



Home Office

# **Report of a Home Office Fact-Finding Mission Occupied Palestinian Territories: freedom of movement, security and human rights situation**

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## Contents

<b>Introduction .....</b>	<b>6</b>
Background .....	6
Purpose of the mission .....	6
Structure of this report .....	6
<b>Methodology .....</b>	<b>7</b>
Research standards.....	7
Identification of sources .....	7
Arranging and conducting interviews .....	7
Notes of interviews/meetings .....	7
<b>List of abbreviations .....</b>	<b>8</b>
<b>Executive summary.....</b>	<b>9</b>
<b>Synthesis of notes .....</b>	<b>10</b>
1. West Bank .....	10
1.1 Freedom of movement in Areas A, B and C .....	10
1.2 Exit from and entry to the West Bank .....	10
1.3 Movement within the West Bank and OPTs generally .....	11
1.4 Checkpoints.....	13
1.5 Medical permits .....	15
1.6 Seam Zone.....	16
1.7 Settlements .....	17
1.8 Human rights situation: Treatment by Israeli security forces .....	18
1.9 Arbitrary arrests and detention by the PA.....	22
1.10 Prison and detention conditions .....	23
1.11 Humanitarian situation: Refugee camps.....	24
1.12 Humanitarian situation: Access to food and water.....	25
1.13 Education .....	26
1.14 Employment in the West Bank .....	26
1.15 Healthcare in the West Bank .....	28
1.16 Humanitarian aid to the West Bank .....	30
1.17 Demolitions.....	31
1.18 Death penalty .....	32

2.	Population data and documentation .....	32
2.1	Points to note .....	32
2.2	Population registry.....	32
2.3	Amending the population registry .....	35
2.4	Passports .....	36
2.5	ID cards .....	38
2.6	UNRWA registration cards .....	39
2.7	Residency status .....	40
3.	East Jerusalem .....	40
3.1	Freedom of movement .....	40
3.2	Security situation .....	41
3.3	Documentation: Population registry.....	41
3.4	Residency status .....	41
3.5	ID and passports .....	44
3.6	Family unification.....	45
4.	Gaza .....	47
4.1	Overview .....	47
4.2	Freedom of movement .....	48
4.3	Exit and entry permits for people in Gaza.....	50
4.4	Medical permits for people in Gaza .....	52
4.5	Rafah crossing .....	52
4.6	Salah al-Din gate.....	53
4.7	Erez crossing.....	54
4.8	Kerem Shalom crossing .....	54
4.9	Movement within Gaza .....	55
4.10	Armed groups.....	55
4.11	Armed conflict prior to 2018.....	55
4.12	Great March of Return.....	56
4.13	Human rights: Arrest, detention and use of excessive force .....	58
4.14	Human rights: Ill-treatment and torture .....	61
4.15	Hamas' recruitment methods.....	62
4.16	Prisons and detention centres: Prison system and numbers of prisoners 62	
4.17	Prisons and detention centres: Visits .....	63
4.18	Prisons and detention centres: Conditions .....	64
4.19	Death penalty in Gaza .....	65
4.20	Humanitarian situation: Access to food, and water.....	65

4.21	Education in Gaza .....	67
4.22	Employment in Gaza .....	68
4.23	Living conditions in Gaza.....	69
4.24	Healthcare in Gaza.....	70
4.25	Humanitarian aid to Gaza.....	74
4.26	Documentation: Population registry in Gaza .....	76
4.27	ID and passports for people in Gaza .....	76
4.28	UNWRA IDs for people in Gaza .....	77
4.29	Residency status in Gaza.....	77
4.30	Family unification for people in Gaza .....	77
5.	Freedom of expression .....	78
5.1	Censorship .....	78
5.2	Social media.....	79
5.3	Violations against journalists .....	79
6.	Palestinians in Israeli prisons and detention centres .....	80
6.1	Numbers of prisoners and visits .....	80
6.2	Conditions .....	81
7.	Palestinians from 1948 .....	85
8.	Documentation of Palestinians outside of the OPTs and Israel .....	85
	Community Action Centre (CAC); 23 September 2019.....	90
	Representative of UNRWA, 23 September 2019.....	93
	WHO, 23 September 2019 .....	96
	AL HAQ, 24 September 2019 .....	102
	Addameer, 24 September 2019.....	105
	Palestinian Authority – Ministry of Interior, 23 September 2019 .....	109
	The PA provided a written response in Arabic on 2 December 2019, which the Home Office obtained an English translation .....	109
	Source 1, 24 September 2019 .....	113
	Source 2, 24 September 2019 .....	115
	Hamoked, 25 September 2019 .....	118
	Yehuda Shaul, Breaking the Silence, 25 September 2019 .....	123
	GISHA, Legal Centre for Freedom of Movement, 25 September 2019.....	127
	Sarit Michaeli, International advocacy officer, B'Tselem, The Israeli information Center for Human Rights in the Occupied Territories, 26 September 2019 .....	130
	International rights group, 26 September 2019.....	133
	An official at the Independent Commission for Human Rights (ICHR), 26 September 2019 .....	136

Malik – Palestinian Authority, Ministry of Civil Affairs, 26 September 2019 .	140
Director General Mousa Ramawi, Centre for Development and Media Freedoms (MADA), 26 September 2019 .....	142
Diplomatic source, 27 September 2019.....	145

# Introduction

This document provides information obtained from the Home Office's Fact-Finding Mission (FFM) to East Jerusalem and the West Bank in the Occupied Palestinian Territories (OPTs), including Israel. It does **not** provide advice on handling particular types of protection and human rights claims. For this in regard to Palestinians, see the OPTs country policy and information notes on the [GOV.UK website](#).

[Back to Contents](#)

## Background

The FFM was conducted between 23 and 27 September 2019 by 3 officials from the Home Office's Country Policy and Information Team (CPIT), with support from the British Consulate in East Jerusalem and the British Embassy in Tel Aviv. The team visited East Jerusalem, Ramallah and Bethlehem in the West Bank, and Tel Aviv in Israel.

[Back to Contents](#)

## Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about freedom of movement, official documentation, and the humanitarian and security situation in the OPTs.

A full Terms of Reference (ToR) is available at [Annex A](#).

[Back to Contents](#)

## Structure of this report

The report is split into:

- An executive summary
- A thematically arranged narrative, including paraphrase and direct quotes from the notes of sources interviewed, reflecting the ToR; and
- Annexes.

[Back to Contents](#)

# Methodology

## Research standards

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact Finding Missions](#), November 2010 (EU Guidelines 2010).

## Identification of sources

The Home Office Fact-finding Team (FFT) sought to interview a wide range of sources. That a particular source was interviewed, and the notes of that interview included should not be considered as the Home Office's endorsement of that source or the information provided. Rather, all sources and information provided need to be critically assessed and considered against other publicly available material.

In identifying interlocutors, the FFT consulted with Foreign and Commonwealth staff at the British Embassy in Tel Aviv and the British Consulate in East Jerusalem. The sources contacted and interviewed represent the sources that the FFT were able to identify as relevant to the mission. But, as with any fact-finding mission, factors including time constraints and availability meant that the list of sources consulted, and information provided are not exhaustive.

A list of sources interviewed is at [Annex B](#).

[Back to Contents](#)

## Arranging and conducting interviews

A total of 21 sources were interviewed. The FFT met with 25 people during 20 face-to-face interviews. One meeting was held via Skype during the mission (Source 1).

At the start of each interview the FFT explained the purpose of the mission and stated that the notes of the meeting may be published in a report and that the sources would be able to review their notes before publication.

The British Embassy contacted COGAT, but they were unable to meet.

A copy of this introduction and explanation can be found at [Annex C](#).

[Back to Contents](#)

## Notes of interviews/meetings

The FFT made notes of meetings which were sent by email to the sources for review and approval. Seventeen sources approved the notes, with a number making amendments to the original drafts. The other sources either did not approve the notes of meetings or did not want the information to be publicly disclosable.

All sources were asked how they would prefer to be referenced. A number of sources requested varying degrees of anonymity to protect their professional privacy or to protect their safety. In these cases, the FFT asked sources to provide a description of how they preferred to be referenced. All sources are described according to their own request where this was specifically made.

The notes of interviews with sources are available at [Annex D](#).

## List of abbreviations

CAC	Community Action Centre – Al-Quds
COGAT	Coordination of Government Activities in the Territories
ICHR	Independent Commission for Human Rights
IDF	Israel Defence Forces
MADA	The Palestinian Centre for Development and Media Freedoms
MOH	Ministry of Health, Palestinian Authority
MOI	Ministry of Interior, Palestinian Authority
UNOCHA	UN Office for the Coordination of the Humanitarian Affairs
OPTs	Occupied Palestinian Territories
PA	Palestinian Authority
UN	United Nations
UNRWA	United Nations Relief and Works Agency
WHO	World Health Organisation

# Executive summary

The Occupied Palestinian Territories (OPTs) include the West Bank, East Jerusalem and Gaza.

The West Bank is split into 3 areas - Area A, which is completely governed by the Palestinian Authority (PA); Area B under PA and Israel administration; and Area C, is under Israeli control. Gaza is de facto governed by Hamas (there is no Israeli presence in the territory) and East Jerusalem is governed by Israel. Palestinians resident in Gaza and West Bank have permanent status in these territories but cannot generally reside in East Jerusalem. A Palestinian registered in Gaza may visit but cannot generally live in the West Bank. Palestinians in East Jerusalem have permanent residency in Israel, though this must be periodically renewed and may be revoked by the Israeli authorities.

Palestinians resident in the West Bank and Gaza have their personal details recorded on the population registry – a computerised database administered by the PA in Ramallah – but ultimate oversight is with the Israeli authorities. Palestinians are issued with a unique 9-digit ID number beginning with a '9', which they can use to obtain an ID card and Palestinian passport issued by the PA in the West Bank.

Israel controls all entry and exit points into the West Bank and all but one into Gaza (the other, Rafah, is controlled by Egypt and Hamas). Israel also restricts the freedom of movement for Palestinians into, between and, within the OPTs through the use of temporary and non-temporary checkpoints as well as a system of entry and exit permits. There are different types of permits depending on the reason for travel; the application process can be slow and many are rejected.

Sources considered that there are number of human rights concerns in the West Bank including land confiscation by Israeli settlers, restriction of movement, and arbitrary arrest and detention. There are also a number of socio-economic problems, including high levels of unemployment and inadequate access to healthcare.

Sources agree that the human rights, security and humanitarian situations in Gaza are difficult and much worse than in the West Bank. While there is not open conflict between Israel and Hamas, the 'Great March of Return' protests along the fence separating Gaza from Israel, which started in March 2018, continue, though in smaller numbers. Israeli defence forces are reported to have used excessive force in attempting to disperse the demonstrators away from the border, resulting in hundreds of gun-shot injuries and scores of deaths. The human rights are restricted by Hamas and other armed groups operating in the territory. Palestinians who openly criticise Hamas may be arrested and detained, and torture is reported to be common. Sources also explained that humanitarian situation is worsening due to the ongoing Israeli blockade and the internal Hamas/PA conflict, although there are multiple organisations working to alleviate the difficult conditions.

[Back to Contents](#)

# Synthesis of notes

## 1. West Bank

### 1.1 Freedom of movement in Areas A, B and C

#### 1.1.1 A diplomatic source noted

'Palestinians are under an administrative void. According to the Oslo Agreement, Area A is for Palestinians, Area B is under Palestinian administration and Israeli security and Area C is where Palestinians are not allowed to intervene or act without Israeli agreement. Israel should be the caretaker of the Palestinian population, but this is not the case. Israel wants to extend its sovereignty in Area C, to make Palestinians leave.

'Palestinians in Area C are trapped between the concrete wall and the separation barrier on one side and the Jordanian border (also strictly controlled by Israel) and walls on the other side... if nothing is done to aid Palestinians in Areas ... C in the West Bank, a Gaza type situation will happen in [this area] –it is already starting.'

[Back to Contents](#)

### 1.2 Exit from and entry to the West Bank

#### 1.2.1 The Palestinian Authority Ministry of Interior (PA Mol) representatives noted that the Palestinian people 'have no contact with the outside world except via the ports and crossings controlled by the Israelis.'

#### 1.2.2 HaMoked, an Israeli human rights organisation, stated:

'Palestinians from the West Bank can only leave Palestine via Jordan. They must travel into Jordan and then fly from there. Israel polices the West Bank border crossing, and sometimes people arrive at the border and discover there is a security block against them and so they cannot travel. If someone is deemed a "security risk" they can have a block logged against them, but they are not informed of the reasons why they have it logged against them, or even informed that it has been logged. Hamoked help people challenge these travel bans. There is an 8-week administrative process to challenge the ban, and if this request to cancel the ban is rejected, a legal challenge can be submitted to the Jerusalem District Court. This is difficult to work on as insight is not granted into why a security block was placed on people. Vague reasons are given such as being connected to terror financing, but there is no detail on what exactly Israel is referring to: which transactions were deemed suspicious? In connection with whom? Details about the reason for the ban are shown in court only to the judge. Hamoked lawyers cannot argue against it because the reasons are not given to them. If a person has never been arrested and has never done anything wrong and they have a good reason for leaving, this all gives more weight to the Appeal.

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<sup>1</sup> [Diplomatic source, 27 September 2019](#)

<sup>2</sup> [PA – Ministry of Interior, 23 September 2019](#)

‘Some people are asked to sign a pledge that they will not return to the West Bank for a while. 16 to 35-year old Palestinian men used to be told not to come back for a year, but that was 20 years ago or longer. Recently, a student who left to study in Malaysia was told not to come back during his entire 3 years of study. Often, people are required to submit a sum of money and sign a pledge not to “engage in terror activities”, and only then are they allowed to travel.’<sup>3</sup>

#### 1.2.3 HaMoked added:

‘Many people can be linked to someone else, a friend for example, who is seen as “worrying”, i.e. a security risk to Israel. This used to be sweeping, for example in 2014, one person committed an attack and people with the same surname from the same village all received a travel ban, even if they were not related to the person who was arrested. This shows how arbitrary it can be – people do not find out the real reasons for arrest.

‘It is usually not a problem for Palestinians to return to the West Bank. It is easier to return than to leave.

‘Sometimes people must deposit money to the Israeli authority in order to leave and are paid back once they return, if they do what they said they would do i.e. go to Jordan for hospital.’<sup>4</sup>

#### 1.2.4 The ICHR stated that ‘the Israeli military system and emergency laws are used in the West Bank against Palestinians to justify...prevention from travel.’<sup>5</sup>

[Back to Contents](#)

### 1.3 Movement within the West Bank and OPTs generally

#### 1.3.1 The diplomatic source noted:

‘Area C could be seen as an open-air prison – there are no tanks at every corner, but it is roughly the same type of situation... Palestinians in Area C are trapped between the concrete wall and the separation barrier on one side and the Jordanian border (also strictly controlled by Israel) and walls on the other side. In the middle of Area C, there are checkpoints and restrictions on movement between Palestinian controlled environments. There are lots of small islands of Palestinian population, which can range from a few dozen of people all the way up to big cities. On leaving these Palestinian areas, roads are controlled by Israeli authorities.

‘There is a slightly bigger sense of freedom in the West Bank than in Gaza, but movement is limited to a certain area. Palestinians cannot cross the wall when living in Area C and are unable to enter Jerusalem without a permit.’<sup>6</sup>

#### 1.3.2 The diplomatic source also noted that not all roads in the OPTs can be used by Palestinians and a permit is needed to travel<sup>7</sup>.

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<sup>3</sup> [HaMoked, 25 September 2019](#)

<sup>4</sup> [HaMoked, 25 September 2019](#)

<sup>5</sup> [ICHR, 26 September 2019](#)

<sup>6</sup> [Diplomatic source, 27 September 2019](#)

<sup>7</sup> [Diplomatic source, 27 September 2019](#)

- 1.3.3 The same source explained ‘The Coordination of Government Activities in the Territories (COGAT) know people cross the fence illegally and even have figures. Israel allows a certain amount of people to cross the fence to work illegally for money, otherwise people would be trapped and the West Bank would be like Gaza. Thousands of people cross into Israel every day.’<sup>8</sup>
- 1.3.4 The diplomatic source also noted, regarding movement within Area C of the West Bank, that ‘sometimes road layouts are changed by the Israeli authorities. Sometimes Palestinians find themselves at a dead end, where an old road comes to an abrupt stop and can no longer be used to travel. Sometimes Israel builds roads which practically can be used by Israelis only.’<sup>9</sup>
- 1.3.5 Source 2 observed ‘Access to movement is random, for example a man killed an Israeli soldier and the whole area went into “lockdown”, no one could get in or out of the area. Many people do not like or prefer not to travel. There are some Palestinians who were born and brought up [in the West Bank], but who have never gone to the other side of the West Bank because they do not want to travel.’<sup>10</sup>
- 1.3.6 Al Haq, an independent Palestinian non-governmental human rights organisation, noted that Palestinians from the West Bank could ‘easily find work in Jerusalem, which is only 10 minutes away from Bethlehem, but they cannot enter the area.’<sup>11</sup>
- 1.3.7 Al Haq noted the only way for a Palestinian from the West Bank to enter Jerusalem:  
‘...is by using a magnetic card and a valid military permit, which is granted and revoked at the total discretion of the Israeli military. Entry is restricted by times and dates. For example, the permit could be from 1 October to 1 January – 7am until 10pm. Palestinians cannot enter Eilat with their permit. Palestinians can only use checkpoint 300 if they are from Bethlehem. If a permit holder from Bethlehem attempts to use another checkpoint, they would be stopped and made to go back.’<sup>12</sup>
- 1.3.8 However, the ICHR representative noted the relative limits of freedom of movement between Gaza and the West Bank: ‘Gazans envy Palestinians in the West Bank, even though West Bankers also live in a type of prison, however West Bankers have relative freedom of movement and can access the Israeli labour market. They can leave the country at any time...’<sup>13</sup>

[Back to Contents](#)

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<sup>8</sup> [Diplomatic source, 27 September 2019](#)

<sup>9</sup> [Diplomatic source, 27 September 2019](#)

<sup>10</sup> [Source 2, 24 September 2019](#)

<sup>11</sup> [Al Haq, 24 September 2019](#)

<sup>12</sup> [Al Haq, 24 September 2019](#)

<sup>13</sup> [ICHR, 26 September 2019](#)

## 1.4 Checkpoints

1.4.1 WHO mentioned that in the West Bank there is a 'heavy presence of checkpoints' and that there were '140 fixed checkpoints and 2,254 flying checkpoints in 2018'<sup>14</sup>.

1.4.2 Al Haq stated:

'The process of going through a checkpoint is humiliating and dangerous. Soldiers do not care about people's special circumstances. A contact of the organisation stated that she tried to cross a checkpoint whilst pregnant. The metal detector beeped as she went through, but she did not know why, so she continued to walk through. Israeli soldiers began shouting at her in Hebrew, but she did not understand what they were saying. Within a second, 5 soldiers were pointing guns at her. The same contact stated how she was once passing through a checkpoint and became completely lost. She heard someone yelling through a speaker in Hebrew, which she did not understand. A Palestinian driver called out to her, begging her to stop and stand still. The soldiers were giving her a last warning and were threatening to shoot but she could not understand what they were saying. There are documented cases where people were killed because they did not understand what the Israeli soldiers were saying.

'...Many Palestinians travel to Ramallah for work, which can be a huge impediment. It can take 2 or 3 hours in the morning and evening, depending where you travel from. The Israeli military can decide to set up "flying checkpoints" anywhere, where they randomly close roads.

'Closures are a collective punishment. Following any attack on Israeli settlements, the authorities close access to certain roads. When there is an alleged attack in Israel, they shut checkpoints down meaning nobody can move in the area.

'Each entry and exit to Palestinian cities are controlled by Israeli checkpoints. For example, to travel from Bethlehem to Ramallah people must pass through 2 checkpoints – one to leave Bethlehem and another to enter Ramallah. Sometimes Palestinians can wait for 5 hours to pass through. The checkpoints are open and closed under Israeli discretion. There are so many daily violations which are systematic to disrupt daily life and freedom of movement of the Palestinian people. Checkpoints only affect Palestinians, not Jewish settlers or Israelis. Israeli and Jewish settlers drive yellow plate cars and Palestinians drive white plate cars. Drivers of yellow plate cars (Israelis and Jewish settlers) can enter and exit anywhere. Drivers of white plate cars (Palestinians) have to go through checkpoints and cannot use all roads. Some roads are only for yellow plate cars, meaning Palestinians must take longer, alternative roads to get from one place to another.

'The same contact of the organisation mentioned earlier, stated that the landscape is changing so much that she cannot remember what roads take her where or recognise where she is. Recently, she found herself outside of a settlement with Israeli soldiers pointing guns at her. She explained that she

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<sup>14</sup> [WHO, 23 September 2019](#)

was lost, but they yelled at her in Hebrew and let her go back. If she was veiled, she would have possibly been in more trouble. The Israeli authorities are open about racism, the Jewish Nation-State law is one codified, quasi-constitutional example. What someone wears helps to identify them in addition to driving a car with white plates, where they live and the ID that is carried.’<sup>15</sup>

- 1.4.3 Yehuda Shaul, an ex IDF soldier and co-founder of Breaking the Silence, an organisation which documents Israeli soldier’s testimonies, commented ‘The backbone of a permanent [Israeli] occupation are regulations, methods and formalities that officials cannot deny happening and are not necessarily illegal if put in front of a lawyer. It is what every soldier faces in the OPTs – for example, the concept of “making its presence felt”. The source went on to note that ‘Another way a patrol can “make its presence felt” is by setting up random checkpoints in the street. Soldiers are told to stop and search 200 young Palestinians, move on and do the same in another area. It is to create the sense of being pursued/being chased. Under military law, a warrant is not needed to stop Palestinians.’<sup>16</sup>
- 1.4.4 The organisation added:  
‘Outside the cities, in the rural areas, the missions that soldiers receive include guarding settlements and their own military base. There are watch towers on the roads that settlers drive on. There are also jeep patrols, the commander of which is usually a platoon officer or sergeant.  
‘Part of the mission of the jeep control is also to “make its presence felt.” One way they do this is by setting up 2 flying (temporary) checkpoints for at least 15 minutes in an 8-hour shift at a random time. It is completely random as to who the soldiers will allow through. The mission is described to disrupt the day to day life of the Palestinian people in the local area.’<sup>17</sup>
- 1.4.5 The diplomatic source stated that ‘the Israeli army block entrance and exit check points at random times throughout Area C.’<sup>18</sup>
- 1.4.6 The diplomatic source noted ‘The diplomatic source’s organisation has a focus on children affected by armed conflict. Interviews/briefings with UNICEF, UNRWA and Save The Children mention an almost systematic harassment of children, some can be detained for hours while on their way to school. Some children have to walk miles to reach school and cross through Israeli controlled checkpoints.’<sup>19</sup>
- 1.4.7 In addition, the diplomatic source said, ‘it can be difficult for Palestinians to go to hospital or work – it could take hours due to checkpoints and because roads are sometimes small and windy and dangerous. (Most Palestinians are not allowed to use the new wide fast roads built for the settlers).’<sup>20</sup>
- 1.4.8 Furthermore, the same diplomatic source noted:

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<sup>15</sup> [Al Haq, 24 September 2019](#)

<sup>16</sup> [Breaking the Silence, 25 September 2019](#)

<sup>17</sup> [Breaking the Silence, 25 September 2019](#)

<sup>18</sup> [Diplomatic source, 27 September 2019](#)

<sup>19</sup> [Diplomatic source, 27 September 2019](#)

<sup>20</sup> [Diplomatic source, 27 September 2019](#)

'Palestinians cannot use all roads in the OPTs, a certain permit to travel is required and there are checkpoints on every road to monitor this. Road 443 is built through the OPTs which has fences and checkpoints on either side of it. This road cannot generally be used by Palestinians but can be used by settlers. The checkpoints are manned by young soldiers or private security - many Palestinians are killed or injured if an incident occurs, because soldiers can panic at check points. It is a very stressful situation. There is also an 'apartheid' road with a central barriers fence - one side for settlers, the other for Palestinians.

'Area C has permanent and temporary check points. It is illegal to forcibly transfer people, so the point of the Israeli policy is to push Palestinians to move to Areas A or B in order to change their centre of life.'<sup>21</sup>

- 1.4.9 Source 2, who wished to remain anonymous, explained that 'there are checkpoints, closures of which happen all the time affecting everyone, including college students.'<sup>22</sup>

[Back to Contents](#)

## 1.5 Medical permits

- 1.5.1 WHO noted that Palestinians living in the West Bank outside of East Jerusalem must apply for a permit to travel to reach health facilities in East Jerusalem and Israel<sup>23</sup>.
- 1.5.2 WHO noted that 'a permit is required to travel from the WB to Israel for medical treatment, but some very sick people cannot get a permit.' The source also stated that 'West Bank medical permit approval rates are higher than Gaza medical permit approval rates. 82% of patient and companion permit applications were approved in 2018. However, the West Bank face different challenges such as access restrictions. The PA does not have much access in terms of providing medical services, much of the services rely on clinics. Mobile services are also restricted.'<sup>24</sup>
- 1.5.3 The representatives of the WHO noted:
- 'Regarding access to hospitals (secondary care), patients from the West Bank outside East Jerusalem need permits to access Palestinian hospitals in East Jerusalem, as well as Israeli hospitals. Access to healthcare for Palestinians is restricted through checkpoints controlled by Israel. Primary healthcare access issue affects more communities in Area C, H2 of Hebron and communities in the Seam Zone (West Bank side of Armistice Line and Israeli side of separation barrier) and East Jerusalem (where certain families are cut off from access to their main communities by the separation wall and checkpoints). Ambulances leaving the West Bank into East Jerusalem are held up at check points. They are required to undergo the back-to-back procedure in most instances. WHO referenced pages 52 and 53 of the ['Right to Health' report](#).'<sup>25</sup>

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<sup>21</sup> [Diplomatic source, 27 September 2019](#)

<sup>22</sup> [Source 2, 24 September 2019](#)

<sup>23</sup> [WHO, 23 September 2019](#)

<sup>24</sup> [WHO, 23 September 2019](#)

<sup>25</sup> [WHO, 23 September 2019](#)

## 1.6 Seam Zone

### 1.6.1 HaMoked stated:

'The area which Hamoked work on primarily is the Seam Zone. These are the areas of the West Bank isolated by the separation barrier, which constitute approximately 9% of West Bank, including East Jerusalem. Israel applied a permit regime to those enclaves of land. While an Israeli or a foreigner can enter the Seam Zone, a Palestinian has to apply for a permit. This also applies to people who own agricultural lands, a home or run a business in these areas. There are currently 17 different types of permits, it is all very bureaucratic and there are different criteria or approval needed for each one. They are valid for different time periods and renewed at different rates.

'Hamoked helps farmers receive permits, it helps about 300 farmers a year. However, there has been a worrying increase in rejections over the last 2 years. Hamoked submitted a Freedom of Information request to find out why there was such an increase. In 2014, 24% of farmer permit requests were rejected whilst 72% were rejected in 2018 – only 2% of those were for security reasons. Most permit rejections are due to bureaucratic reasons, not a material reason. These rejections were against the promise the Israelis made when building the wall, where they said that they would help make farmers accessing their lands as easy as possible, but now less than 30% of farmers are granted access to their lands.

'Since 2017, Hamoked began to see odd grounds for rejection, such as plots of land described by the Israeli authority as being too small to farm. If a plot of land is under 330 metre square, people are not allowed to access them because Israel deem the plot too small.

'Many Palestinian families inherit lands communally, plots are subdivided by the amount of people. These sub-divided plots often end up being under 330 metre square so nobody receives a permit to the land. Most of these areas are in Area C of the West Bank, where people are generally quite poor and have low levels of education. They rely on land to grow olives, tobacco and vegetables. Ongoing access is needed to tend to the crops. People have been shifting to olives because olive trees do not need as much access or tending to. The yield in the Seam Zone is lower than anywhere else in the West Bank.'<sup>26</sup>

### 1.6.2 HaMoked further stated:

'The permits are only valid for one specific purpose and the gates may only be open 2 or 3 days a week. Access is extremely restricted, and restrictions go beyond permits. There is a limit on the number of labourers that can be brought through to tend to the land and is based on how big the plot of land is, for example a worker may be granted access 30 days a year to assist with the cultivation.

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<sup>26</sup> [HaMoked, 25 September 2019](#)

'If someone has two different grounds for entering the Seam Zone – i.e they own agricultural land and a business, they need to have 2 separate permits for the two different places.'<sup>27</sup>

[Back to Contents](#)

## 1.7 Settlements

1.7.1 WHO noted that there is an 'expanding [Israeli] settlement infrastructure' in the West Bank<sup>28</sup>.

1.7.2 Al Haq noted:

'People with Jewish ancestry from other countries have full citizenship rights in Israel and are given incentives to live in settlements such as 0% interest loans. Housing is much cheaper inside settlements, services are subsidised, water, electricity, transport, social services are all provided. In the recently-passed Jewish Nation-State law, which has a constitutional value, settlements are a national value. They are taking Palestinian land, particularly in Area C which is the most fertile.

'Settlers are full Israeli citizens and have full rights and are issued with a different type of ID.'<sup>29</sup>

1.7.3 Al Haq observed:

'The Israeli Jewish Nation-State Law takes discrimination to a constitutional level and makes it an obligation for the State to carry out discrimination against almost 20% of its population. The right of self-determination is only for Jews. The Arabic language does not have formal recognition and only the Jewish calendar is in use, so Arabs must adopt the Jewish calendar. Settlements, which are a war crime under international law, are considered under this law as a national value.'<sup>30</sup>

1.7.4 Yehuda Shaul from Breaking the Silence stated that 'outside the cities, in the rural areas, the missions that soldiers receive include guarding settlements and their own military base.'<sup>31</sup>

1.7.5 Regarding settlements in Area C of the West Bank, the diplomatic source stated: 'There has been a very dramatic rise in settlement violence in recent years. The yearly olive festival takes place in fields next to the settlers, who are violent towards Palestinian farmers. The Israeli army do not intervene to protect the farmers/lands from the settler's violence. Human Rights violations derive from settlements.'<sup>32</sup>

[Back to Contents](#)

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<sup>27</sup> [HaMoked, 25 September 2019](#)

<sup>28</sup> [WHO, 23 September 2019](#)

<sup>29</sup> [Al Haq, 24 September 2019](#)

<sup>30</sup> [Al Haq, 24 September 2019](#)

<sup>31</sup> [Breaking the Silence, 25 September 2019](#)

<sup>32</sup> [Diplomatic source, 27 September 2019](#)

## 1.8 Human rights situation: Treatment by Israeli security forces

1.8.1 Yahuda Shaul of breaking Silence noted 'The IDF is only present in the West Bank and at the Gaza/Israel border.'<sup>33</sup> The diplomatic source stated that 'Palestinians face pressure and harassment from the Israeli military.'<sup>34</sup>

1.8.2 Yehuda Shaul, representative of the Israeli NGO Breaking the Silence, stated that from the testimonies it has received, there are three categories of cases found regarding the treatment of Palestinians by the Israeli army. The first are:

'Cases of soldiers who break the orders and operate against the rules – shooting at Palestinians against the rules of engagement, beatings, lootings – there is no dispute between the organisation and military officials that this happens. This is problematic and both the organisation and military officials agree it is criminal and immoral. However, there is a disagreement against how common these actions occur. Military officials state these actions are not common. Breaking the Silence says it is more common than what officials say.

'Compared to the Second Intifada, the last few years have shown a 95% decrease of these cases of soldiers who disregard instructions – there has been less friction and violence so there has been a decrease. Israel and the OPTs are not now in an intifada.'<sup>35</sup>

1.8.3 The second category are:

'Cases of formal missions/orders which are immoral and illegal. For example, on 19 February 2002 there was an attack on an IDF checkpoint in Ein Arik near Ramallah where 6 soldiers were killed. The following night, special IDF forces were sent to carry out revenge. The order was 'at 2am anyone at a police checkpoint were doomed to die – armed/unarmed/uniformed/ununiformed'. 15 Palestinian police officers were killed that night. Different units across different areas received the same orders, indicating that these instructions came from very high up, likely the Deputy Chief of Staff or higher...'

'During some of the operations in big urban centres during the Second Intifada, the IDF would receive formal orders to shoot to kill anyone on the street between 1am to 3am, or 2am to 4am.

'Today, this no longer happens. That does not mean the government would not act similarly in the future if a Third Intifada were to break out. Rather the opposite. Actions that were unthinkable 15 years ago are the norm today, such as the rules of engagement on the Gaza/Israel border fence.'<sup>36</sup>

1.8.4 Regarding the third category of testimonies, Breaking the Silence stated:

'The backbone of a permanent occupation are regulations, methods and formalities that officials cannot deny happening and are not necessarily

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<sup>33</sup> [Breaking the Silence, 25 September 2019](#)

<sup>34</sup> [Diplomatic source, 27 September 2019](#)

<sup>35</sup> [Breaking the Silence, 25 September 2019](#)

<sup>36</sup> [Breaking the Silence, 25 September 2019](#)

illegal if put in front of a lawyer. It is what every soldier faces in the OPTs – for example, the concept of ‘making its presence felt’.

‘Soldiers are ordered to be present everywhere to create fear. For example, in Hebron, 3 military patrols operate at any given time. During a night shift, for example, 10 pm – 6 am, they select random houses to raid. The sergeant leading the charge would choose the house (there would be no intelligence to direct a particular house to be raided). Soldiers make noise, jump from roof to roof, enter, raid, search, wake families. This is still going on now. It is IDF modus operandi. This could happen to 10 or 30 houses in one night, depending on the sergeant, whether he is active and motivated. It is completely arbitrary.

