exceed their jurisdictional area and gradually gain control over more land area of the West Bank.

Both International Humanitarian Law (IHL) and International Human Rights Law (IHRL) apply to the West Bank. This was confirmed by the International Court of Justice (ICJ) when it gave its Advisory Opinion on the legal consequences of the construction of a Wall in the occupied Palestinian Territory, which confirmed that the Fourth Geneva Convention is applicable to the OPT.¹⁵ The ICJ also concluded that the settlements were established in violation of international law.¹⁶

Furthermore, the ICJ reiterated the views of the Human Rights Committee when it confirmed that Israel also has obligations under IHRL in the OPT.¹⁷ The Court found that "... the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of the kind to be found in Article 4 of the International Covenant on Civil and Political Rights."¹⁸ All Palestinians should therefore benefit from all the rights protected under IHRL, including freedom of movement, the right to health, the right to an adequate standard of living including housing, to be free from arbitrary and unlawful interference with their home and furthermore, to be free from discrimination in the exercise of these rights.

Violations of International Humanitarian Law

Together, the Hague Regulations¹⁹ and the Geneva Conventions²⁰ form the core body of occupation law under international humanitarian law. The law of belligerent occupation is founded on the basis that the Occupying Power is vested solely with temporary powers of administration and never possesses political sovereignty over the territory it occupies.

The establishment of the settlements in the West Bank including East Jerusalem violates IHL, in particular, provisions of the Hague Regulations and the Fourth Geneva Convention. One of the fundamental principles of IHL is that occupation is only a

temporary state and that the occupying power therefore cannot make permanent changes in the occupied territory, therefore restricting the occupying power from creating facts on the ground that could lead to annexation.

The Hague Regulations view the occupying country as a 'trustee' acting on behalf of the lawful sovereign of the territory and provides rules on the use of property and land under its control. Article 46 of the Hague Regulations requires the occupying country to respect the private property of persons and permits the seizure of public property in a situation of belligerent occupation only when it is required by imperative military necessity.²¹ Destruction of property in occupied territory is also forbidden, barring exceptional circumstances of absolute imperative military necessity.²²

Article 49 of the Fourth Geneva Convention states that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory that it occupies." As stated by Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: "*This provision prohibits the transfer of the population of an occupying Power to the occupied territory, particularly in this case where Israeli withdrawal to the 1967 borders (as legally prescribed by Security Council resolution 242) is gravely compromised by the extensive settlement development, its related network of Israeli-only roads and the ongoing construction of the separation barrier.*"²³

The extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly, is a grave breach of the Geneva Conventions.²⁴ Israel plainly breaches this article as is evidenced by the seizure and confiscation of large tracts of land for the settlements and by the fact, as stated by B'Tselem that this is all official Israeli government policy: "the State...initiated, approved, planned and funded the establishment of the vast majority of the settlements, and created an apparatus for providing generous benefits and incentives to encourage its citizens to move and live there."²⁵ Article 8 of the Rome Statute of the International Criminal Court states that the transfer of a population to occupied territory directly or indirectly is a war crime, as is extensive destruction of property not justified by military necessity.²⁶

Violations of International Human Rights Law

Israel is bound to apply IHRL in the OPT and this includes the application of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention for the Elimination of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and the Convention for the Elimination of Racial Discrimination (CERD). Fundamental to all of these treaties is the prohibition on discrimination, which extends to all rights contained within IHRL.

Israel's settlement policy is the source of severe and systematic human rights violations against the local Palestinian population. The violence that ensues from land appropriations enforced by the Israeli authorities and its facilitation of the settlers' aggressive control of land results in raids of Palestinian homes and the destruction of Palestinian property. The policy and practices also result in severe restrictions on freedom of movement, which negatively impacts Palestinian family life, access to work, education, health care and other rights. The human rights situation of Palestinians in the OPT is in direct contrast to that of Israel's settler population, which benefits from the same rights as Israelis inside Israel.

In effect, the settlement project results in the creation of two parallel and unequal societies in the OPT. An Israeli settler society that benefits from superior living conditions, greater protection under Israeli civil (as opposed to military) law, greater access to the resources of the OPT, including water, the freedom of movement and the enjoyment of all other human rights.²⁷ Meanwhile, the disadvantaged Palestinian society living in the same territory, by contrast, is denied many of its basic human rights as a result of the furtherance of the settlement project.

*The Right to Self Determination*²⁸

Israel's settlement practices and policies in the OPT constitute a serious violation of the Palestinian right to self-determination.²⁹ The presence of settlements and their associated infrastructure including checkpoints, roadblocks and settler-only bypass roads not only severely restricts Palestinian freedom of movement, but also effectively fragments the West Bank into enclaves. The possibility of a contiguous territory in which Palestinians can freely dispose of their natural resources is therefore severely limited, precluding any meaningful exercise of the Palestinian right to self-determination.

Measures that Israel has taken to assert its extensive and systematic control over the areas where settlements are built are manifest evidence of the fact that settlements are intended as permanent changes. Combined with the illegal annexation of East Jerusalem and settlement expansion there, they are indicative of Israel's intent to acquire sovereignty over Palestinian territory (despite Israel's denial of sovereignty claims over the West Bank) in breach of the prohibition of the acquisition of territory by force, enshrined in Article 2(4) of the UN Charter.

Since Israel began the implementation of its settlement policies in the OPT, the construction and expansion of settlements has been initiated, supported and financed by the state authorities in a systematic and institutional manner. Settlement expansion is further encouraged by state authorities through social benefits and favourable economic conditions afforded to settlers.³⁰

The growing control over land and natural resources by Israeli settlers in occupied territory as well as the extensive human rights violations caused by the presence of

settlements, their infrastructure, and ensuing hardships,³¹ such as settler violence, are creating an environment that is leading to the indirect forcible transfer of the Palestinian population.³² Israel's systematic land appropriation policy for the construction of the Wall, settlements and settlement infrastructure and the ensuing restrictions on movement, as well as decreased access to natural resources and services for Palestinians cumulatively create unbearable living conditions that make it increasingly difficult for people to remain in their homes.³³

Israel's policy of creating "facts on the ground", undertaken through the construction of settlements and the Wall along with its accompanying components (e.g., depth barriers, asphalt roads and trace paths), aims at creating permanent measures that will affect any final status agreement.

In so far as settlements contribute to the cumulative outcome of Israel's practices and policies of subjugation, domination and exploitation of large parts of the OPT, they constitute a form of unlawful exercise of *de facto* sovereign rights, revealing the colonial character of Israel's occupation.³⁴

Discrimination, Colonialism and Apartheid³⁵

This dual system of norms legitimising the perpetration of inhuman acts against Palestinians in a systematic and institutionalised manner is a formal and direct form of discrimination, which is reflective of a practice of apartheid in violation of international law. The strong indicators of the crime of apartheid inherent to Israel's egregious practices include policies and systematic practices of racial segregation and discrimination for the purpose of establishing and maintaining domination by one racial group over another.³⁶ The Statute of the International Criminal Court lists the establishment of an institutionalised regime of systematic oppression and domination by one racial group over another under the category of crimes against humanity.³⁷

In examining Israel's practices, a study by a group of high-profile international legal experts, published by the Human Sciences Research Council of South Africa, found that the State Party's exercise of control in the OPT, with the purpose of maintaining a system of domination by settlers over Palestinians, constitutes a breach of the prohibition of apartheid.³⁸ The study found that Israel's laws and institutions, which seek to ensure its enduring Jewish character as a "Jewish State", are channelled into the OPT to convey privileges to settlers to the disadvantage of Palestinians on the basis of their respective group identities. This domination is associated principally with transferring control over land in the OPT to exclusively Jewish use, thus also altering the demographic status of the territory.³⁹ It thereby concludes that this discriminatory treatment cannot be explained or excused on grounds of citizenship, as it goes beyond what is permitted by the International Convention on the Elimination of all forms of Racial Discrimination (ICERD).⁴⁰

Israel's Annexation and Demographic Transformation of East Jerusalem⁴¹

In 1967, during the Six Day War, Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip. Israel proceeded to illegally annex East Jerusalem over the following days, when the Israeli Parliament amended its laws to extend Israeli jurisdiction over the newly declared municipal borders.⁴² In 1980, the Israeli Parliament passed the "Basic Law" on Jerusalem, stating unequivocally "Jerusalem, complete and united, is the capital of Israel".⁴³

The international community has never recognised Israeli sovereignty over occupied East Jerusalem and maintains that the annexation is in blatant violation of international law.⁴⁴ On 20 August 1980, following the Israeli Parliament's ratification of the "Basic Law" on Jerusalem, the UN Security Council passed Resolution 478, determining that "all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void."⁴⁵

In spite of consistent international condemnation, Israel has continued with its expansionist and annexationist policies in East Jerusalem, which are focused on achieving a strong Jewish demographic majority within Israel's declared municipal boundaries of the city. Since 1967, there has been a clear Israeli strategy to limit the Palestinian population of East Jerusalem.⁴⁶

In the years following the illegal annexation, Israel articulated a clear government policy that sought to maintain a demographic balance of 70 per cent Jews to 30 per cent "Arabs" within the Israeli declared boundaries of the Jerusalem municipality.⁴⁷ This official policy remains in effect today. The Master Plan 2000 for Jerusalem, which was ratified by the Planning and Construction Committee of the Jerusalem municipality in 2007, directly addresses this policy while considering the more realistic option of achieving a 60/40 ratio because high Palestinian birth rates have made the 70/30 goal unlikely.⁴⁸

Israel's ongoing attempts to consolidate further control over occupied East Jerusalem are deliberately aimed at undermining the right to self-determination of the Palestinian people. The construction of the Wall has physically severed occupied East Jerusalem from the rest of the West Bank through the construction of a *de facto* border over which Israel exercises complete control. The disruption of the territorial contiguity of the OPT has been particularly evident in the areas surrounding Jerusalem, and is intended to prevent Palestinian aspirations of having East Jerusalem as a capital for their state. Through the simultaneous implementation of other Israeli policies such as the denial of family unification to Palestinian Jerusalemites and imposing the centre-of-life test,⁴⁹ Israel is effectively limiting Palestinian growth in occupied East Jerusalem in order to fundamentally change the Palestinian character of the city.⁵⁰



Separation barrier near the village of Masha



Palestinian home taken by Jewish settlers in Sheikh Jarrah

Settler Violence

The expansion of settlements and growth of the settler population has brought a concurrent increase in settler violence and intimidation against surrounding Palestinian communities, as settlers assert their control over the land and resources. OCHA figures indicate that such violence is rising: 161 incidents in the first seven months of 2010. This compares with an average of 83 incidents in the previous four years.⁵¹ In November 2009, OCHA identified 22 Palestinian communities, with a total population of 75,900, as being ‘highly vulnerable’ to settler violence. A further 61 communities, with a total population of 172,800, are termed as being ‘moderately vulnerable’.⁵²

This section focuses on incidents of settler violence and harassment and their impact on Palestinian women. Incidents can be singular attacks when women are waiting at checkpoints and travelling to university or work, but more often happen frequently and over long periods of time. Many of the women interviewed reveal their experiences of living for years with settler violence and harassment. Our interviews revealed the many ways in which women’s lives are controlled by the attacks from settlers. Women spoke about not being able to attend university or not being able to work outside the home because of the trouble from settlers close to their homes. In this section the women describe in their own words, their experiences and the psychological and emotional impact.

In Hebron approximately 500 Israeli settlers live in different settlements in the old city centre of Hebron and another 7,000 live in bigger settlements on the outskirts of the city.⁵³ Palestinians are routinely subjected to violence, harassment and intimidation from the settlement population. A report from the Israeli human rights organisation B’Tselem describes some of the problems: “Throughout the second intifada, settlers have committed physical assaults, including beatings, at times with clubs, stone throwing, and hurling of refuse, sand, water, chlorine, and empty bottles. Settlers have destroyed shops and doors, committed thefts, and chopped down fruit trees. Settlers have also been involved in gunfire, attempts to run people over, poisoning of a water well, breaking into homes, spilling of hot liquid on the face of a Palestinian, and the killing of a young Palestinian girl.” The report concludes that “these acts, in addition to being severe, have also contributed to the “quiet transfer” of thousands of Palestinians from the City Center.”⁵⁴

In areas in the north of the West Bank, the settlers living in ideological settlements like Yitzhar and Itamar terrorise the surrounding Palestinian rural communities as they assert their purported right to the land through violence and harassment against the people and by damaging and stealing crops, trees and livestock. Yitzhar has been at the forefront of the settler movement’s campaign, which calls for violent retaliation for government restrictions on Jewish building in the West Bank. Residents have launched numerous attacks on Palestinians, including an arson attack on a mosque in December

2009⁵⁵ and repeated incidents of violence, theft and arson during the Palestinian olive harvest.

Across the West Bank, including in East Jerusalem, settlers act with impunity. In the cases documented by WCLAC, where soldiers are present, in most cases they do nothing to protect Palestinians from the settlers' attacks. Furthermore, in not one of the 58 cases that WCLAC have documented during 2009 and 2010 were the women aware of any investigation being conducted or any prosecution brought of any of the perpetrators. WCLAC's documentation further reveals that women are reluctant to make complaints and even where complaints are made, no action is taken. When complaints are made to the police, they fail to properly enforce the law, and rarely bring the assailants to justice. By failing to respond to settler violence, the authorities in effect sanction the settlers' violent acts.

Legal Framework

The legal framework of 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 OPT and ensuring the protection of civilians under its control.⁵⁶ The duty imposed by international law on Israel as an occupying power is not limited to the duty to avoid harming the protected population and its property, but also includes the duty to take all steps to ensure its well-being and protect it and its property from the violence of a third party, whether groups or individuals.⁵⁷

Israel also has obligations under the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW)⁵⁸ 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."⁵⁹

Article 11 of the International Covenant on Economic, Cultural and Social Rights (ICECSR)⁶⁰ provides that State Parties must recognise the right of everyone to an adequate standard of living and this includes housing. In its General Comment 4, the Committee on Economic, Social and Cultural Rights, which monitors the compliance of states parties to the ICESCR, stated that "the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. **Rather it should be seen as the right to live somewhere in security, peace, and dignity.**"[emphasis added]⁶¹

In some cases, violence from settlers may amount to cruel, inhuman or degrading

treatment or punishment as defined by Article 7 of the ICCPR. 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.⁶² 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.

Acts of organised violence are systematically perpetrated by settlers against Palestinians,⁶³ particularly during the annual harvest seasons when Palestinian farmers try to access lands located near settlements. These acts, which are part of the settlers' violent reaffirmation of control over land, consist of beatings, shootings, theft and the destruction of property. Israeli security forces generally fail to prevent, stop or redress instances of settler violence. Settlers are rarely held accountable for their acts, and when they are, the punishment is lenient. Documentation and monitoring of these incidents has shown that the actions of the Israeli law enforcement authorities in response to settler violence are either ineffective, nonexistent or verging on complicity.⁶⁴

Women's Testimonies

Physical Violence, Threats and Intimidation

The women's testimonies reveal the extent of the problems that they face from Israeli settlers and what the women endure to continue living in their homes. They describe physical assaults including stone throwing and other threats of physical abuse. They describe their land, crops, olive trees and homes being set on fire; the theft of their livestock including goats and donkeys and incidents of gunfire. The women also describe the insults and curses from settlers: being called prostitutes and hearing words like "death to Arabs".

Huda N. home is in the village of Bureen where she lives with her extended family. She described an incident that happened on 24 December 2009, when she says that she saw a large group of settlers get out of buses near to her house: "Some of the settlers, perhaps 30-40 of them came closer to the house and started to throw stones towards the house. I was at the back of the house and looked through the back window and shouted

to the settlers to go away. I saw a man lift up his arm to throw a stone in my direction and moved slightly just before a stone actually came through the window next to me. I quickly blocked up the window with a piece of wood as it didn't have glass in it just some meshing over it."

Ruqaia H. lives in Umm Al-Kheir near the town of Yatta in the south of the West Bank: "In the early eighties, the Jewish settlement of Karmiel was built near the tent we now live in. The settlement is about five meters away from our tent. Our lives have become very difficult since this settlement was built; it is constantly expanding. We are not allowed to build and we are subjected to attacks by settlers on a daily basis; attacks that affect the young and the old. Settlers chase us everywhere; in the houses, on the streets and surrounding hills. They aim to drive us out of our small community of 15 families. We have been living in this area before the settlement was built."

Halima A. also lives in the village of Umm Al-Kheir, near Hebron and close to the Israeli settlement of Karmiel: "Last Friday, on June 4th 2010, at about 10:00 o'clock in the morning, I took my donkey as usual to collect wood from my grandfather's land on a nearby hill. I use wood for cooking meals and heating water. I took my daughters Maysoon and Manal with me. On our way back, and all of a sudden, I saw a settler's car approaching us from the nearby settlement of Karmiel. The car was on the new security road which was built last year. It was a white security car which we quite often see in the area. The car slowed down a bit and the driver was on the phone talking to a settler who was standing nearby not too far from us. The car did not do anything but as soon as the car drove by, the settler, who was about 30 years old, began to run in our direction. He was carrying a metal stick in his hand. He threw a stone at us but luckily it did not hit us. I was terrified and worried about my daughters. I left the wood and the donkey and ran away with my two daughters. My daughter Manal fainted from fear.

This is not the first time that this has happened to us. I can't even remember how many times settlers have chased us and threw stones at us. They want to drive us out of our land. They don't want to see us around."

Rima A. lives in the Tel Rumeida area of the old city of Hebron. Her home is opposite an Israeli settlement and is surrounded by checkpoints that she has to pass through to access her home: "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 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."

Khawla H. is from Sheikh Jarrah in East Jerusalem. She was evicted from her home there in August 2009, and describes the behaviour of the settlers who have moved into her home and the homes of other Palestinians who have been evicted. "The settlers throw stones at us and call the police and make accusations against us. They also harass and throw stones at the solidarity activists. They also say really awful things when they pass us and make rude gestures with their fingers. They call us "prostitutes" and "thieves" and shout "We want to transport you to Jordan". One settler pretended to pull his trousers down in front of the children and they have also pretended to run me and my children over with their cars. They stand on the street with cameras and are constantly filming. Yesterday they called the police because I was filming and claimed I was harassing them! I can't tell you all of the things that they've done. When the settler women come out – they are the worst. They shout and scream at us. It is a tragic life we have."