‘Another way a patrol can “make its presence felt” is by setting up random checkpoints in the street...

‘According to the testimony of one soldier, for example, his commander became bored one night of normal activities/patrolling so decided to go from one side of the old city of Hebron to the other without touching the floor – only on rooftops.’<sup>37</sup>

1.8.5 Yehuda Shaul of Breaking the Silence explained:

‘When a unit is on a tour of duty, commanders often want their soldiers to not be too bored with only manning checkpoints and posts. And so once or twice a week, an officer will initiate something to do, such as approach a cluster of homes or a village in the middle of the night. Soldiers wake up the family, search the house, draw a map of what the house looks like, take information on who lives in the property, age of residents, cell phone numbers and sometimes photos. Different units do it differently, there is no standard operating procedure. Once the soldiers finish searching the house, they move to the next one. 99.9% of the time the information is thrown away – it is just another way for the IDF to make its presence felt.’<sup>38</sup>

1.8.6 Yehuda Shaul further noted:

‘Using disproportionate force in order to deter is very common in the IDF. For example, during Yehuda’s last tour of duty, Palestinian children were throwing stones from the village of Hussain on settlers driving on a nearby road towards the settlement of Beitar Illit (a city that is the second largest settlement in the West Bank with more than 50,000 inhabitants). The commanders decided at this time that throwing stones on the road leading to Beitar Illit was equivalent to throwing stones on the main road between Jerusalem and Tel Aviv and therefore was completely unacceptable. Therefore, special force snipers were sent to kill the children throwing stones – Yehuda was involved in placing the snipers. The idea was, a few children will die, the village will learn a lesson.’<sup>39</sup>

1.8.7 The ICHR stated that ‘collective punishment is a cornerstone in Israeli policies towards Palestinians. For example, Israel is still holding the bodies

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<sup>37</sup> [Breaking the Silence, 25 September 2019](#)

<sup>38</sup> [Breaking the Silence, 25 September 2019](#)

<sup>39</sup> [Breaking the Silence, 25 September 2019](#)

of 52 Palestinians who were killed by the Israelis. Israel refuses to give the bodies to the Palestinian families. It is a form of collective punishment.<sup>'40</sup>

- 1.8.8 Al Haq noted that 'Israel can deport, exile, arrest and imprison any Palestinian from the West Bank whenever they want, no matter what area they are from. Palestinians who work in Human Rights are specifically prone to such threats.'<sup>41</sup>
- 1.8.9 Regarding Israeli security at check points, Al Haq noted 'Israeli security forces are employed by private security companies to try and avoid accountability, nobody is held accountable even when Palestinians are killed. If a Palestinian wants to make a complaint against the Israeli military, the investigation does not even start in 99% of cases. It is a procedure that does not take Palestinians anywhere, even when people are killed.'<sup>42</sup>
- 1.8.10 Addameer, a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons, stated 'All Palestinian prisoners are transferred to prisons in Israel illegally. There are 3 or 4 detention facilities in Area C of the West Bank which are only used for short detentions. Palestinians stay for a couple of days, are interrogated and then transported and imprisoned in detention facilities and prisons inside of Israel.'<sup>43</sup>
- 1.8.11 The same source noted "“Security prisoners” refer to Palestinians who are imprisoned based on the definition of an act to resist the occupation such as throwing stones. Israeli calls these acts a "crime" and names resisting the occupation as "ideological reasons". A Palestinian will be classed as a security prisoner, however, this does not apply to any Jews that also throw stones.'<sup>44</sup>
- 1.8.12 HaMoked stated:
- ‘Conviction rates of Palestinians who have indictments brought against them are over 99%. They are brought before Israeli military courts. Hamoked collect affidavits from detained children, often they do not know why they are serving a sentence. They are spoken to in a language they do not understand (Hebrew) and they are frequently not able to see a lawyer before their interrogations, where they are pressured into signing confessions.
- ‘Some children going into detention are 15 years old, whilst some are 12 and 13 years old. Children are usually detained for throwing stones or taking part in illegal demonstrations in the West Bank.'<sup>45</sup>
- 1.8.13 Furthermore, HaMoked noted:
- ‘Hamoked focuses on the lack of respect for due process rights as well as physical and verbal abuse. These feed into high conviction rates. For the detained children there is usually no lawyer or parent contact before interrogation or court appearance. They are shouted at, slapped, held in

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<sup>40</sup> [ICHR, 26 September 2019](#)

<sup>41</sup> [Al Haq, 24 September 2019](#)

<sup>42</sup> [Al Haq, 24 September 2019](#)

<sup>43</sup> [Addameer, 24 September 2019](#)

<sup>44</sup> [Addameer, 24 September 2019](#)

<sup>45</sup> [HaMoked, 25 September 2019](#)

solitary confinement, denied toilet breaks, not given food or water. They often have no legal understanding and do not know the implications of what they are doing when they are pressured into signing a confession. They do not understand the ramifications of taking a plea bargain which may only lead to 5 months in prison, but can result in a travel ban and no permit to work in Israel for many years to come.

‘When Palestinians are arrested, Israel does not notify families where detainees are taken and does not allow detainees to access a phone. They can be arrested in the street or taken away from their homes, families will not know where they have gone. Palestinians call Hamoked, provide the organisation with ID and details about arrest. Hamoked then contact the Israeli military who they have a formal relationship with. Hamoked ask the military where the individuals are being held. The organisation receives, on average, 10 to 30 calls per day. Their case load in 2018 was over 4,000 tracings. Over 60% of all arrests in West Bank go through Hamoked to trace where people are.

‘Previously Hamoked had to check all places of detention, but now there is a centralised command centre in the Israeli military, which is responsible for finding out where they are. Habeas Corpus are submitted if the individual is not found within 24 hours.’<sup>46</sup>

1.8.14 Yehuda Shaul from Breaking the Silence observed:

‘In the last years, when compared with the Second Intifada there has almost been almost no substantial change. This is a permanent occupation. There may be a change in tactics, but the same principles remain. Mock arrests, for example, now take place, which were rare years ago. There is a new unit in town which has just finished its training. The military do not want the unit’s first arrest to be a real arrest operation, so they send soldiers instead to a live exercise at a random Palestinian house that is chosen from an aerial photo. The officer will check with Intelligence to ensure the family is innocent and that there is no security reason to avoid the area. The army then enters and raids the house in the middle of the night, arrests a person (often the father of the family or a young man). The person is sometimes driven in a jeep. At some point, the radio says “exercise over”, so the soldiers release the individual (if anyone was arrested) and then return to their base and go to sleep. This type of military training happens to real citizens. This is just another way the army makes its presence felt. Soldiers enter a Palestinian home at 2am, people in the village wake up, see the jeeps and see people being arrested – people are intimidated. For the IDF - lack of logic is the perfect logic, lack of order is the perfect order. Everything is completely arbitrary.’<sup>47</sup>

1.8.15 The ICHR noted that ‘the Israeli military system and emergency laws are used in the West Bank against Palestinians to justify... administrative detention...’<sup>48</sup>

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<sup>46</sup> [HaMoked, 25 September 2019](#)

<sup>47</sup> [Breaking the Silence, 25 September 2019](#)

<sup>48</sup> [ICHR, 26 September 2019](#)

1.8.16 Mousa Ramawi, the Director General of the Centre for Development and Media Freedoms (MADA), stated

‘Families of journalists are not directly targeted, but when the Israeli authorities arrest journalists, they scare their families and their children and damage their furniture when they search their homes. The Israeli authorities turn up at Palestinian homes after midnight.

‘The Palestinian authorities do not usually arrest people at their homes.’<sup>49</sup>

See also [Freedom of expression](#) for information about the treatment of journalists by the Israeli authorities.

[Back to Contents](#)

1.9 Arbitrary arrests and detention by the PA

1.9.1 An international rights group stated:

‘Between 2018 and April 2019, there were 65,415 arrests. 1,134 were still being held in April 2019 [in the West Bank and Gaza]. There was a [May 29<sup>th</sup> press release](#) which includes all these figures based on research, as well as figures obtained from the PA and Hamas.

‘Furthermore, there were 752 people detained for social media posts and at least 1,609 detained for insulting higher authorities or ‘construction of sectarian strife’. 815 people have been held under the restricted cyber-crime law.

‘The Prime Minister of the PA met with the international rights group in July 2019 and made a statement that no citizen will be detained on freedom of expression. However, the ICHR received between 1 April and 31 August 121 complaints of arbitrary arrest. A person can be held for days or weeks. The actual number of incidents likely higher, but these numbers are based on complaints the ICHR received. Some people do not complain because they do not think anything will be done, as there is no accountability. The international rights group work on a personal level with ICHR and find them to be honest, otherwise the international rights group would not cite their statistics.

‘ICHR is reasonably independent and generally credible. It reports fairly on information it receives, but it will not include analysis or legal determinations, it purely agrees with the facts. People are cautious about approaching ICHR and in general do not report issues because they do not believe they will achieve anything from it. People have been intimidated for submitting reports. There is a good amount of complaints but only a small number lead to a positive conclusion, resulting in tiny administrative sanctions such as a reduction of wages; transfers to different areas or departments; lowering of rank; a “slap on the wrist” and even fewer are referred to military sanctions.

‘From 2017, to beginning of 2019, only 1 individual, a member of the PA intelligence services, received a 10-day sentence for assaulting protestors in the West Bank.’<sup>50</sup>

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<sup>49</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

<sup>50</sup> [International rights group, 26 September 2019](#)

### 1.9.2 The ICHR representative noted

'ICHR roughly receives around 2,500 complaints a year in the West Bank and Gaza. Around 60% of complaints are against security forces and the rest are against civil institutions. 60% of these complaints are from the West Bank and 40% are from Gaza. Complaints cover human right violations, socioeconomic violations, freedom of expression/assembly/movement, social services.'<sup>51</sup>

See also [Freedom of expression](#) for information about the treatment of journalists by the Palestinian authorities.

[Back to Contents](#)

## 1.10 Prison and detention conditions

### 1.10.1 The ICHR noted:

'Under the PA, there are 3 types of prisons. Those controlled under the police (correctional rehabilitations) are well managed with professional staff and detailed polices. Facilities vary, the prison in Jericho was built by Europeans and has good facilities. It is built as a modern prison.

'ICHR made a recommendation to the PA government to close Bethlehem prison down, due to bad conditions. The sun does not enter the prison and there is a problem with the oxygen and air. The food is ok. However, there is not an alternative facility in Bethlehem, so there are still 1,200 people in the prison.

'The other type of prison is a military prison. This is where people from security forces are held. Conditions vary, the military prison in Jericho is good but the one in Ramallah is not. Regarding treatment and regulation, there has been a significant improvement.

'The third type of prison is the temporary detention facility. People are supposed to be held in these facilities for a few days for interrogation. However, because regular prisons are overcrowded prisoners are held for longer periods in the temporary detention centres. ICHR has made several recommendations to the PA to close or replace some of these detention facilities. Ramallah, Nablus, Jerusalem, Bethlehem, most parts of the West Bank have very bad detention facilities.'<sup>52</sup>

### 1.10.2 The international rights group stated there has been '...79 complaints of torture and ill-treatment. A person can be held for days or weeks. The actual number of incidents likely higher, but these numbers are based on complaints the ICHR received. Some people do not complain because they do not think anything will be done, as there is no accountability.'<sup>53</sup>

### 1.10.3 Furthermore, the group stated:

'...in general [people] do not report issues because they do not believe they will achieve anything from it. People have been intimidated for submitting reports. There is a good amount of complaints but only a small number lead

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<sup>51</sup> [ICHR, 26 September 2019](#)

<sup>52</sup> [ICHR, 26 September 2019](#)

<sup>53</sup> [International rights group, 26 September 2019](#)

to a positive conclusion, resulting in tiny administrative sanctions such as a reduction of wages; transfers to different areas or departments; lowering of rank; a 'slap on the wrist' and even fewer are referred to military sanctions.

'From 2017, to beginning of 2019, only 1 individual, a member of the PA intelligence services, received a 10-day sentence for assaulting protestors in the West Bank.'<sup>54</sup>

#### 1.10.4 The ICHR explained:

'ICHR look at prison conditions. If there is allegation of mistreatment, ICHR reports it to the relevant authorities and follows up on the allegations. The PA often deny mistreatment but sometimes they carry out investigations. Sometimes disciplinary measures are taken against those who carry out torture. The accountability system is very weak but ICHR try to improve it and work on different levels. ICHR uses formal and informal interventions and sometimes go to court for strategic litigations. In some cases, ICHR issues press statements about certain types of violations.'<sup>55</sup>

#### 1.10.5 Mousa Ramawi, the Director General of MADA stated in regard to journalists that 'detention periods in Palestine usually take a few days...'<sup>56</sup>

#### 1.10.6 The ICHR stated their 'visits to detention places is to ensure that there is due legal process. If the person needs legal assistance, ICHR will direct him to the appropriate place.'<sup>57</sup>

[Back to Contents](#)

### 1.11 Humanitarian situation: Refugee camps

#### 1.11.1 The UNRWA representative noted:

'There are 19 UNRWA camps in total, ranging from very small ones with several hundred families to large camps such as Balata and Shu'fat which house thousands of people. There are no tented camps. Camps in the urban areas become very densely populated, but Palestinians prefer to live in these areas because there are more job opportunities. Camps in rural areas are more spacious. 30% of Palestinian refugees in the West Bank live in camps, the rest live outside the camps.

'Statistics indicate that refugee camps are slightly poorer and there are slightly higher rates of violence.

'Discrimination occurs depending on how rough a camp is. Service providers, purchasing land or property is no different.'<sup>58</sup>

#### 1.11.2 The UNRWA representative noted:

'UNRWA do not administer the camps, the PA provide security and police, but the PA police do not go into Balata as it is managed by the camp residents themselves. There is a big difference between the camps. In the

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<sup>54</sup> [International rights group, 26 September 2019](#)

<sup>55</sup> [ICHR, 26 September 2019](#)

<sup>56</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

<sup>57</sup> [ICHR, 26 September 2019](#)

<sup>58</sup> [Representative of UNRWA, 23 September 2019](#)

rural areas, camps may have no police, no security. There is very little control. Other camps are like living in a nice little village in the West Bank with olive trees all around. The challenges in these camps are more about improving sanitation. There are also camps next to settlements where Palestinian children are exposed to violence on the way to and from school and who also have to cross checkpoints to get to school. In Aida there is a high use of tear gas, meaning babies inhale tear gas in the middle of the night. Issues are different depending on the location. In Jericho residents are not paying their electricity bills, so the Israeli Authority is threatening to cut off their electricity supply. It is also short of 80 sanitation workers, so rubbish is not collected. In East Jerusalem there is a lot of violence. It is like a different universe in each camp, with all these different issues.

'Underlying everything is the threat of violence, an increase in gender-based violence and issues around corporate punishment.'<sup>59</sup>

[Back to Contents](#)

## 1.12 Humanitarian situation: Access to food and water

1.12.1 For UNRWA refugees, 'water availability depends on the area and the ability to dig wells. Some camps get water from settlements, through Israeli authorities, through the PA, or from wells.'<sup>60</sup>

1.12.2 The UNRWA representative explained:

'In terms of food supplies, UNRWA does not have a high level of distribution. There is a social safety net programme in both the West Bank and Gaza. The most vulnerable are provided with cash assistance. Due to an increase in case load in the West Bank, UNRWA only provide food to Bedouin communities. UNRWA gives \$10 per person per month (which UNRWA has never been able to increase due to financial restrictions). There is no subsidised food. UNRWA aids 60,000 families, of which 35,000 are included in the social safety net. Money is distributed via an ATM card once a month. The money must be withdrawn within a certain time limit otherwise it is lost. Palestinians cannot allow the money to build up over several months and then withdraw a larger amount.

'The criteria for inclusion in the social safety net programme is via a complex check list. There is a broad range of factors such as the cost of rent, the number of family members, access to employment, assets, health status, disability, who the head of the household is are all considered. Data is computer generated for transparency.'<sup>61</sup>

1.12.3 B'Tselem stated that 'virtually all Palestinians in the West Bank do not get a regular flow of water in their taps'<sup>62</sup>. However the ICHR stated that '95% of people have clean water in the West Bank.'<sup>63</sup>

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<sup>59</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>60</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>61</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>62</sup> [B'Tselem, 26 September 2019](#)

<sup>63</sup> [ICHR, 26 September 2019](#)

- 1.12.4 Source 2 explained that ‘certain villages in Area C and the Jordan valley do not have regular access to clean water, as there may be no mains water or sewerage in these places. The situation in the cities is decent, but in the summer time there is a shortage of water. Israel controls the amount of water in these places.’<sup>64</sup>

[Back to Contents](#)

### 1.13 Education

- 1.13.1 In UNRWA’s 19 camps there are 96 schools<sup>65</sup>. The UNWRA representative noted that ‘people outside the camps can access the services as long as they have a refugee card.’<sup>66</sup>
- 1.13.2 Furthermore, UNRWA stated ‘On education, UNRWA co-operate with the PA. The PA are responsible for educating the refugee boys and UNWRA for educating the refugee girls. There are 48 to 50 children per class. The air con is insufficient, there is not enough training for staff, not enough cleaners for health centres. There are issues with the day to day management. Keeping people motivated is the hardest part.’<sup>67</sup>
- 1.13.3 The diplomatic source stated that one of the main issues the Palestinian population face in Area C is ‘no middle or higher education.’<sup>68</sup>
- 1.13.4 Source 2 explained ‘colleges are booming, particularly for vocational interests and skills training, everyone wants to go.’<sup>69</sup>

[Back to Contents](#)

### 1.14 Employment in the West Bank

- 1.14.1 The ICHR representative stated, ‘there is 15% unemployment in West Bank.’<sup>70</sup> Adding ‘150,000 West Bankers work in Israel and get paid well compared to Gaza. It is better in terms of employment and poverty rate [than Gaza].’<sup>71</sup>
- 1.14.2 According to the UNRWA representative, ‘the monthly minimum wage is about [US]\$300 to \$400 a month, for example for a labourer or bus driver. In Jerusalem wages are higher.’<sup>72</sup>
- 1.14.3 WHO noted that ‘the PA in Ramallah was paying 60% of salaries to public employees, including health workers, in the context of its financial crisis in 2019.’<sup>73</sup>
- 1.14.4 B’Tselem explained ‘the PA have had their budget slashed due to Israeli legislation cutting salaries of Palestinians in West Bank [WB]. The PA are

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<sup>64</sup> [Source 2, 24 September 2019](#)

<sup>65</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>66</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>67</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>68</sup> [Diplomatic source, 27 September 2019](#)

<sup>69</sup> [Source 2, 24 September 2019](#)

<sup>70</sup> [ICHR, 26 September 2019](#)

<sup>71</sup> [ICHR, 26 September 2019](#)

<sup>72</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>73</sup> [WHO, 23 September 2019](#)

the biggest employer and provider of jobs in the WB which many families rely on.<sup>74</sup>

1.14.5 WHO noted:

‘Unemployment rate is extremely high and even higher for youth unemployment. Key statistics can be found on pages 59 to 62 in the [‘Right to Health’ report](#). This has effects on health such as malnutrition in children, which is common in the West Bank. In Area C there are higher rates of stunting in children.

‘The PA previously refused to accept any further funds from Israel which led to a loss of 50% to 60% of its budget - affecting the salaries of PA staff. In some months the PA were able to pay 110% of salaries, but during other months workers were only paid 60%. This impacted the whole economy with one consequence being that Israel threatened to cut the electricity supply across the West Bank due to a lack of payment (the PA pay Israel for electricity). The money collected by Israel from the PA, to pay for Palestinians in detention in Israel, further aggravated the situation.’<sup>75</sup>

1.14.6 Al Haq stated that the ‘Bethlehem job market is very poor. It is strangled by Israel. To make a living, a Palestinian must have their own business, or work in Ramallah where the Palestinian economy is centred.’<sup>76</sup>

1.14.7 The diplomatic source stated in Area C that ‘...there are virtually no jobs apart from farming, which is even becoming more and more difficult.’<sup>77</sup>

1.14.8 The same source added, also in regard to Area C:

‘People cannot work. The biggest employee in the OPTs is the PA, but due to the financial crisis it had to reduce salaries – most people receive only a quarter of their salary. This is forcing Palestinians to work elsewhere, increasing the demand for work permits in Israel and leading to an increase of illegal workers in Israel. This has been allowed, because Israel knows this is the only way that Palestinians can survive. If Palestinians cannot work for the PA because there is no pay, or cannot work within the private sector because opportunities are very low, the obvious choice is to go to Israel, but the permit system is very restrictive. Firstly, a Palestinian must find a job, then apply for a permit. The Palestinian must also find an employer who is willing to offer them a job but also be willing to wait 8 months with no guarantee that the permit will be approved.’<sup>78</sup>

1.14.9 Source 2 noted ‘Young people go to college, but the market economy is not large enough to absorb them, so there are initiatives to create market ... Since February 2019, government employees have only received half of their salaries, so many are trying to find other employment to subsidise their income because they do not know when the situation will improve.’<sup>79</sup>

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<sup>74</sup> [B'Tselem, 26 September 2019](#)

<sup>75</sup> [WHO, 23 September 2019](#)

<sup>76</sup> [Al Haq, 24 September 2019](#)

<sup>77</sup> [Diplomatic source, 27 September 2019](#)

<sup>78</sup> [Diplomatic source, 27 September 2019](#)

<sup>79</sup> [Source 2, 24 September 2019](#)

## 1.15 Healthcare in the West Bank

1.15.1 WHO noted that a major health challenge in the West Bank is due to the conditions of the occupation<sup>80</sup>. The same source also noted

‘The situation in the West Bank is different to Gaza. West Bank medical permit approval rates are higher than Gaza medical permit approval rates. 82% of patient and companion permit applications were approved in 2018. However, the West Bank face different challenges such as access restrictions. The PA does not have much access in terms of providing medical services, much of the services rely on clinics. Mobile services are also restricted.’<sup>81</sup>

1.15.2 WHO referenced page 53 of the ‘Right to Health report 2018’:

‘...In 2018, there were six reported incidents where mobile clinic teams were prevented access to communities in Area C. Four incidents were for the area of Khan AlAhmar. Three incidents occurred in July where clinics delivered by the Palestinian Ministry of Health, Medical Aid for Palestinians (MAP-UK) and the Palestinian Medical Relief Society were prevented access for up to 11 days. A further incident happened from 26 August to 22 September, when MAP-UK’s clinic was prevented access to provide primary care services...’<sup>82</sup>

1.15.3 Furthermore, WHO noted that:

‘Two further incidents of preventing mobile health clinic access occurred in Hebron in May 2018, for clinics delivered by the Health Work Committees. One incident affected the community of Tal Al-Rumeideh, while the second affected the community of Haret Al-Jabari. In addition to prevention of access, Israeli forces confiscated a Palestinian Ministry of Health mobile clinic vehicle on 13 August, on its way to deliver care to four communities in the Masafer Yatta district, in the South Hebron Hills. The clinic vehicle has still not been returned. The Ministry of Health has had to reduce the frequency of its clinic visits since the incident.’<sup>83</sup>

1.15.4 The UNRWA representative noted that ‘primary healthcare is free for those under its social safety net, which also provides a person with 90% coverage of secondary healthcare rather than 40% (which those on the emergency fund receive). UNRWA would distribute more money, if funding allowed, but that is very ad hoc.’<sup>84</sup> The representative added that in the 19 UNRWA refugee camps, there are 42 health centres and that ‘people outside the camps can access the services as long as they have a refugee card.’<sup>85</sup>

1.15.5 The same source noted:

‘Palestinians can access healthcare in any of the UNRWA camps, there is a sharing of medical history. Movement is quite common to access different

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<sup>80</sup> [WHO, 23 September 2019](#)

<sup>81</sup> [WHO, 23 September 2019](#)

<sup>82</sup> [WHO, 23 September 2019](#)

<sup>83</sup> [WHO, 23 September 2019](#)

<sup>84</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>85</sup> [Representative of UNRWA; 23 September 2019](#)

healthcare. For example, Palestinians travel for healthcare from Nablus to Ramallah.

‘UNRWA had mental health units for communities who suffered from house demolitions. But it has had to cut its mental health programme, as well as its mobile health units for Bedouin communities. Last year, it lost 150 staff and half of its protection team. UNRWA are underfunded by 30% in the West Bank alone. The community has really felt the impact of the reduction in funding.’<sup>86</sup>

#### 1.15.6 WHO noted:

‘In the West Bank...the separation barriers, presence of Israeli occupation forces and the expanding settlement infrastructure present unique challenges to health and healthcare provision that differ from the situation in the Gaza Strip. Overall, fragmentation of the Palestinian territory and the political division between the West Bank and Gaza Strip further compound these obstacles. The absence of meaningful peace negotiations or concessions means the situation is unlikely to change in the near future.’<sup>87</sup>

#### 1.15.7 WHO added:

‘Due to irregular payments by the PA to hospitals in East Jerusalem, oncology centres in East Jerusalem have threatened to end the intake of Palestinian referral patients for cancer treatments. It is not clear where these patients would alternatively go for treatment. As of 16 October 2019, the overall debt of the PA to East Jerusalem hospitals, including Augusta Victoria Hospital (AVH) in Jerusalem, was approximately 300 million Israeli Shekels (which corresponds to the treatment costs of almost a whole year – the debt to Augusta Victoria Hospital alone was 185 million Israeli shekels, almost 60% of total debt). The situation reached a critical point on 26 October 2019, when AVH reported that it would have to stop admitting patients unless arrears were paid. The situation has forced the hospital to stop providing chemotherapy treatment for 170 serious cancer cases. The hospital later reached an agreement with the PA, providing for the immediate transfer to the hospital of 40 million Israeli Shekels and the rescheduling of outstanding payments over 12 – 18 months.

‘The PA has substantially reduced referral of Palestinian patients to Israel, after announcing a policy towards ending referrals to Israel in March 2019. There is now a substantial reduction in the number of patients going to Israeli hospitals. WHO referenced its October 2019 monthly report:

‘Low referrals to Israeli hospitals persisted... 341 referrals from the West Bank (29% of the 2018 monthly average of 1,185)....’<sup>88</sup>

#### 1.15.8 Furthermore, WHO stated that ‘since the policy was announced, a higher proportion of Palestinian patients were referred to East Jerusalem hospitals, putting severe strain on services.’<sup>89</sup>

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<sup>86</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>87</sup> [WHO, 23 September 2019](#)

<sup>88</sup> [WHO, 23 September 2019](#)

<sup>89</sup> [WHO, 23 September 2019](#)

- 1.15.9 WHO referenced page 53 of the 'Right to Health report 2018': 'Discriminatory planning and zoning policies and practices in Area C of the West Bank prevent the development of permanent or semi-permanent health facilities for remote communities, meaning that 114,000 (35%) of the 300,000 Palestinians living in Area C have limited access to primary healthcare and are reliant on mobile health clinic provision for access to essential primary care services...'<sup>90</sup>
- 1.15.10 The diplomatic source commenting on Area C mentioned that a 'main problem the population faces is that there is no access to a basic health system'.<sup>91</sup>
- 1.15.11 Source 2 noted 'There is a current negative financial situation regarding the supply of medicines. The PA Ministry of Health (MOH) have growing debts which are due to the referral of patients to non-government facilities when the PA MOH [Ministry of Health] is unable to provide the necessary services. This happened before, but not for this long or this badly.'<sup>92</sup>
- 1.15.12 Furthermore, the source stated:
- 'In the WB [West Bank] public and private hospitals are licenced by the PA MOH. If someone needs treatment and has resources, they will go to the private sector. If they do not have resources, they use government hospitals. One way or another treatment will be available. Israel's goal has always been to formalise services, but this has now stopped. There are less referrals to Israel and new agreements, Memorandums of Understanding (MoUs) are being made with Egypt and Jordan.'<sup>93</sup>

[Back to Contents](#)

## 1.16 Humanitarian aid to the West Bank

- 1.16.1 The Independent Commission for Human Rights (ICHR), the national human rights institution of Palestine noted that in the West Bank, 'issues include land confiscation, settlements, restriction of movement. Israeli human right violations touch every aspect of a Palestinians life. There is no single organisation that can handle all these violations.'<sup>94</sup>
- 1.16.2 WHO stated 'The Palestinian Children's Relief Fund and foreign surgical teams... work in the West Bank...This helps the capacity, although it is not sufficient.'<sup>95</sup>
- 1.16.3 The diplomatic source stated 'when the... organisation wants to start a development programme, it does not look for a green light from Israel, just a non-red light. Programmes include the building of schools, improvements in the health sector, water sanitation and energy - which is a big problem.'<sup>96</sup>

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<sup>90</sup> [WHO, 23 September 2019](#)

<sup>91</sup> [Diplomatic source, 27 September 2019](#)

<sup>92</sup> [Source 2, 24 September 2019](#)

<sup>93</sup> [Source 2, 24 September 2019](#)

<sup>94</sup> [ICHR, 26 September 2019](#)

<sup>95</sup> [WHO, 23 September 2019](#)

<sup>96</sup> [Diplomatic source, 27 September 2019](#)

- 1.16.4 Furthermore, the diplomatic source noted that ‘development programs in Area C are managed in coordination with humanitarian colleagues who also build schools, shelters and agricultural buildings with the same end goal to allow the Palestinian communities to remain where they are.’<sup>97</sup>
- 1.16.5 The diplomatic source observed that ‘Israel is the occupying power and should look after the population, but it does not do that. The diplomatic source’s organisation therefore provides humanitarian aid to the population in need – Israel denies that there is a need for aid.’<sup>98</sup>
- 1.16.6 Source 2 noted that ‘the source’s organisation has...supported burns units in the West Bank (WB) for over 10 years.’<sup>99</sup>

[Back to Contents](#)

## 1.17 Demolitions

- 1.17.1 Al Haq stated that ‘If a Palestinian throws a stone, they pay a heavy price facing a fully armed soldier. The houses of alleged attackers will be demolished, yet this law is not implemented for Israelis when they commit even a more serious crime. There is not symmetry of power. The PA is a dysfunctional government and have a powerful government with a sophisticated army controlling all of the OPT.’<sup>100</sup>
- 1.17.2 The ICHR observed, ‘the Israeli military system and emergency laws are used in the West Bank against Palestinians to justify house demolitions...’<sup>101</sup>
- 1.17.3 Regarding demolitions in Area C, the diplomatic source observed:

‘There is administrative harassment and pressure by Israel - Palestinians need to have coordination and permits to be allowed to build anything in Area C, however these are virtually never granted and therefore virtually all buildings are illegal under Israel’s regulations.

‘The diplomatic source’s organisation works with the PA to make masterplans. A masterplan is needed to receive Israel’s permission to build but they are almost never approved by the Israeli authorities.

‘When Israel wants people to move, it will issue demolition orders to schools, homes, buildings and agriculture shelters. The diplomatic source’s organisation helps Palestinians rebuild in areas when something has been destroyed, or complains to Israel when something has been destroyed which was funded by the diplomatic source’s organisation or another organisation it works with.

‘The diplomatic source’s organisation also works with other organisations to assist communities that receive eviction orders. The diplomatic source’s organisation finances Palestinian communities to construct new buildings but a small proportion of them are regularly destroyed or confiscated. Overall the majority of projects remain in place, but every month a building is

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<sup>97</sup> [Diplomatic source, 27 September 2019](#)

<sup>98</sup> [Diplomatic source, 27 September 2019](#)

<sup>99</sup> [Source 2, 24 September 2019](#)

<sup>100</sup> [Al Haq, 24 September 2019](#)

<sup>101</sup> [ICHR, 26 September 2019](#)

demolished or confiscated that has been paid for by the diplomatic source's organisation or another organisation it works with.'<sup>102</sup>

1.17.4 WHO referenced page 53 of the 'Right to Health report 2018':

'Khan Al-Ahmar is an area encompassing 12 Palestinian communities of approximately 1,400 residents. Like many communities in Area C, the residents have had properties demolished due to lack of permits to build, though permits for Palestinians are virtually impossible to obtain. The entire community has continued to face the threat of demolitions and forced displacement for over ten years, creating a coercive environment. This includes the promotion of plans to relocate Palestinian Bedouin communities to designated urban townships, not suitable for maintaining their livelihoods and way of life; restrictions on access to land and natural resources for livestock grazing; the denial of basic service infrastructure; and the lack of secure residency.'<sup>103104</sup>

[Back to Contents](#)

1.18 Death penalty

1.18.1 B'Tselem observed that the death penalty exists in the West Bank but has 'not been applied since 2005.'<sup>105</sup>

[Back to Contents](#)

## 2. Population data and documentation

### 2.1 Points to note

2.1.1 While this section focuses on the situation in the West Bank, some of information about the administration of the population registry and issuance of passports and IDs cards is applicable to Palestinians in the West Bank, Gaza and East Jerusalem.

[Back to Contents](#)

### 2.2 Population registry

2.2.1 The Palestinian Authorities Ministry of Interior (PA Mol) representatives noted that personal identity information about Palestinians is kept on a computerised database – the population registry.

2.2.2 The PA Mol representatives further noted that the database can be divided into two timelines; 'before' and 'after' the Israelis gave the PA access to the database<sup>106</sup>.