Maisa A. also lives in Sheikh Jarrah, and is threatened with eviction. Meanwhile she and her family face ongoing harassment and violence from the settlers in the neighbourhood. Since this interview was conducted in April 2010, settlers have moved back into the extension of their house and are subjecting them to ongoing harassment and violence: "On 24th November which was the night of Eid Al-Adha, a Muslim holiday, I was up late after my son Munjad came back after his late shift at the hotel. It was around 1am when I heard the sound of moving furniture in the extension and I went outside with my mobiles. It was lit up outside from the lights from the settler house opposite and I could see that there were four settlers inside the house and one of them standing outside the house. As I approached the settler stood outside, he pushed me away towards the wall in my chest. I could see him clearly, he had ginger hair. My son Munjad came out of the house and saw the settler push me and said: "what are you doing to my mother" but then the settler put his hands around Munjad's neck. I was frightened of what was going to happen and phoned the police while I was still stood with my back against the wall.

Meanwhile, I was talking to the police, the fifth settler had entered the house and I started banging on the door shouting "Get out!". My mother and my aunt had heard my voice and came outside, and I turned and saw my mother standing outside in her thin nightdress looking totally confused and the settler punched her on the arm. Just after this, the police arrived, for the first time they were quite quick. The police brought out three of the settlers and I shouted to them that there were five of them and that the ones who had hit me and my mother were still in the house. The police then went into the house and brought the other two out, with the police standing there, one of the settlers went over and hit my mother in the head and she started screaming. I rushed over to her and put my arm around her and put my shawl round her and one of the neighbours brought a chair for her.

I went with my son Munjad to the police station to make a complaint. It was a

waste of time though, the settlers were already at the police station and the police accused Munjad of assaulting the settlers. We left the police station without making a complaint.

On another day – December 1st, I was attacked by a settler who hit me with a metal bar. My sons tried to defend me but when the police arrived they arrested my sons because the settlers accused them of attacking me. Always, they believe what the settlers say even though it is them attacking us and them coming onto our property and trying to take it from us.”

Hasna T. lives in the village of Beitilo, near a number of Israeli settlements. She described an incident that occurred on the 25th January 2010: “I went downstairs quickly and brought my children inside the house and locked the door. I could hear the settlers coming closer to the house and then heard them throwing stones at the house. We have metal mesh over the windows to protect the glass but I could hear the large stones hitting against the metal but the smaller ones came through the metal and would break the glass and come through into the house. I tried to make sure that my children were in safe places away from the stone throwing.

My 18 year old son had been sleeping near to the door of the house when he was hit by a stone and he opened the door and went outside. I followed him outside and could see that my brother in law’s car which was parked outside the house had been set on fire. Inside the car, the seats were on fire. I didn’t see them do it, but I am sure that it was the settler who had done it. I was so afraid I couldn’t speak.”

Psychological & Emotional Impact

Statistics and reports often focus on the events themselves. However, our interviews reveal the emotional and psychological consequences and the longer term impact of living with settler violence. The women interviewed described the worry and anxiety that they felt for themselves and for their children. The unpredictability of the behaviour of the settlers and the randomness of the attacks means that the women expressed feelings of living with an almost constant fear.

Iman S., is 22 years old and lives in the village of Bureen which is located near the settlement of Yitzhar. Her family is subjected to regular harassment and violence from settlers: “I can’t describe how much the settlers have affected my life. They are a constant presence and worry. Sometimes they come every other week; sometimes there is a month and we don’t see them. When they do something big they usually don’t come back for a while. Its unpredictable and we don’t know when or why there

coming, sometimes it’s because something has happened to a settler somewhere, other times there is no reason.”

Huda N., Bureen: “I constantly feel worried and anxious; worried about what might happen to us and what might happen to the house when I’m not there. I am constantly watching the cars passing by up to the settlement to see whether they are going to stop and get out and come down to our house.”

Rima A., Hebron: “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.”

Hasna T., Beitilo described how she and her children felt after a settler attack on their home: “My youngest daughter was very afraid and at one point she almost fainted, I had to put cold water on her face. I couldn’t sleep that night. I feel afraid for myself and for all our children. For the whole of the next month, I kept my windows completely closed. Some young men from the village guarded the area on that first night and they carried on doing that for about a week afterwards.

We all worry about more attacks from the settlers. Yesterday there were some rumours that the settlers were going to come because the Israelis had started taking down some illegal building in the settlement. My daughter overheard this and she was frightened and asked if the settlers were coming and where she should sleep. I told her that she would sleep in my arms. We won’t go out after 8pm because of fear of the settlers.”

Ruqaia H., Umm Al-Kheir was pregnant when she was attacked by settlers: “I have been feeling afraid since that day. I always think of what happened and of my children and the children of the small community where I live. We don’t have a stable secure life here. I don’t know how long this situation will go on for. We are haunted by the settlers, they terrorize our children.

We have no other land to live on. This is the only piece of land we own. It was bought by my grandfather after 1948. The Israeli authorities confiscated part of the land and built the settlement on it from where they continuously attack us in order that we eventually give up and leave so that they would take over the remaining part of the land.”

Social and Cultural Consequences

Our interviews revealed the many ways in which women's lives are controlled by the attacks from settlers. Women spoke about not being able to attend university or not being able to work outside the home because of the trouble from settlers close to their homes. The interviews also reveal how patriarchy and the occupation intersects: with a traditional society reluctant to encourage women into university and work, the violence of the settlers provides a reason for the women to have to stay at home. The women become prisoners in their homes.

Iman S., Bureen: "I'm not in control of my life, I can't leave my house or Bureen because of the problems with the settlers. When I go somewhere I am always phoning my mother to check that everyone is alright and whether the settlers are around. I so badly wanted to go to university but that's not possible with all the trouble. I feel I lost my childhood because of what they do to us. They have killed our animals, they have destroyed crops and trees we've planted and they've burnt our home. I feel like I'm 100 years old. Instead of looking to the future I am always thinking about the settlers and what they do to us. I don't have any hope for the future."

Huda N., Bureen: "If there wasn't the problems with the settlers I would maybe have liked to have worked outside the house but I have to stay to look out and watch the house. But really, because of the constant worry about the settlers I have lost any desire to leave or do anything fun – I just feel unhappy. It feels like there is nothing that can be done to stop it happening."

Rima A., Hebron, described the impact on her family and social life: "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 celebrations with no restrictions."

Impact on Livelihoods

The livelihoods of families living in Area C are also affected by their proximity to the settlements. In two of the cases, the women described how olive trees had been destroyed or burned, and goats and animals stolen by the settlers. Livelihoods can be affected in other less direct ways – two of the women interviewed described not going to work outside the home, or to university because of the problems – this limits the family income, or potential for income by confining the women to their homes.

Nisreen T., Deir Nithan, described the economic cost of the settlers' arson attack on her olive trees: "The land is now all burned. Our olive trees are dead wood. We used to be able to sell 5000 Dinars [\$7060] worth of olive oil each year. This was our main source of income for the whole year. My husband's salary is very little. He makes 2000 Shekels [\$560] a month. Two weeks before the incident took place we paid 600 shekels to have the land ploughed. We wanted to take care of the land to maximize output and profit. We usually plough our land twice a year."

Hanan S. is the mother of **Iman S.** and they live together in their home in Bureen. Hanan talked about the impact on the family's livelihood: "[I]n around 2002, the problems from the settlers intensified and it seems that they want to force us from our house and force us to leave the land. In the past seven years we have had our goats stolen and killed by the settlers, we have had a pony stolen and they have poured petrol under the door and set fire to the house. Regularly they come down the hillside to our home and throw stones and threaten us. Things are getting worse for us – only last month, in January 2009, the settlers came and pulled up 40 olive trees on land near our house which belongs to other people from the village of Bureen. This is what people here depend on for their livelihood; each olive tree produces around 37 kilos of olive oil."

Maisa A. sons were arrested by the police after settlers accused them of attacking them. "My sons were then ordered to stay away from the house and from Sheikh Jarrah for 47 days. Once this expired, Munjad was arrested again and banned for another two months meaning that he couldn't work because the hotel he works for is in Sheikh Jarrah. Even now the orders have expired, my sons are too scared to come back here in case they are arrested. Each time it happens we have to pay lots of money in bail to have them released. Financially, the situation is disastrous, I don't want to talk about it we have debts from the court fees and fines and the arrests."

The Israeli Army: Violence, Arrests and Harassment

3



Israeli soldiers arresting a Palestinian woman from Nabi Saleh near the settlement of Halamish

Israeli soldiers arresting an injured woman in Jerusalem



The Israeli Army: Violence, Arrests & Harassment

In the West Bank Palestinians are frequently subjected to harassment, violence, arbitrary arrest and imprisonment by the Israeli military. While the presence of the Israeli military in the OPT is an integral part of the occupation, it is also essential for the colonial and racist Israeli settlement project. The Israeli authorities impose a regime intentionally and openly based on the “separation principle”, which legally and physically segregates the Israeli settlers and the Palestinian people. The Israeli military is responsible for ensuring and maintaining this segregation.

In the city of Hebron, 500 illegal settlers living in the heart of this Palestinian city are protected by approximately 2,000 Israeli soldiers. The Israeli military and police have made the entire Palestinian population pay the price for protecting Israeli settlement in the city. The large presence of soldiers and police in the Hebron city centre brings with it violence, excessive and unjustified use of force, and abuse of the powers granted them by law. Violence, arbitrary house searches, seizure of houses, harassment, detaining passers-by, and humiliating treatment are part of daily reality for Palestinians.

In this section, we provide some testimonies from women who have been subjected to violence and ill treatment by Israeli soldiers, in their homes and in the streets. The testimony of 18 year old Ghadeer A. reveals the casual brutality and violence of the Israeli soldiers when they enter Palestinian homes. Houriyeh D. and Thamina E’s. experiences speak to the daily humiliations and harassments that Palestinian face when going about their daily lives: going to school, to work and to visit their families.

Palestinians living in other parts of the West Bank, are subjected to similar treatment. In towns and villages close to settlements, a regular Israeli military presence at means that Palestinians are also routinely subjected to violence, harassment and humiliating treatment either at checkpoints or during arbitrary house searches. In towns and villages protesting against the confiscation of their lands for the building of settlements, settlement infrastructure or the Wall which goes around the settlements, peaceful protesters are subjected to tear gas, rubber bullets and sometimes live ammunition.⁶⁵ Palestinians living in villages such as Bil’in, Nil’in and Nabi Saleh are frequently subjected to arbitrary arrest, imprisonment, ill treatment and torture.

The experience of WCLAC is that, in the case of violence or abuse 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.

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 the end of 2009, show that only 105 out of 1805 cases (6%) opened resulted in indictments. Between 2008 and 2009, only 4% of investigation files opened led to indictments, despite the establishment of the Military Advocate for Operational Affairs, in 2007, in order to focus on the behaviour of IDF soldiers towards Palestinian residents.⁶⁶

While it is men who are most often the subject of arbitrary arrest and detention, WCLAC has interviewed women who have been arrested by the Israeli army, and have been subjected to violence and abuse during the course of their arrest, detention and imprisonment. Women are also profoundly affected when family members: fathers, sons or brothers are arrested and detained. Often present when arrests take place women also have to hold families together during a period of detention. Testimonies from women who have experienced arrest, detention themselves or that of a family member highlight the brutality and humiliation of the arrest and the lack of due process that should be afforded to those accused of an offence.

Legal Framework

In this section, we address some more detailed provisions regarding the legal framework regarding administrative detention of Palestinians living in the OPT. The overall international legal framework in the above section on settler violence is also applicable to the issue of violence from soldiers addressed in this section.

As of May 31, 2010, Israel held more than 213 Palestinians in administrative detention, according to the Israeli human rights organization B'Tselem; as of November 30, 2009, 119 administrative detainees had been detained for more than a year. According to the most recent available official statistics on the cases that actually go to trial in Israeli military courts, obtained by Yesh Din, an Israeli human rights organization, in 2006 Israeli military courts found defendants not guilty in only 23 (or 0.29 percent) of 9,123 trials.

Israeli military order 1591 from 2007 authorizes the military commander of the West Bank to detain an individual whom he determines “is a risk to the security of the area” for up to six months and renew the detention indefinitely. A recent law has extended administrative detention to “unlawful enemy combatants.”⁶⁷ In both cases the detention is open-ended, and is based on minimally phrased, vaguely stated grounds of suspicion and on information and evidence which the detainee is not allowed to examine.⁶⁸

This type of indefinite administrative detention constitutes arbitrary detention and violates Article 7 of the ICCPR.⁶⁹ The Human Rights Committee, which reviewed Israel’s compliance with the Covenant in July 2010 expressed concern in its Concluding Observations⁷⁰:

“...at the frequent and extensive use of administrative detention, including for children, under Military Order No. 1591, as well as the Emergency Powers (Detention) Law. Administrative detention infringes on detainees’ rights to a fair trial, including their right to be informed promptly and in detail, in a language which they understand, of the nature and cause of the charge against them, to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing, to be tried in their presence, and to defend themselves in person or through legal assistance of their own choosing (arts. 4, 14 and 24).”

The Geneva Conventions, provide that administrative detention should only be used “for imperative reasons of security” in preventing danger to public (or state) security, in times of war or emergency. The use of internment allowed under the GCIV is intended to be only an exceptional temporary restrictive measure. The International Committee of the Red Cross’s (ICRC) Commentary on Article 78 of the Fourth Geneva Convention states: “In occupied territories the internment of protected persons should be even more exceptional than it is inside the territory of the Parties to the conflict.”

The Israeli authorities use administrative detention routinely when they have insufficient evidence to put a detainee on trial. In some cases administrative detention is used to hold people who have completed sentences imposed by the courts, seemingly as a way of inflicting further punishment without going through the court system. Administrative detention is imposed without any court proceedings: there are no charges, and the “evidence” used to justify each detention order is secret. This means that neither detainees nor their lawyers can mount an effective challenge to administrative detention orders.⁷¹

The ICRC Commentary also states that those detained administratively “can therefore only be interned, or placed in assigned residence, within the frontiers of the occupied country itself.”⁷² All but one Israeli prison where Palestinian men, women and children are detained, are inside Israel in contravention of Article 76 of the Fourth Geneva Convention, which provides that an occupying power must detain residents of an occupied territory inside that territory. The practical consequence of this violation is that many prisoners do not receive any family visits as their relatives are denied permits to enter Israel.

The prohibition against torture or to cruel, inhuman or degrading treatment or punishment (torture and ill-treatment) is universal and absolute.⁷³ The Human Rights Committee has commented in the past that it is not sufficient for the implementation of Article 7 of the ICCPR to prohibit such treatment or punishment or to make it a crime. There is an active obligation on a State party 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.⁷⁴

IDF regulations require that a criminal investigation be opened for any complaint of violence or cruelty to a person in custody.⁷⁵ However, if the detainee does not lodge a complaint, acts of torture or other ill treatment are seldom, if ever, reported to the military police or military prosecutor. Even when timely complaints of torture or other ill-treatment by soldiers are submitted, they are seldom seriously investigated. Such investigations often commence late, are inefficient and rarely end in prosecutions.⁷⁶ According to the Military Prosecutor-General's Command, a "conspiracy of silence among combat soldier" surrounds cases of soldiers' violence against Palestinians.⁷⁷

Women's testimonies

It is no coincidence that the women whose testimonies appear in this section live very close to settlements. There is often a large Israeli military presence in Palestinian villages close to settlements, especially when there is local resistance to land confiscation for settlement building and the Wall.

Arrest and Detention

The testimonies are illustrative of the harsh treatment of Palestinians during arrest and detention, whether men, women or children. The testimony of Manal T. also shows how women are active participants in their community's struggles against injustice.

Manal T. lives in Nabi Saleh. The village's land has been slowly confiscated over the years for the nearby settlement of Halamish. In September 2009, the water spring belonging to the village and a neighbouring village was fenced off by the settlement and made inaccessible and un-useable by the village. The village made a decision to conduct a non violent protest every Friday against the theft of their water supply. Immediately, the Israeli army intervened to prevent the protests and now each Friday the Israeli army enters the village to disperse the protest using rubber bullets and tear gas and stops them going near to the settlement. They regularly arrest and detain people from the village during the course of the protest. Manal described one protest on 22nd January 2010, when she was arrested by the Israeli army: "On that day, between 1.30 – 2pm, the Israeli soldiers threw a tear gas canister at my brother's bedroom window. I and the rest of the family were sitting in the living room when it happened but I saw when I went into his bedroom that the window had broken and a gas canister had come through the window. The curtains were on fire and the room was filled with gas.

At this point, I could see the soldiers standing outside the house. My sister Maha went outside – she was trying to get away from the gas inside the house but also she was upset and said to the soldiers: "Why do you do this?" They responded by pushing her

and then hit her on her shoulder with the weapon they use to fire the tear gas canisters. I could see all this from the window. After seeing this I also went downstairs to try and protect my sister. We quarrelled with the soldiers and they were telling us to go back inside the house. More people from the village came down and were gathered around.

Then the soldiers took away my sister into one of their nearby army jeeps. I then remember seeing my neighbour, who is about 60 years old being punched in the face by one of the Israeli soldiers. He wasn't expecting it and fainted. I started yelling and shouting at the soldiers telling them to stop and said to him "Why are you doing this?". I learnt afterwards that he was the commander and he ordered four men to carry me to one of the jeeps nearby.

In the jeep, there were three soldiers and no other Palestinians. The soldiers put plastic handcuffs around my wrists. When the jeep started to drive off the soldiers started to hit me with their weapons on my legs, arms and back. One of the soldiers was hitting me with the back of his gun and the one next to me was also hitting me with his gun. I was in the jeep for about 30 minutes before one of the soldiers opened the jeep door."