2.2.3 Prior to the PA receiving access to the database, the PA Mol representatives stated:

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<sup>102</sup> [Diplomatic source, 27 September 2019](#)

<sup>103</sup> WHO, 'Right to Health 2018', October 2019, [url](#)

<sup>104</sup> [WHO, 23 September 2019](#)

<sup>105</sup> [B'Tselem, 26 September 2019](#)

<sup>106</sup> [PA – Ministry of Interior, 23 September 2019](#)

‘On the occupation of the West Bank and the Gaza strip in 1967 by the Israeli occupation forces many Palestinians migrated outside of Palestine, due to their fear of the massacres they suffered at the hands of the occupation forces. Some Palestinians remained and did not migrate. The Israeli occupation conducted a census in 1967 and 1968 for all Palestinians who did not leave the country and resided in Palestinian towns, cities and villages in the West Bank and the Gaza strip.

‘Each Palestinian that was counted was issued with an ID number and considered a citizen [resident of the OPTs]. Every Palestinian that was not counted was not issued with an ID number and was not considered a citizen, even if he were originally a Palestinian and registered in the paper birth registers.

‘When the Israeli occupation occupied the West Bank and Gaza strip in 1967 it obtained paper registers containing all the details of the Palestinians who were born in one of the cities, towns or villages of the West Bank and Gaza strip. These paper records contained every Palestinian born since 1917 and until the year of the occupation of 1967.

‘After the occupation every new-born to a Palestinian parent was registered in the paper records by the civil status of the Israeli occupation; when he/she is 16 years old, he/she would be issued with an Id no comprised of 9 digits beginning with a ‘9’.<sup>107</sup>

2.2.4 The PA MoI representatives noted that the ‘Israeli occupation civil administration’ used paper recording until it switched to computerised data entry in 1982. In 1998, the PA was given control of the database.<sup>108</sup>

2.2.5 The PA MoI representatives stated that ‘the Israeli side did not transfer all the data and information in their database to the Palestinian side, where they kept much of the records and information and did not provide them to the Palestinians; such as those Palestinians whom the occupation stripped them of their Palestinian nationality.’<sup>109</sup>

2.2.6 The PA MoI representatives also explained:

‘The database received by the Palestinians from the Israelis became the reference and base for all citizen data in the West Bank and Gaza strip. A computerised and hard copy database of birth and death, where all paper records of births and deaths were turned over to the Palestinians.

‘Since the Palestinian Authority took control and powers, all paper registration was ceased and relied wholly and solely on the computerised database for entering and recording citizen data; while the paper copies were kept for legacy, in particular the births and deaths.

‘Every new-born to any Palestinian father or mother registered since then would be entered into the database and linked to his parents details automatically via the computer by reporting the birth by the hospital of birth;

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<sup>107</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>108</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>109</sup> [PA – Ministry of Interior, 23 September 2019](#)

and then would be issued with a unique ID card number not shared by anyone past or future.’<sup>110</sup>

- 2.2.7 Malik, the representative from the Ministry of Civil Affairs, explained ‘the Population Registry office deals with family population registration, family unification, visit permits, visa extensions and changing of address.’<sup>111</sup>
- 2.2.8 Malik, the representative from the Ministry of Civil Affairs, stated ‘There is a single Population Registry system for both Gaza and the West Bank. Israel has a computer to access the system.’ Malik also stated that ‘a Palestinian needs to have an ID number before being put on the register and needs to be in the country to obtain an ID. Children must be registered in the population registry and have an ID before they reach the age of 16.’<sup>112</sup>
- 2.2.9 Furthermore, Malik stated:
- ‘When a father or mother is Palestinian, their child can be registered on the population registry. Both parents are not required to be Palestinian. If the father or mother die before the child is registered, it is still possible for a relative to register the child. If neither parent has a Palestinian ID, it is not possible to register the child, because Israel does not allow it.
- ‘For family registration, Israel and Palestine have the same database. Some of the records are on paper and some are on a CD which can cause problems.’<sup>113</sup>
- 2.2.10 To find out whether someone is on the Palestinian Population Registry, Malik explained ‘A person can find out if they are on the registry by phoning or speaking to someone at the population registry office. It is possible and easy to make a telephone enquiry. The person can provide his father’s ID details, or their own name and date of birth as well as their mother’s name and date of birth. If the person has an ID number, the computer will find the information.’<sup>114</sup>
- 2.2.11 CAC stated that
- ‘The population registry is run by Israel. When Israel occupied in 1967, it created a new residency status for Palestinians in East Jerusalem. Israel said that all people in East Jerusalem are permanent residents of Israel. There are three categories of residents run by Israel in the Occupied Palestinian Territory: One for Jerusalem, one for Gaza and one for the West Bank. The PA participates in running the West Bank and Gaza population registry, but the final decision is Israeli.’<sup>115</sup>
- 2.2.12 B’Tselem stated that ‘according to the Oslo Accords, Israel has a final say over the Palestinian population register, which is one joint register for Gaza and the West Bank.’<sup>116</sup>

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<sup>110</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>111</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>112</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>113</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>114</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>115</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>116</sup> [B’Tselem, 26 September 2019](#)

Al Haq noted that ‘it is almost impossible to get onto the population registry. It is easier to go through the Israeli Ministry of Interior, but Israel is refusing to approve lists of Palestinians.’<sup>117</sup>

[Back to Contents](#)

## 2.3 Amending the population registry

### 2.3.1 The PA Mol representatives noted:

‘Amending the details of any citizen, “residents’ register or paper register” is divided into:

‘1. The amendment requires a judicial decision from the competent court, such as a change of name, and the such.

‘2. Amendments requiring a resolution from a competent committee pursuant to the civil status law, comprised of the Gen. Dir Civil status Dept., Legal counsel for civil status and the dir. oOf civil register (Gen. Dir civil status in each province). Such amendments would be for minor errors in data entry, or to add a character in one of the quaternary names.

‘3. Amendments requiring documentary evidence to either confirm or rebut a data entry error in the person’s details, e.g., a citizen is registered as a Muslim, but in actuality he is Christian. By providing documentary evidence such as parents’ IdD cards, birth certificates, a letter from the church; the amendment would be applied at the civil status department of the relevant province.’<sup>118</sup>

### 2.3.2 The PA Mol representatives also noted, when asked who is authorised to make amendments to the database:

‘No employee is authorised to access citizens details and make amendments. The authority for making amendments is restricted to the director of the department and an authorised staff member who is given special access to the computer system. Other staff members are not authorised and do not have said access... Specific powers granted to any staff members shall be given via established procedures and controls stored in the computer general directorate; and in both the civil status and passport departments.

‘When a newborn is registered and entered, that would be done via documents, procedures and controls that ensure the accuracy of the details.

‘It is normal that there would be some errors in entering some data, in particular the old data received from the Israeli side. These errors would be remedied via the mechanism referred to in data amendments.’<sup>119</sup>

[Back to Contents](#)

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<sup>117</sup> [Al Haq, 24 September 2019](#)

<sup>118</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>119</sup> [PA – Ministry of Interior, 23 September 2019](#)

## 2.4 Passports

- 2.4.1 The PA Ministry of Interior (PA Mol) representatives noted that there are 2 types of Palestinian passport: 'a regular passport and diplomatic passport.'<sup>120</sup>
- 2.4.2 The PA Mol representatives noted that passports are not yet biometric. It stated that '...the Israeli approved the Palestinian Authority to make the Palestinian passport biometric in 2016.' Further noting that, a French company shipped the computer systems and equipment for the passports from France to Ashdod port in Israel. However, when the shipment arrived in March 2019, the technology was confiscated by the Israeli authorities and 'is still waiting in ports to enter Palestine. All mediation parties have tried to negotiate, but unfortunately this has failed because the Israelis will not approve entry of equipment. Even though the French company shipped the equipment after Israel's approval, Israel has still denied it entering the country.'<sup>121</sup>
- 2.4.3 Malik, the representative from the Ministry of Civil Affairs, explained 'there are diplomatic passports and ordinary ones. The PA has been asking for biometric passports but are still waiting for Israeli approval. The PA must wait for Israel's approval regarding many issues.' The source also noted, 'all Palestinians are entitled to have a passport, but some do not apply for them.'<sup>122</sup>
- 2.4.4 CAC observed that:  
  
'Passports issued to Palestinians in the West Bank are different to passports issued to Palestinians in East Jerusalem. Part of the Palestinian Authority and Israel's agreement, issued according to the Oslo peace agreement, states that once a person from the West Bank or Gaza holds a Palestinian passport, there is no way to revoke their residency status – even if they leave for 10 years. This has not always been the case. Palestinians used to have their residency status revoked all the time, until 1994 when the peace agreement started. However, the peace agreement did not solve how those who already had their status revoked could get it back. The peace agreement stated that these Palestinians should get their status back, but it has never happened, because Israel froze this process. Passports for Palestinians in the West Bank are issued by the PA after the request has been approved by the Israeli authorities. To the best of CAC's knowledge, the PA has not been issuing passports that are not authorised by Israel. Israel controls all entry and exit to the West Bank, if a person's passport is not recognised by Israel they will not be able to get through.'<sup>123</sup>
- 2.4.5 The PA Mol representatives noted that 'there is a central passport register at the ministry of interior headquarters.'<sup>124</sup> The same source noted 'regular passport and diplomatic passport [are] issued only at the General Directorate of passports in the ministry headquarters.' However, the source also stated:

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<sup>120</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>121</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>122</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>123</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>124</sup> [PA – Ministry of Interior, 23 September 2019](#)

‘Any citizen may apply for a Palestinian passport at any civil directorate in all provinces and satellite offices. There are 14 civil directorate and 9 satellite offices; each satellite office is subsidiary to one of the directorates geographically.

‘Directorates

‘Jenin, Tulkaram, Qalqilya, Nablus, Tubas, Salfit, Ramallah, Al Ram, Jericho, Abu Dis, Bethlehem, Hebron, North Hebron, Halhul, South Hebron and Dura.

‘Satellite offices

‘Qabatiya, Bidu, Huwwarah, Beitunia, Yatta, Ad-Dhahiriya, As-Samu, Biddya and Asharawiya.

‘The citizen may prepare a passport application (or any other application) at one of the petition offices around each civil directorate and satellite office. Then goes to any civil directorate of satellite office and submit the application to the relevant staff member.

‘Applications are sent to the passport printing centres according to the catchment of the printing centre; then the passport, after printing, shall be sent to the originating directorate. The citizen would then receive a text message advising to pick up the passport.

‘1. The directorates of Jenin, Tulkaram, Qalqilya, Nablus and Tubas, and their satellite offices will send their passport applications to the Nablus printing centre.

‘2. The directorates of Salfit, Ramallah, Al Ram, Jericho and Abu Dis and satellite offices will send their passport applications to the Ramallah printing centre.

‘3. The directorates of Bethlehem, Hebron, North Hebron, Halhul, South Hebron and Dura, and satellite offices will send their passport applications to the Hebron printing centre.

‘□ Regarding the passports of the citizens residing in the Gaza strip, the applications and passport printing shall be done in the Gaza passport printing department, in an independent centre in Ramallah.

‘□ Diplomatic passports are only issued in the printing centre in the ministry of Interior headquarters.

‘□ Regarding issuing passports to those residents outside Palestine, the applications would be submitted to one of the embassies or consulates worldwide, the applications would then be sent to the ministry of interior headquarters. These passports are printed in the ministry headquarters and then sent to the originating embassies or consulates.’<sup>125</sup>

#### 2.4.6 The locations of the passport printing stations are:

‘...north of the west bank that serves the residents of Nablus, Jenin, Tulkaram, Qalqilya, Tubas and the villages that are subsidiary to these cities.

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<sup>125</sup> [PA – Ministry of Interior, 23 September 2019](#)

‘...in mid-West Bank, Ramallah, that serves the resident of Ramallah, Al Ram, Jericho, Abu Dis, Salfit and towns & villages that are subsidiary to these cities.

‘south of the West Bank, Hebron, that serves the residents of Hebron, Bethlehem, Yetta, Dura, Ad-Dhahiriya, Halhul, and the municipalities, towns and villages that are subsidiary to these cities.’<sup>126</sup>

2.4.7 The ICHR noted that ‘if someone lives in the West Bank, they can receive their passport within hours of application.’<sup>127</sup>

2.4.8 The PA MoI representatives also noted: ‘The passport database is a copy of the citizen database in the civil status system [i.e. the population registry]. Any amendments to the citizen details in the civil status system, is directly reflected in the passport database. The entity authorised to make amendments is the civil status directorate, subordinate to the Ministry of Interior.’<sup>128</sup>

2.4.9 Malik, the representative from the Ministry of Civil Affairs, explained ‘The PA do not revoke Palestinian passports, even if a person is a criminal... A Palestinian can stay out of the country for 10 or 20 years and keep his... passport.’<sup>129</sup>

[Back to Contents](#)

## 2.5 ID cards

2.5.1 Malik explained that ‘the Ministry of Interior office deals with Palestinian IDs’ and that ‘ID numbers are found in the passport’<sup>130</sup>.

2.5.2 In addition, Malik stated:

‘The Palestinian ID card is green and has a random 9-digit number, the person’s name, date of birth, place of birth, place of residency, mother’s name, passport issuing place and issuing date. There is no expiry date. There is a family book which is like a slip of paper and this shows the registered husband, wife and children who are below the age of 16. A child has their own ID card when they turn 16. Anyone with a Palestinian ID card can have a Palestinian passport.

‘Palestinians in the West Bank do not hold residency cards or any other type of ID card, just the green ID card.

‘People are given an ID card on the same day of application, as it takes 5 minutes to issue. But during the Jewish holidays there are problems transferring data because the Israelis are on vacation. People can register their children in the West Bank...’<sup>131</sup>

2.5.3 Regarding any issues related to the issuance of IDs, Malik explained ‘Regarding any issues with IDs, there are only technical problems. For

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<sup>126</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>127</sup> [ICHR, 26 September 2019](#)

<sup>128</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>129</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>130</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>131</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

example, in urban areas such as in Hebron, where some women give birth at home and sometimes do not feel the need to register their children because they are not sent to school. There is only a small number of people who do this...'<sup>132</sup>

- 2.5.4 Furthermore, Malik explained 'The PA are encouraging Palestinians to return and apply for IDs. The Israeli side can revoke IDs, it has been done. But the PA do not. The PA do not want to remove anyone from the registry if they are Palestinian – even if they have dual nationality. A Palestinian can stay out of the country for 10 or 20 years and keep his ID...'<sup>133</sup>
- 2.5.5 Al Haq noted that 'Palestinians from the West Bank carry green IDs with Hebrew and Arabic writing which cannot be directly revoked by the Israeli authorities, unlike Palestinians from Jerusalem whose inferior status can be easily revoked.'<sup>134</sup>
- 2.5.6 Al Haq noted that 'there is a formal procedure to apply for an ID or status. A person must apply on the Palestinian side, then they must have Israel's approval. The PA is not really a sovereign government.'<sup>135</sup>
- 2.5.7 Regarding IDs and passports, CAC said that 'the peace process allowed the PA to issue passports and documents, but these documents must be in line with Israel's rules. It is up to Israel to decide who the ID cards and passports are issued to, as it is run by Israel, but the PA carry out administrative tasks.'<sup>136</sup>

[Back to Contents](#)

## 2.6 UNRWA registration cards

- 2.6.1 UNRWA provides registration cards to refugees in the West Bank, which are the same as those used in Gaza<sup>137</sup>.  
See [Gaza: Documentation - ID and passports](#).
- 2.6.2 UNRWA stated 'There are registration offices in each of the areas and in the camps. Parents register their babies when they are born. The registration function is very important because it registers births, ID cards and keeps track of numbers – it is the basis of all programmes. It is quite easy to replace registration cards, if someone loses their card for example, but there is a process and procedure to be followed.'<sup>138</sup>

[Back to Contents](#)

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<sup>132</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>133</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>134</sup> [Al Haq, 24 September 2019](#)

<sup>135</sup> [Al Haq, 24 September 2019](#)

<sup>136</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>137</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>138</sup> [Representative of UNRWA; 23 September 2019](#)

## 2.7 Residency status

- 2.7.1 CAC mentioned that according to Israeli law, a Palestinian from the West Bank 'cannot ever have permanent residency status or citizenship in Israel'.<sup>139</sup>
- 2.7.2 Furthermore, the source noted that 'part of the Palestinian Authority and Israel's agreement, issued according to the Oslo peace agreement, states that once a person from the West Bank or Gaza holds a Palestinian passport, there is no way to revoke their residency status – even if they leave for 10 years.'<sup>140</sup>
- 2.7.3 CAC noted 'Palestinians used to have their residency status revoked all the time, until 1994 when the peace agreement started. However, the peace agreement did not solve how those who already had their status revoked could get it back. The peace agreement stated that these Palestinians should get their status back, but it has never happened, because Israel froze this process.'<sup>141</sup>
- 2.7.4 The ICHR noted 'West Bankers have resident rights in the West Bank and subject to Israeli military laws.'<sup>142</sup>

[Back to Contents](#)

## 3. East Jerusalem

### 3.1 Freedom of movement

- 3.1.1 Al Haq stated: 'Israel expands its land at their total discretion. The general rule is no Palestinian (from the West Bank or Gaza) can enter Jerusalem unless they have a permit. With a permit, a Palestinian can enter through designated checkpoints only. Permits are limited in dates and times. They implemented this policy in the aftermath of the first Intifada.'<sup>143</sup>
- 3.1.2 The source also stated 'Blocking access to Jerusalem every day does tremendous damage to the Palestinian identity, history and culture. All Israeli policies are trying to impose a Jewish identity on Jerusalem, and to remove all Arab identity in the city. The closure of Palestinian cultural organisations by Israeli soldiers is ongoing.'<sup>144</sup>
- 3.1.3 Al Haq noted:

'The most brutal policy is the Jerusalem closure policy which affects all Palestinians [i.e. restricting access to Palestinians who are not resident in the city]. The closure of Jerusalem violates the very basis of Palestinian life on a daily basis. The policy is not only about freedom of movement with security and dignity, but it affects everyday life, for example where someone

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<sup>139</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>140</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>141</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>142</sup> [ICHR, 26 September 2019](#)

<sup>143</sup> [Al Haq, 24 September 2019](#)

<sup>144</sup> [Al Haq, 24 September 2019](#)

can work, where someone can study, who somebody can marry, it touches the very heart of the Palestinian culture and collective identity.’<sup>145</sup>

- 3.1.4 Al Haq stated ‘Palestinians must cross a checkpoint by foot, as they cannot take their cars into Jerusalem. Palestinians leave their cars parked on the West Bank side of the checkpoint. Once they have walked through the checkpoint by foot, they can then take the bus. Palestinians have a magnetic card and permit and they stand in line to go through metal detectors. Access through a checkpoint is always at the discretion of the Israeli soldiers.’<sup>146</sup>
- 3.1.5 WHO noted that ‘there is a blanket ban on free movement without a permit into East Jerusalem and Israel for the rest of the population, with over 100 types of different permits.’<sup>147</sup>

[Back to Contents](#)

## 3.2 Security situation

- 3.2.1 The UNRWA representative mentioned that there is a lot of violence in East Jerusalem<sup>148</sup>.
- 3.2.2 Al Haq stated that ‘Palestinian events are systematically attacked by the Israeli police and closed down.’<sup>149</sup>
- 3.2.3 Breaking the Silence noted that Israeli ‘police and border patrols are present in East Jerusalem, the IDF is not.’<sup>150</sup>

[Back to Contents](#)

## 3.3 Documentation: Population registry

- 3.3.1 CAC stated ‘In East Jerusalem, the population registry is run by the Israeli Ministry of Interior. Jerusalem’s population registry is an electronic system. If a Palestinian has an ID number that means they are on the population registry. A Palestinian’s ID can be revoked and is key to knowing whether someone has permanent residency or not.’<sup>151</sup>

[Back to Contents](#)

## 3.4 Residency status

- 3.4.1 CAC mentioned that ‘when Israel occupied in 1967, it created a new residency status for Palestinians in East Jerusalem. Israel said that all people in East Jerusalem are permanent residents of Israel.’<sup>152</sup>
- 3.4.2 HaMoked noted ‘Almost all Palestinians from East Jerusalem are “permanent residents of Israel”, but they do not have citizenship. Their residency can be revoked if a person leaves Jerusalem/Israel for 7 years or longer. Residency is not automatically passed on to their child. A Palestinian

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<sup>145</sup> [Al Haq, 24 September 2019](#)

<sup>146</sup> [Al Haq, 24 September 2019](#)

<sup>147</sup> [WHO, 23 September 2019](#)

<sup>148</sup> [Representative of UNRWA, 23 September 2019](#)

<sup>149</sup> [Al Haq, 24 September 2019](#)

<sup>150</sup> [Breaking the Silence, 25 September 2019](#)

<sup>151</sup> [Community Action Centre \(CAC\), 23 September 2019](#)

<sup>152</sup> [Community Action Centre \(CAC\), 23 September 2019](#)

permanent resident of Israel has to proactively register their child, whereas an Israeli new born is automatically given an ID number.<sup>153</sup>

3.4.3 Al Haq stated 'East Jerusalemites have an inferior permanent residency status [to Israelis]. They are treated like visitors in their own city, their status can be very easily revoked at full discretion from the Israeli Ministry of Interior. This can additionally happen under the 2018 law which states that if a Palestinian "breaches their allegiance" to Israel, their status will be revoked.'<sup>154</sup>

3.4.4 CAC added:

'Israel has a policy where residency can be revoked under different criteria:

1. If a person lives outside Israel, which has been interpreted into:

- If a person receives a permanent residency abroad
- If a person receives a citizenship abroad
- If a person has lived outside Israel for 7 years: this is still written in the law but now the more important criteria is the 'centre of life'.

2. There is now a new justification for residency revocation which is known as "breaching allegiance to the state of Israel".<sup>155</sup>

3.4.5 CAC stated 'If a person's 'centre of life' is outside Israel, the person may lose their residency. If a person works abroad or spends most of their time abroad, their 'centre of life' is not in Israel. A person's 'centre of life' is the most important criteria for losing residency status – this is specific to the people of East Jerusalem, it is a fragmented Palestinian society. This started happening in 1995.'<sup>156</sup>

3.4.6 Furthermore, CAC explained:

'If a person proves that they have been studying abroad, it is unlikely that their residency will be revoked. Studying abroad is a good defence to keep the residency status. If a person has 2 houses - one in Jerusalem and one in the West Bank (Jericho/Ramallah for example), the Israeli authorities will look at where the person spends most of their time. Israel will compare electricity bills, water bills and where the children go to school. If a person spends more time outside of East Jerusalem, they may lose their residency.

'The other method of revoking residency started as a practical action in 2006 and became law in 2018 and is known as 'Breaching Allegiance to the State of Israel'. This is defined as attempting or inciting terrorism or the crime of treason. Israel started revoking statuses before the law even existed, the supreme court held the revocation for 6 months before it could become law. Israel revoked the residency of a young man accused and later convicted with man slaughter after he threw a stone at a moving vehicle leading to the death of an Israeli driver. When the young man leaves prison, he will have nowhere to go. Throwing a stone is defined as terrorism and a person's

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<sup>153</sup> [HaMoked, 25 September 2019](#)

<sup>154</sup> [Al Haq, 24 September 2019](#)

<sup>155</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>156</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

residency can be revoked for that. It is very dangerous because it is not known what other ways Israel will use this new law yet.

‘Inciting terrorism can be based on what people post on Facebook – if a person celebrates something negative towards Israel, that may be classed as inciting terrorism<sup>157</sup>.

3.4.7 Regarding a child’s residency, CAC stated:

‘Residency status does not automatically pass to children, because it does not matter whether a Palestinian is born in Palestine. Most of the population are only residents in Israel. Israel issues a travel document to permanent residents with a re-entry visa stamped on it.

‘There are certain criteria to fulfil to pass on residency status to children:

‘The easiest is if both parents are permanent residents and their status is not questionable. They live in Israel or East Jerusalem and their ‘centre of life’ is in Israel or East Jerusalem.

‘Some children are not registered for several reasons and if a child is not registered, they become an adult without a status. A Palestinian parent can register their child up to the age of 14 if the child is seen by the Israeli authorities as a former West Bank or Gaza resident. The rule is very specific and complicated depending on ages. 14 years is the final age when this process can be started to get a West Bank child registered, their ‘centre of life’ evidence, including if appropriate, evidence of College - attendance to college for 2 years is necessary.

‘The photo journalist, Mustapha al-Kharouf, was denied family unification after marrying. He published photos of a Hamas rally, he faces the threat of being deported and is currently in prison. He is stateless and Status-less. In Mustapha al-Kharouf’s circumstance, he was not registered as a child. He became an adult without residency, he does not have the right to live legally anywhere on this planet. There are many children and adults who do not have the right to live in Jerusalem right now, the Israeli law blocks it. It is impossible to know how many people are not registered. Those without residency rights are stateless.’<sup>158</sup>

3.4.8 Mousa Ramawi, the Director General of MADA stated ‘...For “security reasons”, The Israeli Occupation authorities refused to grant the journalist Mustafa Al-Kharouf residency in Jerusalem, even though he had lived and resided there ever since he was a child with his family and now lives there with his wife and children. Al-Kharouf does not hold any other nationality and he has never been arrested or convicted of any offence or felony.’<sup>159</sup>

3.4.9 HaMoked observed:

‘Registration for East Jerusalem residency is much more complex for children if there is any indication that they have lived in PA run areas. The cut off age to become a resident in East Jerusalem is 14 years old for people who have lived in the PA run areas. If children do not apply by then, they

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<sup>157</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>158</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>159</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

lose possibility of becoming Israeli residents. If both a child's parents are from East Jerusalem, then the cut off age is 18 – unless there is any suspicion that they have ever lived in the West Bank.

'Because the process is so complex, parents often do not start the child registration process early enough because they do not have the time to go through all the processes and hoop jumping. Then it becomes urgent because children are at risk of losing eligibility for East Jerusalem residency for the rest of their lives.'<sup>160</sup>

- 3.4.10 The ICHR stated 'East Jerusalemites are residents in East Jerusalem without Israeli citizenship rights and are subject to Israeli laws.'<sup>161</sup> However, CAC observed 'East Jerusalem Palestinians can apply for Israeli citizenship. Numbers of these applications are increasing due to the problems faced for Palestinians without citizenship. Palestinian children who are automatically citizens can leave Palestine and come back with no problems.'<sup>162</sup>

[Back to Contents](#)

### 3.5 ID and passports

- 3.5.1 The representative of the Ministry of Affairs explained that 'most Palestinians in East Jerusalem have an East Jerusalem ID issued by Israel, but are not given full Israeli citizenship.'<sup>163</sup>
- 3.5.2 Regarding passports, Malik, of the PA ministry of civil affairs, stated that 'most Palestinians in East Jerusalem have Jordanian passports.'<sup>164</sup>
- 3.5.3 Regarding the issuance of IDs and passports, CAC stated that 'East Jerusalem is under the total rule of Israel.'<sup>165</sup>
- 3.5.4 According to CAC:

'East Jerusalemites have two travel documents – a Jordanian travel document (known as a temporary passport) and an Israeli travel document. When Israel occupied Jerusalem in 1967, Jordan considered the West Bank (including Jerusalem) as part of Jordan. In 1988 the king of Jordan disengaged the West Bank and Jordanian citizenships were revoked. Jordan continues to give temporary passports to Palestinians in East Jerusalem - issued every 5 years. People used to have to go to Jordan to get these passports, but they can now be applied for in Jerusalem. The passport number has a T before the number (T for temporary). Different countries treat this document differently. For example, Turkey and Tunisia currently allow the holders of this passport to enter without a visa, but countries such as Lebanon, Egypt and Syria make it difficult to get visas based on this passport. Denmark and Switzerland do not accept the passport, but the Schengen zone does. Most of the countries of the world accept this travel document and stamp visas on it. Holders of this temporary passport are not considered as Jordanian citizens.

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<sup>160</sup> [HaMoked, 25 September 2019](#)

<sup>161</sup> [ICHR, 26 September 2019](#)

<sup>162</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>163</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>164</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>165</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

‘The Israeli travel document issued to Palestinians, a laissez passer, states that citizenship is Jordanian in most cases (which is wrong). There is a re-entry visa to Israel stamped on one of the pages of this laissez passer document and the visa is valid for as long as the travel document is valid – up to 5 years. It is easy to renew the document if a person’s status is stable – it can be renewed in Jerusalem or in an Israeli embassy, as long as the person’s status is not questionable. It does not take long to get it renewed in East Jerusalem, it takes 10 days. The problem is getting an appointment with the Israeli Ministry of Interior – this takes months. Palestinians have to physically go, as biometrics are required.

‘East Jerusalem Palestinians can apply for Israeli citizenship. Numbers of these applications are increasing due to the problems faced for Palestinians without citizenship. Palestinian children who are automatically citizens can leave Palestine and come back with no problems.’<sup>166</sup>

- 3.5.5 Al Haq noted that ‘there are different types of identity cards. If a Palestinian is labelled to be from Jerusalem, they have a different ID and legal status [than those from the West Bank or Gaza].’<sup>167</sup>

[Back to Contents](#)

## 3.6 Family unification

- 3.6.1 CAC noted that if a Jerusalemite is married to someone from the West Bank, they can apply for family unification<sup>168</sup>. The organisation stated:

‘If successful, they will be awarded a permit which needs to be renewed every one or two years. The most they can receive if they are from the West Bank and married to a Jerusalemite or Israeli is a permit which is renewed periodically. This permit does not allow a person to drive a car in Israel (even if they have a driving licence) and it does not allow them to become a part of the social welfare system. Recently, people have been able to join the medical insurance system after paying a large amount upfront. A recognised resident is automatically part of the social welfare and medical insurance systems, but these types of Palestinians are excluded.’<sup>169</sup>

- 3.6.2 CAC added:

‘Kufr Aqab is a town inside of the municipality of Jerusalem. It is “inside” the areas that Israel consider as part of its sovereign territory, but on the Palestinian side of the wall. Here there are uncharacteristically tall buildings. People cannot build out, so they build up and it enables them to be within Jerusalem. If someone wants to keep their East Jerusalem status and marries someone from the West Bank, they live in Kufr Aqab to be close to their West Bank spouse, as it is easier for people to live there, go to work and to live with their partners. Many people do not like to take their West Bank partners into East Jerusalem as they are fearful of the police. Their West Bank partners may be subject to abuse or deportation. But most

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<sup>166</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>167</sup> [Al Haq, 24 September 2019](#)

<sup>168</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>169</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

people will live together, even if illegally, and many do not have the money to live in two places.’<sup>170</sup>

3.6.3 CAC noted:

‘In 2007, Israel added 4 countries where family unification is banned – Iraq, Iran, Lebanon and Syria. There was a court case against this as this is discrimination. Israel argue that it is a security measure, but there has not been a case to show that someone from these countries did something against Israeli security. Effectively this means that if someone is married to an East Jerusalemite or an Israeli and is from one of these countries, they cannot get residency. There are families who live separately or move abroad so they can be together.’<sup>171</sup>

3.6.4 Al Haq stated that it is hard for Palestinians from East Jerusalem to marry Palestinians from the West Bank and impossible to marry from Gaza<sup>172</sup>.

3.6.5 Al Haq noted:

‘Family unification has been frozen since 2003. A Palestinian from the West Bank married to a Palestinian from East Jerusalem must go through a bureaucratic procedure to get a status to be allowed to live in East Jerusalem normally. Such restrictions do not apply on Jewish Israelis. Palestinians can live with uncertainty for years. In 2003 the Israeli Knesset stated that people from “enemy states” cannot apply for family unification. The West Bank and Gaza fall under such definitions.

‘There are two exceptions for granting family unification for spouses from the West Bank. The first is that the wife has to be 25 years old or over and the man has to be 35 years old or above. The second exception is under “humanitarian” circumstances. If a person is granted, the best situation they can hope for is a receiving a military permit for one year which has to be renewed annually.’<sup>173</sup>

3.6.6 Al Haq stated:

‘An example of being granted family unification under humanitarian circumstances is if a Palestinian man from East Jerusalem is sick and needs his West Bank wife to work in order to support and provide for him, his wife could be granted. However, Palestinians who are granted this permit are not allowed to drive. There are some organizations who help Palestinians by filing court petitions to have the right to work and to receive basic health insurance (Al- Haq does not provide legal aid, only advocacy). This law on family unification has a lot to do with freedom of movement. Palestinians usually have to pay thousands of shekels to go through the procedure to appoint a lawyer to correspond with the Israeli Authorities. The cost depends on the case and the number of years it takes.

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<sup>170</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>171</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>172</sup> [Al Haq, 24 September 2019](#)

<sup>173</sup> [Al Haq, 24 September 2019](#)

‘People emigrate due to these policies, the system is designed to make people leave. It is oppressive and psychological. People decide to leave for a better life.

‘These policies are not about security, it is about subjugation and humiliation.’<sup>174</sup>

### 3.6.7 HaMoked stated:

‘If an East Jerusalemite marries a West Banker, they would need to go through family unification. The West Banker can receive a temporary stay permit, which is not formal residency status and does not allow them to drive, they cannot access social services and have to renew their permit once a year. Some couples who have been married for 20 years have to keep submitting documents to prove that they are married. Family unification is not possible for people from Gaza as it is impossible for Gazans to move to East Jerusalem to be with family.