Manal was held in prison inside Israel for one week before being released on 28th January 2010 after a Judge agreed to release her because of her young children. The case was ongoing until a final hearing on 20 September 2010 when she was given a suspended sentence and a fine.

Khadra A. lives in the village of Asira al-Qibliyeh near to the settlement of Yitzhar. WCLAC's 2009 report included a statement from Khadra describing the ongoing problems that she and her family experienced from the settlers. On 10 June 2010 her fifteen year old son Mohammed was arrested by the Israeli army in the middle of the night. She was not told what he was being accused of, where he was being taken and when she would be able to see him again. "I and the rest of my family were in bed, sleeping, when my oldest son Majdi came into my room and woke me up saying that there were Israeli soldiers at the door. At the same time I heard him saying "wake up!", I heard the sound of banging at the door. I got out of bed and went to the door and said "Who is it?" and the response was "Soldiers". I said to them to wait and rushed back to the bedroom to get my husband out of bed. I got myself dressed and then went back to the door where my husband was speaking in Hebrew to seven soldiers who were standing outside the door. I then woke up my younger children and as I went back to the door, I asked the soldiers whether they would do this to their own children. They didn't answer me.

The Commander who was still inside the house with us, said that he wanted to take Mohammed. I could not understand what was going on, and started shouting and my husband told me to be quiet so he could discuss with the Commander. They went outside, and Abu Majdi [Khadra's husband] then said to the Commander that he wouldn't allow them to take Mohammed, and asked him where the arrest warrant was,

and the Commander said he could arrest him without a warrant and that Mohammed was a terrorist. They were talking in Hebrew again and my husband just told me some of what was being said. Then I heard two army jeeps arrive at the house. I wanted to get outside to see what was going on but there were three soldiers at the door who wouldn't let me out and could just hear my husband shouting in Hebrew.

I kept on trying the door, and eventually was able to force it open and go outside. Then I saw that they had handcuffed Mohammed and placed him by a lamp post. My oldest son saw me and told me to go back inside but I said that I wanted to speak to Mohammed. He had his hands cuffed behind his back, I really wanted to go and speak to him and comfort him. I was also worried about my other sons and what they would do. I shouted over to Mohammed to say not to be scared, and when he turned round I noticed that he had also been blindfolded. I said to him don't be scared – you haven't done anything.”

Khadra was not able to visit or see Mohammed for three weeks. The family eventually found out through a lawyer that Mohammed was being accused of setting fire to a field in the village which had reached the lands of the settlement. Mohammed, supported by his family and by his teachers, was adamant that he had been in school taking a test that day. On 1 July 2010, Mohammed was released without charge after spending 22 days in Israeli interrogation and detention centres. He was held for six days in solitary confinement where he was interrogated by the notorious Shin Bet security agency.

Ghadeer A. is 18 years old and lives with her family in the Tel Rumeida area of the old city of Hebron. She described to WCLAC one incident that occurred on Friday 18th December 2009: “I was in the house with the rest of my family. While I was cleaning the dishes in the kitchen after we had our lunch, I heard screaming. I went to see what was happening, I saw four soldiers in their early twenties taking away my father and cursing him in Arabic: “kus ukhtak”.⁷⁸ One of the soldiers, I did not recognize his rank, was putting his rifle on my father's chest and dragging him by his clothes, and repeating his words “kus ukhtak ya sharmout”.⁷⁹ I was frightened by that scene and I called my mother and my brothers, and we went to calm the situation and help my father to escape the soldiers. But the soldier who was holding my father pushed me and hit me with his rifle on my right hand, and immediately and rapidly put again his rifle at my father's head. We felt helpless and could only scream. After a while, I do not remember exactly how many minutes passed, my uncle Abdul Aziz with his family and some of the neighbours came. The soldiers insulted me and my cousins - two of them raised their hands and made signs with their middle fingers several times, which is an indecent reference in our culture.

I felt the pain in my hand that was hit and it swelled up immediately. As I watched, the soldiers were trying to conceal my father from the surveillance camera while they were beating him. This camera is one of the cameras installed by the Israeli police around the house and in the neighbourhood. It was fixed on our neighbour's house

about 40 meters west from our house. Because of the soldiers' aggression, my cousin Samah who is 18 years old, was hit on the left upper side of her chest by a rifle barrel: I saw her holding the site of pain with her hand after I saw the soldier assaulting her. Also her sister Salam was wounded in her left hand. I also saw them beat my uncle Abdul Aziz who was wounded in his neck.”

Other Arbitrary Violence

Palestinians are not only subjected to violence during the process of arrest and detention, but can be victims of arbitrary violence, abuse and harassment as they travel to work or to university. Again, the location of the soldiers is not co-incidental: they are present in places on the roads close to settlements, on checkpoints and junctions that intersect between Palestinian towns and villages and the settlements. These incidents are random and unpredictable, leaving women feeling unsafe and fearful when they leave their homes; yet also undeterred from pursuing their studies and determined to carry on with their lives. These narratives also highlight how the soldiers are not a source of protection for the Palestinian population, but rather another source of fear and abuse. The women interviewed by WCLAC are clear that they would not make a complaint about the behaviour of soldiers as they know that nothing would be done.

On three occasions since May 2009, **Thamina N.** was harassed and assaulted by settlers and soldiers while on her way from her home in Qusra village to her university in Salfit. Most students from Qusra go to university in Nablus, because travelling there is much easier. To reach her university, Thamina must wait for transportation at Za'tara checkpoint, which separates Nablus and Salfit. Israeli settlers and soldiers are often present at the Za'tara junction, as it is close to many settlements in the area. To continue her studies in Salfit, Thamina has no other choice but to travel through the Za'tara junction. She describes two of her experiences below and contends that despite making complaints about the situation, nothing has been done and the situation has not improved:

“On 26th May 2009, I was badly beaten up by a settler at Za'tara checkpoint.⁸⁰ I made a complaint to the Israeli police and went to the police station in Ariel settlement. I described the man who did it to them, but they then just showed me pictures of men who looked completely different – all religious looking men. I was rushed to look through the pictures, they only gave me two minutes to look at each page of eight pictures. After this nothing happened, there was no further investigation.

On a Monday at the end of December 2009, it was 7 am and I was travelling to Salfit to university as usual...I noticed a Israeli military vehicle – a hummer – about 3 metres from where I had got out of the car. I was walking away along the roundabout, when one of the soldiers called out at me from the hummer. He called “Talli hun” which is

Arabic for “Come here”. I called back “No, I don’t want to.” Then the two soldiers got out of the vehicle and came towards me. One of the soldiers grabbed my bag which I was carrying my books, pencils and pens for university. He held it upside down and emptied my things onto the ground and threw the bag onto the ground. I started to cry and was going to pick it up but the soldier called for one of the young Palestinian men standing round and told him to pick the things up from the floor.

Then one of the soldiers took my identification document, my hawiyeh, and tore its green cover. He shouted at me “If you come here again, I’ll stamp your hawiyeh to say you can’t come back and I can’t tell you what might happen to you.” I was still crying but wanted to get away, and took my bag and hurried away to wait for the Salfit taxi. I didn’t make a complaint about the soldiers’ behaviour, there wouldn’t be any point and I was tired of having to deal with the whole process which I had to go through before which ended with nothing.

... The message that I get from the way I am regularly harassed and assaulted is that they do not want Palestinians there. It is close to the settlements and they do not want to see us there. This is occupation, this is how my life is. But I am determined to study and I will not let what happens stop me from studying.”

Houriye D., is 42 years old and a mother of five. She lives in Bab El-Zawiyeh in the old city of Hebron. In order to get to her house she has to pass through two Israeli checkpoints. The first is about 70 meters to the south of our house, the second is about 300 meters to the East and is a metal container with two entrances, one with a metal-detecting machine and the other is a wider entrance for pregnant women, elderly people and animals. She described one humiliating incident as illustrative of her experiences:

“On November 17th, 2009 I left my house at around 3:00 p.m. to visit my sister who had recently given birth. My aunt and her daughter were waiting for me on the other side of the container checkpoint. I passed the first checkpoint without any problems. When I arrived at the other checkpoint with the metal detector, I was surprised to see a puddle of water which had formed because of the rain. It was difficult for me to cross with my fabric shoes and because the long traditional dress, (jilbab) I was wearing was getting very wet. I turned around and tried to enter through the second entrance which is a bit higher than street level. I was about to open the gate when a soldier came up and asked me to go back and enter through the other entrance where I had just been. The soldier spoke to me sarcastically in broken Arabic. He was wearing a “Kipa” which he lifted up and pointed to my belly saying in broken Arabic “is there a baby?” I pointed to my wet shoes and wet Jilbab and explained to the soldier that it was difficult for me to cross. He then walked into the container and stepped into the puddle and said “I can do it”. He was wearing water proof army boots. He repeated this two or three times and he switched to Hebrew which I don’t understand. I understood from his gestures that he was trying to show me how he was able to go through.



Israeli soldiers confronting peaceful demonstrators in Nabi Saleh

Usually there are two soldiers at this checkpoint, but in seconds about 10 soldiers arrived and most of them were making fun of me and cursing me in Arabic and in Hebrew. They were saying things I cannot repeat. I tried to argue with them to let me pass but I was not successful. One of the soldiers who claimed to be the commander told me to pass through the gate. As I tried to enter two other soldiers blocked the way, pointed to another soldier and told me he was the commander who in turn told me to go through the other entrance. When I obeyed and tried to go through the other entrance soldiers blocked the way again and prevented me from passing. The soldiers repeated this more than once and were laughing and talking to each other in Hebrew as they did it.

I stopped and said nothing. I so much wanted to burst out crying but I didn’t. I didn’t want them to feel triumphant.”

The Wall and Checkpoints 4



The Wall in Abu Dis

The Wall and Checkpoints⁸¹

According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), once completed, the total length of the new Wall route will be 709 km long. 408 km, which is approximately 58 percent of the Wall, has been completed. Only 15 percent of the total length runs along the Green Line.⁸² The Wall is being built in such a way so as to include most of the large settlements and the areas designated for settlement expansion. In the Ariel settlement area for example, the route of the Wall extends 22km east of the Green Line and similarly 13km east of the Green Line around the Ma'ale Adummim settlement.⁸³ The reality is that the route of the Wall is to enable the expansion of Israeli settlements⁸⁴ and ultimately their annexation into Israel proper.

In this section, through the testimonies of women interviewed by WCLAC, we highlight how the Wall and the associated checkpoints violate the human rights of the Palestinians around it and devastate the lives of women, particularly those whose homes are cut off from the rest of the West Bank by the Wall. Due to the construction of the Wall inside the Green Line⁸⁵, many Palestinians have found themselves caged between the Wall and the Green Line, in an area called the “seam zone”. Around 10 percent of the total area of the West Bank is located on the western side of the Separation Wall and has been declared a closed military zone for Palestinians.⁸⁶ Palestinians who reside in the area have to obtain a special permit and those who have land inside the area have to obtain ‘visitor’ permits to access their farming land and water resources through a particular designated gate.

If the Wall is completed as planned, approximately 33,000 Palestinians holding West Bank ID cards in 36 different communities, will be located between the Wall and the Green Line. Meanwhile according to UNOCHA figures, there are currently 7,800 Palestinians who live in the closed area.⁸⁷ Those aged 16 and above require a permanent resident permit from the Israeli authorities to continue to live in their homes. Family members without permits are not permitted to pass through the checkpoints into the area.

In addition, the majority of Palestinians with East Jerusalem ID cards will reside between the Wall and the Green Line. Inside the Jerusalem municipality: Palestinians from Kafr Aqab and Shu'fat are separated from East Jerusalem. The Wall exacerbates the already existing restrictions on West Bank Palestinians access to Jerusalem. In 1993, Israel introduced a permit regime which means that any Palestinian who does not have residency rights in East Jerusalem or Israeli citizenship has to apply for a permit to access Jerusalem. This applies to all cases whether medical, humanitarian, for work or for family visits.⁸⁸

Palestinians living in the Seam Zone are largely disconnected from the major Palestinian cities and towns that provide vital services in health, education, employment and administration as well as being disconnected from their extended families and

communities. The impact on women in these areas is often particularly profound; women, who often do not work outside the home, are frequently completely isolated in their homes and cut off from family, community and vital services. Palestinians' fundamental rights to adequate housing and freedom of movement and their rights to health, work, education and family life are thus routinely violated by Israel.

Legal Framework

That the Wall is contrary to international law is now established law. In 2004, the International Court of Justice (ICJ) issued an Advisory Opinion on the Legal Consequences of a Wall in the Occupied Palestinian Territory⁸⁹ and stated that the sections of the Wall which ran inside the West Bank, including East Jerusalem, together with the associated gate and permit regime, violated Israel's obligations under international law.⁹⁰ The Court noted that the construction of the Wall which led to the destruction and requisition of properties, contravened Articles 46 and 52 of the Hague Regulations of 1907 and Article 53 of the Fourth Geneva Convention,⁹¹ which provides that any destruction of private property is prohibited except where rendered absolutely necessary by military operations.⁹² The Court also found that the demographic changes brought about by the construction of the wall and its associated regime, contravened Article 49 of the Fourth Geneva Convention which prohibits the occupying power from deporting or transferring parts of its own civilian population into the territories it occupies.⁹³

The Court further condemned the impact of the Wall on freedom of movement⁹⁴ and the resulting restrictions on access to land and agriculture, to water resources, to health services and to education.⁹⁵ The ICJ called on Israel to cease construction of the Wall, including in and around East Jerusalem; dismantle the sections already completed; to “make reparations” for the “requisition and destruction of homes, businesses and agricultural holdings” and “to return the land, orchards, olive groves, and other immovable property seized.”⁹⁶ The ICJ also obligated member states not to recognize the illegal situation created by the Wall and to ensure Israel's compliance with international law.⁹⁷

In August 2010, the UN Human Rights Committee, which monitors compliance with the ICCPR followed up on the ICJ's opinion and its own previously expressed observations. The Committee expressed concern about the restrictions to freedom of movement imposed on Palestinians. It stated that such restrictions affected “in particular persons residing in the “Seam Zone” between the Wall and Israel”, and that the restrictions included “frequent refusal to grant agricultural permits to access the land on the other side of the wall or to visit relatives, and the irregular opening hours of the agricultural gates.”⁹⁸ The Committee also expressed concern about the continuation of settlement building in the OPT. The Committee concluded that:

“The State party should comply with its previous concluding observations and take into account the Advisory Opinion of the International Court of Justice and stop the construction of a “Seam Zone” by means of a wall, seriously impeding on the right to freedom of movement, as well as to family life. It should cease all construction of settlements in the occupied territories.”⁹⁹

As the Human Rights Committee identifies, the existence of the Wall and its associated regime causes the violation of many human rights, such as freedom of movement,¹⁰⁰ and the right to family life.¹⁰¹ Other economic and social rights are also not protected or fulfilled: the right to enjoy the highest attainable standard of health,¹⁰² the right to education,¹⁰³ the right to work,¹⁰⁴ and the right to an adequate standard of living¹⁰⁵ as provided by the ICECSR. Such rights are routinely violated by the existence of the Wall, and by other Israeli policies which limit construction and do not permit the improvement of homes.

Housing rights are specifically protected by Article 11 of the ICECSR which provides that State Parties must recognise the right of everyone to an adequate standard of living which includes adequate housing.¹⁰⁶ The Committee on Economic, Social and Cultural Rights, which monitors the compliance of State Parties to the ICESCR, has stated that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace, and dignity.”¹⁰⁷ The Committee further stated that to be considered adequate, a home should contain certain facilities essential for health, security, comfort and nutrition. The Committee clarified that this means that “adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.”¹⁰⁸

The Israeli settlements, many of which are located behind the Wall and in the Seam Zone, violate IHL. Article 49 (6) of the Fourth Geneva Convention, for example, prohibits the transfer of the population of the occupying power into occupied territory. This was re-iterated by the ICJ in the Wall Advisory Opinion which noted that the route of the Wall included 80% of the settlers living in the OPT within the ‘closed areas’ of the Wall, and went on to conclude that the settlements were established in violation of international law.¹⁰⁹

A fundamental idea in the law of occupation is that occupation is only a temporary state and that the occupying power therefore cannot make permanent changes to the occupied territory. The rationale behind occupation law and its rules is to prevent measures that could lead to annexation, which is forbidden under international law. The prohibition of annexation by use or threat of force stems from Article 2(4) of the UN Charter and it has been reiterated in the Declaration on Principles of International

Law Concerning Friendly Relations and Cooperation among States. It has been referred to with specific regard to Israel and the OPT by the ICJ in the Wall Opinion. The Wall and its associated regime are part of a network of measures that lead to annexation, demonstrating that Israel’s project is a colonial one.¹¹⁰ By partitioning Palestinian areas into cantons, Israel has violated the territorial integrity of the OPT in violation of the Palestinians’ right to self determination as provided for by common Article one of the ICCPR and the ICESCR and in violation of the Declaration on Colonialism.¹¹¹

Women’s Testimonies

Access to Health Services

As most health services are located to the east, or on the West Bank side of the Wall, West Bank Palestinians living in the seam zone, have to pass through the checkpoints in the Wall to access services. Our interviews revealed the reality of this for the women in the seam zone. Women take responsibility for the health care of their children, the elderly and the disabled in their families. Women need to access medical services regularly for routine check ups for children, pre and post natal treatment and other women-specific medical services. In Al-Khalayleh, where there is little transport, it is particularly hard when medical treatment is needed. The women there talked about putting off serious medical treatment because of the difficulties and of family members fainting on the long walk to the checkpoint. The women were also seriously affected by the closure of the routes into East Jerusalem and the difficulties accessing the hospitals there.