‘East Jerusalemites have access to the Israeli NHS. Their West Bank spouses can join the system, but they have to pay quite a high entry fee, and their health insurance is generally more expensive than it is for Israelis. There is an age limitation on West Bank spouses to receive permits, they can only begin family unification if the West Bank wife is 25 years or older and if the West Bank husband is 35 years or older.’<sup>175</sup>

### 3.6.8 Malik, the representative of the Ministry of Affairs, explained:

‘If a child does not apply for an ID card before he or she turns 16, it leads to the family unification process.

‘There are 2 cases where family unification is needed:

- ‘A person is born in Palestine but does not register for an ID or residency before the age of 16 – the person must ask for family unification to Israel
- ‘Visitors. People who enter Palestine on visas and stay illegally, such as wives of foreigners. This way has been stopped since Netanyahu took charge.’<sup>176</sup>

[Back to Contents](#)

## 4. Gaza

### 4.1 Overview

4.1.1 UNRWA support nearly 2 million refugees in Gaza<sup>177</sup>.

4.1.2 The ICHR explained that in Gaza, ‘people do not have life opportunities in general. Gaza is the densest [populated] area in the world, 1.9 million people in 360 square kilometres.’<sup>178</sup> It also stated that ‘Gaza is an explosion waiting

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<sup>174</sup> [Al Haq, 24 September 2019](#)

<sup>175</sup> [HaMoked, 25 September 2019](#)

<sup>176</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>177</sup> [Representative of UNRWA, 23 September 2019](#)

<sup>178</sup> [ICHR, 26 September 2019](#)

to happen and will potentially be a refugee problem for Europe, Turkey and Egypt. Many people try to leave Gaza by sea to reach Turkey...<sup>179</sup>

- 4.1.3 B'Tselem explained 'There is gender-based violence, suicide, self-medication with anti-depressants, hopelessness, unemployment, malnutrition, lack of education. There are so many issues that are affecting Gaza and these issues are not a result of a natural disaster, it is purely the result of Israeli government decisions, compounded by Egypt, the PA and other international actors, and due to the Israeli blockade.'<sup>180</sup>
- 4.1.4 The diplomatic source noted, 'the situation in Gaza is well documented. There are UN reports which state Gaza will not be sustainable after 2020... Gaza's economy is blocked, there is no cash, no jobs, nothing can enter or exit Gaza without a high level of tax from Egypt, Israel and Hamas.'<sup>181</sup>
- 4.1.5 The same source added 'Gaza is small enough that the wall is always seen and there is a sense of being trapped.'<sup>182</sup>

[Back to Contents](#)

## 4.2 Freedom of movement

- 4.2.1 The Palestinian Authority Ministry of Interior (PA MoI) representatives noted that the Palestinian people 'have no contact with the outside world except via the ports and crossings controlled by the Israelis.'<sup>183</sup>
- 4.2.2 HaMoked stated:

'The Oslo Accords recognise the West Bank and Gaza as one political entity and had provisions for movement between the two, however, around the mid-1990s, Israel implemented a policy called "Differentiation policy" between Gaza and the West Bank which deliberately created a distinction between the two. The Israeli authorities closed the Gaza Strip, making it difficult to move in and out of, especially after the 2005 Israeli withdrawal from Gaza and the 2006 elections in the Palestinian Authority, following which Hamas rose to power in Gaza. Entering and exiting Gaza is very restricted.'<sup>184</sup>
- 4.2.3 The ICHR stated that 'since Hamas has had control of the system... Palestinians have difficulty leaving Gaza.'<sup>185</sup>
- 4.2.4 The UNRWA representative stated that 'leaving Gaza depends on permits and on the regime. There was a recent case of a young disabled woman who had a permit to leave rejected due to "security issues", even though she received a scholarship to study in the UK. There is limited opportunity for people to leave'<sup>186</sup>.
- 4.2.5 B'Tselem observed:

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<sup>179</sup> [ICHR, 26 September 2019](#)

<sup>180</sup> [B'Tselem, 26 September 2019](#)

<sup>181</sup> [Diplomatic source, 27 September 2019](#)

<sup>182</sup> [Diplomatic source, 27 September 2019](#)

<sup>183</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>184</sup> [HaMoked, 25 September 2019](#)

<sup>185</sup> [ICHR, 26 September 2019](#)

<sup>186</sup> [Representative of UNRWA, 23 September 2019](#)

‘...there is 12 years of full Israeli blockage, controlling what goes in and goes out of Gaza. Nothing can enter or exit without passing through Israeli border control, except for a small amount which passes from Egypt. There are monitoring and restrictions which have caused the economy to collapse. The economy was based on manufacture and agriculture, but it cannot recover while the restrictions are in place. Israel prohibits many essential raw materials from entering and restricts exports. This hinders a productive economy, industry and agriculture...

‘Aside from this, another restriction is the movement of people.’<sup>187</sup>

- 4.2.6 B’Tselem continued ‘The main issue when it comes to Gaza is the exit of 2 million Gazans through borders controlled by Israel to get to the West Bank or abroad. They need approval to travel through Israel and there is a blanket restriction on exit and movement permits, which means that most exit is prohibited, and only some cases are allowed.’<sup>188</sup>
- 4.2.7 Furthermore, ‘Israel has declared all of the border areas as no go zones, so people wanting to cultivate land, herd or collect rubble are unable to do so.’<sup>189</sup>
- 4.2.8 Gisha explained ‘the control over freedom of movement has a ripple effect. It effects the right to access education, work, healthcare and family.’<sup>190</sup> Furthermore, ‘regarding emigration from Gaza, Gisha referred to the article published in August 2019, [‘Israel dreams of transfer’](#).’<sup>191</sup>
- 4.2.9 The international rights group noted that ‘the main issue with Gaza is the 12-year unlawful closure and the policy of severe restrictions of movement and goods, as well as the generalised ban on travel outside of exceptional humanitarian situations.’<sup>192</sup>
- 4.2.10 The same international rights group noted, ‘there is a generalised ban on travel which is not based on a security assessment. People can have a medical permit one week but [can] be denied a holiday permit the next week.’<sup>193</sup>
- 4.2.11 The international rights group noted there are restrictions on goods ‘For some time, there has been a ban on margarine allowed in industrial quantities, while permitted in smaller quantities. For example, Israel is trying to choke the cookie factory, not for security reasons. Most vegetables not allowed onto the Israeli market, but tomatoes and eggplants exempted. No security logic.’<sup>194</sup>
- 4.2.12 The ICHR noted that ‘sometimes, Hamas restricts movement of Gazans either through Erez or Rafah on security or political grounds.’<sup>195</sup>

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<sup>187</sup> [B’Tselem, 26 September 2019](#)

<sup>188</sup> [B’Tselem, 26 September 2019](#)

<sup>189</sup> [B’Tselem, 26 September 2019](#)

<sup>190</sup> [Gisha, 25 September 2019](#)

<sup>191</sup> [Gisha, 25 September 2019](#)

<sup>192</sup> [International rights group, 26 September 2019](#)

<sup>193</sup> [International rights group, 26 September 2019](#)

<sup>194</sup> [International rights group, 26 September 2019](#)

<sup>195</sup> [ICHR, 26 September 2019](#)

- 4.2.13 Source 2 stated 'The only way the situation can change is with a major political change. In the 1980s people could move freely, Palestinians from different areas (West Bank and Gaza) could easily get married to each other, but that is no longer the case. If you are a regular person with no VIP, business or International Non-Governmental Organisation (INGO) connection, it is almost impossible to get in or out.'<sup>196</sup>
- 4.2.14 Malik from the Ministry of Civil Affairs mentioned that 'Palestinians have issues leaving Gaza and must go through the Rafah crossing to reach the West Bank, but it is not open every day throughout the year.'<sup>197</sup>

[Back to Contents](#)

### 4.3 Exit and entry permits for people in Gaza

#### 4.3.1 Gisha noted:

'Documents needed to enter and exit Gaza depend on the person. A resident of Gaza who wishes to exit through Israel needs approval from the de facto authorities in Gaza ( Hamas) as well as an exit permit from Israel. Even if a Palestinian from Gaza wants to transit through Israel and the West Bank to go to Jordan, it can be incredibly difficult to be granted a permit. There is a limited set criteria to be eligible to apply and an application can take months, even though some criteria are under urgent circumstances.'<sup>198</sup>

- 4.3.2 Regarding trader permits, Gisha explained that Palestinians 'require business documentation'.<sup>199</sup> The organisation added 'there is also an age restriction – those applying must be over 25. This used to be 35, but it was reduced in May 2019, as part of an amendment to the Status of Authorisations document. Gisha provided the latest [document from August 2019](#)'.<sup>200</sup>

#### 4.3.3 Gisha mentioned:

'Regarding response times to permit applications, Gisha referred to a [directive](#) setting out exact timelines, updated in October 2017.

'Very often, regardless of the processing times, people do not receive responses in time to travel for the reason they wished to travel in the first place and sometimes do not receive responses at all. Typically, people approach Gisha either when their applications have been rejected or if they have not received a response.'<sup>201</sup>

#### 4.3.4 Regarding reasons for rejection, Gisha explained:

'The most common reasons given for permit requests being rejected are that people do not meet the criteria or that they were blocked from travel for security reasons. Gisha referred to an August 2019 article by [Haaretz](#) regarding this. There is no further detail or explanation of what the security reasons are, but the Israeli authorities have determined that these people

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<sup>196</sup> [Source 2, 24 September 2019](#)

<sup>197</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>198</sup> [Gisha, 25 September 2019](#)

<sup>199</sup> [Gisha, 25 September 2019](#)

<sup>200</sup> [Gisha, 25 September 2019](#)

<sup>201</sup> [Gisha, 25 September 2019](#)

are a security risk of some kind. They are considered to be involved with Hamas, or have family members who are, or have lost family members in a military incident in the past. This is incredibly common and is almost a default response without processing individual applications. When challenged, over 50% are dropped. Sometimes challenges end up in court. The Israeli state presents the security reason to the judge behind closed doors.

'The lengthy processing times mean that people may not be able to access the reason for their travel. Many people have missed funerals, weddings, medical appointments, or their family members die whilst they are waiting. Students miss the start of the academic year and it is very common for people to miss appointments with the consulate for a visa interview.'<sup>202</sup>

#### 4.3.5 Gisha stated:

'Gisha's main interlocutor with respect to permits is COGAT, the Coordinator of Government Activities in the Territories. When a Palestinian wants an exit permit to travel out of Gaza to or through Israel, their application goes initially to the Palestinian PCAC, who passes it onto the CLA and then to COGAT. Israel/COGAT sometimes deny having received applications from the CLA and sometimes the CLA do not pass the applications onto COGAT. The restrictions in Gaza mean that many people do not even try to leave. Gisha conducts outreach in Gaza to encourage people to apply.'<sup>203</sup>

#### 4.3.6 Regarding the process of returning to Gaza, Gisha observed:

'Re-entry is usually relatively smooth for people entering within their permit time. Many people who return are businessmen travelling to the West Bank for economic reasons, or travelling to visit family in Israel or the West Bank and their homes are in Gaza.

'Gisha have been approached by individuals who have been denied access to travel out of Gaza on basis that they have a relative who has not returned within the time limit of their permit.

'Family members of people who have stayed outside Gaza too long may get more hassle and have permits denied through association.'<sup>204</sup>

#### 4.3.7 The diplomatic source explained:

'In 2017, out of the 50,000 permit applications to exit and enter, 7,000 were granted. The only hope Palestinians in Gaza have, apart from ending the blockade, is to leave permanently or to receive a work permit for Israel to be able to sustain the family, or to leave for a few years to earn enough money to be able to return and make a difference.

'Out of the 60,234 exit applications in 2016, 24,000 were approved – mostly for 3 or 5 days for worship or to exit over the bridge to Jordan. Nobody has overstayed (Palestinians returning late are arrested or detained). Permits to Jerusalem are granted for 2 days and does not allow Palestinians to enter the West Bank.

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<sup>202</sup> [Gisha, 25 September 2019](#)

<sup>203</sup> [Gisha, 25 September 2019](#)

<sup>204</sup> [Gisha, 25 September 2019](#)

'27,000 applications are still in vetting since 2016. 200 of these are applications relating to someone who was dying/had died i.e. a permit request to attend a funeral.

'Permit approvals are sometimes sent via text messages at 8am telling the applicant to be at the checkpoint by 3pm. If the applicant does not reach the checkpoint by the time given, it is assumed the applicant did not want to leave and the next time that individual applies for a permit it is denied.'<sup>205</sup>

[Back to Contents](#)

#### 4.4 Medical permits for people in Gaza

4.4.1 UNRWA noted that 'in the Gaza Strip, patients also require permits to reach facilities in the West Bank outside East Jerusalem and Jordan.'<sup>206</sup>

4.4.2 WHO noted that Palestinians living in the Gaza Strip 'must apply for a permit to travel to reach health facilities in East Jerusalem and Israel.'<sup>207</sup>

4.4.3 In addition, WHO explained 'WHO looked at the impact of the delay or denial of permits for cancer patients from Gaza applying for chemotherapy and/or radiotherapy services between 2008 and 2017. For the period 2015 to 2017, the chance of death (hazard rate) for patients initially delayed or denied permits was 1.5 times higher than those initially approved access to medical treatment. Therefore, blockade policies have a direct impact on health.'<sup>208</sup>

4.4.4 The international rights group noted:

'Regarding access to health care - movement is restricted. Depending on the month, 30% to 40% of medical appointments [outside of Gaza] are missed as people do not receive a response to their permit application in time or are rejected... Medical care patients use the Erez crossing to go to East Jerusalem. Minors need others to accompany them, but there are restrictions on who can go, often resulting in only grandparents able to go.'<sup>209</sup>

4.4.5 The ICHR noted 'Israel...denies many sick people permits to leave Gaza.'<sup>210</sup>

[Back to Contents](#)

#### 4.5 Rafah crossing

4.5.1 Gisha stated 'Rafah is a pedestrian crossing between Gaza and Egypt. The Egyptian side is controlled by the Egyptian authorities; the Gaza side is controlled by Hamas.'<sup>211</sup>

4.5.2 B'Tselem mentioned '...Rafah is controlled by Egypt and aside from bribes, it costs thousands of dollars to get out or [US]\$3,000 (not totally sure of the exact figure) for preferential exit treatment. People who leave through this

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<sup>205</sup> [Diplomatic source, 27 September 2019](#)

<sup>206</sup> [WHO, 23 September 2019](#)

<sup>207</sup> [WHO, 23 September 2019](#)

<sup>208</sup> [WHO, 23 September 2019](#)

<sup>209</sup> [International rights group, 26 September 2019](#)

<sup>210</sup> [ICHR, 26 September 2019](#)

<sup>211</sup> [Gisha, 25 September 2019](#)

crossing face a very dangerous journey through the Sinai facing the risk of terror attack.’<sup>212</sup>

#### 4.5.3 Regarding illegal exits from Gaza, Gisha believed it:

‘...happens through the Rafah crossing, where there is a lot more corruption and bribery. The exit criteria for Rafah is not strictly enforced. It is possible for people to pay their way out and it is a faster route of exit for students. Rafah Crossing operated very infrequently between mid-2013 and May 2018, when it reopened. It has operated fairly regularly since then. Most students seek Gisha’s assistance less, as it is quicker to cross through Rafah.

‘For information about people fleeing Gaza through Rafah Crossing, Gisha referred to their June 2019 article [“The ones who got away”](#)’.

‘For information about the operation of Rafah Crossing, Gisha referred to their February 2019 article [“Rafah crossing reopened for travel in and out of Gaza until further notice, Salah A-din Gate reopened for entry of goods into the Strip”](#)’.<sup>213</sup>

#### 4.5.4 The ICHR stated, ‘the Rafah crossing has limited hours of crossing, people have to line up to wait for their chance to leave. In 2016 and 2017, the crossing was almost closed the entire year. The crossing used to open on average for 30 days a year. In 2018 and 2019 there has been a slight improvement.’<sup>214</sup>

#### 4.5.5 The ICHR also noted that ‘smuggling tunnels used to be a big business until Egypt stopped it. In the past it was used to smuggle goods and materials, but now it is very difficult to do this.’<sup>215</sup>

#### 4.5.6 The diplomatic source stated, ‘the diplomatic source’s organisation had a civilian mission, established to train the PA to manage the Rafah border, but now it is dormant because the PA was expelled from Gaza by Hamas (the de facto authorities).’<sup>216</sup>

[Back to Contents](#)

### 4.6 Salah al-Din gate

#### 4.6.1 Gisha stated the Salah al-Dine gate ‘is for movements of goods, mostly fuel and some construction materials. The amount of goods being transferred into Gaza via Salah a-Din gate is very limited compared to the volume of goods being transferred through Kerem Shalom.’<sup>217</sup>

[Back to Contents](#)

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<sup>212</sup> [B’Tselem, 26 September 2019](#)

<sup>213</sup> [Gisha, 25 September 2019](#)

<sup>214</sup> [ICHR, 26 September 2019](#)

<sup>215</sup> [ICHR, 26 September 2019](#)

<sup>216</sup> [Diplomatic source, 27 September 2019](#)

<sup>217</sup> [Gisha, 25 September 2019](#)

## 4.7 Erez crossing

- 4.7.1 Gisha noted that Erez is a pedestrian crossing, ‘controlled by Israel and a combination of COGAT and Israeli security who screen goods and people.’<sup>218</sup>
- 4.7.2 Gisha added:  
‘Transportation of goods from Israel [into Gaza] is not “door to door”. Goods being transported into Gaza on trucks are unloaded at the Israeli side and re-loaded onto another truck on the Palestinian side. The commercial side is huge with industrial sized scanners. Erez Crossing looks quite good, it is nice, like a small airport, with a car park for people waiting for friends or family. On the Israeli side, there is one fence with a turnstile and the building is behind that. However, it can take hours to cross. There is probably some walking distance on the other side. Trucks exchanging goods can also take hours which can cause problems for agriculture and food goods on hot days.’<sup>219</sup>
- 4.7.3 In addition, the organisation stated ‘There was a monthly average of approximately 8,500 exits of Palestinians through Erez Crossing in 2018, out of a population of 2 million. Many of those exits are the same people who exit multiple times. 3,500 Gazans have trader or merchant permits which are typically granted for 3 to 6 months.
- 4.7.4 Regarding trader permits from Gaza into Israel, Gisha referred to their report: “[Media reports: Some ‘trader permits’ issued by Israel held by day laborers.](#)”. They added ‘For years, the World Bank has been saying that allowing day labourers into Israel to work is an essential way to boost the economy in Gaza, as Palestinians can make money in Israel – cash in hand. At the start of November 2019, the number of valid trader permits was 4,811. This is the highest number of trader permits there has ever been.’<sup>220</sup>
- 4.7.5 The international rights group stated ‘the numbers of people overall travelling out of Gaza through Erez in 2018 was about 1% of the level in 2000. Numbers are a bit higher in 2019, but still a fraction of the number of the 2000 figures.’<sup>221</sup> The group also noted ‘the approval rate for permits for medical treatment for injuries sustained during the Great March of Return protests is 18%.’<sup>222</sup>

[Back to Contents](#)

## 4.8 Kerem Shalom crossing

- 4.8.1 Gisha stated that Kerem Shalom is a commercial crossing ‘controlled by Israel and a combination of COGAT and Israeli security who screen goods and people.’<sup>223</sup>

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<sup>218</sup> [Gisha, 25 September 2019](#)

<sup>219</sup> [Gisha, 25 September 2019](#)

<sup>220</sup> [Gisha, 25 September 2019](#)

<sup>221</sup> [International rights group, 26 September 2019](#)

<sup>222</sup> [International rights group, 26 September 2019](#)

<sup>223</sup> [Gisha, 25 September 2019](#)

## 4.9 Movement within Gaza

- 4.9.1 The UNRWA representative noted that ‘people are able to leave the [refugee] camps to find work, there are no access restrictions within Gaza.’<sup>224</sup>

## 4.10 Armed groups

- 4.10.1 A source noted that ‘some people face assaults from resistance factions, such as Qasam brigades, Islamic Jihad, and popular resistance.’<sup>225</sup>
- 4.10.2 Commenting on the 2014 conflict, B’Tselem stated ‘there are armed groups that are still involved in the conflict, firing rockets, incendiary kites which cause disruption inside Israel and sometimes rockets fired from Gaza land in Gaza and kill civilians. This is a war crime under international law.’<sup>226</sup>
- 4.10.3 The international rights group stated ‘Islamic Jihad Group have been responsible for a lot of rocket fire, which is a war crime in civilian areas.’<sup>227</sup>
- 4.10.4 The same international rights group added ‘Al-Qassam, the armed wing of Hamas, have held 2 Israeli citizens and an Ethiopian/Palestinian in prison for over 4 years. There have been some allegations of spying for Israel from Qassam, as well as beatings of demonstrators. There are reports of Hamas authorities mistreating people and beating demonstrators they suspect of being in ISIS but this is hard to research.’<sup>228</sup>

## 4.11 Armed conflict prior to 2018

- 4.11.1 B’Tselem stated:

‘...issues which effects Gaza are periodic Israeli military operations. In 2014 it involved aerial bombings over residential areas and about 2,500 Palestinians being killed, of which around half were members of armed groups and 500 were children. The Israeli policy of bombing civilian areas claiming military targets has led to bombing residential areas, mass loss of life, destruction of property and thousands of injuries. The most dangerous and shocking thing when looking at life in Gaza, is that it is not possible to escape these air strikes, they take place without warning or with a system of Israeli warning that is insufficient, and most people do not have proper bomb shelters. There are Israeli justifications, but for ordinary Gazans it is almost impossible to protect themselves and their families from these attacks. Most of the damage in Gaza has been rebuilt since 2014, but the fatalities, trauma and injuries still effect many people... The other issue is that the risk of reignition of the conflict is still severe, it has not been averted.’<sup>229</sup>

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<sup>224</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>225</sup> [Source, 23 September 2019](#)

<sup>226</sup> [B’Tselem, 26 September 2019](#)

<sup>227</sup> [International rights group, 26 September 2019](#)

<sup>228</sup> [International rights group, 26 September 2019](#)

<sup>229</sup> [B’Tselem, 26 September 2019](#)

#### 4.11.2 Breaking the silence noted:

‘Actions that were unthinkable 15 years ago are the norm today, such as the rules of engagement on the Gaza/Israel border fence. There is currently no combat, but if it was said 15 years ago that Israel would fire 19,000 shells during the 2014 Protective Edge Operation into Gaza, it would be unbelievable. The shells (exploding 45kg) cause death at 50 metres and injuries at 150 metres. In a full-scale war, IDF safety regulations mandate that shells should not be fired if there are other IDF troops within a 350-metre radius. However, in Gaza, shells are being fired at closer distances to Palestinian civilians.’<sup>230</sup>

#### 4.11.3 The ICHR noted ‘Israel considers Gazans as subjects of an enemy entity.’<sup>231</sup>

[Back to Contents](#)

### 4.12 Great March of Return

#### 4.12.1 The WHO representative noted ‘a major concern has been the high number of trauma injuries since the start of Gaza’s “Great March of Return” [GMR] demonstrations. There have been 7,500 gunshot injuries, 87% of which have been to limbs, placing extra burden on an already overstretched health system. More than 1,200 injuries require longer-term follow up and multiple, complex surgeries.’ The same source also observed that ‘health workers are vulnerable to attacks. Since the start of the “Great March of Return” on 30 March 2018 until the end of October 2019, 3 health workers have been killed and over 800 have been injured.’<sup>232</sup>

#### 4.12.2 Similarly, Source 2 explained ‘four health workers (Musa AbuHassanin, Razan al-Najjar, Abdallah al-Qutati, and Mohammed al-Jdeili) have been killed by Israeli forces at the GMR protests in Gaza, while each of the four was on duty. A further [832 health workers have been injured](#) at the protests by Israeli forces.’<sup>233</sup>

#### 4.12.3 Source 2 also noted:

‘The [UN Commission of Inquiry](#) into the protests found “reasonable grounds to believe that Israeli snipers shot at journalists, health workers, children and persons with disabilities, knowing they were clearly recognizable as such”. These are serious human rights and humanitarian law violations and may constitute war crimes or crimes against humanity.

‘For years the Israeli authorities have fostered a culture of impunity for repeated attacks on the Palestinian health sector. Such attacks may well constitute war crimes.’<sup>234</sup>

#### 4.12.4 B’Tselem noted:

‘Based on talking to people and reading media, Hamas have influenced the march in some ways. Hamas have co-opted what began as an independent initiative and have adopted and encouraged it by arranging buses to

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<sup>230</sup> [Breaking the Silence, 25 September 2019](#)

<sup>231</sup> [ICHR, 26 September 2019](#)

<sup>232</sup> [WHO, 23 September 2019](#)

<sup>233</sup> [Source 2, 24 September 2019](#)

<sup>234</sup> [Source 2, 24 September 2019](#)

transport people to the protests. However, from testimonies gathered, it is fair to say that tens of thousands of people participated out of their own free will and not under coercion by Hamas. When Hamas' security forces wanted to lower the level of friction, they made people stay away from the fence and Israel admitted that they allow Hamas to do that. Israeli authorities recently almost apologised for killing a Hamas security force member while monitoring the border fence. Claims that "The Great March of Return" is purely a Hamas ploy are disingenuous. The March is greatly popular, people have a strong desire to protest and demand to alleviate the effects of the blockade and demand a return to pre 1948 land, which Palestinians view as theirs.

'There is a weekly update by the UN humanitarian Protection Cluster. There have been 60,000 attendees at "The Great March of Return" at its height. The vast majority of people in this protest are peaceful (families were even picnicking in the background). A small minority are confronting Israeli soldiers at the fence by throwing stones, Molotov cocktails, in some cases [improvised explosive devices] IEDs, vandalising the fence and burning tyres. Only a tiny number of instances where Palestinians used lethal force at Israeli soldiers.

'The vast majority of Palestinians killed in protests were not posing a risk, not a level of risk to those guarding the fence that would warrant the use of lethal force. This is the relevant legal question as to whether lethal force is legal in a policing situation – 200 Palestinians were killed by snipers. The fact that there were illegal open fire regulations handed to Israeli soldiers on the Gaza border is the crux of the matter. Most activity from the Palestinians was not the type of activity that would warrant the use of legal force. The Israelis admitted that they changed the rules of engagement and open fire regulations, because it became apparent that this policy was so deadly, led to such a loss of life and caused debilitating injuries to so many youths. There is a lot of video evidence of Palestinians being shot as they are walking away from the fence, or in some cases just standing in a crowd of people. Medics and journalists have been killed or injured as a result of the open fire regulations. Anyone approaching the fence is in danger of death. 'The Great March of Return' is still happening weekly.'<sup>235</sup>

#### 4.12.5 Breaking the Silence stated:

'In the IDF rules of engagement, there is a category called "suspect in a dangerous crime". Previously, the regulations around this category detailed that if someone did not have serious weaponry and had committed a violent crime - for example, had stabbed a soldier and then threw the knife down, or had already thrown a Molotov cocktail and was then fleeing the scene - that person should be shot in the legs, as they are the suspect of a violent crime but no longer pose an imminent threat to human life. However, the rules of engagement around this category have changed in recent years and now permit shooting to kill at someone who has committed a violent crime but is no longer an imminent threat...

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<sup>235</sup> [B'Tselem, 26 September 2019](#)

‘The IDF has a category of “main instigators.” If facing a violent protest, the IDF protocols permit shooting at the legs of main instigators. The definition of a main instigator is someone who is leading a protest and whose removal from the scene would deescalate a situation... In interviews, commanders from the field often used the term “main instigators” and, in some cases, described a policy of shooting to kill these individuals.’<sup>236</sup>

4.12.6 Breaking the Silence further explained that ‘the IDF could always de-escalate its response but chose not’ and that ‘the basic rules of engagement – that lethal force should be used only as a last resort and only when life is in danger – this was breached during the Gaza protests.’<sup>237</sup>

4.12.7 The international rights group said ‘Israel use punitive measures for people protesting. These peaceful protests and demonstrations do not pose an imminent threat to life.’<sup>238</sup>

4.12.8 The international rights group further noted:

‘Israel has an expansive open fire policy and they regularly use excessive force. Since March 2018 in Gaza, the open policy has been set at its highest level. Israeli soldiers fire on people who do not even pose a threat to life, they fire on people who are approaching or breach the fence. However, it is not a justified use of lethal force and may amount to crimes against humanity. According to a UN investigation, all but 2 of the 188 individuals killed in 2018 did not pose an imminent threat to life. It is not just deaths, over 100 people have required limb amputations due to high velocity bullets fired at close range.

‘Numbers are down in 2019 because the protests have been smaller.

‘The general perception is that the Great March of Return is an organic grass root protest, with different groups coming together which Hamas has instrumentalized for political gain, encouraging the protestors when it wants the protests to escalate and using security to stop them when it does not. Since 2019, Hamas have turned the March into a tool in their tool kit to pressurise the Israelis to get concessions.’<sup>239</sup>

[Back to Contents](#)

#### 4.13 Human rights: Arrest, detention and use of excessive force

4.13.1 A source noted:

‘Criticising Hamas in the Gaza strip is dangerous. It will result in someone being arrested and tortured. If people plan to go to the streets and attend peaceful assemblies, they face detention and harsh punishment.

‘Strong (influential) persons who are affiliated to political opposition can criticise Hamas. But those who do not have strong support in the country can be arrested. Activists, including those on social media, face detention and some face torture. Hamas previously used the crime called ‘misuse of

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<sup>236</sup> [Breaking the Silence, 25 September 2019](#)

<sup>237</sup> [Breaking the Silence, 25 September 2019](#)

<sup>238</sup> [International rights group, 26 September 2019](#)

<sup>239</sup> [International rights group, 26 September 2019](#)

technology' to suppress such people. Some of them are arrested and taken to court. But most of them have not faced trial because Hamas depend on humiliating and torturing people to drive them to self-restriction. So, people do not express themselves anymore as they know they will face the same fate.'<sup>240</sup>

4.13.2 The same source added that 'it is hard to receive figures for arrests because people refrain from reporting when they get arrested. However, arrests were in the tens during September 2019. The number of arrests also depends on the political situation.'<sup>241</sup>

4.13.3 The international rights group noted:

'Detention is used as intimidation. People will often first be approached and spoken to by security forces, then threatened, then called in for interrogation but not detention, then finally detained. People are made to sign a commitment not to engage in the same sort of activities that led them to detention.

'Recently, someone left Gaza and died in Europe. They left Gaza after being interrogated and intimidated by Hamas. People leave because of the closure and economic impact.'<sup>242</sup>

4.13.4 The international rights group noted:

'Hamas is systematically arresting those who are critical on social media, journalists and those taking part in demonstrations. In March 2019 there were the "We Want to Live" protests where thousands of people were arrested. Most were held for a few hours, some were held for longer. A report produced by Human Rights Watch in May 2019 – ["Palestine: No Let-up in Arbitrary Arrests, Torture"](#), reports a lack of accountability and rampant torture.

'According to a Hamas letter, in 2018 and in the first 3 months of 2019 Hamas arrested 4,235 people. As of April [2019], they were holding 1,885 people. In that 15-month period, 24 people were charged with insulting others on social media, 15 for harming revolutionary unity and 27 for misuse of technology.

'ICHR keep monthly statistics of complaints on arbitrarily arrest. In that 15-month period, there were 47 complaints of arbitrary arrest and torture, of which they sanctioned 7 of wrongdoing. There has been one case of torture but there are yet to be convictions as the case is still going through court.

'From January to August 2019 there were 122 complaints of arbitrary arrests and 141 of torture/ill treatment.'<sup>243</sup>

4.13.5 The ICHR stated 'Hamas was fearful that the mass demonstration under that slogan "we want to live" that took place in Gaza in March 2019 might topple

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<sup>240</sup> [Source 1, 23 September 2019](#)

<sup>241</sup> [Source 1, 23 September 2019](#)

<sup>242</sup> [International rights group, 26 September 2019](#)

<sup>243</sup> [International rights group, 26 September 2019](#)

their government, so it arrested over 1,000 people during the crackdown' and 'several journalists were arrested.'<sup>244</sup>

4.13.6 A source noted:

'A youth movement was launched over 3 or 4 months ago under the slogan: "We Want to Live". Those who demonstrated faced harsh treatment by Hamas... Many were arrested and beaten in the streets. Some demonstrators were presented before military courts and faced charges that could make them serve more than 10 years in prison. Some people were treated harshly and had their bones broken. Hamas broke bones, especially legs, to prevent people from protesting in the streets again. This is systematic to stop people from demonstrating in the streets.'<sup>245</sup>

4.13.7 In addition, the same source observed:

'Demonstrations have happened in all parts of Gaza [referring to the 'We Want to Live' campaign], but there was one main demonstration in the middle of the Gaza strip. Hamas entered the home of one family-clan (group of small families have the same organ and name live in the same area), beat all their men (tens of men), broke most of their arms and legs or inflicted harsh injuries. The family received medical care, but it is not good quality care. People who have their legs broken may not be able to use them properly again because of the bad medical treatment available. Some of them could face sustainable disability. Sometimes people are arrested again whilst in hospital and some face assaults in the hospital.