J.D., lives in the neighbourhood of Al Khalayleh, a part of the village of Al Jib located to the west of the Wall and close to the Settlement of Givat Ze’ev: “I was very ill recently and had to go to the hospital for an operation on 4 August 2009. To be honest, for two or three months I put off going to the doctor and to the hospital because it is so difficult to get access to the doctor and expensive to get there. I just put up with the pain and took herbs and pain killers. Before the Wall it would have been very easy and would have only cost 10 shekels to go to Ramallah. Eventually my son persuaded me that I had to go. A friend of my son took me to Ramallah in his car because by this stage I couldn’t walk, they took me through the Ramot checkpoint. The doctor in Ramallah said that I needed a hysterectomy surgery and recommended the Macassed hospital in Jerusalem. The Doctor filled in a report for me and then my son went to the Israeli co-ordination office to get the permit. On the day I had to go to the hospital my friend’s son took me to the checkpoint at Givat Ze’ev and dropped me at the crossing. I then walked through the checkpoint and took public transport to Ramallah and then to the checkpoint at Qalandiya where again I had to walk through. I had to go to the hospital

on my own because they did not give a permit for anyone to go but me and none of my family have permits for Jerusalem. I am now recovered but after the surgery every six weeks or so I would have to go back to the doctor in Ramallah for follow up. Travelling was very difficult.

At the hospital, I had no one, I was completely alone with just foreigners around me. Nobody could visit me for the ten days that I stayed in hospital. During the bad moments I wished I was dead, I felt so alone. After I was discharged I was able to get a taxi from Jerusalem home – the taxi driver checked my permit before he would drive me back to my home.”

Imm Rashad, is from the village of Beit Iksa which is located close to a number of East Jerusalem settlements including Ramot; the route of the Wall passes around the village. She is 72 years old: “I have a lot of health problems – in fact I’ve had two heart bypass operations – and so although I have West Bank Identification, I can get permits to go to Jerusalem for health treatment. My doctor is based at the Augusta Victoria Hospital on the Mount of Olives in Jerusalem, I’ve been seeing him regularly for 15 years. Before the checkpoint at Ramot closed, I could take a taxi or ambulance directly to the hospital to have treatment or in emergencies, now all that has changed and it is really hard to get to Jerusalem.

In June 2010 – after the checkpoint closed – I fell very ill. I woke and was feeling very dizzy. Because we couldn’t go to Jerusalem, my family took me to the Palestinian Red Crescent Hospital in Ramallah. They didn’t know my medical history, even the fact that I’d had two heart bypass surgeries and made mistakes with my treatment. I was in the Intensive Care Unit (ICU) for 5-6 days, very ill before I was discharged. But I wasn’t better and felt very sick while I was back home and felt like I was going to die. My skin was turning black and I was very sick. In fact, I told my family that I was going to die I felt so bad. I went back to Ramallah, but this time to see my regular doctor, who comes to Ramallah once a week on a Tuesday to see his patients who can’t go to Jerusalem. He told me that I had internal haemorrhaging and immediately said that I had to go to the Augusta Victoria hospital in Jerusalem. He arranged co-ordination with the Red Cross and arranged for an ambulance. I was taken out on a stretcher to one ambulance which took me to the Qalandiya checkpoint, when I was taken out and transferred from one ambulance to another.

Once I was in the hospital in Jerusalem, I spent another two days in the ICU there. They transferred seven units of blood into my body and gave me the right injections that they hadn’t done in Ramallah. My family couldn’t come to visit me in hospital in Jerusalem because they don’t have permits to visit Jerusalem. My brother got a permit for one day, but could only stay for the afternoon with me.”

I.H., Beit Iksa: “In November 2009, I was in the second month of pregnancy, and had to go to the doctor in Jerusalem. I left the house at 5pm, and I was in the car with

my husband, my father-in-law and brother-in-law, all of them have Jerusalem IDs. We were stopped at checkpoint going between Beit Iksa and Ramot/Jerusalem, and the soldiers checked the ID, and then asked me to get out of the car. They took me into the small room to one side of the checkpoint and made me wait. While I was waiting, my husband and my in laws started arguing with the soldiers telling them that I had my marriage certificate. The soldiers were telling my brother-in-law that they would give him a penalty notice fining him for carrying a person with West Bank identification in his car. The soldiers were teasing me while I was waiting at the side, talking to me in Hebrew, knowing I couldn’t understand and laughing. My brother in law and husband were very cross and when the Israeli police arrived, they told them and accused the soldiers of abusing me and humiliating me.

In all, I ended up waiting for around 3 hours at the checkpoint, and then had to return to Beit Iksa. When I got home, I felt unwell and told my mother and we went together to a female doctor. She referred us to the Palestinian Red Crescent Hospital in Ramallah. They told me I was having a miscarriage.”

Family Life

Particularly devastating for most of the women who were interviewed was the impact of living in the seam zone on their family life. Only those who live in the seam zone areas can enter, meaning that the women, usually having moved there to live with their husbands, are isolated from their own families, friends and community. The women’s lives which would normally revolve around the home, with social gatherings and interaction integral, are now reduced to their own immediate families.

Jamila M. lives in the neighbourhood of Al Khalayleh, a part of the village of Al Jib: “I only go through to the village when I have to, so I don’t have to go through the checkpoint. But we are so cut off from our family. None of my family can visit me and even my sisters in law who grew up in this house are not allowed to visit now they are living away from the house with their husbands. When my daughter got married, I wanted to have the wedding at my home but this wasn’t possible because nobody could come. I wanted it to be a happy occasion for her but it’s just not possible with the situation.

My father-in-law died three years ago at home and none of the family or friends from the village could visit to pay their last respects. We hired a car to bring him to Al-Jib but they wouldn’t let the car through at Givat Ze’ev and we had to go all the way round through Ramot and Beit Iqsa so his family could see the body.

My children get frustrated that none of their friends can visit. None of my family have been allowed even one visit. My husband’s sisters have not even been allowed to visit their sick mother in our home.

I wish I could have my life without the wall and could go back to sharing my life with my family and loved ones. We have no life at all here.”

J.D., Al Khalayleh: “I live in the house of my husband’s parents. I and the rest of my family have West Bank ID which means that although we are on the Jerusalem side of the wall we are not allowed to go into Jerusalem. To travel through the checkpoint to our home we have to be registered as living in the Al Khalayleh area and none of my extended family does and so they cannot visit me in my home. Before the Wall and the checkpoints my parents’ house was only five minutes away, now it takes me more than an hour if I go to visit them.

I wish we didn’t have the Wall anymore. I want to be able to go back to how it was before: to be able to cultivate our land and have access to our families and for them to be able to come and see us. If we were able to cultivate our lands, our lives would be very different. This is not a life but I don’t want to leave our home as we would be betraying the land and the people.”

Sadiqa H. is from the village of Azzun Atne and close to a number of Israeli settlements including Oranit and Sha’are Tiqwa. The route of the Wall passes through the village and her home has been separated from the rest of the village by the Wall and a checkpoint: “Now no-one from my family can come and visit me in my home. My mother, father and my cousins all live on the other side of the checkpoint and none of them can pass through to my house. Even my son and daughters who live on the other side can’t come through the checkpoint to my home. I’m really unhappy about this, I want my family and my friends to be able to visit me in my home. I only feel comfortable in my own home, it’s not the same as visiting people, I don’t even really feel comfortable in my son’s home – it’s just not the same. It’s really hard during times like the recent Eid holidays – it’s traditional for men to visit the women in their families, but my brothers couldn’t come and visit me because they don’t have permits to pass through the checkpoint.

My grandmother died a few weeks ago. She lived on the same side of the checkpoint as me, with my grandfather. Normally the tradition would be, that during the mourning period, people would come and pay their respects and give their condolences at the home to my grandfather. But instead, the condolences had to take place on the other side of the village because nobody can come through to my grandparent’s home. This was really hard for my grandfather – he is very old and is partly blind. It really was very hard for him.”

Mounira A. is from the village of Mas’ha near Bedyā. Her house is the only house in the village situated behind the Wall: it is metres away from the Israeli settlement of Elaḡana. She explained that initially when the wall was built, the soldiers would only allow them to pass through the gate to the village twice a day, once in the morning and once in the evening and then it was locked behind them. After a lot of pressure was

put on the Israelis, she explains that the situation changed: “So the soldiers granted us better access by giving us the key to the gate, I take great care of the key because my whole life depends on it! The soldiers said we couldn’t have guests, but we ignored it and would have people come to visit. But we found out they must have cameras on the gate, because every time we had guests, soldiers would come, I think that there must be electronic sensors on the gate. We have never obeyed the orders – it is up to me to decide who is allowed in the house and I will let anyone in who wants to visit.

There’s been lots of incidents since then – for example one time, my son was locked out on the other side of the gate for two days and the soldiers wouldn’t allow him through. Another time, a group of activists came to visit; the soldiers kicked them out and then locked the gate and took the key and left.

We are now a bit more used to it, but I wish we didn’t have to live like this. I worry because I don’t feel comfortable leaving my daughters on their own. If I go out then I will take everyone with me. If I need to go to the village, I will make arrangements with everyone, I make sure I know where everyone is.

My life has changed a lot since the wall was built. It’s the small things that I miss a lot. For example, I used to be able to talk to my neighbour in the next house; I would shout and she would come over and have a chat and a cup of tea. I would have liked to have had my son’s wedding in the house, and parties for the children’s graduations but this isn’t possible.”

I.H., Beit Iksa. “I am from the village of Beit Iksa which is located to the north of Jerusalem. Although the village is close to Jerusalem, I and the rest of my family have West Bank identification, which means that I cannot enter Jerusalem. I am married to someone who has Jerusalem identification, but cannot live with him because I am not permitted to enter Jerusalem.

Beit Iksa is also located behind a checkpoint which we have to cross when entering the village from the West Bank and the Wall has also been built around the village. To get to Jerusalem, there is a checkpoint called Ramot, which is also the name of the settlement there that is built on Beit Iksa lands. They closed this checkpoint about two months ago, in June 2010.

I got married on 5th July 2008, to A. He is 28 years old and works in a hotel in Jerusalem. He and his family are also from Beit Iksa, but they have Jerusalem identification and live on the other side of the checkpoint.

...Since my brother-in-law’s wedding, I’ve not been to my in-laws home, and have stayed in Beit Iksa. So, I only see my husband when he comes to stay in our house here. It’s not easy for him, he can’t drive here anymore and his work and all his family are in Jerusalem. Sometimes, I have regrets, I always ask my husband – “Aren’t you regretting marrying me”. I feel guilty, and feel that he is not happy because of the situation. I know that his family have decided that they will not allow their children to marry people from the West Bank because it is too hard.”

Itidal I., lives next to the Israeli settlement of Ramot which is located on land belonging to the West Bank village of Beit Iksa. She lives on the Jerusalem side of the Ramot checkpoint which separates the West Bank from Jerusalem: “There has been a checkpoint on the road between us and Beit Iksa for some time now, but the road was open so we could at least travel easily to visit family and friends in the village and in the West Bank. A couple of months ago, around June 2010, they closed the checkpoint, and instead of this meaning that access was easier it meant that no cars could use the road, and to begin with no-one could walk through it either. We made a complaint about this, and eventually the Israeli authorities gave permission to three families, including ours, who live on the Jerusalem side of the checkpoint to walk through that checkpoint to Beit Iksa. No one else is supposed to use that route.

So we are the lucky ones, but it’s not easy. It’s a very isolated road, with no lighting and it’s quite scary to walk along it especially at night. There are wild dogs along there and you also sometimes see men along the route, who hang around and take drugs. Also, when there are army jeeps on the crossing which there often are, they harass and question us and ask us who is with us. The only other way is round the Qalandiya checkpoint which can take more than two hours, but anyway, I can’t drive and so can’t go that way unless someone will drive me.

Now it also means that no-one from Beit Iksa can visit us. There were lots of people living in Beit Iksa with Jerusalem Identification but now they can’t cross through, and have to go all the way around through Qalandiya to get into Jerusalem. I don’t have a driving licence so I can’t drive around myself.”

Education

Children’s education is also affected. To attend school, the children have to pass through checkpoints and with this, there is a daily encounter with armed Israeli soldiers and the humiliation of searches and harassment. One woman described how she encouraged her daughters to leave school early and another encouraged them to marry at 16 years old and to leave school so that they would not have to pass through the checkpoint.

Jamila M., Al Khalayleh: “I no longer send my children to school in Al-Jib where they used to go because I don’t like them to pass through the checkpoint. The soldiers used to joke with the girls and this is not good. So I transferred Bayan and my son Hamdan from the school in Al-Jib to Beit Iksa. She now has to pass through the Ramot checkpoint where there is a co-ordinated arrangement for the school bus to pass through. It is much further for them to go. My older daughter Ilham was in Class 9 when I transferred Bayan but instead of transferring schools with just one year to go, she left school early. Me and her father did not want her to have to go through the checkpoint every day and were afraid

for her of the soldiers. I would not let my daughters go alone through the checkpoint.”

Since this interview was conducted, the Ramot checkpoint has been closed to Palestinians. Jamila’s children will therefore have to go back to attending school in Al-Jib and the daily crossing through the pedestrian only Givat Ze’ev checkpoint.

J.D., Al Khalayleh: “My daughter and my son S’s children go to school in Al-Jib. Every school day they have to go through the checkpoint. If I could I would send them to the school further away in Beit Iksa so they wouldn’t have to go through this checkpoint but I can’t afford the money for transportation. They and I are afraid on a daily basis having to walk around an hour to get to school and pass through the checkpoint. I have encouraged all my daughters to marry young to try and end the situation so they don’t have to do it anymore. My daughter N married when she was 16 years old. Fortunately she can still visit the house here as we have made sure she has stayed registered here but her husband can’t visit.”

Mounira A., Mas’ha: “My 12 year old daughter’s friends won’t come to the house because of the situation and neither will my 10 year old son’s friends.

My children are affected by the situation. They don’t want to live like this. After school, they want to hang out with their friends but I say no, they have to come home because they need to come back through the gate. My youngest son has grown up only knowing the gate and the wall. He knows no different. He used to refuse to go home because of the wall and still doesn’t want to come straight home from school. He wants his friends around but they won’t come.”

Livelihoods

The livelihoods of the families are drastically affected by the Wall. Traditional ways of life, and making a living from the land is rendered impossible as machinery for harvesting crops and transporting produce is prohibited or difficult to pass through the checkpoints. Women’s lives can be particularly affected by this as the removal of economic self-sufficiency leaves women dependent on the usually male family members who are able to find work. This means losing their economic independence and resulting in a declining social status.

J.D., Al Khalayleh: “Only one person in the family has work, that’s A my son. He works in a car wash in a settlement and earns \$700 a month. My oldest son is not able to work and the other’s haven’t been able to get permits to work in Israel: it is very difficult to get work in the West Bank.

We used to be farmers and make money from the land, and my sons used to work on the land. We used to make around 15-18,000 shekels a year from selling produce. This

has all stopped since the wall was built. We would grow wheat and corn but this is not possible anymore because we cannot bring the machinery to do the harvest: we need to use a combine harvester and it can not come through to where we live. We also have olive trees and vines, but now it is all ruined – we are in shackles. We don't have the equipment to look after the land and can't take what we need through the checkpoint and also can't take anything out to sell. I also used to grow and sell vegetables; tomatoes and cucumbers but it's too difficult to transport them to sell now."

Sadiqa H., Azzun Atme: "It's also affected our livelihood. We have sheep and goats, and also grow crops and other produce on our land. Now they inspect our produce when we take them through the checkpoint and won't allow us to take more than two kilos of anything through to the village on the other side without co-ordination. So it can be a really lengthy process, although eventually things get through. They also won't allow us to bring in large amounts of feed for our goats, and we have to get co-ordination from the Israelis to bring equipment through for harvesting. One time it took me one hour of arguing with the soldiers to allow me to bring a big sack of wheat through. There's other things as well - one of our pregnant goats was sick and we needed a vet, but the soldiers would not allow the vet to pass through the checkpoint and in the end the goat miscarried. Financially, it's not been so disastrous yet, but it will get harder if it stays like this."

Mounira A., Mas'ha. Mounira's family had run a small plant nursery from their home, the business closed as a result of closures during the Second Intifada and then the building of the wall cutting the house off and making it impossible to do business. Mounira also tried to set up a small business selling tomato paste, but again this was impossible because of the Wall: "Our financial situation is much worse now. We lost the business because of the closure and then the wall. My husband is now just working two days a week for a project digging wells in local villages. Things are very difficult for us. Before the wall was built, our house was worth about 150,000 Jordanian Dinar (about \$210,000) now it is worth far less even if it were possible to sell it. We received no compensation for the land we lost to the wall and the road – we used to have about 3.5 dunams of land, now we only have 1.5 dunams. I tried to make some money doing some work in the house; I would make tomato paste at home to sell in the village. But the soldiers would ask me about what I was carrying through the gate and in the end it was just too much trouble, and I don't do this anymore. It's very difficult to move things in and out of the gate, it's quite small and I have to use a small cart to transport things. We have some large pieces of rubbish in the garden – old metal frames and things, but we can't move them, they won't fit through the gate."

Itidal I., Ramot/Beit Iksa: "Financially it has been very difficult for us having to pay all the fines, court fees and expensive lawyer's fees. My husband has a good job, but

does not have so much work at the moment because of the economic situation and I don't work. We haven't been able to pay my son Noor's tuition fees because of all the expenses and so he's having to work to support himself."

Inadequate Housing

In the seam zone, Palestinians cannot obtain permission to construct new homes or to extend or renovate existing homes, while close by are the new and spacious villas inside the settlements. As a consequence, the women interviewed by WCLAC described demolitions of parts of their homes, poor, inadequate and dangerous housing conditions including zinc roofs, asbestos ceilings and overcrowding. Women in Palestinian society often do not work outside the home; taking responsibility for child care, domestic tasks or small businesses in their homes. Women's lives are therefore particularly affected by poor and overcrowded housing conditions.

Jamila M. Al Khalayleh: "My home is situated in a part of Al Jib called Al Khalayleh which is now located behind the Wall and we can only get to it through a checkpoint. Our house is only about 50 metres from the settlement of Gavon; we have about 2 dunams of land for our property and then on the edge of the land there is a barbed wire fence with the settlement behind it. Around 160 dunams of my husband's family's land was confiscated by the Israelis to build the wall.

The house has three rooms, one for the girls, one for me and my husband, one for my mother-in-law and the boys sleep in the living room. There is also a kitchen and a bathroom. Part of my husband's house was built more than 50 years ago and is built properly of cement but for many years it has not been possible to do any proper construction on the house and so the extensions have all got zinc roofs rather than tiles. Even before the wall was built the area was designated as a green zone and we could not build and extend and had to use zinc. Now even that is not allowed, we can't do any work on the house, despite the fact that the houses of the settlements have been built all around us."

J.D., Al Khalayleh: "...when I married, I moved to live with my husband's family in an area called Al Khalayleh in the village of Al Jib. The house is located inside the wall on the Jerusalem side, and the wall and checkpoints separates us from the village of Al Jib and the rest of the West Bank. The checkpoint of Givat Ze'ev separates us from Al Jib.

We built a small house next to our house which was meant to be for [my son] S, his wife and their four children. They moved into it although it was not really finished but in 2005 the Israelis demolished it. They had to move back into the main house, but it's so crowded. They are six people living in one room in the house. There are 25 people living in the house altogether and we can't extend the house and build any extra rooms

although we have a lot of land around the house and there are lots of new houses in the settlements of Givat Ze'ev and Givon just by our house. We have just five rooms and a kitchen and a bathroom. We're having to use the rooms that we used to use for sheep for people to sleep because it's so crowded."

Sadiqa H. lives with her husband and three sons behind the wall and the checkpoint in Azzun Atme: "There is a checkpoint into the village that affected everyone in the village, only those people who lived in the village could pass through. There was also another gate/checkpoint on the west side of the village which our house was behind but this was not the main checkpoint. In February 2010, the Israeli stopped using the main checkpoint into the village and the road is now open most of the time, although there are still soldiers in the watchtower. But now the checkpoint that separates our home from the rest of the village and the rest of the West Bank is the main checkpoint and only Palestinians registered as living in the area can pass through this checkpoint.

There are maybe 70-100 people who live on the other side of the checkpoint. I now have a permit called a Seam Zone permit which permits me to cross through the checkpoint to my home. I was first given a permit which lasted for seven months, then I had to apply for another one which only lasted for 3 months. The one I have now is for 12 months and when it expires I will have to apply for another one to allow me to pass through to my home."

Mounira A., Mas'ha: "I live in a house in the village of Mas'ha, which is totally enclosed – on the side by my village there is the nine foot high Israeli wall, on two sides are fences and on the other side is the Israeli settlement of Elqana. There is a gate in the fence next to the wall which I have to use to get to my house.

... They confiscated a lot of land from our house to build the wall and for a road for military vehicles that is in between the wall and our house. In most of the sections near us the wall is a metal wire fence but just in front of our house, they have built a nine foot high concrete wall. It's just a small section, maybe 50 metres long just next to our house. It felt like a punishment for refusing to leave, to cut us off completely from the village so we couldn't see our neighbours or the village any more and force us to leave. But we knew that we wanted to stay in the house and didn't want to lose it."

Itidal I., Beit Iksa/Ramot. While Itidal does live in the seam zone – between the Wall and the Green Line, she has Jerusalem identification which allows her to travel into Jerusalem. She does however suffer from many of the restrictions faced by other Palestinians and is separated from the West Bank by the Wall and by the closure of the Ramot checkpoint. She is not permitted to build or extend her home and the Israelis are also trying to confiscate 3-4 dunams of land around the house: "The house is a very old house, and not in a good condition, although I try my best. The ceiling above the sitting room is asbestos which I know is not healthy, and the roof is made of zinc. There

are only three bedrooms in the house for eight people, and when my daughter comes to visit with her three children it is so overcrowded. My sons share a room, and this is hard, my eldest is a doctor and works shifts so needs peace and quiet, Noor is studying during the day and working at night to pay for it and so also has a different routine. This is difficult with my younger children who of course and sometimes I have to take Moahyad to my room to give them some space and some quiet. Really it is not healthy. It is traditional in Palestinian families for our sons to live with us after they marry and this is what I want for my eldest son. I want to build an extra room for my son and his wife but this is impossible.

...I have been suffering with these kinds of problems for ten years now. I have to be patient, until someone will find us a solution. I've changed a lot because of the problems but I adhere to the principle that I must overcome them and come out stronger. I feel stronger from within and I'm not scared of them – the soldiers, settlers despite their guns. It's the children who suffer the most."

Lack of Common and Essential Resources

As noted above, and as provided by the Committee on Economic, Social and Cultural Rights, adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, means of food storage, refuse disposal, site drainage and emergency services. Women, who work inside the home; caring for children and taking responsibility for cooking, cleaning and other domestic tasks are often particularly affected by the lack of common and essential resources. The women from Al Khalayleh and Azzun Atme described how they are prohibited from bringing gas for cooking and heating, through the checkpoint and food products such as meat and eggs are also not permitted. One woman described how trucks to empty her sewage tank are sometimes not allowed access to her home. Additionally, transport is not available to them within the seam zone because Palestinian buses and transportation cannot access the area, thereby restricting their ability to enjoy services they require. Alternative transportation is expensive and dependent on an individual's car ownership, penalizing the poorest families.

Jamila M., Al Khalayleh: "There is no public transport that we can use in the area that we live, and it takes about half an hour to walk to the checkpoint and then another fifteen minutes on the other side of the checkpoint to get to the shops and services on the other side. It usually takes about an hour altogether to go through when I need to go shopping or go to the clinic. It's also forbidden to bring through eggs or chicken or meat through the checkpoint, they usually check our bags when we pass through the checkpoint. This happened to me a few weeks ago – I was taking through 6 chickens

and 2 kilos of meat and I begged them to let me through with it, after 30 minutes of me begging them and telling them that I wouldn't do it again they let me through with it.

We also can't take the gas cylinders we use for cooking and heating through the Givat Ze'ev checkpoint, we can only take it through the checkpoint at Ramot after co-ordinating with the Israelis and this is very difficult to do. When I go through this checkpoint I have to rent a car from one of my neighbours for 100 shekels an hour to go here as it's a long way from our house. Palestinian cars can only come through the Ramot checkpoint if they are registered in our area, otherwise it is prohibited so we have to rent a car from our neighbours. Some of our Palestinian neighbours have Jerusalem ID and have yellow plated cars – I and my husband can't use these cars because we have West Bank ID and we also can't go into Jerusalem even though we are on the Jerusalem side of the wall and cut off from the West Bank. We can only use a West Bank car registered in Khalayleh.”

Since this interview was conducted, the Ramot checkpoint has been closed. Jamila will no longer be able to bring in food stuffs and gas by car through Ramot, and will only be able to use the Givat Ze'ev checkpoint.

J.D., Al Khalayleh: “Our house also has a large area of land around it, about 40 dunams, although around 200 dunams was confiscated by the Israelis to build the wall. Our house is located around 300 metres down a rough track which is difficult to access. Until very recently there was no public transport around, now there are two cars we can use but they are for Palestinian workers who have permits to work in Israel. We can only travel in these West Bank Palestinian cars and only cars that are registered to a house in Al Khalayleh can be in our area. We can't afford to have a car ourselves so we usually have to walk everywhere or in difficult situations we will ask our neighbours for help.

We can't bring meat and chicken and eggs through the checkpoint and we're also not allowed to bring gas cylinders through for cooking. We have to make do with cooking on fires.”

Sadiqa H., Azzun Atme. “They also won't allow us to take certain things through the checkpoint at all. We're not allowed to take meat and chicken from the West Bank side through the checkpoint or gas cylinders. In the same way, the vet wasn't allowed through, also workmen aren't allowed to come through to help us fix machinery or other machines like the washing machine or fridge, we have to take them to the other side to be fixed. If I needed a doctor to make a house-call, it wouldn't be possible, I would have to go through the checkpoint to see a doctor.

Another restriction is that it's forbidden to build new houses in the area we live in and we also can't extend our own home or make any structural changes. We're not connected to the sewage network and so we regularly need a truck that comes to pump and empty the tank. Sometimes the Israelis won't even allow the truck through to empty the system.”



Palestinian woman crossing a checkpoint with child

I.H., lives in the village of Beit Iksa in the West Bank. Her husband is from nearby Ramot but they are separated by a checkpoint which is closed and she is forbidden to cross: “When I first married, I managed to cross over through the checkpoint with my husband and spent two or three weeks in my husband's parents home. But it was so difficult for me to be there. I had to stay in the house, because if I was found in Jerusalem without a permit, I could get in a lot of trouble. It was like being in prison, I couldn't go out of the house to go to the doctors, to go shopping or to go on trips with the families. Really, I couldn't even sit on the balcony in case I was seen. There are a lot of soldiers around this area where my parents-in-law live, because it is where many Palestinian labourers cross over to find work in Israel. So the soldiers are around and chase them. Sometimes they would come into my parents in law's house to search for Palestinian workers. Another time they came to the house searching for me, as they'd seen me on one of their cameras, crossing through an access point by Nabi Samuel. I quickly changed my clothes, and my in-laws told the soldiers they'd seen a woman go in another direction and wouldn't let them in without a warrant.”

Displacement: Forced Evictions and Home Demolitions

5



Displacement: Forced Evictions and Home Demolitions

The Israeli authorities are responsible for planning and building policies in the West Bank and East Jerusalem, and systematically discriminate against Palestinians. The restrictive planning and enforcement policies in many areas prevent any new Palestinian construction¹¹² while the same planning system has approved plans for building tens of thousands of apartments¹¹³ in settlements in the West Bank, including East Jerusalem. The construction and expansion of settlements is initiated, supported and financed by the state authorities in a systematic and institutional manner. Settlement expansion is further supported and encouraged by the Israeli state authorities through social benefits and favourable economic conditions afforded to those who move to these areas.¹¹⁴

By contrast, the number of homes being demolished and Palestinians being forcibly evicted from their homes continues to increase. As of October 2010, at least 298 Palestinian structures have been demolished in East Jerusalem and Area C since the beginning of the year.¹¹⁵ As a result, more than 1260 Palestinians, including 690 children, have been forcibly displaced or otherwise affected owing to extensive damage of property or destruction of livelihoods.¹¹⁶

The statistics alone do not tell the stories of families left without a roof over their head who have lost their possessions or of the families living with the worry and anxiety of the threat of demolition. This section of the report focuses on women who have experienced the demolition of their home, or who face the imminent destruction of their home. In their own words, women describe the anxiety and worry, the destruction of their homes and property and the economic as well as the psychological and emotional impact.¹¹⁷

The home which is the centre of most women's lives in the OPT not only provides basic shelter but is a place where women participate in social activities with friends and family, where they can create a safe and secure environment for their children, and can also be a location for economic activity. The particular relationship that women have with their homes means that forced eviction or the threat of being forced from their home has an acute and distinct impact on their lives.¹¹⁸

Fragmentation of the West Bank and Building Restrictions

The Oslo Accords signed between Israel and the Palestine Liberation Organisation (PLO) in 1993 resulted in the division of the West Bank into three zones, known as Areas A, B and C.¹¹⁹ Areas A and B make up approximately 38 percent of the West Bank: Area A consists of the major Palestinian cities and is under Palestinian civil and security authority. Area B is made up of Palestinian rural communities, where civil authority is under the Palestinian Authority, but security responsibilities remain



Rubble of a demolished home in Al-Walaje

principally with the Israeli authorities.

In Area C, although the Oslo Accords called for the transfer of power and responsibility over the building and planning sphere from the Israeli Civil Administration (ICA) to the Palestinian Authority,¹²⁰ this transfer was frozen in 2000. Thus, all security responsibilities and all planning, zoning and building issues remain under the control of the Israeli Authorities. Area C makes up approximately 62% of the West Bank, and is made up of mainly agricultural lands of Palestinian villages, with an estimated 150,000 Palestinian residents. Of these 47,000 live in 149 small villages fully in Area C and more than 100,000 in villages that have part of their area in Area B or A, but their homes are located in those areas of the village included in Area C.¹²¹

There are also 121 Israeli settlements and 100 outposts in Area C which, according to Israeli planning organisation Bimkom: “have long been the dominant factor in shaping and dividing this area.”¹²² There is a separate planning system for settlers, in which the settlers have their own local committees and are represented in sub-committees of the HPC,¹²³ while Palestinians are completely excluded from the elaboration and implementation of planning in Area C. Palestinian construction is prohibited in 70 per cent of Area C, while a range of restrictions mean that it is virtually impossible to obtain a permit to build in the remaining 30 per cent, and in practice UNOCHA states that the Israeli Civil Administration only allow construction in less than one percent of Area C, much of which is already built up.¹²⁴

For Palestinians living in East Jerusalem, the situation is equally dire, although different laws and regulations apply. The demolition of Palestinian homes is also usually ostensibly justified for administrative reasons, that is, because a permit has not been obtained. In East Jerusalem, one third of the land area has been expropriated for the construction of illegal Israeli settlements, while only 13 percent is currently zoned by the Israeli authorities for Palestinian construction.¹²⁵ Again, as in Area C, much of this land is already built up, the permitted construction density is limited and the application process for construction permits or land zoning changes is complicated and expensive. Those who go through this process will commonly be refused.

Consequently, in Area C and East Jerusalem, there is a serious housing shortage caused by Israel’s failure to provide adequate housing and many Palestinians risk building on their land without a permit and face forced eviction and the demolition of their homes.¹²⁶ Others live in overcrowded, unsuitable and unsanitary conditions, unable to build larger accommodation, to build extensions to existing homes or even in many cases, to make any structural repairs or improvements to their homes.

Legal Framework

Palestinians should benefit from the protection of IHL, which places detailed obligations upon Israel and provides specific provisions in relation to the protection of homes and

property. Protected Persons must be treated ‘humanely’ at all times, without adverse distinction based on race, religion or political opinion and be protected against “all acts of violence or threats thereof...”¹²⁷ Article 46 of the 1907 Hague Regulations states that the occupying power must respect private property, which cannot be “confiscated.” Article 53 of the Fourth Geneva Convention says “destruction” by the Occupying Power of private property is prohibited unless “absolutely necessary” in military operations. Furthermore, Article 49(1) of the Fourth Geneva Convention, prohibits the forcible transfer of the local population in or outside of the occupied territory. Article 147 of the Fourth Geneva Convention specifically categorizes “unlawful deportation or transfer” of protected persons and the “extensive destruction and appropriation of property” as a grave breach of the Geneva Conventions. Article 8 of the ICC Statute provides for individual criminal responsibility for these grave breaches which are deemed to be war crimes.¹²⁸

The rights at stake under IHRL include the right to adequate housing, the right to freedom from unlawful and arbitrary interference with the home, and to be free from discrimination in the exercise of these rights. Article 17 of the ICCPR provides for the right of everyone to freedom from unlawful and arbitrary interference with the home. This means that any interference with a person’s home life must not be arbitrary, that is, it must be based on clear law, be non-discriminatory, and must give the person a fair hearing to challenge any interference with these rights. The Human Rights Committee, which monitors States’ compliance with the ICCPR, has stated in relation to forced evictions that the relevant domestic legislation on interference with the right to a home “must specify in detail the precise circumstances in which such interferences may be permitted.”¹²⁹ Any interference must be for legitimate reasons and must be strictly proportional - that is, the least restrictive means of obtaining that aim. Human Rights Watch clarifies this by stating: “eviction and destruction of a family’s home requires very strong justification.”¹³⁰

Housing rights are also specifically protected by Article 11 of the ICESCR¹³¹ which provides that State Parties must recognise the right of everyone to an adequate standard of living and this includes housing.¹³² The Committee on Economic, Social and Cultural Rights, which monitors the compliance of states parties to the ICESCR, has stated unequivocally that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law.¹³³ In its General Comment 4, the Committee stated that “the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace, and dignity.” The Committee’s General Comment 7 found that where otherwise lawful, such evictions should be carried out only on the basis of clear laws, should not leave people homeless, and should use force only as a last resort. Unlawful forcible evictions

should be punished.¹³⁴ The Committee also noted that women suffer disproportionately from the practice of forced eviction and are particularly vulnerable when rendered homeless.¹³⁵ Forced eviction also violates other rights protected in the ICECSR such as rights to health and education.

Article 3 of CEDAW provides that States Parties should take all appropriate measures, including legislation to ensure the full development and advancement of women to guarantee them the exercise and enjoyment of human rights and fundamental freedoms.

The prohibition against discrimination is spelled out in Article 2 of the Universal Declaration of Human Rights and codified in the major human rights treaties that Israel has ratified, including the ICCPR, the ICESCR, CEDAW the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Rights of the Child (CRC). Discrimination is defined as resulting from laws, policies, or practices that treat persons in similar situations differently due to, among other criteria, race, ethnic background, or religion, without adequate justification. The Human Rights Committee, after reviewing Israel's compliance with the ICCPR in July 2010 stated:

*[T]he Committee is concerned at frequent administrative demolition of property, homes, as well as schools in the West Bank and East Jerusalem due to the absence of construction permits, their issuance being frequently denied to Palestinians... The State party should further review its housing policy and issuance of construction permits with a view to implementing the principle of non-discrimination regarding minorities, in particular Palestinians and to increasing construction on a legal basis for minorities of the West Bank and East Jerusalem. It should further ensure that municipal planning systems are not discriminatory.*¹³⁶

Women's testimonies

The women interviewed have all experienced the destruction of their property, the threat of demolition or the confiscation of their land. In the majority of these cases, the demolition of the home had been carried out by the Israeli military authorities, in one of the cases, the destruction of the property was caused by Israeli settlers. Some of the women are describing the destruction of their own home or future home, in some cases they describe the demolition of the homes of their adult children. In all these cases, the women describe the overcrowding and poor living conditions and their wish to improve the housing situation for them and their families.

Destruction and Confiscation

The women's testimony record the presence of Israeli soldiers at the scene of the demolition of the homes, and the threats, intimidation and violence associated with the events. One of the women describes one son being injured and her other children being handcuffed by the Israeli soldiers present at the demolition, another describes her oldest son being arrested and taken away by the Israeli authorities. These testimonies highlight the brutality of the events themselves and as such how they violate the rights of women and how far they are from being the ordinary administrative procedures as claimed by the authorities.