'Once the demonstrations were forced to end, and after mediations, these people received amnesty from the Gaza authorities. Recently, the same people attempted to protest in the streets again, but Hamas started a campaign where its police arrested tens of activists. They all faced some kind of torture.'<sup>246</sup>

4.13.8 B'Tselem noted that in Gaza:

'...there are issues with the ability to express opinions, B'Tselem have heard from friends and from people they are in touch with in Gaza. They have seen media reports, social media reports and statements people make which have led to some sort of consequences with the Hamas authorities. B'Tselem have not carried out any research into this.' The same source noted that 'regarding the treatment of prisoners, cases that have been exposed are worrying and include arbitrary arrest and detention. Someone died in detention 2 years ago.'<sup>247</sup>

4.13.9 The Independent Commission for Human Rights stated:

'Hamas attacked and beat up the ICHR Director in Gaza as he was visiting a journalist for information on the recent crackdown. Hamas was aware of who the Director was. He was dragged from the journalist's home to the street and was attacked by many policemen. An ICHR lawyer was also beaten up whilst trying to help the Director. Hamas claimed the Director had verbally

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<sup>244</sup> [ICHR, 26 September 2019](#)

<sup>245</sup> [Source 1, 23 September 2019](#)

<sup>246</sup> [Source 1, 23 September 2019](#)

<sup>247</sup> [B'Tselem, 26 September 2019](#)

assaulted a policeman, they came up with this version of events to justify their attack. They wanted to send a message that nobody is immune, even the most senior human rights defenders are not safe, to spread fear among Gazans. It is very likely the Director was attacked because he openly criticises Hamas. When Hamas denied the attack, ICHR asked for an independent investigation. Hamas then made a public apology and announced that ICHR can work freely in Gaza but never did an investigation or took any measures against those who attacked ICHR director in Gaza.

‘During the crackdown, Hamas stopped several field workers from a number of Human Right organisations, including the PCHR and Addameer. These field workers were carrying out data collection and were stopped by Hamas police and detained for a few hours.’<sup>248</sup>

- 4.13.10 The official of the ICHR stated that ‘during the “we want to live” protest, ‘over 300 people were severely beaten up’<sup>249</sup> and ‘many activists and journalists were mistreated and tortured’<sup>250</sup>. The ICHR also stated:

‘Hamas took a very tough position against demonstrations because they were fearful it might lead to toppling their regime. The demonstrations were peaceful, spontaneous and activists were not linked to political parties. It was inspired by the tough conditions in Gaza, not from anyone outside. Hamas claimed the demonstrations happened because of outside entities, influenced by the PA in Ramallah. The PA supported the demonstrations publicly, but that does not mean the demonstration was organised by the PA – people have the right to peaceful assembly.’<sup>251</sup>

- 4.13.11 The ICHR further stated, ‘the ICHR receive complaints about Hamas regarding fair trials, arbitrary detention and crack-downs on activists, human rights defenders and journalists.’<sup>252</sup>

- 4.13.12 It added that it ‘roughly receives around 2,500 complaints a year in the West Bank and Gaza’<sup>253</sup> with 40% being from Gaza<sup>254</sup>. The majority of complaints ‘are against security forces and the rest are against civil institutions’<sup>255</sup> The ICHR added ‘complaints cover human right violations, socioeconomic violations, freedom of expression/assembly/movement, social services.’<sup>256</sup>

[Back to Contents](#)

#### 4.14 Human rights: Ill-treatment and torture

- 4.14.1 A source stated that ‘people are sometimes treated harshly or killed in prison if they cause trouble. Hamas use torture to deter people, to frighten them.’<sup>257</sup> Furthermore, the source added:

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<sup>248</sup> [ICHR, 26 September 2019](#)

<sup>249</sup> [ICHR, 26 September 2019](#)

<sup>250</sup> [ICHR, 26 September 2019](#)

<sup>251</sup> [ICHR, 26 September 2019](#)

<sup>252</sup> [ICHR, 26 September 2019](#)

<sup>253</sup> [ICHR, 26 September 2019](#)

<sup>254</sup> [ICHR, 26 September 2019](#)

<sup>255</sup> [ICHR, 26 September 2019](#)

<sup>256</sup> [ICHR, 26 September 2019](#)

<sup>257</sup> [Source 1, 23 September 2019](#)

'Torture is used systematically in Gaza detention centres. All people who are arrested are tortured in one way or another, at least psychologically. Most face physical torture. They are subjected to "repeated submission", meaning people who are released after arrest must return to the police station every 2 days, or every month. The number of days to report back varies. Such policy makes people's lives hell. Juveniles are sometimes arrested, especially during the "We Want to Liv" demonstrations. Many people are arrested, but most are over 18 years old... For being detained in relation to freedom of speech, people are usually detained for 2 or 3 days, or sometimes up to 1 week. If they are affiliated to the Ramallah government, their time in detention could take months and they could be charged with a crime called collaborating with Ramallah government or officially, according to military law, it is classified as: Undermining The revolutionary Unity Crime. Those who are charged with such crime could face life time in prison associated with hard labour.'<sup>258</sup>

#### 4.14.2 The international rights group noted

'Regarding internal security and criminal cases, people are taken to different places depending on their crime. There is an interrogation period and treatment depend on the police. This is when mistreatment and torture take place. Political prisoners are often placed in a room called "the bus". Hamas use positional torture. Prisoners have to stand for hours or days, or sit in a child's chair that is tilted. They are blindfolded, cannot talk, cannot use the toilet, their feet are whipped, they are beaten, it is a way of coercion to make people confess.'<sup>259</sup>

[Back to Contents](#)

### 4.15 Hamas' recruitment methods

4.15.1 The source noted 'Hamas recruit people affiliated to them. Those in position of taking control and making decisions are Hamas. Nobody is forced to join Hamas, but many people in Gaza have no other way to make a living so they work for Hamas government to be paid.'<sup>260</sup>

4.15.2 The international rights group noted that 'The international rights group has not carried out much research on Hamas' recruitment methods but is aware of summer camps that could some military training. This does not happen in UNWRA schools. The organisation was denied permits to enter Gaza, so has not been able to look into it for security reasons.'<sup>261</sup>

[Back to Contents](#)

### 4.16 Prisons and detention centres: Prison system and numbers of prisoners

4.16.1 A source observed:

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<sup>258</sup> [Source 1, 23 September 2019](#)

<sup>259</sup> [ICHR, 26 September 2019](#)

<sup>260</sup> [Source 1, 24 September 2019](#)

<sup>261</sup> [International rights group, 26 September 2019](#)

‘All of Hamas’ detention centres are in Gaza. There is a famous prison called “Ansar” which is full of prisoners who are known as “internal security prisoners”...

‘Detention centres are the main problem, not prisons. Interrogations take place at detention centres, but they are not proper official centres. Sometimes, they are in unknown locations. Hamas sometimes question people away from the formal institution, not only in official facilities.’<sup>262</sup>

4.16.2 The same source stated:

‘Not all detention centres are known. If someone is arrested under freedom of speech, they go to a known detention centre. However, if someone cooperates with Ramallah or Israel, they could be seized in an unknown detention centre. Sometimes, Hamas deny detainees exist, so their families resort to human rights organisations or factions to know their son’s fate. Thus, we can say that there are forced disappearances for a number of days or up to one week for some detainees.’<sup>263</sup>

4.16.3 The ICHR stated:

‘There are two separate prison systems: the regular system under police control, called correction and rehabilitation facilities. This is where people are mainly charged with criminal charges and are detained, whether convicted or pending trial.

‘The number of people being held is about 1,200, sometimes the number is lower, sometimes higher. On average, 1,000 people are held...’<sup>264</sup>

4.16.4 The ICHR added ‘Internal security detain people on a temporary basis, they hold people during interrogation for a few days to 2 or 3 months. If they are pending trial, they refer them to normal prisons. During the crackdown in March 2019 [against ‘We Want to Live’ activists], Hamas held hundreds of people in a military prison in the north of Gaza, in facilities that were not meant to be a prison.’<sup>265</sup>

[Back to Contents](#)

## 4.17 Prisons and detention centres: Visits

4.17.1 ICHR stated it ‘tried to visit Hamas prisons during the [“We Want to Live”] events but were denied access.’<sup>266</sup> The Commission also said:

‘ICHR has to make prior arrangements to visit prisons run by police, this is relatively easy. When it comes to visiting prisons run by internal security, it is more difficult. Internal security visits take a long time to arrange, are sometimes done once a month or are sometimes denied. In May 2019, the Israeli air force attacked Hamas’ internal security buildings in Gaza and demolished its Headquarters. Hamas moved the prisoners during the

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<sup>262</sup> [Source 1, 23 September 2019](#)

<sup>263</sup> [Source 1, 23 September 2019](#)

<sup>264</sup> [ICHR, 26 September 2019](#)

<sup>265</sup> [ICHR, 26 September 2019](#)

<sup>266</sup> [ICHR, 26 September 2019](#)

airstrike, but kept them under custody. After the attack, Hamas did not allow ICHR to visit for 2 months.<sup>'267</sup>

- 4.17.2 A source stated 'Some Human Rights organisations visit the known detention centres. These visits are always arranged. Hamas make the centres look 'ok' when these organisations visit. Visits are only allowed if the authorities want it to happen. Hamas deny visits many times, especially when there is an event or a problem like the 'We Want to live' movement.'<sup>268</sup>

[Back to Contents](#)

#### 4.18 Prisons and detention centres: Conditions

- 4.18.1 A source observed:

'The food is very bad in detention centres. People are given bread and very little food which it is not enough. When the "We Want to Live" demonstrations happened, bread was thrown into prisoner's cells. The quality of the bread is bad and the quantity was very small. It is hard to even be given water. The treatment of people is very harsh, people cannot ask for water because if they do, they will be beaten. Guards use electric sticks to beat prisoners. The bathrooms are not clean and are not fit to be used by humans.'<sup>269</sup>

- 4.18.2 The same source stated:

'Cell sizes vary depending on the detention centre, but are always too narrow for the number of people in the room. If people want to sleep, they sleep next to each other, side by side. There is only one bathroom they can use, the smell is very bad, mattresses are very dirty, it is inhumane. This is how all the people who have been detained in these places describe it.

'There can be up to 60 or 70 people in one 8 metres x 4 metres sized room.'<sup>270</sup>

- 4.18.3 The ICHR noted:

'At least 35 female prisoners are currently held in Hamas prison, segregated from the men. Guarding these prisons from the outside are male policemen. Inside the facility there are all female staff.

'There are major problems with these prisons, such as overcrowding, small cells and demolished facilities.

'Due to the financial crisis and lack of resources from Hamas, prisons lack equipment, mattresses and hygiene. Hamas receive donations from different organisations to clean the prisons, but there is a problem with its medical services. ICHR hire 2 doctors, 1 GP and 1 psychiatrist to help with prison visits. There was a prisoner in a Hamas prison who went on a hunger strike and a GP sent by IHCR would visit daily and monitor his health. ICHR

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<sup>267</sup> [ICHR, 26 September 2019](#)

<sup>268</sup> [Source 1, 23 September 2019](#)

<sup>269</sup> [Source 1, 23 September 2019](#)

<sup>270</sup> [Source 1, 23 September 2019](#)

sometimes buy medicine for prisons because the medical service inside is very basic.

'There is also a problem with Hamas' justice system. Military courts try civilians and many people are convicted or held on order by military courts.'<sup>271</sup>

[Back to Contents](#)

#### 4.19 Death penalty in Gaza

- 4.19.1 B'Tselem noted 'there is evidence of the death penalty' in Gaza. The organisation observed:

'In Gaza the death penalty is applied by the courts and is implemented – B'Tselem heard a report that the Hamas de-facto authorities have quietly stopped imposing the death penalty, and it is reflected in the fact that there have been no executions in Gaza in 2018-2019 – see: B'Tselem July 2019 report '[Statistics on the death penalty in the Palestinian Authority and under Hamas control in Gaza](#)'. B'Tselem have a list on their website of Palestinians who have been executed for serious crimes or alleged collaboration with Israel.'<sup>272</sup>

- 4.19.2 The international rights group stated:

'There have been 128 people sentenced to death since Hamas took control in Gaza.

'Since June 2007 there have been 25 death sentences carried out in Gaza.

'The method of the death sentence depends on the nature of arrests and the charges of the case. A formal PA official often goes to the military court and is killed by a firing squad. For civilian crimes i.e. murder or rape, the death sentence more often is hanging.'<sup>273</sup>

[Back to Contents](#)

#### 4.20 Humanitarian situation: Access to food, and water

- 4.20.1 UNRWA mentioned that 'water sources are inadequate and there are issues with potable water and electricity.'<sup>274</sup>

- 4.20.2 UNRWA further noted that it '...focuses on the refugee population based on poverty rates. This has been increasing over the last few years. Food assistance is given quarterly. Oil, flour and beans are provided and amounts given are based on family size. Because of the dense camp area, there is not much space to grow crops. Non refugee communities have the share of the land.'<sup>275</sup>

- 4.20.3 WHO stated:

'96% of water from the Gaza aquifer is unfit for human consumption. The availability of water and the sewerage system is highly dependent on

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<sup>271</sup> [ICHR, 26 September 2019](#)

<sup>272</sup> [B'Tselem, 26 September 2019](#)

<sup>273</sup> [International rights group, 26 September 2019](#)

<sup>274</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>275</sup> [Representative of UNRWA; 23 September 2019](#)

electricity which fluctuates. As of September [2019], there is 13 hours of electricity a day (an increase from a monthly average of 5-7 hours a day from January to October 2018, so an improvement) but this fluctuates daily. The sewerage system does not work, resulting in raw sewage running into the Mediterranean Sea with consequences for health hazards. Families do not use tap water because the water is not safe to drink. The general public are well educated and know they need to boil water for cooking, reducing the risk for outbreaks of water borne diseases. People mainly use bottled gas for cooking.<sup>276</sup>

- 4.20.4 WHO also stated that according to OCHA, 'Palestinians can access almost all food items in the Gaza Strip, but large parts of the population simply cannot afford to buy those items. 68% of the Gaza population experience moderate to severe food insecurity, with 53% of the population living in poverty<sup>277</sup>.'<sup>278</sup>

- 4.20.5 B'Tselem noted:

'Statistics show there is virtually no water pumped from the aquifer in the Gaza strip that is potable. It has to be treated first. Coastal aquifers under Gaza are salinated and polluted through years of various neglect and have to be treated/filtered. Gazan authorities buy water from Israel and clean water access is based on financial ability. The water in Gaza is just so bad that people have to filter it or buy filtered water. Children's health is deteriorating due to consuming poor water. The World Health Organisation reports the degree of deterioration of children's health is due to consuming this type of water. Some diseases such as rickets are returning to children in Gaza due to the lack of nutrition, lack of water consumption and the consumption of polluted water. In terms of sanitation, there are restrictions on bringing in equipment and chemicals to fix water facilities. There is also a lack of electricity which means raw sewage is pumped into the Mediterranean Sea – polluting the Gazan shoreline and other areas of the Mediterranean. The daily amount pumped into the sea effects swimming, leisure and fishing.'<sup>279</sup>

- 4.20.6 The ICHR stated '...in Gaza there is 0% clean water. In Gaza, people have to buy bottled water. Tap water is not clean and cannot be used for cooking or drinking. There is a huge problem with electricity – Gazans access 8 hours of electricity a day. After international intervention, Qatar has paid money to help. Electricity was available for 2 to 4 hours a day and now there is 8 hours of electricity per day. Life conditions are unbearable.'<sup>280</sup>

- 4.20.7 The diplomatic source stated:

'Water is undrinkable and people cannot eat the fish from the Gaza coast. Israeli fishing restrictions are up to 15 nautical miles but, most of the time, fishermen are restricted from going further than 6 nautical miles from the Gaza coast. The sewage runs into the Mediterranean Sea and does not run

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<sup>276</sup> [WHO, 23 September 2019](#)

<sup>277</sup> OCHA, 'Occupied Palestinian Territory- Humanitarian Needs Overview 2019', 17 Dec 2018, [url](#)

<sup>278</sup> [WHO, 23 September 2019](#)

<sup>279</sup> [B'Tselem, 26 September 2019](#)

<sup>280</sup> [ICHR, 26 September 2019](#)

far enough from the shore and as a result, Palestinians are eating fish that is contaminated and poisonous. The sewage also affects the land and soil in the same way. Food must therefore be imported, but the Gaza borders are controlled by 3 different groups (Israel, Hamas and Egypt) who tax everything. Gaza cannot afford the taxes, it does not have the cash. Costs are 3 or 4 times more expensive than Jerusalem.<sup>281</sup>

4.20.8 The diplomatic source noted 'there is no infrastructure in Gaza, the situation is worsening every day', and the 'sewerage system is particularly bad'<sup>282</sup>.

4.20.9 Source 2 noted:

'Water and sewage conditions are not good and having access to clean water is difficult. Salt water comes from the tap – People in Gaza drink desalinated water which they have to pay for- they cannot afford bottled water. The electricity supply is not good. The source's organisation has access to electricity from the main source and from the generator in the building which the source's organisation has to pay for, but people's homes do not have 24-hour access unless they have a generator. Even with a generator, people may have access up to 20 hours per day. There is a service that people can pay to get electricity 24 hours a day.'<sup>283</sup>

4.20.10 The same source added 'Food security is another issue – the need is huge. Shortages have led to different forms of malnutrition such as wasting, growth faltering and stunting of children. Certain food related conditions, for example coeliac disease are difficult and expensive to keep under control, but this does happen in partnership with an NGO.'<sup>284</sup>

[Back to Contents](#)

## 4.21 Education in Gaza

4.21.1 The UNRWA representative mentioned that regarding education in Gaza, 'there is a lack of opportunity. Schools are on double shifts.'<sup>285</sup>

4.21.2 Furthermore, the representative stated that 'UNWRA is the main provider of education, up until grade 9, providing education for children up to the age of 13 or 14. The authorities provide the next level of education. There are universities and technical vocational training opportunities inside Gaza.'<sup>286</sup>

4.21.3 WHO stated that 'the education system, in principle, is functioning relatively well. UNRWA faced potential school closures due to withdrawal of US funding.'<sup>287</sup>

4.21.4 The diplomatic source noted 'There are universities in Gaza and many of the people are educated. There are good IT engineers and developers. The problem with education is that students can graduate but cannot use their

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<sup>281</sup> [Diplomatic source, 27 September 2019](#)

<sup>282</sup> [Diplomatic source, 27 September 2019](#)

<sup>283</sup> [Source 2, 24 September 2019](#)

<sup>284</sup> [Source 2, 24 September 2019](#)

<sup>285</sup> [Representative of UNRWA, 23 September 2019](#)

<sup>286</sup> [Representative of UNRWA, 23 September 2019](#)

<sup>287</sup> [WHO, 23 September 2019](#)

degrees, so many go to the Gaza/Israeli fence despite the risk of getting shot because it gives them a purpose. That is the reality.'<sup>288</sup>

[Back to Contents](#)

## 4.22 Employment in Gaza

- 4.22.1 UNRWA noted that poverty rates are very high and unemployment is over 50%<sup>289</sup>. WHO also stated that unemployment rate is at 50%<sup>290</sup>. The international rights group noted that 'unemployment in Gaza is at 46%, 70% for women and youth.'<sup>291</sup> ICHR stated 'unemployment is at 45% in Gaza.' The ICHR added that 'the poverty rate in Gaza is double what it is in the West Bank. 60% of university graduates are unemployed in Gaza.'<sup>292</sup>
- 4.22.2 WHO noted that 'in Gaza, the salaries of the vast majority of public workers employed since the political divide have been paid by de facto authorities [i.e. Hamas].'<sup>293</sup>
- 4.22.3 B'Tselem explained 'there is an ongoing conflict between Hamas and the PA and this split has also led to various problems, such as salaries of public sector workers in Gaza being cut. These issues affect the quality of life in Gaza.'<sup>294</sup>
- 4.22.4 The ICHR explained 'in order to pressurise Hamas, the PA started to cut salaries of their employees who live in Gaza. Many PA workers now receive partial salaries. If the PA suspect any employee of having relations or being sympathetic to Hamas or to Mohammad Dahlan [former leader of Fatah party in Gaza], they will cut their salary.'<sup>295</sup>
- 4.22.5 Source 2 stated that 'there are no flexible working hours in Gaza because offices cannot open when there is no electricity...'<sup>296</sup>
- 4.22.6 The same source noted 'Unemployment in Gaza is extremely high, the economy is not free under the blockade. Historically, Gaza was known for having a strong economy. There is a programme run by a local NGO by people with disabilities for people with disabilities (mainly deaf or blind) who spoke about their desire to work and to earn an income. The economy is worse for those with a disability. The same NGO also runs a project for people with injuries.'<sup>297</sup>

[Back to Contents](#)

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<sup>288</sup> [Diplomatic source, 27 September 2019](#)

<sup>289</sup> [Representative of UNRWA, 23 September 2019](#)

<sup>290</sup> [WHO, 23 September 2019](#)

<sup>291</sup> [International rights group, 26 September 2019](#)

<sup>292</sup> [ICHR, 26 September 2019](#)

<sup>293</sup> [WHO, 23 September 2019](#)

<sup>294</sup> [B'Tselem, 26 September 2019](#)

<sup>295</sup> [ICHR, 26 September 2019](#)

<sup>296</sup> [Source 2, 24 September 2019](#)

<sup>297</sup> [Source 2, 24 September 2019](#)

#### 4.23 Living conditions in Gaza

- 4.23.1 The UNRWA representative stated that ‘shelter and access to livelihood is extremely problematic. Rebuilding is difficult due to restrictions imposed by Israel.’<sup>298</sup>
- 4.23.2 The UNRWA representative added that ‘Gaza is very densely populated and there is a fast population growth. According to the World Bank, Gaza will be unliveable by 2020 due to the lack of water and general living conditions.’<sup>299</sup>
- 4.23.3 Al Haq stated that Gaza is ‘already uninhabitable’<sup>300</sup>, whilst B’Tselem stated that it believes ‘the situation on Gaza today already fits the description [of ‘uninhabitable’].’<sup>301</sup>
- 4.23.4 The UNRWA representative noted that ‘the pressure of double shifts in school, as well as the “Great March of Return”, the bombardments and the attacks, mean that life could be untenable. In terms of quality of life in Gaza, it is “abysmal”.’<sup>302</sup>
- 4.23.5 Regarding refugee camps in Gaza, UNRWA stated:  
‘None of the camps across the region are tented. Communities and families live together. It is densely populated, there is a lack of space and limited road access - so people are living under crowded conditions. There are no jobs, conditions are increasingly bad, there is poor sanitation. It is the same in the West Bank and in Lebanon, but not as dramatic.  
‘Camps are not distinguishable, there are no walls or fences separating the camps from non-refugee buildings.’<sup>303</sup>
- 4.23.6 The ICHR official explained that ‘people in Gaza are losing faith in the future, they do not see the point in living under miserable conditions. If there was a chance of being liberated, or having a statehood, maybe people would stay.’ Adding that ‘living in Gaza is like living in a war zone.’<sup>304</sup>
- 4.23.7 The same source noted ‘There is a need for electricity for desalination plants to work. Electricity comes from and is controlled by Israel. The international community are trying to arrange an agreement between Israel and Hamas – to provide the people of Gaza power every day. The electricity cuts effect hospitals, schools etc.’<sup>305</sup>
- 4.23.8 Furthermore, the diplomatic source explained:  
‘The diplomatic source’s organisation is trying to make quick fixes, trying to find ways every week to alleviate pressure to make life a bit more liveable. If the Israeli side are not more flexible in allowing Palestinians to enter and exit Gaza for work, or to allow more goods to enter, Gaza will become worse and it will not be possible to live there. The UN report stated that Gaza will be

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<sup>298</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>299</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>300</sup> [Al Haq, 24 September 2019](#)

<sup>301</sup> [B’Tselem, 26 September 2019](#)

<sup>302</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>303</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>304</sup> [ICHR, 26 September 2019](#)

<sup>305</sup> [Diplomatic source, 27 September 2019](#)

unsustainable in 2020. No one knows exactly what this will mean for the 2 million people that live there. It is the biggest challenge.’<sup>306</sup>

[Back to Contents](#)

## 4.24 Healthcare in Gaza

### 4.24.1 The WHO representative noted

‘70% of the population are refugees, entitled to receive services from UNWRA such as education and primary healthcare. By and large, UNRWA do not provide hospital care, which is provided by public authorities and non-governmental organizations. There is one UNRWA hospital in Qalqilya, in the West Bank. The Palestinian Authority has responsibility for provision of healthcare in the Gaza Strip, since its establishment following the Oslo Accords, while the de facto authority ( Hamas ) in Gaza also has responsibilities for administration of the health system in the Gaza Strip.

‘The chronic closure or blockade of Gaza for over 12 years and successive conflicts or escalations have been major obstacles for the health sector, with overall de-development in some areas and the prioritization of humanitarian response over development efforts... In the West Bank ... [has] unique challenges to health and healthcare provision that differ from the situation in the Gaza Strip. Overall, fragmentation of the Palestinian territory and the political division between the West Bank and Gaza Strip further compound these obstacles. The absence of meaningful peace negotiations or concessions means the situation is unlikely to change in the near future.’<sup>307</sup>

### 4.24.2 A representative of WHO noted:

‘Regarding humanitarian health needs, a major concern has been the high number of trauma injuries since the start of Gaza’s ‘Great March of Return’ demonstrations. There have been 7,500 gunshot injuries, 87% of which have been to limbs, placing extra burden on an already overstretched health system. More than 1,200 injuries require longer-term follow up and multiple, complex surgeries. These complex injuries are at higher risk of bone infection, requiring treatment before limb reconstruction to reduce the risk of unnecessary amputation. This is all on top of existing major challenges, including regular electricity outages.’<sup>308</sup>

### 4.24.3 Furthermore, WHO noted that ‘unemployment and the effects of the Israeli occupation have health knock on effects such as malnutrition and stunting of growth in children.’<sup>309</sup>

### 4.24.4 Furthermore:

‘There are chronic shortages of medical supplies and drugs, with 44% of essential medicines completely depleted in October 2019. These shortages affect chemotherapy medicines for cancer treatment, with 55% of essential medicines for oncology and haematology at less than a month’s supply remaining in October 2019. There are no radiotherapy facilities, as well as a

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<sup>306</sup> [Diplomatic source, 27 September 2019](#)

<sup>307</sup> [WHO, 23 September 2019](#)

<sup>308</sup> [WHO, 23 September 2019](#)

<sup>309</sup> [WHO, 23 September 2019](#)

lack of diagnostics technology such as for PET scanning. Medical referrals outside the Gaza strip need an Israeli security permit, which is hard to obtain. The rate of approval for patient permits from Gaza has decreased drastically from more than 90% in 2012 to 54% in 2017. In 2018, 61% of patient permits were approved, with 66% approved in the first three quarters of 2019<sup>310311</sup>. As of the end of October 2019, only 18% of people injured during the 'Great March of Return' have had their permits approved. Initially the Israeli authorities had indicated that no permits would be approved for those injured close to the perimeter fence.'<sup>312</sup>

#### 4.24.5 WHO added:

'There are items that are not present on the dual use list but not available due to funding restrictions/political division (such as certain medicines), and there are facilities like radiotherapy that are not available – though there is indication from the Israelis that they would facilitate their entry. Noncommunicable diseases are the major burden of disease (in terms of morality) in the oPt and they are related to lifestyle factors and underlying determinations of health, including smoking, diet and active living.'<sup>313</sup>

#### 4.24.6 The WHO noted 'the life expectancy of Palestinians in Gaza is lower than in the West Bank and overall life expectancy in the oPt is more than 8 and a half years lower than the Israeli population. The known survival rates for cancer are lower than for many developed countries.'<sup>314</sup>

#### 4.24.7 WHO also stated:

'Access to free health care for Palestinians is dependent on a number of factors. There exists a public healthcare benefits package, which is 88-90% funded through central funding from the Palestinian Authority. Public provision of healthcare covers almost all medical services, though major gaps in availability of publicly-funded services means a heavy reliance on purchasing care from other providers by the Ministry of Health. There is high out of pocket spending [this is relatively high in oPt and estimated to 45.5%], attributable mostly to spending on pharmaceuticals, and there are also co-payments to access primary care services. Gaps in pharmaceutical supplies in public healthcare facilities mean people may purchase medicines from private pharmacies, with extra expense for vulnerable people. If people become severely sick, health treatment at hospital is covered by the insurance mechanism, but transport to the hospital in Jerusalem (which is very expensive) is not, neither is accommodation for a companion. People must pay out of their own pocket.

'If a person is not covered by the insurance scheme, they can make payments and become insured at the time, so there is no incentive for a person to pay before they become ill. People must pay for the 3 month

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<sup>310</sup> WHO, '... WHO monthly reports of patients from the Gaza Strip', 2019, [url](#)

<sup>311</sup> WHO, 'Occupied Palestinian Territory - Right to Health 2018', October 2019, [url](#)

<sup>312</sup> [WHO, 23 September 2019](#)

<sup>313</sup> [WHO, 23 September 2019](#)

<sup>314</sup> [WHO, 23 September 2019](#)

period prior to accessing treatment. People who are employed in the public sector are more likely to be pre-emptively enrolled in the insurance scheme.

‘There are concerns about the equitability of the system – as well as its sustainability, with the need of the Ministry of Health to strengthen strategic purchasing to address the issue of private/NGO institutions potentially profiteering from Palestinian public funds<sup>315</sup>.

4.24.8 Furthermore, mental health is ‘a big concern in the context of chronic occupation.’<sup>316</sup> B’Tselem explained that ‘psychosocial conditions in Gaza are simply shocking. There are plenty of groups that work on this issue such as OCHA.’<sup>317</sup>

4.24.9 B’Tselem stated a ‘total collapse of the health system’ in Gaza<sup>318</sup>. The organisation also noted that ‘ Hamas are responsible for providing health care.’<sup>319</sup>

4.24.10 Regarding the 2014 conflict, the same organisation explained that ‘there are a trickle of people still dying from ... injuries. There is a long-term impact, people are still being affected by the trauma, such as widows.’<sup>320</sup>

4.24.11 B’Tselem noted:

‘There is not sufficient healthcare for certain conditions. Some reasons for this... is due to Israel prohibiting equipment and dual use items from entering Gaza. Due to the devastation of the health system dozens of doctors have left. Israel imposes severe restrictions on people trying to leave for medical treatment. Some conditions i.e. cancer could be a death sentence. Access to health care is worse than anything you would expect in a vaguely developed country.’<sup>321</sup>

4.24.12 The diplomatic source noted:

‘The health sector is the most concerning – treatment for long term sickness is impossible, as the equipment needed is not allowed to be brought into Gaza. People need to find treatment elsewhere i.e. East Jerusalem.

‘Access to everyday life medicine is very difficult. Gaza has a shortage of medicine which is concerning because of the restrictions imposed by Israel and the measures in place by the PA.

‘Since the March 2018 Great March of Return, there has been a disproportionate response by Israel such as the use of live ammunition at the Gaza/Israel border fence, causing many injuries. There are many more people in surgery than there was before the March began. Hospitals in Gaza are not suited for the numbers who need surgery and do not have the staff,

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<sup>315</sup> [WHO, 23 September 2019](#)

<sup>316</sup> [WHO, 23 September 2019](#)

<sup>317</sup> [B’Tselem, 26 September 2019](#)

<sup>318</sup> [B’Tselem, 26 September 2019](#)

<sup>319</sup> [B’Tselem, 26 September 2019](#)

<sup>320</sup> [B’Tselem, 26 September 2019](#)

<sup>321</sup> [B’Tselem, 26 September 2019](#)

equipment or materials for surgical intervention. Palestinians are dying due to the lack of staff/space.’<sup>322</sup>

4.24.13 The same source added that ‘in every war-torn area, when there is no sewerage system, disease spreads very fast. This is a major problem when there is no health system capable of treating people who are suffering from the sewage.’<sup>323</sup>

4.24.14 The WHO representative noted:

‘WHO aim to work with partners to adequately support services to address the mental health burden and have been actively engaging with UNWRA, to integrate mental health care into primary healthcare to avoid stigmatisation. Some progress has been made but there are severe capacity gaps in services and specialists. There is a small number of psychiatrists and mental health professionals and primary healthcare is not specialised. However, with training it is possible to diagnose and treat some mental health conditions. There is some investment in trying to alleviate the problem.’<sup>324</sup>

4.24.15 Source 2 mentioned that ‘the de facto government [Hamas] runs the ministries and manages all of the public health system.’ The same source mentioned:

‘There are shortages in electricity, medical supplies and an inability for medical clinicians to come and go and so there is a hinderance to develop...