Waela S. lives in Kuful Haris in the north of the West Bank. Her husband was building a new home to enable them to move out of overcrowded conditions in her parents-in-law's home. They received a demolition order in March 2010 from the Israeli authorities, and on 14 April 2010, the house was demolished:

"I heard from my husband's niece who lives near the house at about 9am that the Israelis were around the house and were taking pictures and I feared the worst. I got myself ready and went up the road towards the house to find out what was happening. I was about three houses away from the house, when I couldn't go any further because about 10 to 12 Israeli soldiers were standing on the road and had blocked the way with an army jeep. I went over to the soldiers and begged them to allow me to pass but they refused. I could hear the bulldozers and there was dust in the air. There were only about three houses between me and our house and I could see that our house was being demolished.

I felt so upset; I was crying and slapping myself in the face. My dream was being destroyed."

Fatima A. is 65 years old and lives in the village of Alluban Al-Gharbi. Her son's home was demolished by the Israeli authorities for not having a permit:

"On July 17th, 2010, and while I was praying by the window overlooking the house of my son Ahmad, I noticed Israeli army jeeps around the house. It was 9:00 o'clock in the morning. There were about 10 army jeeps and Israeli police cars. There were bulldozers around the house too. I realized they were going to demolish the house of my son. Two months ago my son had received an order to stop construction of his house.

When I saw the bulldozer approaching the house to knock it down, I went out and started to shout at the soldiers but they did not react, they did not respond or even notice my presence. I tried to get closer to my son's house but the soldiers prevented me from doing so. I began to cry. I cursed the soldiers but to no avail. They went ahead with the demolition.

After the demolition, young men from the village clashed with Israeli soldiers. My

son Muhammad was injured in his neck while my other children were handcuffed. Soldiers began to shoot randomly and to fire tear gas. I wasn't able to breathe; the air was filled with tear gas. Clashes continued until four in the afternoon."

Adiba R. lives in Jiftlik, a bedouin community in the Jordan valley. She has been living with the anxiety of a demolition order on her home since 2004. Her daughters have already had their homes demolished by the Israeli authorities: "In 2004 Israeli authorities handed us a demolition order. It was delivered at the same time when they delivered similar orders to my two daughters; A. and M.. In 2005 bulldozers came and demolished the houses of my two daughters but did not demolish my house.

Although my house was spared this time it did not mean I stopped to worry. In fact I have lived in constant worry since that time, for 5 years now. Since then we were given a second demolition order at the same time when they demolished other houses in Jiftlek. I don't remember the exact date."

Isra' J., lives in the village of Bureen near the settlements of Yitzhar and Bracha. The home that her husband has been building for the family has been damaged and parts destroyed by settlers from the nearby settlements: "During this year the new house was attacked by settlers living in the nearby settlements of Bracha and Yitzhar. Settlers caused damage to the house. They destroyed the water tanks on the roof and knocked down the parts which my husband had built. But my husband continued to build. When he finally got to the stage of building the roof he decided to sleep at the site together with some of his friends to try to protect the house and prevent the settlers from destroying the roof."

Manal Z. lives in Silwan with her six children. Her husband's family unification application was rejected and he therefore does not have Jerusalem identification and cannot live with the family. The home that she was renting and living in with her six daughters was demolished by the Israeli authorities: "It was November 2008 and I was just settling into living in the house which was in the Bustan neighbourhood of Silwan when it was demolished. I was six months pregnant with my youngest child. On that morning I was having breakfast at my parents house and my daughters except my youngest daughter were at school. I received a phone call at about 10am from one of my neighbours saying "Come home! They're about to demolish your house." I didn't believe her but left my mother's house and ran back to the house. On the way back, I saw many police and soldiers around the house. There were perhaps five jeeps and about 30 police and soldiers standing around the house. The owner of the house was arguing with them saying that he was waiting for the paper to stop the demolition. But then after about an hour of waiting, two bulldozers that were there started to demolish the house. I had known nothing about a demolition order on the house; it came as a complete shock to me.... It took about an hour and a half for the Israelis and their

bulldozers to destroy the house. The whole house collapsed on top of our things, so we couldn't get anything else out. All our things were lost."

Aida R. lives in the Bustan neighbourhood of Silwan. She and her husband built their home on their land in 2005 and live there with their seven children: "[N]othing happened until February 2007, although all the time we were living in fear of the police or the army coming and demolishing the house. Then one day, in February 2007 they arrived early in the morning. The children were all at home because there wasn't school and we were still in our pyjamas. It was the army together with men from the municipality, when the door was opened they pushed through the door. There were soldiers, special unit officers as well as the men from the Jerusalem municipality and the soldiers were carrying big guns.

The children were terrified and hid behind my back. My husband argued with them and said talk to me can't you see how frightened the children are? ...[we were] then handed a paper that stated if we didn't leave the house in 21 days then the house would be demolished and we would have to pay 70,000 shekels."

Aida was interviewed on 3 February 2010 and told WCLAC about the deteriorating situation for the families living in Silwan:

"I'm also worried about my son; there have been lots of children arrested recently by the Israelis, children as young as 10 or 12 years. My son will be 10 years old this month and I worry that he will also be arrested and that I won't be able to stop them taking him. It is the worst feeling not being able to protect your children. Two nights ago, the Israelis arrested a boy who was 12 years old and a friend of my son. I now can't sleep worrying about my son and fear that he will be arrested."

Siham S. lives in the village of Al Walaje with her husband and three sons. The village is located close to a number of Israeli settlements and the route of the Wall passes through and around the village. "[I]n January 2006, we received a demolition order specifying the date that the house would be demolished. It was Muslim New Year's Day and we and the children were at home. The Israelis came quite late, at around 10.30-11am, we think they were demolishing somewhere else before then. My children were still in bed because it was a holiday, but when the Israeli soldiers arrived they immediately took my oldest son and handcuffed him. They didn't even let him dress properly before they took him. My other son who was at home, ran away and hid with a neighbour so that he would not be arrested. I was surrounded by 12 soldiers who stopped me from moving or doing anything to try and stop them. I was crying and shouting. It wasn't easy watching them destroy the home that we had built. The house was my dream and I saw it being shattered before my eyes.

They took the furniture out of the house, but not gently and they broke the washing machine and the fridge as they threw them out of the house.

There was one bulldozer demolishing the house and another one further up the

hill, like a back-up in case something happened to the first one. After 30 minutes the house was in rubble.”

Siham and her family rebuilt the house for it to be demolished again by the Israeli authorities in January 2007. The house has again been rebuilt, and at the time she was interviewed in on 27 November 2010, the family were waiting to find out whether it will be demolished again.

Ruqeia M. lives in a Bedouin community in Hadidiya in the north of the Jordan Valley near to Jenin. Her home which was originally a metal structure, but is now a tent has been demolished four times by the Israeli authorities. She has eleven children.

“The last time the tent was demolished, it was raining and it was cold. The Israelis came in the morning and I was making cheese at the time. They destroyed the tent. There were seven tanks, two bulldozers and many hummers. We just stood there and didn’t make any trouble while they destroyed everything. All my children were young and we were left out in the rain without any shelter.

We spent four days in the rain. We had to sleep on a plastic sheet. Nobody came to help, partly because nobody could get to us because the weather was so bad. It was raining a lot and the track to our house had become muddy and almost impassable. We couldn’t shelter ourselves from the rain and wind.

We replaced the tent, but there is only one that is water proofed. Most of the tents for the animals and where I prepare the goat’s cheese leak water when it rains, and the floor floods. If we were able to rebuild properly we would pave the floors. If we were able, our homes would be more like houses, with paved floors and could be kept nice and clean. It’s a very unusual situation but what can we do?”

Housing Conditions

Most of the women talked about poor and overcrowded housing conditions, testifying to the need for more and better quality housing: currently prohibited by Israeli planning policies in Area C. Extended Palestinian families tend to live together for social and cultural reasons, but this is only possible when extensions or new homes can be built nearby. When this is not possible, families live together in too small homes, and the women experience overcrowding and the consequent lack of privacy.

Waela S. Kufri Haris, was hoping to move into their newly built home, to improve the housing situation for herself and her family. With the demolition of the new house, she had to stay in overcrowded and unsuitable conditions: “Over the years, the house I am living in has become more crowded. We share the house with my mother in law and my husband’s brother who has mental health problems, my sister in law and her

husband and their eight children and another of my husband’s brothers and his wife and three daughters. When I was first married, we just had one room on the first floor but as I had my children, we started to use two rooms downstairs, which we had to fix up to make suitable to live in. Still the space is not enough for the family, my five children all have to sleep in one room and as they get older this is not good for them. The house is too crowded, the children are growing up and I also need more privacy.”

Fatima A., Alluban Al-Gharbi. Fatima’s son, his wife and their three children were all living with Fatima in overcrowded conditions. Her son had been building the house to improve their situation and provide more space for all of the family. The demolition means that they all have to continue to live together in these poor conditions. “My son had plans to go to Jordan to meet his wife who was visiting her family and to bring her back. He had plans to complete the rooms in his new house in order to move in. He lives with me together with his family of three children. My place is very crowded.”

Isra’ J., Bureen, describes her conditions and why she and her family need to build their own home: “My husband and I lived in a rented house for six years. We then moved to another rented house where we lived for two years until finally, nearly three years ago, we moved to live in the house we are currently living in. This house is not in a good condition, it is damp and the walls are not straight, it is simply not a healthy house. My husband decided to buy a piece of land to build a house for us. I used to work in a nearby sewing factory in order to help my husband pay our debts. My husband began to build the house nearly a year ago.”

W.N. lives in the Old City of Jerusalem and has found herself unable to make even the most basic improvements to her home: “In 1997-1998, we rented a small house in the Christian Quarter from the Greek Orthodox Church. When we first moved the house was really little more than a shack with a zinc roof, on a deserted bit of land that was being used as a rubbish dump. So, we tried to improve the house, with the permission of the Greek Orthodox Patriarch and also extended it so that there was some additional space. Soon after we started building, some workers from the Municipality came and told us that we couldn’t do the building work and we were given a demolition order for the house.”

M.K. grew up in the Old City of Jerusalem. After moving into an almost uninhabitable house, she and her husband made necessary improvements with the approval of the landowner, the Greek Orthodox Church. “The roof had to be replaced anyway and so we put in a second floor, without having to extend the height of the building by much. This gave a lot more space – it meant we had two bedrooms and a bathroom upstairs and the kitchen and sitting room downstairs. The Greek Orthodox Church approved our plans to renovate and extend, they had rules regarding the height of the building

so that it did not go over the height of the wall to the church, but it didn't so they were happy with what we were doing and the Patriarch gave us a permit. ... But a few months after we moved in, we received a demolition order for the upper floor of the house. We were taken to court and the demolition order was postponed and we were fined 25,000 shekels [about \$7,000] for building without a permit."

Fadwa A. lives in the village of Al-Walaje near to Bethlehem. The route of the Wall goes through and around the village and consequently the Israeli authorities are not issuing building permits to Palestinians living in the village. When Fadwa's home was demolished in 2003 a week before they were due to move in, she had to continue living with her brother in law, in a house which was damp and overcrowded:

"There were about twenty people living on two floors. We had three rooms and a bathroom and kitchen for me and my husband and our six children. It was overcrowded and we had a lot of problems living in that house.

The situation in my brother in law's house during this time was really a tragedy; a really terrible situation. The family blamed us for not moving into the house quickly enough which they said could have prevented the Israelis demolishing the house. There were lots of problems between the children, they would argue with their cousins. For two years they wouldn't speak to each other. My brother in law would shout and yell at us and tell us to get out of the house. Also the house was not in a good condition, it was damp and was leaking water which would pool on the floors.

We were determined to save up and build the house again. It was very important to me to move. It wasn't my house, it was their house and there were lots of problems. I wanted my own independence rather than living with my husband's family. But we had to spend another seven years saving up before we were able to build again."

Siham S., Al Walaje. When Siham's home was demolished, they had nowhere else to go and for three months had to live in a tent: "It was winter and it was cold and wet. After the demolition the Red Cross provided us with a tent which we stayed in. We had to stay in the tent during the winter for three months."

Ruqeia M., Hadidiya. "There is no electricity in the village. We have to buy water and they come and fill up our tanks. If I get sick I have to go to the nearest town, but otherwise I stay in the village. My children got to school in Tamoun, and a bus now comes to pick them up to take them. I make cheese from the milk from our sheep and goats and we sell this in the nearest village. This is our way of life and I'm staying here and not going anywhere. We are steadfast ("Samoud" in Arabic) and this is the name of my daughter – Samoud."

Economic Impact

Families also suffer economic and financial hardship as a result of home demolitions and land confiscation. The costs associated with the building of a new home are high and the women described the sacrifices they make in order to improve their housing conditions. Mounira A. described how her small home business suffered because of the land confiscation and her housing situation.

Waela S., Hares: "In 2006, my husband started building a new house up the road in the village on a piece of land given to my husband by his extended family. I was so happy when my husband started building the house. We saved money and it isn't easy to do this when you have five children to provide for. I joined a co-operative, where I would put money in to help me save. I also sold my wedding gold to raise more money. Things were not easy for us."

Mounira A., Bedy: "Our financial situation is much worse now. We lost the business because of the closure and then the wall. My husband is now just working two days a week for a project digging wells in local villages. Things are very difficult for us. Before the wall was built, our house was worth about 150,000 Jordanian Dinar (about \$210,000) now it is worth far less even if it were possible to sell it. We received no compensation for the land we lost to the wall and the road – we used to have about 3.5 dunams of land, now we only have 1.5 dunams. I tried to make some money doing some work in the house; I would make tomato paste at home to sell in the village. But the soldiers would ask me about what I was carrying through the gate and in the end it was just too much trouble, and I don't do this anymore. It's very difficult to move things in and out of the gate, it's quite small and I have to use a small cart to transport things. We have some large pieces of rubbish in the garden – old metal frames and things, but we can't move them, they won't fit through the gate."

Aida R., Bustan: "There have been a number of court hearings since this first time, but nothing has been resolved. The first hearing was on the 9 July 2007, and then adjourned until December 2007. Then there was a hearing in February 2008, which was adjourned again until 25 February 2009. The next hearing is on 9 April 2009. We have the same lawyer as others in Bustan who have demolition orders, but still have to pay 500 shekels for each court session and so have paid 2000 shekels (\$565) in legal fees and there's still no end in sight."

W.N., Old City: "Our case was in court in August 1998, and they imposed a fine on us of 45,000 shekels [about \$12,700] which was a huge amount so we appealed against it. After the appeal, the fine was reduced but we had to pay for lawyers and court fees and so after all that the amount that we had to pay was not so different [from the

original fine]. We were given a second fine, sometime later, I can't remember when, for 16,000 shekels [\$4,800] which we have finished paying, but the demolition order is still hanging over us.

We had to pay the fine in monthly installments of 500 shekels [about \$140] from almost the time we moved into the house until 2008. It has been very hard on us financially. We always had to pay on time and prioritise paying it or they double the amount and could put my husband in prison. It has been very hard for us financially, I had to cut back on food in order to make sure that we could pay the fines every month and would in fact not buy food rather than not pay the fine."

M.K., Old City: This was really hard for us, but we always paid – if we missed a month we would have to pay double the amount. My husband is working, he works for a hotel in the Old City but he doesn't earn a lot and we had to take money from what we would spend on basics – electricity, food, milk, diapers - to pay the fine. It was particularly hard for me because I had to try and make sure there was enough food and that the children had clothes. We couldn't afford to buy furniture and borrowed a couch from my parents house. ..Just before we were due to pay off the fine, 3 years later; the court imposed another fine on us. This time it was for 10,000 shekels [\$2825] and again we had to pay it each month."

Fadwa A., Al-Walaje: "Financially we were also really badly affected. We had borrowed money from friends and family to pay for the house and to get everything ready to move in and we still had to pay it back even though the house was no longer there. Some people wrote off the money but we still had to pay quite a lot back. It took us about five years to pay the debts. We also had to get money together to build the house again. We knew that we had to move out of my husband's brother's house and we have spent another 50,000 Jordanian Dinars [about \$70,600] on building the house again."

Siham S., Al Walaje: "We received 100,000 NIS [about \$27,500] in fines but we refused to pay in principle because we had done nothing wrong. We had built a home on our land which was in the West Bank so why should we pay money to the Israeli authorities? Because we didn't pay my husband was arrested and had to spend a month in prison."

Psychological & Emotional Impact

The women interviewed described feelings of distress and shock over the events themselves. They also describe feelings of insecurity and worry about their children and the impact on them.

Waela S., Hares: "My children were at school when it happened and they were shocked when they saw the house was gone. I am still in shock, I can't believe what happened. Yesterday I went up to where the house was – it is now just a pile of rubble and metal – and cried. I used to go up there and sit by the house and enjoy the peace and quiet and now it has all gone."

Isra' J., Bureen: "I feel our house was going to be demolished any time because of its proximity to the settlement. I feel insecure. If one day I move to live in our new house I will not feel comfortable leaving my children at home if I need to leave the house. I feel they will be unsafe and insecure at home."

Fatima A., Alluban Al-Gharbi: "I still cry when I look through the window and see the rubble. Every day I sit in front of the house and I cry."

Adiba R., Jiftlik spoke of her feelings since she was first given a demolition order in 2004: "I have lived in constant worry since that time, for 5years now...." A second date for the demolition was given for her home, but not carried out, leaving her not knowing what will happen: "Again, my house was not demolished on the specified date, my house was spared again. This has made me feel even more anxious. It seems this is their policy, to keep us worried and anxious. They have done the same to other families. I am worried that one day my house will be gone, just like other houses in the area. It is only a matter of time. I am scared, I always worry and think about the fate awaiting us."

Manal Z., Bustan: "After our rented home was demolished, we moved back to my parents house. It was very crowded and my husband didn't want to come and visit us there because there was no space. My parents live there with two of my sisters, a brother and another married brother, his wife and their three children. Me and my daughters all slept in one room, the living room. It was very difficult. My children's school performance suffered, they couldn't study because there was no space and too much noise with so many people. The only person working in the house was my brother who supported all of us."