‘The health care provision continually struggles to meet the needs because of the situation there.’<sup>325</sup>

4.24.16 Source 2 also noted ‘there is one mental health hospital in Gaza, but with limited capacity in comparison with the needs. There is a need to address some gaps in mental health in terms of building capacity of health professionals and improving capacity of centres (in terms of the setting, beds, structure, etc).’<sup>326</sup>

4.24.17 In addition, the same source explained:

‘Hospitals and medical facilities are short staffed, but the source’s organisation is unaware of the exact staffing figures. The total number of employees is around 11,000 but more than 2000 are not working. The rest are not receiving their full salaries and work under difficult circumstances with lack of medicine and HR. The Ministry of Health in Gaza reported a loss of around 200 of their best employees in 2018, who left Gaza to seek work opportunities elsewhere to secure salaries for their families.’<sup>327</sup>

4.24.18 Regarding mental health facilities, Source 2 explained that ‘there are long term facilities in the West Bank – in Bethlehem, but it is very difficult to get permits for people to go there, even for people to travel for oncology

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<sup>322</sup> [Diplomatic source, 27 September 2019](#)

<sup>323</sup> [Diplomatic source, 27 September 2019](#)

<sup>324</sup> [WHO, 23 September 2019](#)

<sup>325</sup> [Source 2, 24 September 2019](#)

<sup>326</sup> [Source 2, 24 September 2019](#)

<sup>327</sup> [Source 2, 24 September 2019](#)

treatment. The whole mental health issue is very new, the source's organisation is trying to build and support the idea.'<sup>328</sup>

[Back to Contents](#)

#### 4.25 Humanitarian aid to Gaza

4.25.1 The international rights group noted '80% of people are relying on aid.'<sup>329</sup>

4.25.2 The WHO representative noted:

'There are a number of NGOs and INGOs in Gaza such as the ICRC, Red Cross/Red Crescent, Médecins Sans Frontières (MSF) and MAP-UK. These organisations are all part of the health cluster, which coordinates the humanitarian response for the health sector. These organizations strive to meet the humanitarian health needs of the general population that arise from gaps in the health sector as a whole, such as shortages of some categories of health workers, including for many medical and surgical specialties. The high number of gunshot injuries has also created a surplus need for particular services, putting severe strain on existing resources. As well as the high demand for specialties like orthopaedics and vascular surgery, many patients who suffered gunshot injuries require long-term follow up and multiple, complex surgeries that put them at a higher risk of losing limbs. Difficult living conditions in Gaza and opportunities elsewhere has led to a number of Palestinian health workers traveling abroad, resulting in a recent 'brain drain' in Gaza. A number of medical teams come to Gaza for short periods of time, for example, the UK sends surgeons from Imperial College London. There is also The Palestinian Children's Relief Fund and foreign surgical teams who come to work in the West Bank and Gaza. This helps the capacity, although it is not sufficient.'<sup>330</sup>

4.25.3 Gisha noted 'there are some Israeli agreed secondments of deployments of Physicians for Human Rights, who work with the disadvantaged. The organisation takes Palestinian and Israeli doctors into Gaza.'<sup>331</sup>

4.25.4 Gisha also noted:

'The Washington Physicians for Social Responsibility were initially denied permits, Gisha challenged these denials on their behalf and were successful in obtaining permits for most of the members of the delegation to enter.

'Also, there are a lot of restrictions local Gaza staff of international organizations exiting Gaza.'<sup>332</sup>

4.25.5 The diplomatic source stated 'The diplomatic source's organisation has an office in Gaza with local agents only, who meet regularly with its organisation representatives. The diplomatic source's organisation runs a lot of programmes in Gaza. Currently, the main programmes are on water

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<sup>328</sup> [Source 2, 24 September 2019](#)

<sup>329</sup> [International rights group, 26 September 2019](#)

<sup>330</sup> [WHO, 23 September 2019](#)

<sup>331</sup> [Gisha, 25 September 2019](#)

<sup>332</sup> [Gisha, 25 September 2019](#)

salination and sewage treatment, with a focus on energy, agriculture and economy to try to make life sustainable.’<sup>333</sup>

4.25.6 The UNRWA representative noted that ‘there are a lot of humanitarian organisations operating within the camps. These are community based NGOS, UN partners, who work alongside the World Food Programme and UNWRA.’<sup>334</sup>

4.25.7 Source 2 explained:

‘The source’s organisation has missions that go into hospitals to work with local staff to perform the procedures that are needed, which also helps them learn and grow...

‘...the source’s organisation supports the public healthcare system holistically; the overall health and wellbeing of a whole community and population, in partnerships with NGOs in Gaza...

‘...Where the capacity is needed, the source’s organisation tries to bring in technical support to carry out procedures that cannot be done locally.’<sup>335</sup>

4.25.8 Source 2 also explained:

‘There are no oncology programmes in Gaza, other than treatment for breast cancer provided by the source’s organisation. The healthcare system has to deal with acute injuries so there are emergency services, neuro surgery and limb reconstruction for injuries as a result of the “Great March of Return”. The source’s organisation has supported the Ministry of Health to establish the first limb reconstruction in Gaza since 2014 and since then, the source’s organisation has invested in building the capacity of the local team through training in the UK and on job training in Gaza. The source’s organisation is bringing limb reconstruction medical missions into Gaza hospitals that work side by side with the trained local team. In addition, the source’s organisation provides all the essential items, instruments and equipment that are needed to conduct complicated limb reconstruction surgeries. The source stated that WHO has recently supported the Ministry of Health to have a dedicated limb reconstruction unit at Nasser hospital.

‘The source’s organisation assists with a Neonatal programme that covers all of the units in the whole of the Gaza Strip (GS)...Gaza has much more of emergency type treatment.’<sup>336</sup>

4.25.9 In addition, Source 2 stated:

‘The source’s organisation provides support to the [Ministry of Health] MOH to establish and sustain some of the essential services such as Limb Reconstruction, Nero, Physio, neonatal care, burns care, surgical skills etc which enable the MOH to improve the access for the most vulnerable groups who are need for these services, without people needing to pay a premium.

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<sup>333</sup> [Diplomatic source, 27 September 2019](#)

<sup>334</sup> [Representative of UNRWA, 23 September 2019](#)

<sup>335</sup> [Source 2, 24 September 2019](#)

<sup>336</sup> [Source 2, 24 September 2019](#)

'Hospitals provide surgery & aftercare, while the source's organisation tries to fill in gaps where it can, other NGOs (including WHO, UN agencies and many other NGOs) help and collaborate with each other, depending on the support the source's organisation can provide.

4.25.10 Source 2 stated that their organisation 'also provides infrastructure; equipment and supply needs based on budget.'<sup>337</sup>

4.25.11 B'Tselem explained:

'Every so often, Hamas will hand out charity from Qatar such as cash suitcases to try to alleviate the immediate conditions of some groups. There are allegations that some of this has been siphoned off by the leaders of Hamas. According to media reports, families who receive this are politically selected and receive around [US]\$100 which is about 380 shekels. For such a family that means receiving a bit of food aid, \$100 will not go that far and families in Gaza are large.'<sup>338</sup>

[Back to Contents](#)

#### 4.26 Documentation: Population registry in Gaza

4.26.1 Malik, the representative of the Ministry of Civil Affairs, stated that 'There is a single Population Registry system for both Gaza and the West Bank. Israel has a computer to access the system.'<sup>339</sup>

4.26.2 In regard to the population registry in Gaza, CAC stated that 'the PA participates in running the West Bank and Gaza population registry, but the final decision is Israeli.'<sup>340</sup>

[Back to Contents](#)

#### 4.27 ID and passports for people in Gaza

4.27.1 The PA observed that 'the responsibility for issuing passports to Palestinians living in the Gaza strip and carry national ID cards is with an independent department in Ramallah, called the Department of Gaza.'<sup>341</sup> It further noted that 'regarding the passports of the citizens residing in the Gaza strip, the applications and passport printing shall be done in the Gaza passport printing dept, in an independent centre in Ramallah.'<sup>342</sup>

4.27.2 CAC mentioned that according to the Oslo peace agreement, 'once a person from the West Bank or Gaza holds a Palestinian passport, there is no way to revoke their residency status [in the OPTs]'.<sup>343</sup>

4.27.3 Regarding IDs, Malik from the Ministry of Civil Affairs explained that people cannot register their children in Gaza<sup>344</sup>.

[Back to Contents](#)

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<sup>337</sup> [Source 2, 24 September 2019](#)

<sup>338</sup> [B'Tselem, 26 September 2019](#)

<sup>339</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>340</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>341</sup> [PA- Ministry of Interior, 23 September 2019](#)

<sup>342</sup> [PA- Ministry of Interior, 23 September 2019](#)

<sup>343</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>344</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

## 4.28 UNWRA IDs for people in Gaza

### 4.28.1 For UNRWA refugees living in Gaza:

'UNRWA gives each person a registration card with a family number which acts as an ID card. Refugees can use it to access education, primary healthcare and social services. Refugees receive their own UNRWA card when they turn 15. Before 15, children are on their mother's card. The ID card will never get revoked, people can always keep it. The ID is a small laminated card with their photograph on it.'

'Every quarter, UNRWA uses a registration list to complete an analysis of the number of refugees. People are only removed from this list when they die. The registration list is on a computer, each field has its own individual record which is consolidated centrally. UNRWA has very strict privacy controls.'<sup>345</sup>

### 4.28.2 The ICHR stated 'it takes 2 weeks for a Palestinian living in Gaza to receive [their passport]. Additionally, they need clearance from security forces and many of them are refused. Gazans complain against security forces in the West Bank for refusing.'<sup>346</sup>

[Back to Contents](#)

## 4.29 Residency status in Gaza

### 4.29.1 CAC mentioned that according to Israeli law, a Palestinian from Gaza 'cannot ever have permanent residency status or citizenship in Israel.'<sup>347</sup>

### 4.29.2 HaMoked stated:

'There are people who live in the West Bank but have their registered address in Gaza. The Oslo Accords grant authority over the Palestinian population registry to the Palestinian Authority. However, Israel veto's certain changes to the population registry and refuses to acknowledge a change of address in cases of people born in Gaza and registered there, but who moved to the West Bank. These people sometimes face deportation back to Gaza.

'There was one case of a 25-year-old man who moved from Gaza to the West Bank at the age of 2. Neither he or his family were able to update his address and he was caught in Israel without a permit. He had a short prison sentence, then faced deportation back to Gaza even though he had no family there and hadn't been there since he was 2. Hamoked prevented the deportation.'<sup>348</sup>

[Back to Contents](#)

## 4.30 Family unification for people in Gaza

### 4.30.1 CAC stated that currently, 'if a permanent resident of Israel or East Jerusalem is married to someone from Gaza, their partner cannot live in Israel or East Jerusalem.'<sup>349</sup>

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<sup>345</sup> [Representative of UNRWA; 23 September 2019](#)

<sup>346</sup> [ICHR, 26 September 2019](#)

<sup>347</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>348</sup> [HaMoked, 25 September 2019](#)

<sup>349</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

- 4.30.2 The source also noted 'Israel has stopped the family unification process for anyone from Gaza. Israel is happy for Palestinians from Jerusalem to go to Gaza and never come back. Some couples move to Gaza from East Jerusalem if one partner is from Gaza, but the Jerusalemite will lose their residency in Israel. Or they just see each other occasionally, such as holidays like Easter and Christmas.'<sup>350</sup>
- 4.30.3 B'Tselem observed that 'Israel applies massive restrictions on Gazans to be able to have family unification across the West Bank, Gaza and East Jerusalem.'<sup>351</sup>
- 4.30.4 HaMoked stated that 'it is now impossible to "immigrate" from Gaza to the West Bank. When children were registered in Gaza, but moved to the West Bank to join family, Israel demands that people go through an immigration process for the family to be reunited in the West Bank. This takes 2 years.'<sup>352</sup>
- 4.30.5 HaMoked added:
- 'When someone from East Jerusalem, Israel or the West Bank marries someone from Gaza, they are unable to live anywhere apart from Gaza (or abroad), so a lot of families are forced to split up. One parent will live with the children in West Bank, Israel or East Jerusalem, the other in Gaza. The only way of seeing each other is by the non-Gazan visiting Gaza as it is very difficult for Gazans to leave. If the family are Christian, the parent from Gaza is sometimes allowed to visit at Easter and/or Christmas with a permit. Hamoked help non-Gazan parents apply for permits to visit Gaza and children can accompany them until they turn 18 years old. Once they turn 18, it becomes very difficult for them to visit their parent.
- 'The criteria to enter is if a parent is terminally ill, dying, or to attend a wedding or a funeral (i.e. humanitarian reasons).'<sup>353</sup>

[Back to Contents](#)

## 5. Freedom of expression

### 5.1 Censorship

- 5.1.1 Mousa Ramawi, the Director General of The Centre for Development and Media Freedoms (MADA) stated:

'Self-censorship is a problem for journalists and has increased in Gaza and the West Bank since the internal division on 2007.

'It makes journalists more cautious to write or to criticise. Self-censorship is not just a fear of the government, it is also related to other factors such as socioeconomic factors, which is part of the reason for self-censorship in both West Bank and Gaza.

'Roots of self-censorship are inherited from the Israeli occupation where everything, especially newspapers, are censored. Before being published, newspapers go through military censorship, where an Israeli reads every word of the newspaper and deletes paragraphs they do not like, or

<sup>350</sup> [Community Action Centre \(CAC\); 23 September 2019](#)

<sup>351</sup> [B'Tselem, 26 September 2019](#)

<sup>352</sup> [HaMoked, 25 September 2019](#)

<sup>353</sup> [HaMoked, 25 September 2019](#)

sometimes the whole article is deleted. In the past, newspapers would leave a white space to show that something had been deleted. However, Israel stopped this, so people are no longer aware if something has been deleted. Journalists must think more carefully and put more thought into what phrases and words to use, so it can be printed. During the first intifada the censorship intensified, Israel monitored what was written even in advertisements.

‘Censorship has deep roots in Palestinian society and among journalists and media outlets. The Israelis revived censorship. There is a new approach from the Israelis, to give more space to freedom of expression and to stop imprisoning journalists....’ Before the Oslo Accords, there were no Palestinian TV channels. Afterwards, there were about 25 private TV channels and 70 radio stations. The number is now less than that.<sup>354</sup>

[Back to Contents](#)

## 5.2 Social media

### 5.2.1 Mousa Ramawi stated:

‘Facebook closed pages of about 65 Palestinian journalists and media outlets and MADA believe this is because, in 2016, Facebook and the Israeli government signed an agreement of understanding regarding the policy of social media about the Israeli monitoring of pages. MADA believe that Facebook is adopting Israel’s definition of incitement. Publishing a picture of a Palestinian martyr or anything to do with a martyr is seen as incitement.

‘MADA believe that discussing and reporting on the Israeli occupation is freedom of expression, not incitement. However, Israel want to silence people from talking about the Israeli occupation crimes. Israel have tried to silence Palestinians for many years... . All Israeli violations and the agreement with Facebook is part of the policy to silence Palestinians. Israel do not want the world to know what is happening in Palestine.’<sup>355</sup>

### 5.2.2 Mousa Ramawi explained:

‘Many journalists and activists are arrested due to Facebook posts (most Palestinians use Facebook, not Twitter). The Israeli authorities harassed and arrested people because of posts on Facebook - there is strong surveillance of social media. The Israeli government are the best in the world when it comes to surveillance. Israel have a very good system to survey the public and can access people’s mobile phones.’<sup>356</sup>

[Back to Contents](#)

## 5.3 Violations against journalists

### 5.3.1 Mousa Ramawi stated:

‘Most kinds of violations by Israelis are physical, targeting by tear gas, rubber bullets, sound bombs, beatings as well as verbal attacks. There are other kinds of violations such as detention, imprisonment, closure and

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<sup>354</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

<sup>355</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

<sup>356</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

destruction of media outlets and using journalists as human shields. There is prevention of covering incidents and prevention to travel.

'Violations by the Palestinian side include detention, investigation, preventing coverage and sometimes physical attacks. All of the statistics of violations are on the MADA website. All kinds of violations are reported monthly.

'MADA have researchers working the field who provide the organisation with information. Most of them are in the field in the West Bank and Gaza. Journalists contact MADA and talk about the violations and then MADA's researchers go to 'follow up' on the claims to obtain more detail. Sometimes, MADA take testimonies directly from journalists, they do not depend on other sources and so their reports are credible. If someone is in a prison, MADA will take information from the person's spouse or lawyer.'<sup>357</sup>

### 5.3.2 The Director General of MADA also stated:

'Journalists in Gaza are at risk by the Israelis when covering events. During the "Great March of Return" demonstrations, 2 journalists were killed and tens of them were badly injured by snipers shooting at the upper body, even though journalists were wearing body armour with "PRESS" and helmets.

'Regarding the killing and injuring of journalists and the Marches in Gaza against the Israeli siege - the Israeli government do not want people to demonstrate, do not want journalists to report what is going on and are killing and injuring journalists and demonstrators, so people are not aware of what is happening.'<sup>358</sup>

### 5.3.3 Mousa Ramawi, the Director General of MADA, stated

'Detention periods in Palestine usually take a few days, but in Israel it may take months. The last example is a Palestinian photo journalist born in Algeria, Moustafa Al-Kharouf, and does not have ID (For "security reasons", The Israeli Occupation authorities refused to grant the journalist Mustafa Al-Kharouf residency in Jerusalem, even though he had lived and resided there ever since he was a child with his family and now lives there with his wife and children. Al-Kharouf does not hold any other nationality and he has never been arrested or convicted of any offence or felony.) who was detained for a several months, Israel tried to deport him to Jordan. The Jordanian authorities refused because he is not Jordanian. He is now still in prison.'<sup>359</sup>

[Back to Contents](#)

## 6. **Palestinians in Israeli prisons and detention centres**

### 6.1 **Numbers of prisoners and visits**

#### 6.1.1 Addameer noted:

'5,500 Palestinian prisoners are held inside Israel. Addameer visits Palestinian prisoners in Israel and Palestinians in the Israeli detention facilities in the OPT. The detention centres allow lawyers to visit detainees

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<sup>357</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

<sup>358</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

<sup>359</sup> [Director General Mousa Ramawi, MADA, 26 September 2019](#)

but do not allow Addameer to monitor visits. Family visits are allowed on the Israeli side, but it is subject to many restrictions. Families need a special security permit which is applied for through the Red Cross. The Red Cross has nothing to do with affecting the result of the applications, they receive the result and forward it onwards, they cannot influence decisions. A large number of families are not granted. Permits are restricted to close family members only - cousins, aunts and grandchildren are not allowed. Hundreds of prisoners therefore do not get visitors. A contact of the organisation stated that their father was arrested in 2006 and sentenced to prison for 30 years. They have only been allowed to visit their father once, but it took 9 years to get a permit from Israel to allow them to do so. This is just one of hundreds of cases. The Israeli High Court denied another special permit very recently. These are very serious issues.'<sup>360</sup>

6.1.2 Addameer also noted 'All Palestinian prisoners are transferred to prisons in Israel illegally. There are 3 or 4 detention facilities in Area C of the West Bank which are only used for short detentions. Palestinians stay for a couple of days, are interrogated and then transported and imprisoned in detention facilities and prisons inside of Israel.' And further noted that 'visits from lawyers are restricted or stopped. When lawyers visit prisoners, they must sit in a separate room as they cannot have physical contact with the prisoners, and they talk through a phone. However, Israeli lawyers can sit in the same room as the Israeli prisoners.'<sup>361</sup>

6.1.3 HaMoked stated:

'Hamoked can send a lawyer to prison to take affidavits and find out conditions of detention and if detainees' rights are being respected. Lawyers have to be an Israeli Bar lawyer and the visit must be coordinated in advance. Families have to apply for an entry permit into Israel to see their relatives in jail. The Red Cross facilitates visits and people must apply for permits through the Red Cross, who coordinate it with Israeli authorities. Visits occur one day a month per area. On this day, everyone goes on Red Cross buses and then return to the West Bank.'<sup>362</sup>

6.1.4 The ICHR observed, 'there are several specialized organisations that deal with Israeli human right violations such as the Palestinian Commission for Prisoners which takes care of the 6,000 Palestinian prisoners in Israeli jails.'<sup>363</sup> The Commission added 'that at least 600 of the 6,000 Palestinian prisoners in Israeli prisons "are on administrative detention", i.e. detention without trial. This can take up to 6 years and in some cases, they were held for 12 years without trial.'<sup>364</sup>

[Back to Contents](#)

## 6.2 Conditions

6.2.1 Addameer noted that:

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<sup>360</sup> [Addameer, 24 September 2019](#)

<sup>361</sup> [Addameer, 24 September 2019](#)

<sup>362</sup> [HaMoked, 25 September 2019](#)

<sup>363</sup> [ICHR, 26 September 2019](#)

<sup>364</sup> [ICHR, 26 September 2019](#)

'Palestinian prisoners, who are defined as "security prisoners", are not allowed to use the prison phones to contact their families. They sneak mobile phones into their rooms which is a cause of huge tension between the prisoners and the prison system. Security staff are always raiding cells to find mobile phones. In the last year, they raided and caused injuries in 3 prisons – Ofer, Ramon and Ktzi'ot. Special units, known as Matsada units, carry out security raids. They are part of the Israeli police. They use dogs, batons, cattle prods, water cannons, tear gas, rubber bullets – all of which cause injury to prisoners. In Ktzi'ot, more than 100 prisoners needed medical treatment, however they were only given medical treatment in serious cases. Raids take place very often, it can be every month. This year the prison system intensified their raids and they put in signal jammers – this is the reason why prisoners were protesting, they felt the signal jammers were affecting their health. After these 3 raids, prisoners discussed entering a collective hunger strike. After discussions, an agreement was eventually reached with the Israeli authorities. After 52 years, the prison system is now going to fix public phones in the security section of prisons. The children section of Addameer prison, received fixed phones in July this year and juveniles were able to call their families. Phones are supposed to be fixed in other prisons too and signal jammers are supposed to be removed, but for some reason this has not yet happened...' <sup>365</sup>

6.2.2 Regarding health care availability in prisons, Addameer stated:

'There is a delay for medical treatment in prisons, which is very problematic. The delay is not just for Palestinian prisoners, it is in general, including Israeli prisoners. In every prison, there is always supposed to be a clinic with a nurse present and available. When a prisoner complains about an illness, the treatment they receive is just paracetamol. They only take a prisoner to a civil hospital for a check-up once the prisoner's illness becomes very serious. However, this takes months, or sometimes years. Some detainees spend 10 years waiting for health care and poor prison conditions affect prisoner's health and hygiene. Prisoners develop problems with their gums and teeth, blood pressure, diabetes, chronic diseases, but these factors are not taken seriously by the prison system. Where Palestinians have developed cancer, kidney failure, or have had a heart attack, they are treated but are then neglected for months. It takes months to do checks and provide proper treatment. With cancer cases where they decide are hopeless, treatment is not offered. Less than 1 month ago a detainee died from cancer. Over the last 3 years, 4 prisoners died in prison and their bodies are still kept by the Israelis. 2 Palestinians died from health conditions and 2 from torture. Israel denied that the reasons were from torture.

'Prisons are mixed with both Palestinians and Israeli prisoners. However, Palestinian prisoners are defined as "security prisoners" and are kept totally separate from the Israeli prisoners as per the regulations in the prison system. There is no communication between Palestinian and Israeli prisoners. There are restrictions on their daily life, such as how many hours they are allowed out of their cells per day. They are locked in their rooms for over 20 hours a day and are allowed out of their rooms twice a day, once in

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<sup>365</sup> [Addameer, 24 September 2019](#)

the morning and once again in the afternoon, but for no longer than 3 to 4 hours in total. They do not have books or newspapers unless they have been security checked.<sup>366</sup>

- 6.2.3 Addameer noted that 'specific treatment is given to Palestinians who are arrested due to conflict. This treatment would be interrogation and then torture.' The source also noted 'massive hunger strikes take place because of poor prison conditions. 140 detainees from the Hamas party launched a hunger strike in 2 prisons in Israel - Ramon and Ktzi'ot.'<sup>367</sup>

- 6.2.4 HaMoked stated:

'Hamoked focuses on the lack of respect for due process rights as well as physical and verbal abuse. These feed into high conviction rates. For the detained children there is usually no lawyer or parent contact before interrogation or court appearance. They are shouted at, slapped, held in solitary confinement, denied toilet breaks, not given food or water. They often have no legal understanding and do not know the implications of what they are doing when they are pressured into signing a confession. They do not understand the ramifications of taking a plea bargain which may only lead to 5 months in prison, but can result in a travel ban and no permit to work in Israel for many years to come.'<sup>368</sup>

- 6.2.5 Furthermore, the same organisation noted:

'There is one famous unofficial detention site run by Shabak (the Shin Bet) which is Israel's version of MI5 and makes use of torture, stress positions and beatings as described by detainees. Hamoked's tracing found the existence of the place. Prisoners were told that they were on the moon or they did not exist. There was a court proceeding to stop Palestinian people being taken to this detention centre. Prisoners must be taken to a formal detention centre. However, some are sometimes taken to other places. In one case, 2 years ago, a teenager was held on the floor of a kitchen inside a military base for a few days.

- 6.2.6 'Detention centres are now more formalised and are run by Israeli prison service. There are 2 military detention centres where they can be taken for 21 days, then they have to be taken to a formal prison.'<sup>369</sup> Addameer noted:

'The food is the same for Palestinian and Israeli prisoners, but Palestinian prisoners are not allowed to cook. They buy food from the prison canteen and recook the food to adjust it to what they like. Sometimes the food is spoilt intentionally and is inedible. Prisoners have facilities in their rooms to cook, but it costs to get this equipment in. Addameer did a study on economic exploitation in prisons. The result showed that prices of items such as cigarettes, clothes and shoes are sometimes double or triple the market value. Families cannot provide essential items to Palestinian prisoners, but Israel families can. For Israeli criminal prisoners, once they complete 1/3 of

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<sup>366</sup> [Addameer, 24 September 2019](#)

<sup>367</sup> [Addameer, 24 September 2019](#)

<sup>368</sup> [HaMoked, 25 September 2019](#)

<sup>369</sup> [HaMoked, 25 September 2019](#)

their sentence, they can leave on family visits for 24, 48 or 72 hours. This is not allowed for Palestinians.<sup>370</sup>

6.2.7 Regarding prison cell space, Addameer stated:

‘Prisons are very overcrowded. 8 or 10 prisoners share a cell of 3 metres squared, with security prisoners in a 2 or 2.5 metres squared cell. There has recently been a huge debate, that did not just focus on Palestinian prisoners. There was a high court ruling on the amount of space for prisoners in cells and the court decided that this should change – prisons should offer, at a minimum, 4 metres squared cells. Prisons started to implement this, whilst trying to avoid the Palestinian prisoner’s section. However, the court said it must apply to Palestinian security prisoners as well. This law is trying to be implemented by the prison system, but it will take time because the system needs to find solutions in prisons where there is not enough space.

‘Addamon prison is often from the British mandate time, whereas modern prison cells have space for 2 or 3 people. Most prisons are old buildings and have big rooms with 6, 8 or 12 prisoners. The average is about 6 to 8 people per room. Some prisons have a toilet/bathroom in the cell, whilst some prisons have the toilet/bathroom outside of the cell.’<sup>371</sup>

6.2.8 The organisation also noted:

‘Addamon prison is a male prison but also holds 40 Palestinian female security prisoners. Their bathrooms are outside of their cell. This is a huge problem as they cannot access showers at night. The high court said that this prison should be dismantled as it is not fit for humans. However, instead of closing down, the prison is instead being reconstructed. This prison has very high humidity and old rooms. It is not healthy and there are lots of other problems. In July, female prisoners were threatening to hunger strike, so the prison slightly improved its conditions. There were many electric shock accidents as the electricity system is very old. The family visit room was terrible, it did not have a bathroom, meaning families would spend the whole day without access to toilet facilities. There is no air conditioning.’<sup>372</sup>

6.2.9 Addameer noted ‘Conditions differ between prisons. Palestinian prisoners are held in 17 prisons. Children can stay in prison with their mothers until the age of 2, but there are no facilities for babies or children. Children are kept in the same room and are caught up in any violence or attacks by special prison units. They do not have toys, playing areas or gardens to help with bringing up children while in prison.’<sup>373</sup>

6.2.10 Furthermore, the organisation stated:

‘Juveniles can be between 12 and 18 years old. Currently there are no female juveniles but in 2018 there were 7 or 8 in the female section, but were held in a separate cell. The law states they should provide education, but teachers did not turn up for the girls. Because of this, adult female prisoners were teaching the girls. The prison authorities denied them doing

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<sup>370</sup> [Addameer, 24 September 2019](#)

<sup>371</sup> [Addameer, 24 September 2019](#)

<sup>372</sup> [Addameer, 24 September 2019](#)

<sup>373</sup> [Addameer, 24 September 2019](#)

this, so the women threatened a hunger strike until the authorities agreed. The prison system is not allowing Palestinian prisoners to sit Palestinian high school exams, but the adult prisoners managed to assist the juveniles sit their end of year exams. In each prison, they would have a special committee that is responsible for preparing and implementing the exams. The degrees are sent to the PA education ministry.<sup>374</sup>

- 6.2.11 Breaking the Silence noted ‘Palestinians [in Gaza] sometimes want to be arrested by the IDF to be able to receive food while in detention, which is why they sometimes cross the border.’<sup>375</sup>

[Back to Contents](#)

## **7. Palestinians from 1948**

- 7.1.1 Al Haq noted:

‘There are Palestinians inside Israel who are called ‘Palestinians from 1948’. They have Israeli citizenship but there are 50+ Israeli laws that discriminate against them. The Israeli Jewish Nation-State Law takes discrimination to a constitutional level and makes it an obligation for the State to carry out discrimination against almost 20% of its population. The right of self-determination is only for Jews. The Arabic language does not have formal recognition and only the Jewish calendar is in use, so Arabs must adopt the Jewish calendar.’<sup>376</sup>

- 7.1.2 The ICHR stated that ‘the Palestinians inside Israel are second class citizens.’<sup>377</sup>

[Back to Contents](#)

## **8. Documentation of Palestinians outside of the OPTs and Israel**

- 8.1.1 The PA’s Ministry of Interior noted that ‘the responsibility for issuing passports to Palestinians living outside of East Jerusalem, or outside of Palestine and do not carry a national ID card is with the general dept of passports in the ministry’s headquarters.’<sup>378</sup>
- 8.1.2 Malik noted, ‘...if there is a child born outside of Palestine and the parents are Palestinian, the child needs an ID to register.’<sup>379</sup>
- 8.1.3 Regarding the issuance of passports, the Ministry of Interior stated ‘Regarding issuing passports to those residents outside Palestine, the applications would be submitted to one of the embassies or consulates worldwide, the applications would then be sent to the ministry of interior headquarters. These passports are printed in the ministry headquarters and then sent to the originating embassies or consulates.’<sup>380</sup>

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<sup>374</sup> [Addameer, 24 September 2019](#)

<sup>375</sup> [Breaking the Silence, 25 September 2019](#)

<sup>376</sup> [Al Haq, 24 September 2019](#)

<sup>377</sup> [ICHR, 26 September 2019](#)

<sup>378</sup> [PA – Ministry of Interior, 23 September 2019](#)

<sup>379</sup> [ICHR, 26 September 2019](#)

<sup>380</sup> [PA – Ministry of Interior, 23 September 2019](#)

8.1.4 Malik, the representative of the Ministry of Civil Affairs, explained that ‘some Palestinians who live abroad do not have an ID, but in some exceptional cases they can have a passport which is illegal in the eyes of the Israeli side “they don’t recognize it”.’<sup>381</sup>

8.1.5 Malik also noted:

‘Regarding special humanitarian cases, Palestinians who live in refugee camps outside of Palestine do not have passports but are issued a different type of passport so they can move around and travel. However, they cannot enter Palestine with this type of passport because the Israelis have not approved it. Israel only issue passports to people they have accepted.

‘Travel documents are issued to Palestinian refugees in Egypt, Iraq, Syria and Lebanon. These governments issue travel documents to Palestinian refugees in their countries. People collect these documents from the Ministry of Interior in the concerned country. They are visit permits that must be approved through the Israeli system.’<sup>382</sup>

8.1.6 Al Haq observed:

‘Palestinians in the diaspora are not on the population registry or on the refugee register. They “do not count” in the population.

‘Palestinians from the diaspora are unable to come back. There is one case where a Palestinian from Chile went to the West Bank for work. He had a UN contract and has now been living in the West Bank for 10 years but is unable to obtain status or ID. He is residing illegally according to Israeli law. He cannot leave Ramallah due to the checkpoints. He is basically imprisoned inside Ramallah and would be deported if found out. His family is in the West Bank, he is Palestinian, he does not want to leave. He is applying for documents from the PA and to be on the Palestinian registry, but anything issued first has to be approved by Israel and the population registry for Palestinians is controlled by Israel and is a political decision.’<sup>383</sup>

[Back to Contents](#)

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<sup>381</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>382</sup> [Malik – Ministry of Civil Affairs, 26 September 2019](#)

<sup>383</sup> [Al Haq, 24 September 2019](#)

# Annex A: Terms of reference

## Topics

- **Freedom of movement**
  - Within Gaza
  - Within the West Bank
  - A, B, C divisions in the West Bank
  - Documents to enter/exit Gaza and the West Bank
  - Checkpoints
  - Palestinian diaspora returning to the OPTs
- **Official documentation**
  - Palestinian population registry
  - Identity cards and ID numbers
  - Travel documents
  - Citizenship and residency cards
  - Palestinian passports issued in Ramallah to the Palestinian diaspora
- **Security and humanitarian situation**
  - Within refugee camps in the West bank and Gaza
  - Humanitarian situation in Gaza
  - Treatment of Palestinians by Hamas
  - Treatment of Palestinians by the PA forces
  - Treatment of Palestinians by Israeli forces
  - Human rights violations
    - Treatment of detainees (in Gaza and the West Bank)
    - Prison conditions (in Gaza and the West Bank)
    - Arbitrary arrest (in Gaza and the West Bank)

[Back to Contents](#)

## Annex B: List of sources

1. Addameer
2. Al Haq
3. Breaking the Silence
4. B'Tselem
5. Centre for Development and Media Freedoms
6. Community Action Centre
7. Diplomatic source
8. Gisha
9. Hamoked
10. Independent Commission for Human Rights
11. International rights group
12. Palestinian Authority – Ministry of Interior
13. Palestinian Population Registry
14. Source 1
15. Source 2
16. United Nations Relief and Works Agency for Palestine
17. World Health Organisation

[Back to Contents](#)

# Annex C: FFM background explained to sources

## Home Office fact finding mission: background

Officials from the United Kingdom (UK) Home Office would like to undertake a Fact-Finding Mission (FFM) to the OPTs to obtain information about the current country situation regarding the freedom of movement, official documentation, the security situation and the situation of Palestinians in East Jerusalem, the West Bank and Gaza and would like to interview you about this subject.