Bedouin woman from Hadidiya making cheese



Family of Nabila T.

Family Unification¹³⁷

In spite of consistent international condemnation,¹³⁸ Israel has continued with its expansionist and annexationist policies in East Jerusalem, which are focused on achieving a strong Jewish demographic majority within Israel's declared municipal boundaries of the city. Since 1967, there has been a clear Israeli strategy to limit the Palestinian population of East Jerusalem.¹³⁹ One of the policies has been the introduction of laws which prevent family unification between a Jerusalem permanent resident and a spouse from the OPT, which will be considered in this section.

In the years following the illegal annexation, Israel articulated a clear government policy that sought to maintain a demographic balance of 70 per cent Jews to 30 per cent "Arabs" within the Israeli declared boundaries of the Jerusalem municipality.¹⁴⁰ This official policy remains in effect today. Master Plan 2000 for Jerusalem, which was ratified by the Planning and Construction Committee of the Jerusalem municipality in 2007, directly addresses this policy while considering the more realistic option of achieving a 60/40 ratio because high Palestinian birth rates have made the 70/30 goal unlikely.¹⁴¹

In Jerusalem, since 1967, Israel has established 12 settlements on land illegally annexed to the Jerusalem Municipality.¹⁴² By September 2009, the number of settlers reached about 500,000 in the West Bank, about 200,000 of whom live in East Jerusalem.¹⁴³ While the number of Israeli settlers living in East Jerusalem continues to grow, Israeli policies to limit and restrict the numbers of Palestinians in the city have become more stringent.

The renewal of the Nationality and Entry into Israel Law (2003) (temporary order) means that Palestinians from the OPT who marry Jerusalem permanent residents or Israeli citizens are not able to live with their spouse or are forced to live together illegally. Couples who choose to violate the law and live together in East Jerusalem find it impossible to live normal lives and are in constant fear of being caught. If a couple decides to live in the OPT, the Israeli spouse will be considered a lawbreaker, unless he or she receives a special permit from the State Party. Palestinians who hold permanent residency status in Jerusalem risk losing this status if their 'centre of life' is no longer in Jerusalem.

The Israeli human rights organisation, Adalah, states that the ban on family unification: "Actually aims to limit the number of Palestinian citizens/residents of Israel, the so-called "demographic threat" to maintaining a Jewish majority in the state, and not the security concerns as presented by the government as the justification for these measures."¹⁴⁴

In this section therefore we will examine the social, economic and cultural impact of this policy of denial of family unification in East Jerusalem on Palestinian women.

Women can be particularly impacted by these policies, which can leave them isolated in their homes, or having to bring up children alone.

Legal Framework

The Nationality and Entry into Israel Law (2003) (temporary order)¹⁴⁵ prohibits the granting of Israeli citizenship to ‘a resident of the region’¹⁴⁶ intending to stop family unification, and the granting of permanent residence, where one spouse is a resident of the OPT. It therefore prevents the Palestinian husband or wife of a permanent resident in Jerusalem or citizen of Israel, from acquiring permanent residency in the city. In comparison, Israelis who marry foreigners who are not Palestinian residents of the OPT may submit on their behalf requests for family unification, and the foreign spouse can obtain a status in Israel. The law discriminates on the basis of ethnic origin and nationality.

Only Palestinian women over 25 and men over 35 married to residents or citizens of Israel may receive a temporary permit to remain in Israel, which grants no civil status or social benefits. But the law further provides for the denial of applications for such a permit, if there is a claim that the resident of the OPT, applicant or anyone from his extended family (including spouses of siblings) might be considered a security risk.¹⁴⁷

As stated by Israeli human rights organization, B’Tselem, the argument that the law is required for security reasons is baseless:

The state argues that the law is needed for security reasons, contending that the entry of residents of the Occupied Territories – as such – endangers Israeli citizens. This argument is baseless and was only recently raised to cover-up the real reason: 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.¹⁴⁸

International Law guarantees to Palestinians the right to family life, their freedom of movement, equality before the law, and the protection of minorities. Israel fails to fulfil these fundamental guarantees and directly violates these rights by virtue of the Nationality and Entry into Israel Law. Article 10 of the ICESCR provides that the widest possible protection and assistance should be accorded to the family. Article 23 of the ICCPR also provides that the State should protect the family. Yet far from protecting the family Israel is preventing families from being together and denying them their right to family life. Women’s right to access health care,¹⁴⁹ employment,¹⁵⁰

education¹⁵¹ and social benefits¹⁵² under the ICESCR are also all affected. Palestinian women married to Jerusalem residents, even if they have a permit, are not entitled to work in Jerusalem, they are not entitled to health care and they are not permitted to drive a car. Women are also denied their right to freedom of movement, a right guaranteed by article 12 of the ICCPR and by article 15(4) of CEDAW.

The UN Human Rights Treaty Bodies have consistently condemned the policy as discriminatory. In 2005 the CEDAW Committee condemned the law¹⁵³ and in 2010 the Human Rights Committee reiterated its concern about the Law, its discriminatory nature, and recommended that it should be revoked:

Recalling its previous recommendation in paragraph 21 of the preceding concluding observations (CCPR/CO/78/ISR), the Committee reiterates its concern at the Citizenship and Entry into Israel Law (Temporary Provision), as amended in 2005 and 2007, remains in force and has been declared constitutional by the Supreme Court. The Law suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the West Bank, East Jerusalem or the Gaza Strip, thus adversely affecting the lives of many families (arts. 17, 23 and 24).

The Committee reiterates that the Citizenship and Entry into Israel Law (Temporary provision) should be revoked and that the State party should review its policy with a view to facilitating family reunifications of all citizens and permanent residents without discrimination.¹⁵⁴

Women’s Testimonies

The women interviewed are either married to men who do not have Jerusalem Identification, or they themselves do not have Jerusalem Identification and have been denied family reunification. Their testimonies reveal the wide-ranging impact of the policy on the women’s lives.

Right to Family Life

The women’s testimonies reveal the extent of the interference with their family life: the families are either forced to live apart or one spouse will have to live in hiding; keeping away from the Israeli authorities. Some of the women are also separated from their extended families; cut off from them by the Wall and checkpoints and without a permit, unable to visit them. Women are also 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. Children's rights are also affected, one of the women, Nabila Thabata describes how two of her children have not been given birth certificates or national insurance numbers as the Israeli authorities refuse to recognize that the children were born in Jerusalem.

Manal Z. lives in the area of Silwan in East Jerusalem.¹⁵⁵ She herself has permanent residency in Jerusalem, but her husband has Palestinian West Bank Identification. His second application for family unification has been refused, meaning that he is unable to live in Jerusalem with his wife and six daughters. Her husband risks arrest and imprisonment were he to be found in Jerusalem, and so cannot work in Jerusalem or live with his family; leaving Manal to bring up her daughters alone. The patriarchal nature of Palestinian society leaves Manal facing cultural discrimination and social marginalisation.

“My husband has made two applications for family reunification but they have both been refused. The most recent was just a few days ago. They said that his application was refused because he had a police file that said he had been caught living in Jerusalem recently. This is true, my husband does come to Jerusalem but only to see me and our children. He still comes through to see us even though he knows that if he is caught he will be arrested and could be put in prison. He was once arrested and was put in prison for a month; they told him if he was caught again in Jerusalem he could be put in prison for three years and fined 3000 shekels [about \$850]. My husband comes through to visit us perhaps once a month, he has to sneak in to Jerusalem. What can I do? He lives in danger and is constantly at risk but he says “How can I leave you with six daughters along?” He wants to be with us.”

W.S., who is originally from Bethlehem has lived with her husband in East Jerusalem for 20 years has still not had her application for family unification approved. Until 2007 she did not even have a temporary permit to be in Jerusalem:

“I am originally from Bethlehem and I carry a Palestinian identity card. My husband is a Jerusalemite and carries a Jerusalem identity card. When we first got married in 1990 and I moved to live with him in Jerusalem we submitted a family unification application to the Israeli authorities in order for me to be able to live in the city legally. My application was rejected. In the beginning they even refused to receive the application claiming that my husband and brothers were politically active and were jailed in the past.

During all this time and since I married and lived in Jerusalem I was almost under house arrest. According to Israeli laws it is illegal to be living in Jerusalem with a West Bank identity card. I could not visit my family in Bethlehem and they could not visit

me. I was totally isolated from them. I could not go shopping, I could not take my children to school or attend their school activities, I could not visit friends or get on a bus or a taxi without risking being stopped by Israeli soldiers and arrested or forced to cross the checkpoint back to Bethlehem.”

After receiving a temporary permit in 2007 for six months, which she renewed, she was told in May 2010 that her temporary permit to live in Jerusalem was going to be cancelled because of security checks on her brothers and brother in law. This will mean that she will be illegal if she remains in Jerusalem and will not be able to visit her family in the West Bank, and she is nervous about travel inside Jerusalem.

“In 2007 I finally received the approval to reside in Jerusalem. This was not yet an approval for a Jerusalem Identity Card but a piece of paper, valid for one year, that allowed me to apply for a permit to be in Jerusalem including an overnight stay. I had to first apply for a magnetic card which had all my personal information including a palm print. On the basis of that I was finally able to obtain a permit to be in Jerusalem 24 hours a day. This permit is valid for six months which means I can have two such permits for the duration of the temporary residency permit. This was good but not enough. This permit did not allow me to drive a car, to have a job or to be eligible for an affordable health insurance. It restricted my ability to leave and enter the city at specified checkpoints where the palm-scanners are placed. Still, I was pleased.

Everything was working fine until last May when my husband went to renew the temporary residency permit which expires on August 3rd, 2010. He is supposed to ask for an appointment to renew it at least three months in advance which he did. He was told that my temporary residency permit has been cancelled. They explained the reason to be the imprisonment of my two brothers and my brother-in-law. I was devastated. Just when I thought everything was going fine things became worse.

My daughter is getting married in a couple of months and there is so much to do in preparation for the wedding. My daughter needs me to go shopping with her, to visit relatives and to invite people to the wedding but it doesn't look like I will be able to do it.

I feel anxious and worried all the time. It has been 20 years since I got married and I still am not allowed to live with my husband and children. It has been too long, I don't think I can take it any longer. Moving to another place in the West Bank is not an option. If we move to the West Bank the Israeli authorities will cancel my husband's residency rights and that of our children. I feel I am stuck. The situation is impossible. In about a month I will again be living illegally in Jerusalem with my husband and children. I will be under house arrest.”

Nabila T. is from Hebron originally but, as her mother is from Jerusalem, she has Jerusalem ID. Her husband has West Bank ID:

“We live together in Anata, in Jerusalem. We have had many problems with our family unification application and it has created many difficulties for me and my family.

For one or one and a half years after we got married, in 1995, my husband and I

applied for family unification. We had not applied before then as it is an expensive process and my husband did not have enough money. Our first application was refused. We asked why but we were given no reason. Our case was taken on by a lawyer who submitted a second application for family unification. Two months after submitting it, it was also refused. Again, we were given no reason for why it had been refused; the decision had come from the Israeli High Court of Justice. Four months later, sometime in 1997, my husband was given an “Iqama”, which is a piece of paper acknowledging he is married to a Jerusalem ID holder and allowing him to apply for a permit to stay overnight in Jerusalem. This paper had to be renewed every 6 months. He was also given a magnetic card without which he is not allowed to enter Jerusalem via the checkpoints. He had this “Iqama” for three years on the basis of which he was given a permit to stay in Jerusalem but then it was withdrawn, in 2002, again we were not given any reason for its withdrawal. My husband then spent two years without an “Iqama”. During this time, I gave birth to some of my children, in Jerusalem, and luckily they were all given Jerusalem IDs.

In 2004, a new problem began. I misplaced my ID and couldn't find it and so went to the Ministry of Interior to see about getting it replaced and to have issued a birth certificate for my daughter, Noor, who was 1 year old at the time. I was told at the Ministry of Interior that my Jerusalem ID was withdrawn from me because they claimed I was no longer living in Jerusalem... I eventually found my ID in one of my children's drawers but Noor has not been given a birth certificate and an ID number because the Israeli Authorities insist that we live in Ezariyeh. My newborn son, Malik, also has no birth certificate nor an ID number.

About two and a half years ago, Israeli authorities withdrew my husband's family unification application again based on false information. This time they claimed that ten years ago my eldest son, who is now 15 years old, was living with his grandmother in Rammoun in the West Bank outside the Jerusalem municipal borders. This is completely wrong because his grandmother was not alive at that time; she was dead. My husband's “Iqama” was withdrawn again. We later presented proof that we were living in Jerusalem and things were back on track again.

In February 2010, child allowance payments from the national insurance were stopped; again we were told that this was because we were supposedly living in Ezariyeh. I told the Israeli authorities that they could come to my home in Anata and see that we were all living there; I am still waiting for them to come.”

Freedom of Movement, and the Rights to Health, Work, and Social Security

This section highlights how the policy of refusing family unification for Palestinians in Jerusalem married to West Bank Palestinians, impacts on other civil, political and economic and social rights. Without Jerusalem Identification, Palestinians



cannot work in Jerusalem; receive National Insurance entitling them to health care; or receive social security benefits. For women, who in Palestinian society have the primary caring responsibilities including child care, and for buying and preparing food and other household essentials, the impact of these restrictions is particularly severe. One of the women, describes how her son who has a congenital kidney defect is not entitled to healthcare in Jerusalem because the Israeli authorities do not accept he was born in Jerusalem. Another, who has not been granted family unification is unable to accompany family members to hospital for fear of being arrested.

Manal Z., Silwan: “Things are very difficult financially. I work as a carer for two elderly people and receive child benefit for my daughters, but it is very hard. My husband doesn't really work – he can't work in Jerusalem and so can't support us financially, he just does some odd jobs here and there for little money. I don't want to move to live in Hader near to my husband's family, it would be very difficult for me and my daughters. It would mean that I and my daughters would lose our IDs and would not be able to come to Jerusalem to see any of my family. My sister lives just down the hill from me in Silwan and my parents home is very close by. We are all very close and I rely on them

for support in lots of ways. My husband's family are not supportive; they have basically disowned my husband and me because we have had no sons and only daughters. They have cut my husband off from his inheritance which is another reason why things are so difficult financially for us."

Nabila T. describes how the whole family is affected by the denial of family unification. Their benefits and national insurance payments are regularly stopped meaning that she does not receive child allowance and none her family are eligible for health care. This particularly affects her newborn son who has been diagnosed with a congenital heart defect. Her husband is not able to work in Jerusalem while he still has no Jerusalem Identification.

"When I gave birth to my youngest son, the hospital refused to issue a document announcing his birth because we could not pay for the delivery expenses. I was released without paying the hospital expenses. We will have to find a way to pay for this ourselves. To make things worse, my newborn son was diagnosed with a congenital kidney problem and will need to be operated on soon. Without child allowance and without a Jerusalemite birth certificate we will have to pay for his surgery ourselves and we cannot afford it. He has had one x-ray but he needs two more, which we will have to pay for.

My husband suffers the most from this situation. He still has no permit, no ID and no "Iqama" which means he cannot have a proper job in Jerusalem. The authorities have asked him to write a short biography explaining the things he had done in his life. They have also asked for a certificate of good conduct from the Palestinian Authority. Seven months ago he received his certificate of good conduct and there are no security issues against him. We are just waiting for the lawyer to follow the case through and for the authorities to come to our house to see that we all live in Jerusalem. My husband earns a small amount of money working in a printing office here in Anata, so that he does not have to travel through any checkpoints to reach work. The money he earns goes to pay for old debts. He is unable to work in Jerusalem until he has a Jerusalem ID. We are unable to pay the cost of this house. There are my 7 children, my husband and myself, as well as my mother in-law and my sister in-law living in this house. We all depend on the old-age allowance of my mother in-law, which is only 2000 shekels [about \$565] per month. This is what the whole family lives on."

W.S. describes how she has been unable to work, access health care and how her freedom of movement was so restricted she felt as if she were under house arrest:

"During all this time and since I married and lived in Jerusalem I was almost under house arrest. Life was very difficult and not normal at all. I constantly felt as if I had committed something seriously wrong. I could not have a job although I very badly needed to work for financial reasons. I could not have an affordable health insurance.

One day, during the winter of 2006, I stepped out of the house with my husband to

do some shopping for the house. An Israeli army jeep passed by, pulled over and asked to see our papers. When the soldier realized I did not carry a Jerusalem Identity Card he confiscated my Bethlehem Card and asked me to follow him by foot to the nearest checkpoint. When I got there he told me to cross to the other side of the checkpoint and to go back to Bethlehem. I was terrified and refused to do as he told me. I panicked and thought I would never be able to return home. I told him I had young children at home and needed to be with them. I told him I was married to a person from Jerusalem and my application was being processed. I showed him the piece of paper that proved what I was saying. He refused and insisted on me going back to Bethlehem. He even asked me to sign a piece of paper in Hebrew which I didn't understand. In the beginning I refused but then I realized I had no choice but to do as he was telling me. I signed the piece of paper and crossed to the other side of the checkpoint. But instead of going to my parent's home in Bethlehem I climbed the nearby hills and found my way back to Jerusalem through dirt roads. It took me about an hour to get home when I was less than ten minutes away from my home. It was dreadful. Since that incident I have confined myself to the house and hardly ever left. When one day my youngest daughter fainted at school and had to be rushed to the emergency room I could not be with her. It was awful not to be with my sick daughter at the hospital.

My husband is very sick and sometimes loses consciousness all of a sudden. When that happens he needs to be rushed to the hospital and I am the only person who can take him to the hospital since he is always at home and does not have a job. If I have no valid permit I won't be able to accompany him."

Conclusion

This report analyses the link between the settlements and the violations of international law and highlights the reality of these human rights violations by presenting the narratives of affected Palestinian women. In this report we have tried show how the existence of the settlements cause the human rights violations - and the reality of those violations for Palestinians.

The presence of settlements and their associated infrastructure including checkpoints, roadblocks and settler-only bypass roads not only results in violations of the most fundamental principles of international humanitarian law and international human rights law but also effectively fragments the West Bank into enclaves denying the Palestinians their right to self determination. The human rights situation of Palestinians in the OPT is dramatically different to that of Israel's settler population, which benefits from the same rights as Israelis inside Israel. In effect, the settlement project is a colonial one that results in the creation of two parallel and unequal societies in the OPT.

The expansion of settlements and growth of the settler population has brought a concurrent increase in settler violence and intimidation against surrounding Palestinian communities, as settlers assert their control over the land and resources. The report records incidents of settler violence and harassment and their impact on Palestinian women. Incidents can be singular attacks when women are waiting at checkpoints and travelling to university or work, but more often happen frequently and over long periods of time. Many of the women interviewed reveal their experiences of living for years with settler violence and harassment. Our interviews highlight the many ways in which women's lives are controlled by the attacks from settlers. Women spoke about not being able to attend university or not being able to work outside the home because of the trouble from settlers close to their homes.

In towns and villages close to settlements, a regular Israeli military presence means that Palestinians are also routinely subject to violence, arrest, harassment and humiliating treatment either at checkpoints or during arbitrary house searches from the Israeli military. Incidents are random and unpredictable, leaving women feeling unsafe and fearful; yet also determined to carry on with their lives. In towns and villages protesting against the confiscation of their lands for the building of settlements, settlement infrastructure or the Wall which goes around the settlements, peaceful protesters are subjected to tear gas, rubber bullets and sometimes live ammunition. The narratives in the report highlight how the soldiers are not a source of protection for the Palestinian population, but rather another source of fear and abuse. Impunity is also an issue: the women interviewed by WCLAC are clear that they would not make a complaint about the behaviour of soldiers as they know that nothing would be done.

The Wall is built inside occupied territory and constructed in such a way so as to

include most of the large settlements and the areas designated for settlement expansion. The route of the Wall, which cuts through the West Bank including East Jerusalem is not only contrary to international law but is causing irreparable harm to the lives and livelihoods of Palestinians either living in the Seam Zone or who have lands within the zone. This report has highlighted this harm and described how almost every aspect of the women's lives is affected. Women, who often do not work outside the home, are frequently completely isolated in their homes and cut off from family, community and vital services. Palestinians' fundamental rights to adequate housing and freedom of movement and their rights to health, work, education and family life are thus routinely violated by Israel.

This report also illustrates how the issue of home demolitions is linked to settlement policy. The Israeli authorities who are responsible for planning and building policies in the West Bank and East Jerusalem, systematically discriminate against Palestinians, preventing any new Palestinian construction¹⁵⁶ and resulting in the demolition of many Palestinian homes. Meanwhile, the same planning system has approved plans for building tens of thousands of apartments¹⁵⁷ in settlements in the West Bank, including East Jerusalem. The construction and expansion of settlements is initiated, supported and financed by the state authorities in a systematic and institutional manner.

The home which is the centre of most women's lives in the OPT not only provides basic shelter but is a place where women participate in social activities with friends and family, where they can create a safe and secure environment for their children, and can also be a location for economic activity. The particular relationship that women have with their homes is evidenced by the testimonies included in this report means that forced eviction or the threat of being forced from their home has an acute and distinct impact on their lives.

The policy of banning family unification discriminates against Palestinian citizens of Israel and Palestinians from the OPT. The total ban on family unification exclusively and solely targets Palestinians from the Occupied Territories; while the gradual process of naturalization for residency and citizenship status in Israel for all other "foreign spouses" remains unchanged. The policy, is designed to limit the number of Palestinian citizens/residents of Israel, not because of security concerns as presented by Israel as the justification for these measures. In Jerusalem, while the settler population continues to grow, Palestinians are faced with a choice: live apart from your spouse from the OPT or be with them and leave Jerusalem. Couples who choose to violate the law and live together in East Jerusalem find it impossible to live normal lives and are in constant fear of being caught. Women are particularly impacted by these policies, which can leave them isolated in their homes, and having to bring up children alone.

This 2010 report highlights how the situation for most Palestinians living in the OPT has deteriorated. The colonialist settler project has led to the creation of two parallel and unequal societies in the OPT: Israeli settler society benefits from superior living conditions, greater protection under Israeli civil (as opposed to military) law, greater

access to the resources of the OPT and the enjoyment of all other human rights, while Palestinians living in the same territory, by contrast, are denied many of its basic human rights as a result of the furtherance of the settlement project. An end to this colonial project is essential to enable the Palestinians to enjoy their basic rights and therefore this report concludes with some recommended actions to individuals and civil society.

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 and for Irish TDs use 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) and Experience Travel Tours (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 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 for information on businesses that profit from settlements and occupation.

Join the growing Boycott, Divestment and Sanctions Movement (BDS). Find out more information on the website: <http://bdsmovement.net/>

- **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 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.

- www.wclac.org – the website of the Women's Centre for Legal Aid and Counselling
- www.alhaq.org – reports and statistics by Palestinian Human Rights organisation on human rights abuses in the oPt.
- www.adalah.org/eng - Information on litigation and policy work conducted by a Palestinian human rights organisation based in Israel
- 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 – information, reports and statistics on children's rights in Palestine, particularly on children detained in Israeli prisons.
- 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 – 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 this Israeli website details exports, and businesses that profit from the settlements and occupation.

Endnotes								
1	B'Tselem, "By Hook and By Crook: Israeli Settlement Policy in the West Bank", July 2010, p.10	14	Haim Levinson, "Civil Administration Report: Rate of Population Growth in 66% of Settlements Higher than in Israel," <i>Haaretz</i> , 2 February 2010 (in Hebrew).		11 of the ILC Articles on State Responsibility for International Wrongful Acts, states "[c] onduct which is not attributable to a State... shall nevertheless be considered an act of that State under international law if and to the extent that the State acknowledges and adopts the conduct in question as its own."			
2	<i>Ibid</i> , p.11	15	<i>Ibid</i> , para. 101		42	Derejko, The Civic Coalition for Defending Palestinian Rights in Jerusalem, "Aggressive Urbanism: Urban Planning and the Displacement of Palestinians within and from Occupied East Jerusalem", December 2009, p.34. COHRE and Badil, "Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine" (Geneva, COHRE and Badil, 2005), p. 125; See also, John Quigley, "The legal status of Jerusalem under international law", <i>Turkish Yearbook of International Law</i> , Vol. XXIV, (1994) p. 16.		
3	<i>Ibid</i> , p.9	16	Advisory Opinion Concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, International Court of Justice (ICJ), 9 July 2004, paras. 119-120	31	A UN OCHA study has determined that almost 40 percent of the West Bank is now taken up by Israeli settlement infrastructure, in which settlements, linked by a major highway system to Israel, have geographically fragmented Palestinian communities; See, UN OCHA, "The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank", July 2007.	43	Article 1, The Basic Law: Jerusalem, Capital of Israel, 30 July 1980.	
4	Nabil Abu Rdainah, a spokesman for Palestinian Authority President Mahmoud Abbas quoted in <i>Haaretz</i> , 02.10.10 available at http://www.haaretz.com/news/diplomacy-defense/palestinians-say-no-peace-talks-without-settlement-curbs-1.316755	17	Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 43 ILM 1009, paras. 102-113		32	Indirect transfers are not ordered by a government, but result from governmental actions or policies that create social and economic conditions intolerable to such civilians. Such hostile social and economic conditions include fear of threat, harassment and attacks by settlers; See, Amicus Brief by Legal Expert Dr. Yutaka Arai, presented in the HCJ Qabalan case, available at http://www.hamoked.org/Document.aspx?dID=Documents1236 .	44	Al-Haq, "Building Walls, Breaking Communities: The Impact of the Annexation Wall on East Jerusalem Palestinians", October 2005, p. 24.
5	See, for instance, UNOCHA, "Protection of Civilians Report: 1-14 September 2010": See also, B'Tselem, "Documentation and Reports on Settler Violence", available at http://www.btselem.org/English/Settler_Violence/ .	18	<i>Ibid</i> pp. 50-53.		45	UN Security Council, Resolution 478(1980) S/RES/478 of 20 August 1980.	46	B'Tselem, "East Jerusalem: Legal status of East Jerusalem and its residents", available at http://www.btselem.org/English/Jerusalem/Legal_Status.asp .
6	Bimkom, <i>The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C</i> , June 2008, p.19	19	Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907. Hereinafter Hague Regulations.		33	UN OCHA, "Unprotected: Israeli settler violence against Palestinian civilians and their property", December 2008, pp. 2-3, 6, 15; See also, UN OCHA Report, July 2007, pp. 26, 117.	47	Nadav Shragai, "Demography, Geopolitics, and the Future of Israel's Capital: Jerusalem's Proposed Master Plan", Jerusalem Center for Public Affairs, 2010, p. 14, available at http://www.scribd.com/doc/27960017/Jerusalem-Master-Plan .
7	UNOCHA, Special Focus, 'Restricted Space: The Planning regime applied by Israel in Area C of the West Bank', December 2009, p.1, p.6. They include the following issues as reasons for this: lack of detailed plans for Palestinian villages, the Israeli Civil Administration's restrictive interpretation of outdated plans that do exist and difficulties Palestinians face in providing ownership of land.	20	Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949.		34	See, the analysis in Human Sciences Research Council, "Occupation, Colonialism, Apartheid? A re- assessment of Israel's practices in the occupied Palestinian territories under international law", May 2009, Full Report, pp. 120-121; See also, General Assembly Resolution 1514 (XV) of 14 December 1960 (Declaration on the granting of independence to colonial countries and peoples).	48	<i>Ibid</i> .
8	<i>Ibid</i> , p17. And also see UNOCHA, Special Focus, 'Restricted Space: The Planning regime applied by Israel in Area C of the West Bank', December 2009	21	Article 55, Hague Regulations 1907.		35	This section is based on the section of the same name in the joint submission by WCLAC and Al Haq of an alternative report to the United Nations Committee on Economic, Social and Cultural Rights.	49	See Section 8 for further information and explanation.
9	For information regarding the issue of water resources see for example, World Bank, "Assessment of Restrictions on Palestinian Water Sector Development", April 2009. Also see the Al Haq and WCLAC joint report to the Committee on Economic and Social Rights, submitted October 2010, p.32-33 and the references therein available at http://www.wclac.org/english/reports/icescr2010a.php	22	Article 53, Hague Regulations 1907.		36	See, International Convention on the Suppression and Punishment of the Crime of Apartheid 1973 (the Apartheid Convention).	50	Al-Haq Report, The Jerusalem Trap: The Looming Threat Posed by Israel's Annexationist Policies in Occupied East Jerusalem, October 2010, available at http://www.alhaq.org/pdfs/Report%20-%20The%20Jerusalem%20Trap.pdf .
10	See for example, World Bank, "Assessment of Restrictions on Palestinian Water Sector Development", April 2009, particularly the case studies cited on p.20-21	23	See A/HRC/13/53, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, 15.01.10		37	Article 7, Rome Statute of the International Criminal Court 2002.	51	UNOCHA, Area C Humanitarian Response Plan Fact Sheet, August 2010
11	For further detailed information regarding the nature of settlements and the policies and practices behind them see B'Tselem, "By Hook and By Crook: Israeli Settlement Policy in the West Bank", July 2010. DCI-Palestine, "Under Attack: Settler Violence against Palestinian Children in the Occupied Palestinian Territory", July 2010, p.3-28, Bimkom, <i>The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C</i> , June 2008	24	Article 147, Fourth Geneva Convention 1949; Article 8(2)(b)(iv), Rome Statute of the International Criminal Court 2002		38	Human Sciences Research Council study, pp. 271-276.	52	UNOCHA, "Israeli Violence In Light of Outpost Evacuation Plans", November 2010. See http://www.ochaopt.org/documents/ocha_opt_settler_violence_fact_sheet_2009_11_15_english.pdf
12	B'Tselem, "By Hook and By Crook: Israeli Settlement Policy in the West Bank", July 2010, p.10	25	B'Tselem Report, "By Hook and By Crook: Israeli Settlement Policy in the West Bank", July 2010, p.50		39	<i>Ibid.</i> , Full Report, pp. 152-276; Executive Summary, pp. 9-15.	53	Information taken from the website of the Temporary International Presence in Hebron (TIPH), 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.
13	<i>Ibid</i> .	26	Article 8(2)(b)(8) of the Rome Statute of the International Criminal Court.		40	Furthermore, certain provisions in Israeli civil and military law provide that Jews present in the OPT, who are not citizens of Israel also enjoy privileges conferred on Jewish-Israeli citizens in the OPT by virtue of being Jews; <i>Ibid</i> .	54	B'Tselem and ACRI, "Ghost Town", May 2007
		27	Whilst Palestinians throughout the OPT are denied freedom of movement through a system of "road apartheid", settlers are given preferential treatment over Palestinians in respect of movement (major roads are reserved exclusively for settlers) and can enter the closed zone between the Wall and the Green Line (the 'Seam Zone') without permits; See, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor John Dugard, <i>A/ HRC/7/17</i> , 21 January 2008, para. 30.		41	This section is based on the joint submission by	55	See http://www.haaretz.com/news/diplomacy-defense/yitzhar-extremists-all-settlers-must-fight-construction-freeze-1.287512 , 30.04.10
		28	This section is based on the joint submission by WCLAC and Al Haq of an alternative report to the United Nations Committee on Economic, Social and Cultural Rights.				56	See Articles 43 and 46 of the Hague Regulations
		29	Common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights					
		30	The coercive nature of Israel's actions is implicit in the cumulative effect of the means of encouragement used by state authorities. Article					

- Focus, 'Restricted Space: The Planning regime applied by Israel in Area C of the West Bank', December 2009
- 123 *Ibid* p44-45
- 124 UNOCHA, Special Focus, 'Restricted Space: The Planning regime applied by Israel in Area C of the West Bank', December 2009, p.1, p.6. They include the following issues as reasons for this: lack of detailed plans for Palestinian villages, the Israeli Civil Administration's restrictive interpretation of outdated plans that do exist and difficulties Palestinians face in providing ownership of land.
- 125 UN OCHA, "The Planning Crisis in East Jerusalem: Understanding the phenomena of "Illegal" construction" in Special Focus, (April 2009), p. 2.
- 126 *Ibid*.
- 127 Article 27 of the Fourth Geneva Convention.
- 128 See further on this, Expert Opinion by Dr Yukata Arai, Amicus Brief on the Direct or Indirect Transfer of Palestinians within the Occupied Territories, 1 July 2010 available at <http://www.hamoked.org/files/2010/110528.pdf>
- 129 UN Human Rights Committee, General Comment 16, (Twenty third session, 1988), The right to respect of privacy, family, home and correspondence, and protection of honour and reputation (Article 17), 08/04/88, para.8
- 130 Human Rights Watch, "Israel: New Peak in Arbitrary Razing of Palestinian Homes", August 19, 2010 available at <http://www.hrw.org/en/news/2010/08/19/israel-new-peak-arbitrary-razing-palestinian-homes?tr=y&aid=6892590>
- 131 Ratified by Israel on 3 January 1992
- 132 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."
- 133 Committee on Economic, Social and Cultural Rights, *General Comment 4 - The Right to Adequate Housing (article 11(1), 13/12/91 at paragraph.18*
- 134 Committee on Economic, Social and Cultural Rights, *General Comment 7 -The Right to Adequate Housing (article 11(1)): Forced Evictions*, 20/05/1997, para.11
- 135 Committee on Economic, Social and Cultural Rights, *General Comment 7- The Right to Adequate Housing (article 11(1)): Forced Evictions*, 20/05/1997, para.10
- 136 Concluding Observations of the Human Rights Committee, 99th Session, 12-30 July 2010, CCPR/C/ISR/CO/3, para.17
- 137 For more information regarding family unification and the different ways that Israel's policies limit and restrict family unification between Palestinians and family members from abroad and between Palestinians from Gaza and the West Bank as well as Palestinians in Jerusalem see: WCLAC Alternative CEDAW report, December 2010, available at www.wlcac.org/english
- 138 For example see UN Security Council, Resolution 478(1980) S/RES/478 of 20 August 1980.
- 139 B"tselem, "East Jerusalem: Legal status of East Jerusalem and its residents", available at http://www.btselem.org/English/Jerusalem/Legal_Status.asp.
- 140 Nadav Shragai, "Demography, Geopolitics, and the Future of Israel's Capital: Jerusalem's Proposed Master Plan", Jerusalem Center for Public Affairs, 2010, p. 14, available at <http://www.scribd.com/doc/27960017/Jerusalem-Master-Plan>.
- 141 *Ibid*.
- 142 B'tselem, "By Hook and by Crook: Israeli Settlement Policy in the West Bank.", July 2010
- 143 *Ibid*.
- 144 Adalah, "UN Human Rights Committee – Information Sheet #3", Family Unification and Citizenship, 22 July 2003 available at http://www.adalah.org/eng/intladvocacy/unhrc_03_fam_uni.pdf
- 145 English translation of the Nationality and Entry into Israel Law (Temporary Order) available at http://www.hamoked.org/items/5727_eng.pdf
- 146 Nationality and Entry into Israel Law (Temporary Order), paragraph 2
- 147 Nationality and Entry into Israel Law (Temporary Order), paragraph 3D
- 148 See http://www.btselem.org/english/family_separation/east_jerusalem.asp
- 149 ICESCR, Article 12
- 150 ICESCR, Article 6
- 151 ICESCR, Article 13
- 152 ICESCR, Article 9
- 153 CEDAW Committee, Concluding Observations: Israel, Thirty-third session, 5-22 July 2005, CEDAW/C/ISR/CO/3, paras. 33 and 34
- 154 Human Rights Committee, Concluding Observations: Israel, 99th Session, 12-30 July 2010, CCPR/C/ISR/CO/3, para. 15
- 155 Manal's testimony also appears in section 7 as she has also been affected by a home demolition.
- 156 Bimkom, Planners for Human Rights, "The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C", June 2008, p.7
- 157 B"tselem, "By Hook and by Crook – Israeli Settlement Policy in the West Bank", p.53