The FFM team will hopefully consist of three officials from the Home Office, the government department responsible immigration and asylum. More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

The information you provide the FFM team may be cited in a report which may be placed on the Home Office website and made available to the public. It will be used to assist UK immigration officials and judges involved in the asylum and human rights decision-making process.

**However, the FFM team will only publish information you provide with your consent. If you prefer that the information is not made publicly available, this will be respected.**

The FFM team will give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation and ask if you are willing to be identified as the source of the information. If you do not wish to be identified by name, then the FFM team will ask if you are willing to be identified in more general terms, for example as a representative of your named organisation, or as 'an official of an international humanitarian organisation'...

The FFM team would find it helpful if you could provide some background to your organisation (where appropriate) and your role in the organisation. This will help them to understand the context of the information you provide.

More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

[Back to Contents](#)

# Annex D: Notes of interviews

Community Action Centre (CAC); 23 September 2019

## West Bank and Jerusalem

The population registry is run by Israel. When Israel occupied in 1967, it created a new residency status for Palestinians in East Jerusalem. Israel said that all people in East Jerusalem are permanent residents of Israel. There are three categories of residents run by Israel in the Occupied Palestinian Territory: One for Jerusalem, one for Gaza and one for the West Bank. The PA participates in running the West Bank and Gaza population registry, but the final decision is Israeli.

The peace process allowed the PA to issue passports and documents, but these documents must be in line with Israel's rules. It is up to Israel to decide who the ID cards and passports are issued to, as it is run by Israel, but the PA carry out administrative tasks. East Jerusalem is under the total rule of Israel.

In East Jerusalem, the population registry is run by the Israeli Ministry of Interior. Jerusalem's population registry is an electronic system. If a Palestinian has an ID number that means they are on the population registry. A Palestinian's ID can be revoked and is key to knowing whether someone has permanent residency or not.

## Revocation of residency

Israel has a policy where residency can be revoked under different criteria:

- a. If a person lives outside Israel, which has been interpreted into:
  - If a person receives a permanent residency abroad
  - If a person receives a citizenship abroad
  - If a person has lived outside Israel for 7 years: this is still written in the law but now the more important criteria is the 'centre of life'.
- b. There is now a new justification for residency revocation which is known as 'breaching allegiance to the state of Israel'.

## Centre of Life

If a person's 'centre of life' is outside Israel, the person may lose their residency. If a person works abroad or spends most of their time abroad, their 'centre of life' is not in Israel. A person's 'centre of life' is the most important criteria for losing residency status – this is specific to the people of East Jerusalem, it is a fragmented Palestinian society. This started happening in 1995.

If a person proves that they have been studying abroad, it is unlikely that their residency will be revoked. Studying abroad is a good defence to keep the residency status. If a person has 2 houses - one in Jerusalem and one in the West Bank (Jericho/Ramallah for example), the Israeli authorities will look at where the person spends most of their time. Israel will compare electricity bills, water bills and where the children go to school. If a person spends more time outside of East Jerusalem, they may lose their residency.

The other method of revoking residency started as a practical action in 2006 and became law in 2018 and is known as 'Breaching Allegiance to the State of Israel'. This is defined as attempting or inciting terrorism or the crime of treason. Israel started revoking statuses before the law even existed, the supreme court held the

revocation for 6 months before it could become law. Israel revoked the residency of a young man accused and later convicted with manslaughter after he threw a stone at a moving vehicle leading to the death of an Israeli driver. When the young man leaves prison, he will have nowhere to go. Throwing a stone is defined as terrorism and a person's residency can be revoked for that. It is very dangerous because it is not known what other ways Israel will use this new law yet.

Inciting terrorism can be based on what people post on Facebook – if a person celebrates something negative towards Israel, that may be classed as inciting terrorism.

### **Restrictions of child registration**

Residency status does not automatically pass to children, because it does not matter whether a Palestinian is born in Palestine. Most of the population are only residents in Israel. Israel issues a travel document to permanent residents with a re-entry visa stamped on it.

There are certain criteria to fulfil to pass on residency status to children:

The easiest is if both parents are permanent residents and their status is not questionable. They live in Israel or East Jerusalem and their 'centre of life' is in Israel or East Jerusalem.

Some children are not registered for several reasons and if a child is not registered, they become an adult without a status. A Palestinian parent can register their child up to the age of 14 if the child is seen by the Israeli authorities as a former West Bank or Gaza resident. The rule is very specific and complicated depending on ages. 14 years is the final age when this process can be started to get a West Bank child registered, their 'centre of life' evidence, including if appropriate, evidence of college - attendance to college for 2 years is necessary.

The photo journalist, Mustapha al-Kharouf, was denied family unification after marrying. He published photos of a Hamas rally, he faces the threat of being deported and is currently in prison. He is stateless and status-less. In Mustapha al-Kharouf's circumstance, he was not registered as a child. He became an adult without residency, he does not have the right to live legally anywhere on this planet. There are many children and adults who do not have the right to live in Jerusalem right now, the Israeli law blocks it. It is impossible to know how many people are not registered. Those without residency rights are stateless.

### **Family unification**

Another problem is family unification related residency. Israel introduced a law in 2003. According to this law, whilst most Palestinian Jerusalemites have a status, a Palestinian from the West Bank or Gaza cannot ever have permanent residency status or citizenship in Israel. This law has been amended several times.

Currently, if a permanent resident of Israel or East Jerusalem is married to someone from Gaza, their partner cannot live in Israel or East Jerusalem.

If a person is married to someone from the West Bank, then the person can apply for family unification. If successful, they will be awarded a permit which needs to be renewed every one or two years. The most they can receive if they are from the West Bank and married to a Jerusalemite or Israeli is a permit which is renewed periodically. This permit does not allow a person to drive a car in Israel (even if they

have a driving licence) and it does not allow them to become a part of the social welfare system. Recently, people have been able to join the medical insurance system after paying a large amount upfront. A recognised resident is automatically part of the social welfare and medical insurance systems, but these types of Palestinians are excluded.

In 2007, Israel added 4 countries where family unification is banned – Iraq, Iran, Lebanon and Syria. There was a court case against this as this is discrimination. Israel argue that it is a security measure, but there has not been a case to show that someone from these countries did something against Israeli security. Effectively this means that if someone is married to an East Jerusalemite or an Israeli and is from one of these countries, they cannot get residency. There are families who live separately or move abroad so they can be together.

Israel has stopped the family unification process for anyone from Gaza. Israel is happy for Palestinians from Jerusalem to go to Gaza and never come back. Some couples move to Gaza from East Jerusalem if one partner is from Gaza, but the Jerusalemite will lose their residency in Israel. Or they just see each other occasionally, such as holidays like Easter and Christmas.

Kufr Aqab is a town inside of the municipality of Jerusalem. It is 'inside' the areas that Israel consider as part of its sovereign territory, but on the Palestinian side of the wall. Here there are uncharacteristically tall buildings. People cannot build out, so they build up and it enables them to be within Jerusalem. If someone wants to keep their East Jerusalem status and marries someone from the West Bank, they live in Kufr Aqab to be close to their West Bank spouse, as it is easier for people to live there, go to work and to live with their partners. Many people do not like to take their West Bank partners into East Jerusalem as they are fearful of the police. Their West Bank partners may be subject to abuse or deportation. But most people will live together, even if illegally, and many do not have the money to live in two places.

### **Documents carried by Palestinians in East Jerusalem**

East Jerusalemites have two travel documents – a Jordanian travel document (known as a temporary passport) and an Israeli travel document. When Israel occupied Jerusalem in 1967, Jordan considered the West Bank (including Jerusalem) as part of Jordan. In 1988 the king of Jordan disengaged the West Bank and Jordanian citizenships were revoked. Jordan continues to give temporary passports to Palestinians in East Jerusalem - issued every 5 years. People used to have to go to Jordan to get these passports, but they can now be applied for in Jerusalem. The passport number has a T before the number (T for temporary). Different countries treat this document differently. For example, Turkey and Tunisia currently allow the holders of this passport to enter without a visa, but countries such as Lebanon, Egypt and Syria make it difficult to get visas based on this passport. Denmark and Switzerland do not accept the passport, but the Schengen zone does. Most of the countries of the world accept this travel document and stamp visas on it. Holders of this temporary passport are not considered as Jordanian citizens.

The Israeli travel document issued to Palestinians, a laissez passer, states that citizenship is Jordanian in most cases (which is wrong). There is a re-entry visa to Israel stamped on one of the pages of this laissez passer document and the visa is valid for as long as the travel document is valid – up to 5 years. It is easy to renew the document if a person's status is stable – it can be renewed in Jerusalem or in an

Israeli embassy, as long as the person's status is not questionable. It does not take long to get it renewed in East Jerusalem, it takes 10 days. The problem is getting an appointment with the Israeli Ministry of Interior – this takes months. Palestinians have to physically go, as biometrics are required.

East Jerusalem Palestinians can apply for Israeli citizenship. Numbers of these applications are increasing due to the problems faced for Palestinians without citizenship. Palestinian children who are automatically citizens can leave Palestine and come back with no problems.

### **Palestinian passports in the West Bank and Gaza**

Passports issued to Palestinians in the West Bank are different to passports issued to Palestinians in East Jerusalem. Part of the Palestinian Authority and Israel's agreement, issued according to the Oslo peace agreement, states that once a person from the West Bank or Gaza holds a Palestinian passport, there is no way to revoke their residency status – even if they leave for 10 years. This has not always been the case. Palestinians used to have their residency status revoked all the time, until 1994 when the peace agreement started. However, the peace agreement did not solve how those who already had their status revoked could get it back. The peace agreement stated that these Palestinians should get their status back, but it has never happened, because Israel froze this process. Passports for Palestinians in the West Bank are issued by the PA after the request has been approved by the Israeli authorities. To the best of CAC's knowledge, the PA has not been issuing passports that are not authorised by Israel. Israel controls all entry and exit to the West Bank, if a person's passport is not recognised by Israel they will not be able to get through.

[Back to Contents](#)

### **Representative of UNRWA, 23 September 2019**

#### **Gaza**

There are close to 2 million refugees supported by UNWRA.

Poverty rates are very high and unemployment is over 50%. Shelter and access to livelihood is extremely problematic. Rebuilding is difficult due to restrictions imposed by Israel. Water sources are inadequate and there are issues with potable water and electricity. Gaza is very densely populated and there is a fast population growth. According to the World Bank, Gaza will be unliveable by 2020 due to the lack of water and general living conditions.

There is a lack of opportunity. Schools are on double shifts. That, as well as the 'Great March of Return', the bombardments and the attacks, mean that life could be untenable. In terms of quality of life in Gaza, it is abysmal.

None of the camps across the region are tented. Communities and families live together. It is densely populated, there is a lack of space and limited road access - so people are living under crowded conditions. There are no jobs, conditions are increasingly bad, there is poor sanitation. It is the same in the West Bank and in Lebanon, but not as dramatic.

Camps are not distinguishable, there are no walls or fences separating the camps from non-refugee buildings.

UNRWA focuses on the refugee population based on poverty rates. This has been increasing over the last few years. Food assistance is given quarterly. Oil, flour and beans are provided and amounts given are based on family size. Because of the dense camp area, there is not much space to grow crops. Non refugee communities have the share of the land.

UNWRA is the main provider of education, up until grade 9, providing education for children up to the age of 13 or 14. The authorities provide the next level of education. There are universities and technical vocational training opportunities inside Gaza.

Leaving Gaza depends on permits and on the regime. There was a recent case of a young disabled woman who had a permit to leave rejected due to 'security issues', even though she received a scholarship to study in the UK. There is limited opportunity for people to leave.

UNRWA gives each person a registration card with a family number which acts as an ID card. Refugees can use it to access education, primary healthcare and social services. Refugees receive their own UNRWA card when they turn 15. Before 15, children are on their mother's card. The ID card will never get revoked, people can always keep it. The ID is a small laminated card with their photograph on it.

Every quarter, UNRWA uses a registration list to complete an analysis of the number of refugees. People are only removed from this list when they die.

The registration list is on a computer, each field has its own individual record which is consolidated centrally. UNRWA has very strict privacy controls.

There are a lot of humanitarian organisations operating within the camps. These are community based NGOS, UN partners, who work alongside the World Food Programme and UNWRA.

People are able to leave the camps to find work, there are no access restrictions within Gaza. Everyone is Palestinian and most families have been there for 70 years or so.

## **West Bank**

There are 19 UNRWA camps in total, ranging from very small ones with several hundred families to large camps such as Balata and Shu'fat which house thousands of people. There are no tented camps. Camps in the urban areas become very densely populated, but Palestinians prefer to live in these areas because there are more job opportunities. Camps in rural areas are more spacious. 30% of Palestinian refugees in the West Bank live in camps, the rest live outside the camps.

Statistics indicate that refugee camps are slightly poorer and there are slightly higher rates of violence.

Discrimination occurs depending on how rough a camp is. Service providers, purchasing land or property is no different.

Water availability depends on the area and the ability to dig wells. Some camps get water from settlements, through Israeli authorities, through the PA, or from wells.

In terms of food supplies, UNRWA does not have a high level of distribution. There is a social safety net programme in both the West Bank and Gaza. The most vulnerable are provided with cash assistance. Due to an increase in case load in the West Bank, UNRWA only provide food to Bedouin communities. UNRWA gives \$10

per person per month (which UNRWA has never been able to increase due to financial restrictions). There is no subsidised food. UNRWA aids 60,000 families, of which 35,000 are included in the social safety net. Money is distributed via an ATM card once a month. The money must be withdrawn within a certain time limit otherwise it is lost. Palestinians cannot allow the money to build up over several months and then withdraw a larger amount.

The criteria for inclusion in the social safety net programme is via a complex check list. There is a broad range of factors such as the cost of rent, the number of family members, access to employment, assets, health status, disability, who the head of the household is are all considered. Data is computer generated for transparency.

Primary healthcare is free for those under the social safety net, which also provides a person with 90% coverage of secondary healthcare rather than 40% (which those on the emergency fund receive). UNRWA would distribute more money, if funding allowed, but that is very ad hoc.

The monthly minimum wage is about \$300 to \$400 a month, for example for a labourer or bus driver. In Jerusalem wages are higher.

In UNRWA's 19 camps there are 96 schools and 42 health centres. People outside the camps can access the services as long as they have a refugee card.

On education, UNRWA co-operate with the PA. The PA are responsible for educating the refugee boys and UNWRA for educating the refugee girls. There are 48 to 50 children per class. The air con is insufficient, there is not enough training for staff, not enough cleaners for health centres. There are issues with the day to day management. Keeping people motivated is the hardest part.

Palestinians can access healthcare in any of the UNRWA camps, there is a sharing of medical history. Movement is quite common to access different healthcare. For example, Palestinians travel for healthcare from Nablus to Ramallah.

UNRWA had mental health units for communities who suffered from house demolitions. But it has had to cut its mental health programme, as well as its mobile health units for Bedouin communities. Last year, it lost 150 staff and half of its protection team. UNRWA are underfunded by 30% in the West Bank alone. The community has really felt the impact of the reduction in funding.

UNRWA registration cards in the West Bank are the same as those used in Gaza. There are registration offices in each of the areas and in the camps. Parents register their babies when they are born. The registration function is very important because it registers births, ID cards and keeps track of numbers – it is the basis of all programmes. It is quite easy to replace registration cards, if someone loses their card for example, but there is a process and procedure to be followed.

UNRWA do not administer the camps, the PA provide security and police, but the PA police do not go into Balata as it is managed by the camp residents themselves. There is a big difference between the camps. In the rural areas, camps may have no police, no security. There is very little control. Other camps are like living in a nice little village in the West Bank with olive trees all around. The challenges in these camps are more about improving sanitation. There are also camps next to settlements where Palestinian children are exposed to violence on the way to and from school and who also have to cross checkpoints to get to school. In Aida there is a high use of tear gas, meaning babies inhale tear gas in the middle of the night.

Issues are different depending on the location. In Jericho residents are not paying their electricity bills, so the Israeli Authority is threatening to cut off their electricity supply. It is also short of 80 sanitation workers, so rubbish is not collected. In East Jerusalem there is a lot of violence. It is like a different universe in each camp, with all these different issues.

Underlying everything is the threat of violence, an increase in gender-based violence and issues around corporate punishment.

[Back to Contents](#)

WHO, 23 September 2019

## Gaza

### The 'Great March of Return'

WHO works in the West Bank and Gaza Strip, to support development and strengthening of the health system. Its four strategic objectives focus on: realization of universal health coverage; support preparedness and response to health emergencies; and strengthening the capacity of duty bearers for the respect, protection and promotion of the right to health.

Regarding humanitarian health needs, a major concern has been the high number of trauma injuries since the start of Gaza's 'Great March of Return' demonstrations. There have been 7,500 gunshot injuries, 87% of which have been to limbs, placing extra burden on an already overstretched health system. More than 1,200 injuries require longer-term follow up and multiple, complex surgeries. These complex injuries are at higher risk of bone infection, requiring treatment before limb reconstruction to reduce the risk of unnecessary amputation. This is all on top of existing major challenges, including regular electricity outages.

There are chronic shortages of medical supplies and drugs, with 44% of essential medicines [were] completely depleted in October 2019. These shortages affect chemotherapy medicines for cancer treatment, with 55% of essential medicines for oncology and haematology at less than a month's supply remaining in October 2019. There are no radiotherapy facilities, as well as a lack of diagnostics technology such as for PET scanning. Medical referrals outside the Gaza strip need an Israeli security permit, which is hard to obtain. The rate of approval for patient permits from Gaza has decreased drastically from more than 90% in 2012 to 54% in 2017. In 2018, 61% of patient permits were approved, with 66% approved in the first three quarters of 2019 [The source referred the FFT to the WHO's monthly report of patients from the Gaza Strip and the Right to Health report 2018 <sup>384</sup> <sup>385</sup>]. As of the end of October 2019, only 18% of people injured during the 'Great March of Return' have had their permits approved. Initially the Israeli authorities had indicated that no permits would be approved for those injured close to the perimeter fence.

Health workers are vulnerable to attacks. Since the start of the 'Great March of Return' on 30 March 2018 until the end of October 2019, 3 health workers have been killed and over 800 have been injured.

Unemployment and the effects of the Israeli occupation have health knock on effects such as malnutrition and stunting of growth in children.

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<sup>384</sup> WHO, 'Occupied Palestinian Territory – WHO monthly reports...', 2019, [url](#)

<sup>385</sup> WHO, 'Occupied Palestinian Territory - Right to Health 2018', October 2019, [url](#)

## **Water resources**

96% of water from the Gaza aquifer is unfit for human consumption. The availability of water and the sewerage system is highly dependent on electricity which fluctuates. As of September [2019], there is 13 hours of electricity a day (an increase from a monthly average of 5-7 hours a day from January to October 2018, so an improvement) but this fluctuates daily. The sewerage system does not work, resulting in raw sewage running into the Mediterranean Sea with consequences for health hazards. Families do not use tap water because the water is not safe to drink. The general public are well educated and know they need to boil water for cooking, reducing the risk for outbreaks of water borne diseases. People mainly use bottled gas for cooking. There are items that are not present on the dual use list but not available due to funding restrictions/political division (such as certain medicines), and there are facilities like radiotherapy that are not available – though there is indication from the Israelis that they would facilitate their entry. Noncommunicable diseases are the major burden of disease (in terms of morality) in the oPt and they are related to lifestyle factors and underlying determinations of health, including smoking, diet and active living.

## **Access to food**

WHO stated that according to OCHA, “Palestinians can access almost all food items in the Gaza Strip, but large parts of the population simply cannot afford to buy those items. 68% of the Gaza population experience moderate to severe food insecurity, with 53% of the population living in poverty.”<sup>386</sup>

## **Healthcare**

70% of the population are refugees, entitled to receive services from UNWRA such as education and primary healthcare. By and large, UNRWA do not provide hospital care, which is provided by public authorities and non-governmental organizations. There is one UNRWA hospital in Qalqilya, in the West Bank. The Palestinian Authority has responsibility for provision of healthcare in the Gaza Strip, since its establishment following the Oslo Accords, while the de facto authority (Hamas) in Gaza also has responsibilities for administration of the health system in the Gaza Strip.

The chronic closure or blockade of Gaza for over 12 years and successive conflicts or escalations have been major obstacles for the health sector, with overall de-development in some areas and the prioritization of humanitarian response over development efforts. In the West Bank, the heavy presence of checkpoints (140 fixed checkpoints and 2,254 flying checkpoints in 2018), the separation barriers, presence of Israeli occupation forces and the expanding settlement infrastructure present unique challenges to health and healthcare provision that differ from the situation in the Gaza Strip. Overall, fragmentation of the Palestinian territory and the political division between the West Bank and Gaza Strip further compound these obstacles. The absence of meaningful peace negotiations or concessions means the situation is unlikely to change in the near future.

The PA in Ramallah was paying 60% of salaries to public employees, including health workers, in the context of its financial crisis in 2019. In Gaza, the salaries of

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<sup>386</sup> OCHA, ‘Occupied Palestinian Territory- Humanitarian Needs Overview 2019’, 17 December 2018, [url](#)

the vast majority of public workers employed since the political divide have been paid by de facto authorities [i.e. Hamas].

The life expectancy of Palestinians in Gaza is lower than in the West Bank and overall life expectancy in the oPt is more than 8 and a half years lower than the Israeli population. The known survival rates for cancer are lower than for many developed countries.

Palestinians living in the Gaza Strip and the West Bank outside of East Jerusalem must apply for a permit to travel to reach health facilities in East Jerusalem and Israel. In the Gaza Strip, patients also require permits to reach facilities in the West Bank outside East Jerusalem and Jordan. There is a blanket ban on free movement without a permit into East Jerusalem and Israel for the rest of the population, with over 100 types of different permits. WHO looked at the impact of the delay or denial of permits for cancer patients from Gaza applying for chemotherapy and/or radiotherapy services between 2008 and 2017. For the period 2015 to 2017, the chance of death (hazard rate) for patients initially delayed or denied permits was 1.5 times higher than those initially approved access to medical treatment. Therefore, blockade policies have a direct impact on health.

There are a number of NGOs and INGOs in Gaza such as the ICRC, Red Cross/Red Crescent, Médecins Sans Frontières (MSF) and MAP-UK. These organisations are all part of the health cluster, which coordinates the humanitarian response for the health sector. These organizations strive to meet the humanitarian health needs of the general population that arise from gaps in the health sector as a whole, such as shortages of some categories of health workers, including for many medical and surgical specialties. The high number of gunshot injuries has also created a surplus need for particular services, putting severe strain on existing resources. As well as the high demand for specialties like orthopaedics and vascular surgery, many patients who suffered gunshot injuries require long-term follow up and multiple, complex surgeries that put them at a higher risk of losing limbs. Difficult living conditions in Gaza and opportunities elsewhere has led to a number of Palestinian health workers traveling abroad, resulting in a recent 'brain drain' in Gaza. A number of medical teams come to Gaza for short periods of time, for example, the UK sends surgeons from Imperial College London. There is also The Palestinian Children's Relief Fund and foreign surgical teams who come to work in the West Bank and Gaza. This helps the capacity, although it is not sufficient.

Access to free health care for Palestinians is dependent on a number of factors. There exists a public healthcare benefits package, which is 88-90% funded through central funding from the Palestinian Authority. Public provision of healthcare covers almost all medical services, though major gaps in availability of publicly-funded services means a heavy reliance on purchasing care from other providers by the Ministry of Health. There is high out of pocket spending [this is relatively high in oPt and estimated to 45.5%], attributable mostly to spending on pharmaceuticals, and there are also co-payments to access primary care services. Gaps in pharmaceutical supplies in public healthcare facilities mean people may purchase medicines from private pharmacies, with extra expense for vulnerable people. If people become severely sick, health treatment at hospital is covered by the insurance mechanism, but transport to the hospital in Jerusalem (which is very expensive) is not, neither is accommodation for a companion. People must pay out of their own pocket.

If a person is not covered by the insurance scheme, they can make payments and become insured at the time, so there is no incentive for a person to pay before they become ill. People must pay for the 3-month period prior to accessing treatment. People who are employed in the public sector are more likely to be pre-emptively enrolled in the insurance scheme.

There are concerns about the equitability of the system – as well as its sustainability, with the need of the Ministry of Health to strengthen strategic purchasing to address the issue of private/NGO institutions potentially profiteering from Palestinian public funds.

## **Mental health**

This is a big concern in the context of chronic occupation. WHO aim to work with partners to adequately support services to address the mental health burden and have been actively engaging with UNWRA, to integrate mental health care into primary healthcare to avoid stigmatisation. Some progress has been made but there are severe capacity gaps in services and specialists. There is a small number of psychiatrists and mental health professionals and primary healthcare is not specialised. However, with training it is possible to diagnose and treat some mental health conditions. There is some investment in trying to alleviate the problem.

## **Education and employment**

The education system, in principle, is functioning relatively well. UNRWA faced potential school closures due to withdrawal of US funding. Unemployment rate is at 50%.

## **West Bank**

The situation in the West Bank is different to Gaza. West Bank medical permit approval rates are higher than Gaza medical permit approval rates. 82% of patient and companion permit applications were approved in 2018. However, the West Bank face different challenges such as access restrictions. The PA does not have much access in terms of providing medical services, much of the services rely on clinics. Mobile services are also restricted.

WHO referenced page 53 of the 'Right to Health report 2018':

'Discriminatory planning and zoning policies and practices in Area C of the West Bank prevent the development of permanent or semi-permanent health facilities for remote communities, meaning that 114,000 (35%) of the 300,000 Palestinians living in Area C have limited access to primary healthcare and are reliant on mobile health clinic provision for access to essential primary care services. In 2018, there were six reported incidents where mobile clinic teams were prevented access to communities in Area C. Four incidents were for the area of Khan AlAhmar. Three incidents occurred in July where clinics delivered by the Palestinian Ministry of Health, Medical Aid for Palestinians (MAP-UK) and the Palestinian Medical Relief Society were prevented access for up to 11 days. A further incident happened from 26 August to 22 September [2018], when MAP-UK's clinic was prevented access to provide primary care services. Khan Al-Ahmar is an area encompassing 12 Palestinian communities of approximately 1,400 residents. Like many communities in Area C, the residents have had properties demolished due to lack of permits to build, though permits for Palestinians are virtually impossible to obtain. The entire community has continued to face the threat of demolitions and forced displacement for over ten

years, creating a coercive environment. This includes the promotion of plans to relocate Palestinian Bedouin communities to designated urban townships, not suitable for maintaining their livelihoods and way of life; restrictions on access to land and natural resources for livestock grazing; the denial of basic service infrastructure; and the lack of secure residency.<sup>387</sup>

Two further incidents of preventing mobile health clinic access occurred in Hebron in May 2018, for clinics delivered by the Health Work Committees. One incident affected the community of Tal Al-Rumeideh, while the second affected the community of Haret Al-Jabari. In addition to prevention of access, Israeli forces confiscated a Palestinian Ministry of Health mobile clinic vehicle on 13 August, on its way to deliver care to four communities in the Masafer Yatta district, in the South Hebron Hills. The clinic vehicle has still not been returned. The Ministry of Health has had to reduce the frequency of its clinic visits since the incident

Regarding access to hospitals (secondary care), patients from the West Bank outside East Jerusalem need permits to access Palestinian hospitals in East Jerusalem, as well as Israeli hospitals. Access to healthcare for Palestinians is restricted through checkpoints controlled by Israel. Primary healthcare access issue affects more communities in Area C, H2 of Hebron and communities in the Seam Zone (West Bank side of Armistice Line and Israeli side of separation barrier) and East Jerusalem (where certain families are cut off from access to their main communities by the separation wall and checkpoints). Ambulances leaving the West Bank into East Jerusalem are held up at check points. They are required to undergo the back-to-back procedure in most instances. WHO referenced pages 52 and 53 of the [‘Right to Health’ report](#):

“In 2018, according to data collected by the Palestine Red Crescent Society (PRCS), 84% of the 1,462 recorded journeys by ambulances requiring entry to Jerusalem from other parts of the West Bank each year had to transfer patients to another ambulance at checkpoints, diverting health resources and delaying transit. Similarly, access for mobile health clinics is hampered in certain instances by checkpoints, the separation wall and settlement infrastructure, as well as natural barriers and the remoteness of some communities. Ambulances from Qalqilya, Tulkarem, Jenin and Tubas had the highest rates of ambulances required to undergo the back-to-back procedure (100%), while ambulances from Jericho and Al Bireh had the highest rates of direct access (22%)...

“Discriminatory planning and zoning policies and practices in Area C of the West Bank prevent the development of permanent or semi-permanent health facilities for remote communities, meaning that 114,000 (35%) of the 300,000 Palestinians living in Area C have limited access to primary healthcare and are reliant on mobile health clinic provision for access to essential primary care services. In 2018, there were six reported incidents where mobile clinic teams were prevented access to communities in Area C. Four incidents were for the area of Khan AlAhmar. Three incidents occurred in July where clinics delivered by the Palestinian Ministry of Health, Medical Aid for Palestinians (MAP-UK) and the Palestinian Medical Relief Society were prevented access for up to 11 days. A further incident happened from 26 August to 22 September, when MAP-UK’s clinic was prevented access to provide primary care services. Khan Al-Ahmar is an area encompassing 12 Palestinian communities of approximately 1,400 residents.<sup>60</sup> Like many communities in Area C, the residents

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<sup>387</sup> WHO, ‘Right to Health 2018’, October 2019, [url](#)

have had properties demolished due to lack of permits to build, though permits for Palestinians are virtually impossible to obtain.<sup>61</sup> The entire community has continued to face the threat of demolitions and forced displacement for over ten years, creating a coercive environment. This includes the promotion of plans to relocate Palestinian Bedouin communities to designated urban townships, not suitable for maintaining their livelihoods and way of life; restrictions on access to land and natural resources for livestock grazing; the denial of basic service infrastructure; and the lack of secure residency...”

A first responder health worker, Sajed Mizher, was killed in clashes between Israeli forces and refugees in a refugee camp in Bethlehem. For more details, see [Al Haq's report](#) on this.

A major health challenge in the West Bank is due to the conditions of the occupation. Unemployment rate is extremely high and even higher for youth unemployment. Key statistics can be found on pages 59 to 62 in the [‘Right to Health’ report](#). This has effects on health such as malnutrition in children, which is common in the West Bank. In Area C there are higher rates of stunting in children [compared to Areas A and B].

The PA previously refused to accept any further funds from Israel which led to a loss of 50% to 60% of its budget - affecting the salaries of PA staff. In some months the PA were able to pay 110% of salaries, but during other months workers were only paid 60%. This impacted the whole economy with one consequence being that Israel threatened to cut the electricity supply across the West Bank due to a lack of payment (the PA pay Israel for electricity). The money collected by Israel from the PA, to pay for Palestinians in detention in Israel, further aggravated the situation.

Due to irregular payments by the PA to hospitals in East Jerusalem, oncology centres in East Jerusalem have threatened to end the intake of Palestinian referral patients for cancer treatments. It is not clear where these patients would alternatively go for treatment. As of 16 October 2019, the overall debt of the PA to East Jerusalem hospitals, including Augusta Victoria Hospital (AVH) in Jerusalem, was approximately 300 million Israeli Shekels [67,175,000 GBP] (which corresponds to the treatment costs of almost a whole year- the debt to Augusta Victoria Hospital alone was 185 million Israeli shekels, almost 60% of total debt). The situation reached a critical point on 26 October 2019, when AVH reported that it would have to stop admitting patients unless arrears were paid. The situation has forced the hospital to stop providing chemotherapy treatment for 170 serious cancer cases. The hospital later reached an agreement with the PA, providing for the immediate transfer to the hospital of 40 million Israeli Shekels and the rescheduling of outstanding payments over 12 – 18 months.

The PA has substantially reduced referral of Palestinian patients to Israel, after announcing a policy towards ending referrals to Israel in March 2019. There is now a substantial reduction in the number of patients going to Israeli hospitals. WHO referenced its October 2019 monthly report:

‘Low referrals to Israeli hospitals persisted, with 92 referrals to Israeli hospitals from Gaza (24% of the 2018 monthly average of 389), and 341 referrals from the West Bank (29% of the 2018 monthly average of 1,185). A relatively higher proportion of

referrals to Egypt from Gaza continued, comprising 16% of September [2019] Gaza referrals, requiring access through Rafah crossing.<sup>388</sup>

Since the policy was announced, a higher proportion of Palestinian patients were referred to East Jerusalem hospitals, putting severe strain on services. A higher proportion of referrals from Gaza have been to Egypt since the policy was announced.

[Back to Contents](#)

AL HAQ, 24 September 2019

There is a weekly focus on casualties, deaths and violations resulting from the 'Great March of Return'. There is a short film, 'Gaza 2020', that focuses on the situation in Gaza, which is in fact already uninhabitable.

### **Freedom of movement**

The most brutal policy is the Jerusalem closure policy which affects all Palestinians. The closure of Jerusalem violates the very basis of Palestinian life on a daily basis. The policy is not only about freedom of movement with security and dignity, but it affects everyday life, for example where someone can work, where someone can study, who somebody can marry, it touches the very heart of the Palestinian culture and collective identity.

There are different types of identity cards. If a Palestinian is labelled to be from Jerusalem, they have a different ID and legal status. It is hard for them to marry Palestinians from the West Bank and impossible to marry from Gaza. Israel expands its land at their total discretion. The general rule is no Palestinian can enter Jerusalem unless they have a permit. With a permit, a Palestinian can enter through designated checkpoints only. Permits are limited in dates and times. They implemented this policy in the aftermath of the first Intifada.

Bethlehem job market is very poor. It is strangled by Israel. To make a living, a Palestinian must have their own business, or work in Ramallah where the Palestinian economy is centred. They could easily find work in Jerusalem, which is only 10 minutes away from Bethlehem, but they cannot enter the area.

The only way to enter Jerusalem is by using a magnetic card and a valid military permit, which is granted and revoked at the total discretion of the Israeli military. Entry is restricted by times and dates. For example, the permit could be from 1 October to 1 January – 7am until 10pm. Palestinians cannot enter Eilat with their permit. Palestinians can only use checkpoint 300 if they are from Bethlehem. If a permit holder from Bethlehem attempts to use another checkpoint, they would be stopped and made to go back.

The process of going through a checkpoint is humiliating and dangerous. Soldiers do not care about people's special circumstances. A contact of the organisation stated that she tried to cross a checkpoint whilst pregnant. The metal detector beeped as she went through, but she did not know why, so she continued to walk through. Israeli soldiers began shouting at her in Hebrew, but she did not understand what they were saying. Within a second, 5 soldiers were pointing guns at her. The same contact stated how she was once passing through a checkpoint and became completely lost. She heard someone yelling through a speaker in Hebrew, which she

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<sup>388</sup> WHO, Occupied Palestinian Territory, Monthly Report – September 2019, Part 1, [url](#)

did not understand. A Palestinian driver called out to her, begging her to stop and stand still. The soldiers were giving her a last warning and were threatening to shoot but she could not understand what they were saying. There are documented cases where people were killed because they did not understand what the Israeli soldiers were saying.

Israeli security forces are employed by private security companies to try and avoid accountability, nobody is held accountable even when Palestinians are killed. If a Palestinian wants to make a complaint against the Israeli military, the investigation does not even start in 99% of cases. It is a procedure that does not take Palestinians anywhere, even when people are killed.

Blocking access to Jerusalem every day does tremendous damage to the Palestinian identity, history and culture. All Israeli policies are trying to impose a Jewish identity on Jerusalem, and to remove all Arab identity in the city. The closure of Palestinian cultural organisations by Israeli soldiers is ongoing. Palestinian events are systematically attacked by the Israeli police and closed down.

The job market in Bethlehem is lame, the economy is strangulated. Although finding work in Jerusalem could be easy for Palestinians, restrictions on movement prevent them from finding a job in the city. They find themselves having to open a new business - which is difficult due to the economic situation. Many Palestinians travel to Ramallah for work, which can be a huge impediment. It can take 2 or 3 hours in the morning and evening, depending where you travel from. The Israeli military can decide to set up 'flying checkpoints' anywhere, where they randomly close roads.

Closures are a collective punishment. Following any attack on Israeli settlements, the authorities close access to certain roads. When there is an alleged attack in Israel, they shut checkpoints down meaning nobody can move in the area.

Each entry and exit to Palestinian cities are controlled by Israeli checkpoints. For example, to travel from Bethlehem to Ramallah people must pass through 2 checkpoints – one to leave Bethlehem and another to enter Ramallah. Sometimes Palestinians can wait for 5 hours to pass through. The checkpoints are open and closed under Israeli discretion. There are so many daily violations which are systematic to disrupt daily life and freedom of movement of the Palestinian people. Checkpoints only affect Palestinians, not Jewish settlers or Israelis. Israeli and Jewish settlers drive yellow plate cars and Palestinians drive white plate cars. Drivers of yellow plate cars (Israelis and Jewish settlers) can enter and exit anywhere. Drivers of white plate cars (Palestinians) have to go through check points and cannot use all roads. Some roads are only for yellow plate cars, meaning Palestinians must take longer, alternative roads to get from one place to another.

The same contact of the organisation mentioned earlier, stated that the landscape is changing so much that she cannot remember what roads take her where or recognise where she is. Recently, she found herself outside of a settlement with Israeli soldiers pointing guns at her. She explained that she was lost, but they yelled at her in Hebrew and let her go back. If she was veiled, she would have possibly been in more trouble. The Israeli authorities are open about racism, the Jewish Nation-State law is one codified, quasi- constitutional example. What someone wears helps to identity them in addition to driving a car with white plates, where they live and the ID that is carried.

Palestinians must cross a checkpoint by foot, as they cannot take their cars into Jerusalem. Palestinians leave their cars parked on the West Bank side of the checkpoint. Once they have walked through the checkpoint by foot, they can then take the bus. Palestinians have a magnetic card and permit and they stand in line to go through metal detectors. Access through a checkpoint is always at the discretion of the Israeli soldiers.

People with Jewish ancestry from other countries have full citizenship rights in Israel and are given incentives to live in settlements such as 0% interest loans. Housing is much cheaper inside settlements, services are subsidised, water, electricity, transport, social services are all provided. In the recently-passed Jewish Nation-State law, which has a constitutional value, settlements are a national value. They are taking Palestinian land, particularly in Area C which is the most fertile.

Settlers are full Israeli citizens and have full rights and are issued with a different type of ID.

Palestinians from the West Bank carry green IDs with Hebrew and Arabic writing which cannot be directly revoked by the Israeli authorities, unlike Palestinians from Jerusalem whose inferior status can be easily revoked. However, Israel can deport, exile, arrest and imprison any Palestinian from the West Bank whenever they want, no matter what area they are from. Palestinians who work in Human Rights are specifically prone to such threats.

East Jerusalemites have an inferior permanent residency status. They are treated like visitors in their own city, their status can be very easily revoked at full discretion from the Israeli Ministry of Interior. This can additionally happen under the 2018 law which states that if a Palestinian 'breaches their allegiance' to Israel, their status will be revoked.

There are Palestinians inside Israel who are called 'Palestinians from 1948'. They have Israeli citizenship but there are 50+ Israeli laws that discriminate against them. The Israeli Jewish Nation-State Law takes discrimination to a constitutional level and makes it an obligation for the State to carry out discrimination against almost 20% of its population. The right of self-determination is only for Jews. The Arabic language does not have formal recognition and only the Jewish calendar is in use, so Arabs must adopt the Jewish calendar. Settlements, which are a war crime under international law, are considered under this law as a national value.

Palestinians in the diaspora are not on the population registry or on the refugee register. They 'do not count' in the population.

Palestinians from the diaspora are unable to come back. There is one case where a Palestinian from Chile went to the West Bank for work. He had a UN contract and has now been living in the West Bank for 10 years but is unable to obtain status or ID. He is residing illegally according to Israeli law. He cannot leave Ramallah due to the checkpoints. He is basically imprisoned inside Ramallah and would be deported if found out. His family is in the West Bank, he is Palestinian, he does not want to leave. He is applying for documents from the PA and to be on the Palestinian registry, but anything issued first has to be approved by Israel and the population registry for Palestinians is controlled by Israel and is a political decision.

There is a formal procedure to apply for an ID or status. A person must apply on the Palestinian side, then they must have Israel's approval. The PA is not really a sovereign government.

It is almost impossible to get onto the population registry. It is easier to go through the Israeli Ministry of Interior, but Israel is refusing to approve lists of Palestinians.

Family unification has been frozen since 2003. A Palestinian from the West Bank married to a Palestinian from East Jerusalem must go through a bureaucratic procedure to get a status to be allowed to live in East Jerusalem normally. Such restrictions do not apply on Jewish Israelis. Palestinians can live with uncertainty for years. In 2003 the Israeli Knesset stated that people from “enemy states” cannot apply for family unification. The West Bank and Gaza fall under such definitions.

There are two exceptions for granting family unification for spouses from the West Bank. The first is that the wife has to be 25 years old or over and the man has to be 35 years old or above. The second exception is under “humanitarian” circumstances. If a person is granted, the best situation they can hope for is a receiving a military permit for one year which has to be renewed annually.

An example of being granted family unification under humanitarian circumstances is if a Palestinian man from East Jerusalem is sick and needs his West Bank wife to work in order to support and provide for him, his wife could be granted. However, Palestinians who are granted this permit are not allowed to drive. There are some organizations who help Palestinians by filing court petitions to have the right to work and to receive basic health insurance (Al-Haq does not provide legal aid, only advocacy). This law on family unification has a lot to do with freedom of movement. Palestinians usually have to pay thousands of shekels to go through the procedure to appoint a lawyer to correspond with the Israeli Authorities. The cost depends on the case and the number of years it takes.

People emigrate due to these policies, the system is designed to make people leave. It is oppressive and psychological. People decide to leave for a better life.

These policies are not about security, it is about subjugation and humiliation. If a Palestinian throws a stone, they pay a heavy price facing a fully armed soldier. The houses of alleged attackers will be demolished, yet this law is not implemented for Israelis when they commit even a more serious crime. There is not symmetry of power. The PA is a dysfunctional government and have a powerful government with a sophisticated army controlling all of the oPt.

[Back to Contents](#)

Addameer, 24 September 2019

The Israeli authorities raided Addameer’s office the previous week (Thursday 19 September 2019).

There is complete separation between Gaza and the West Bank.

Addameer has not been able to enter Gaza since 1997. After 2000, after the second intifada, there were more restrictions on permits. Since the siege, none of the team or board members have been allowed to visit Gaza and so their information is based on contacts from Gaza human rights organisations. Addameer has a sister organisation called Al Damer, they deal with general human rights issues. Addameer and Al Damer used to be one organisation in 1991, but they split in 1994 when the PA began governing Jericho. Addameer then registered with the PA.

**West Bank**

Al Damer focuses on Human Rights and Addameer focuses on prisoner support and human rights issues.

Addameer is based in Ramallah, covering cases across the OPTs, including prisoners in Gaza who have been arrested in Israel. They provide legal representation in the Israeli system, in both the military and civil courts. They also represent prisoners arrested by the PA for political positions, criticism for the PA policies, freedom of expression and assembly. Beside legal representation in court, they provide assistance from the point of initial arrest all the way through until the custodial sentence is completed. They visit prisons and interrogation centres to monitor treatment and torture, health conditions as well as the daily lives and needs of prisoners.

All Palestinian prisoners are transferred to prisons in Israel illegally. There are 3 or 4 detention facilities in Area C of the West Bank which are only used for short detentions. Palestinians stay for a couple of days, are interrogated and then transported and imprisoned in detention facilities and prisons inside of Israel.

'Security prisoners' refer to Palestinians who are imprisoned based on the definition of an act to resist the occupation such as throwing stones. Israel calls these acts a 'crime' and names resisting the occupation as 'ideological reasons'. A Palestinian will be classed as a security prisoner, however, this does not apply to any Jews that also throw stones.

5,500 Palestinian prisoners are held inside Israel. Addameer visits Palestinian prisoners in Israel and Palestinians in the Israeli detention facilities in the OPTs. The detention centres allow lawyers to visit detainees but do not allow Addameer to monitor visits. Family visits are allowed on the Israeli side, but it is subject to many restrictions. Families need a special security permit which is applied for through the Red Cross. The Red Cross has nothing to do with affecting the result of the applications, they receive the result and forward it onwards, they cannot influence decisions. A large number of families are not granted [permission to visit]. Permits are restricted to close family members only - cousins, aunties and grandchildren are not allowed. Hundreds of prisoners therefore do not get visitors. A contact of the organisation stated that their father was arrested in 2006 and sentenced to prison for 30 years. They have only been allowed to visit their father once, but it took 9 years to get a permit from Israel to allow them to do so. This is just one of hundreds of cases. The Israeli High Court denied another special permit very recently. These are very serious issues.

Massive hunger strikes take place because of poor prison conditions. 140 detainees from the Hamas party launched a hunger strike in 2 prisons in Israel - Ramon and Ktzi'ot. Palestinian prisoners, who are defined as 'security prisoners', are not allowed to use the prison phones to contact their families. They sneak mobile phones into their rooms which is a cause of huge tension between the prisoners and the prison system. Security staff are always raiding cells to find mobile phones. In the last year, they raided and caused injuries in 3 prisons – Ofer, Ramon and Ktzi'ot. Special units, known as Matsada units, carry out security raids. They are part of the Israeli police. They use dogs, batons, cattle prods, water cannons, tear gas, rubber bullets – all of which cause injury to prisoners. In Ktzi'ot, more than 100 prisoners needed medical treatment, however they were only given medical treatment in serious cases. Raids take place very often, it can be every month. This year the prison system intensified their raids and they put in signal jammers – this is the reason why prisoners were

protesting, they felt the signal jammers were affecting their health. After these 3 raids, prisoners discussed entering a collective hunger strike. After discussions, an agreement was eventually reached with the Israeli authorities. After 52 years, the prison system is now going to fix public phones in the security section of prisons. The children section of Addamon prison, received fixed phones in July this year and juveniles were able to call their families. Phones are supposed to be fixed in other prisons too and signal jammers are supposed to be removed, but for some reason this has not yet happened. This is the reason why 140 prisoners entered a hunger strike last week.

There is a delay for medical treatment in prisons, which is very problematic. The delay is not just for Palestinian prisoners, it is in general, including Israeli prisoners. In every prison, there is always supposed to be a clinic with a nurse present and available. When a prisoner complains about an illness, the treatment they receive is just paracetamol. They only take a prisoner to a civil hospital for a check-up once the prisoner's illness becomes very serious. However, this takes months, or sometimes years. Some detainees spend 10 years waiting for health care and poor prison conditions effect prisoner's health and hygiene. Prisoners develop problems with their gums and teeth, blood pressure, diabetes, chronic diseases, but these factors are not taken seriously by the prison system. Where Palestinians have developed cancer, kidney failure, or have had a heart attack, they are treated but are then neglected for months. It takes months to do checks and provide proper treatment. With cancer cases which they decide are hopeless, treatment is not offered. Less than 1 month ago a detainee died from cancer. Over the last 3 years, 4 prisoners died in prison and their bodies are still kept by the Israelis. 2 Palestinians died from health conditions and 2 from torture. Israel denied that the reasons were from torture.

Prisons are mixed with both Palestinians and Israeli prisoners. However, Palestinian prisoners are defined as 'security prisoners' and are kept totally separate from the Israeli prisoners as per the regulations in the prison system. There is no communication between Palestinian and Israeli prisoners. There are restrictions on their daily life, such as how many hours they are allowed out of their cells per day. They are locked in their rooms for over 20 hours a day and are allowed out of their rooms twice a day, once in the morning and once again in the afternoon, but for no longer than 3 to 4 hours in total. They do not have books or newspapers unless they have been security checked.

Visits from lawyers are restricted or stopped. When lawyers visit prisoners, they must sit in a separate room as they cannot have physical contact with the prisoners, and they talk through a phone. However, Israeli lawyers can sit in the same room as the Israeli prisoners.

The food is the same for Palestinian and Israeli prisoners, but Palestinian prisoners are not allowed to cook. They buy food from the prison canteen and recook the food to adjust it to what they like. Sometimes the food is spoilt intentionally and is inedible. Prisoners have facilities in their rooms to cook, but it costs to get this equipment in. Addameer did a study on economic exploitation in prisons. The result showed that prices of items such as cigarettes, clothes and shoes are sometimes double or triple the market value. Families cannot provide essential items to Palestinian prisoners, but Israel families can. For Israeli criminal prisoners, once they complete 1/3 of their

sentence, they can leave on family visits for 24, 48 or 72 hours. This is not allowed for Palestinians.

Prisons are very overcrowded. 8 or 10 prisoners share a cell of 3 metres squared, with security prisoners in a 2 or 2.5 metres squared cell. There has recently been a huge debate, that did not just focus on Palestinian prisoners. There was a high court ruling on the amount of space for prisoners in cells and the court decided that this should change – prisons should offer, at a minimum, 4 metres squared cells. Prisons started to implement this, whilst trying to avoid the Palestinian prisoner's section. However, the court said it must apply to Palestinian security prisoners as well. This law is trying to be implemented by the prison system, but it will take time because the system needs to find solutions in prisons where there is not enough space.

Addamon prison is from the British mandate time, whereas modern prison cells have space for 2 or 3 people. Most prisons are old buildings and have big rooms with 6, 8 or 12 prisoners. The average is about 6 to 8 people per room. Some prisons have a toilet/bathroom in the cell, whilst some prisons have the toilet/bathroom outside of the cell.

Addamon prison is a male prison but also holds 40 Palestinian female security prisoners. Their bathrooms are outside of their cell. This is a huge problem as they cannot access showers at night. The high court said that this prison should be dismantled as it is not fit for humans. However, instead of closing down, the prison is instead being reconstructed. This prison has very high humidity and old rooms. It is not healthy and there are lots of other problems. In July [2019], female prisoners were threatening to hunger strike, so the prison slightly improved its conditions. There were many electric shock accidents as the electricity system is very old. The family visit room was terrible, it did not have a bathroom, meaning families would spend the whole day without access to toilet facilities. There is no air conditioning.

Conditions differ between prisons. Palestinian prisoners are held in 17 prisons. Children can stay in prison with their mothers until the age of 2, but there are no facilities for babies or children. Children are kept in the same room and are caught up in any violence or attacks by special prison units. They do not have toys, playing areas or gardens to help with bringing up children while in prison.

Juveniles can be between 12 and 18 years old. Currently there are no female juveniles but in 2018 there were 7 or 8 in the female section, but were held in a separate cell. The law states they should provide education, but teachers did not turn up for the girls. Because of this, adult female prisoners were teaching the girls. The prison authorities denied them doing this, so the women threatened a hunger strike until the authorities agreed. The prison system is not allowing Palestinian prisoners to sit Palestinian high school exams, but the adult prisoners managed to assist the juveniles sit their end of year exams. In each prison, they would have a special committee that is responsible for preparing and implementing the exams. The degrees are sent to the PA education ministry.

Specific treatment is given to Palestinians who are arrested due to conflict. This treatment would be interrogation and then torture.

[Back to Contents](#)

The PA provided a written response in Arabic on 2 December 2019, which the Home Office obtained an English translation

### **Is there a central passport register?**

There is a central passport register at the ministry of interior headquarters.

1. Issuing passports to Palestinians who live in the West Bank and carry national ID cards is the concern of 3 printing centres.
  - Passport printing centre north of the west bank that serves the residents of Nablus, Jenin, Tulkaram, Qalqilya, Tubas and the villages that are subsidiary to these cities.
  - Passport printing centre in mid-West Bank, Ramallah, that serves the residents of Ramallah, Al Ram, Jericho, Abu Dis, Salfit and towns & villages that are subsidiary to these cities.
  - Passport printing office south of the West Bank, Hebron, that serves the residents of Hebron, Bethlehem, Yetta, Dura, Ad-Dhahiriya, Halhul, and the municipalities, towns and villages that are subsidiary to these cities.
2. The responsibility for issuing passports to Palestinians living in the Gaza strip and carry national ID cards is with an independent department in Ramallah, called the Department of Gaza.
3. The responsibility for issuing passports to Palestinians living outside of east Jerusalem, or outside of Palestine and do not carry a national ID card is with the general dept of passports in the ministry's headquarters.

All the printing centres, in technical and professional liability, are subject to the general dept of passports.

### **How are a person's details changed?**

Amending the details of any citizen, residents' register or paper register is divided into:

1. The amendment requires a judicial decision from the competent court, such as a change of name, and such.
2. Amendments requiring a resolution from a competent committee pursuant to the civil status law, comprised of the General Director Civil status Department, Legal counsel for civil status and the dir. of civil register (Gen. Dir civil status in each province). Such amendments would be for minor errors in data entry, or to add a character in one of the quaternary names.
3. Amendments requiring documentary evidence to either confirm or rebut a data entry error in the person's details, e.g., a citizen is registered as a Muslim, but in actuality he is Christian. By providing documentary evidence such as parents' ID cards, birth certificates, a letter from the church, the amendment would be applied at the civil status department of the relevant province.

### **Who is authorised to amend details?**

No employee is authorised to access citizens details and make amendments. The authority for making amendments is restricted to the director of the department and an authorised staff member who is given special access to the computer system. Other staff members are not authorised and do not have said access.

**Are there any control procedures to ensure that the details in the database are correct?**

Not all staff members are authorised to access the database. There are specific staff members in the civil status department. Each staff member is issued with specific powers and his own username. The same applies to specific staff members in the passport department. Each staff member is granted specific powers and his own username.

**Civil status staff powers are different to the passport dept staff**

Specific powers granted to any staff members shall be given via established procedures and controls stored in the computer general directorate; and in both the civil status and passport departments. When a newborn is registered and entered, that would be done via documents, procedures and controls that ensure the accuracy of the details. It is normal that there would be some errors in entering some data, in particular the old data received from the Israeli side. These errors would be remedied via the mechanism referred to in data amendments.

**Database**

The discussion on the database shall be divided into two parts:

1. Prior to Palestinian authority receiving the powers from the Israeli side.
2. After the Palestinian authority received powers from the Israeli side.

**Prior:**

On the occupation of the West Bank and the Gaza strip in 1967 by the Israeli occupation forces, many Palestinians migrated outside of Palestine due to their fear of the massacres they suffered at the hands of the occupation forces. Some Palestinians remained and did not migrate. The Israeli occupation conducted a census in 1967 and 1968 for all Palestinians who did not leave the country and resided in Palestinian towns, cities and villages in the West Bank and the Gaza strip.

Each Palestine that was counted was issued with an ID number and considered a citizen. Every Palestinian that was not counted was not issued with an ID number and was not considered a citizen, even if he were originally a Palestinian and registered in the paper birth registers.

1. When the Israeli occupation occupied the West Bank and Gaza strip in 1967 it obtained paper registers containing all the details of the Palestinians who were born in one of the cities, towns or villages of the West Bank and Gaza strip. These paper records contained every Palestinian born since 1917 and until the year of the occupation of 1967.
2. After the occupation every newborn to a Palestinian parent was registered in the paper records by the civil status of the Israeli occupation; when he/she is 16 years old, he/she would be issued with an ID number comprised of 9 digits beginning with a '9'.

3. The Israeli occupation civil administration continued to use paper recording until 1982, then it switched to computerised data entry; which resulted in a hard copy database prior to 1982, and a computerised database after 1982 until 1998. In this year, the powers, hard copy and computerised databases were transferred to the Palestinian Authority.
  - ✓ Note: What applies to the paper birth records and ledger registration, and subsequently the computerised records, is also applicable to the paper death records and ledger registration, followed to the computerised records.
  - ✓ Note: When powers were transferred, the Israeli side did not transfer all the data and information in their database to the Palestinian side, where they kept much of the records and information and did not provide them to the Palestinians; such as those Palestinians whom the occupation stripped them of their Palestinian nationality.

#### **After:**

1. The database received by the Palestinians from the Israelis became the reference and base for all citizen data in the West Bank and Gaza strip. A computerised and hard copy database of birth and death, where all paper records of births and deaths were turned over to the Palestinians.
2. Since the Palestinian Authority took control and powers, all paper registration was ceased and relied wholly and solely on the computerised database for entering and recording citizen data; while the paper copies were kept for legacy, in particular the births and deaths.
3. Every newborn to any Palestinian father or mother registered since then would be entered into the database and linked to his parents details automatically via the computer by reporting the birth by the hospital of birth; and then would be issued with a unique ID card number not shared by anyone past or future.

#### **Passport Issuing procedures**

##### **Types of Passports**

A regular passport and diplomatic passport issued only at the General Directorate of passports in the ministry headquarters.

##### **Are they biometrically recorded?**

After the Israeli approved the Palestinian Authority to make the Palestinian passport biometric in 2016, the Palestinians contracted a French company to create the special programmes, computer system and equipment for the purpose. When the French company completed preparation, the Israeli side was notified for approval to ship the equipment and system. Upon receiving Israeli approval, the system and equipment were shipped from France to Ashdod port as the Palestinian have no contact with the outside world except via the ports and crossings controlled by the Israelis. When the whole shipment arrived at Ashdod port in March 2019, the Israelis seized it and it is still seized to date. The UN and other states intervened to have them released, but the Israelis are still holding it.

##### **Application and Issuing offices**

Any citizen may apply for a Palestinian passport at any civil directorate in all provinces and satellite offices. There are 14 civil directorate and 9 satellite offices; each satellite office is subsidiary to one of the directorates geographically.

### **Directorates**

Jenin, Tulkaram, Qalqilya, Nablus, Tubas, Salfit, Ramallah, Al Ram, Jericho, Abu Dis, Bethlehem, Hebron, North Hebron, Halhul, South Hebron and Dura.

### **Satellite offices**

Qabatiya, Bidu, Huwwarah, Beitunia, Yatta, Ad-Dhahiriya, As-Samu, Biddya and Asharawiya.

The citizen may prepare a passport application (or any other application) at one of the petition offices around each civil directorate and satellite office. Then goes to any civil directorate of satellite office and submit the application to the relevant staff member.

Applications are sent to the passport printing centres according to the catchment of the printing centre; then the passport, after printing, shall be sent to the originating directorate. The citizen would then receive a text message advising to pick up the passport.

1. The directorates of Jenin, Tulkaram, Qalqilya, Nablus and Tubas, and their satellite offices will send their passport applications to the Nablus printing centre.
  2. The directorates of Salfit, Ramallah, Al Ram, Jericho and Abu Dis and satellite offices will send their passport applications to the Ramallah printing centre.
  3. The directorates of Bethlehem, Hebron, North Hebron, Halhul, South Hebron and Dura, and satellite offices will send their passport applications to the Hebron printing centre.
- ❖ Regarding the passports of the citizens residing in the Gaza strip, the applications and passport printing shall be done in the Gaza passport printing department, in an independent centre in Ramallah.
  - ❖ Diplomatic passports are only issued in the printing centre in the ministry of Interior headquarters.
  - ❖ Regarding issuing passports to those residents outside Palestine, the applications would be submitted to one of the embassies or consulates worldwide, the applications would then be sent to the ministry of interior headquarters. These passports are printed in the ministry headquarters and then sent to the originating embassies or consulates.

### **Who is authorised to amend the passports database?**

The passport database is a copy of the citizen database in the civil status system. Any amendments to the citizen details in the civil status system, is directly reflected in the passport database. The entity authorised to make amendments is the civil status directorate, subordinate to the Ministry of Interior.

[Back to Contents](#)

### Source 1, 24 September 2019

Criticising Hamas in the Gaza strip is dangerous. It will result in someone being arrested and tortured. If people plan to go to the streets and attend peaceful assemblies, they face detention and harsh punishment.

Strong (influential) persons who are affiliated to political opposition can criticise Hamas. But those who do not have strong support in the country can be arrested. Activists, including those on social media, face detention and some face torture. Hamas previously used the crime called 'misuse of technology' to suppress such people. Some of them are arrested and taken to court. But most of them have not faced trial because Hamas depend on humiliating and torturing people to drive them to self-restriction. So, people do not express themselves anymore as they know they will face the same fate.

Some people face assaults from resistance factions, such as Qasam brigades, Islamic Jihad, and popular resistance.

It is hard to obtain figures for arrests because people refrain from reporting when they get arrested. However, arrests were in the tens during September 2019. The number of arrests also depends on the political situation. A youth movement was launched over 3 or 4 months ago under the slogan, 'We Want to Live'. Those who demonstrated faced harsh treatment by Hamas and its government in Gaza. Many were arrested and beaten in the streets. Some demonstrators were presented before military courts and faced charges that could make them serve more than 10 years in prison. Some people were treated harshly and had their bones broken. Hamas broke bones, especially legs, to prevent people from protesting in the streets again. This is systematic to stop people from demonstrating in the streets.

Demonstrations have happened in all parts of Gaza, but there was one main demonstration in the middle of the Gaza strip. Hamas entered the home of one family-clan (group of small families have the same origin and name live in the same area), beat all their men (tens of men), broke most of their arms and legs or inflicted harsh injuries. The family received medical care, but it is not good quality care. People who have their legs broken may not be able to use them properly again because of the bad medical treatment available. Some of them could face sustained disability. Sometimes people are arrested again whilst in hospital and some face assaults in the hospital.

Once the demonstrations were forced to end, and after mediations, these people received amnesty from the Gaza authorities. Recently, the same people attempted to protest in the streets again, but Hamas started a campaign where its police arrested tens of activists. They all faced some kind of torture.

All of Hamas' detention centres are in Gaza. There is a famous prison called 'Ansar' which is full of prisoners who are known as 'internal security prisoners'.

Torture is used systematically in Gaza detention centres. All people who are arrested are tortured in one way or another, at least psychologically. Most face physical torture. They are subjected to 'repeated submission', meaning people who are released after arrest must return to the police station every 2 days, or every month. The number of days to report back varies. Such policy makes people's lives hell. Juveniles are sometimes arrested, especially during the 'We Want to Live' demonstrations. Many people are arrested, but most are over 18 years old.

## **Detention facilities**

Detention centres are the main problem, not prisons. Interrogations take place at detention centres, but they are not proper official centres. Sometimes, they are in unknown locations. Hamas sometimes question people away from the formal institution, not only in official facilities.

For being detained in relation to freedom of speech, people are usually detained for 2 or 3 days, or sometimes up to 1 week. If they are affiliated to the Ramallah government [the Palestinian Authority], their time in detention could take months and they could be charged with a crime called collaborating with Ramallah government or officially, according to military law, it is classified as: Undermining The revolutionary Unity Crime. Those who are charged with such crime could face life in prison associated with hard labour.

The food is very bad in detention centres. People are given bread and very little food which it is not enough. When the 'We Want to Live' demonstrations happened, bread was thrown into prisoner's cells. The quality of the bread is bad and the quantity was very small. It is hard to even be given water. The treatment of people is very harsh, people cannot ask for water because if they do, they will be beaten. Guards use electric sticks to beat prisoners. The bathrooms are not clean and are not fit to be used by humans.

Cell sizes vary depending on the detention centre, but are always too narrow for the number of people in the room. If people want to sleep, they sleep next to each other, side by side. There is only one bathroom they can use, the smell is very bad, mattresses are very dirty, it is inhumane. This is how all the people who have been detained in these places describe it.

There can be up to 60 or 70 people in one 8 metres x 4 metres sized room.

Not all detention centres are known. If someone is arrested under freedom of speech, they go to a known detention centre. However, if someone cooperates with Ramallah or Israel, they could be seized in an unknown detention centre.

Sometimes, Hamas deny detainees exist, so their families resort to human rights organisations or factions to know their son's fate. Thus, we can say that there are forced disappearances for a number of days or up to one week for some detainees.

Some human rights organisations visit the known detention centres. These visits are always arranged. Hamas make the centres look 'ok' when these organisations visit. Visits are only allowed if the authorities want it to happen. Hamas deny visits many times, especially when there is an event or a problem like the 'We Want to live' movement.

People are sometimes treated harshly or killed in prison if they cause trouble. Hamas use torture to deter people, to frighten them.

## **Hamas' recruitment method**

Hamas recruit people affiliated to them. Those in position of taking control and making decisions are Hamas.

Nobody is forced to join Hamas, but many people in Gaza have no other way to make a living so they work for Hamas government to be paid.

[Back to Contents](#)

## Source 2, 24 September 2019

The work of the source's organisation in Gaza is different to its work in the West Bank (WB) due to the different health situation.

### **Gaza**

Water and sewage conditions are not good and having access to clean water is difficult. Salt water comes from the tap – People in Gaza drink desalinated water which they have to pay for- they cannot afford bottled water. The electricity supply is not good. The source's organisation has access to electricity from the mains and from the generator in the building which the source's organisation has to pay for, but people's homes do not have 24-hour access unless they have a generator. Even with a generator, people may have access up to 20 hours per day. There is a service that people can pay to get electricity 24 hours a day.

There are no flexible working hours in Gaza because offices cannot open when there is no electricity – electricity is provided by a generator.

Food security is another issue – the need is huge. Shortages have led to different forms of malnutrition such as wasting, growth faltering and stunting of children. Certain food related conditions, for example coeliac disease are difficult and expensive to keep under control, but this does happen in partnership with an NGO.

Unemployment in Gaza is extremely high, the economy is not free under the blockade. Historically, Gaza was known for having a strong economy. There is a programme run by a local NGO by people with disabilities for people with disabilities (mainly deaf or blind) who spoke about their desire to work and to earn an income. The economy is worse for those with a disability. The same NGO also runs a project for people with injuries.

The only way the situation can change is with a major political change. In the 1980s people could move freely, Palestinians from different areas (West Bank and Gaza) could easily get married to each other, but that is no longer the case. If you are a regular person with no VIP, business or International Non-Governmental Organisation (INGO) connection, it is almost impossible to get in or out.

The de facto government runs the ministries and manages all of the public health system.

There are shortages in electricity, medical supplies and an inability for medical clinicians to come and go and so there is a hinderance to develop. The source's organisation has missions that go into hospitals to work with local staff to perform the procedures that are needed, which also helps them learn and grow. The source's organisation also provides infrastructure, equipment and supply needs based on budget.

The source's organisation supports the public healthcare system holistically; the overall health and wellbeing of a whole community and population, in partnerships with NGOs in Gaza.

The health care provision continually struggles to meet the needs because of the situation there. Where the capacity is needed, the source's organisation tries to bring in technical support to carry out procedures that cannot be done locally.

There are no oncology programmes in Gaza, other than treatment for breast cancer provided by the source's organisation. The healthcare system has to deal with acute

injuries so there are emergency services, neuro surgery and limb reconstruction for injuries as a result of the 'Great March of Return'. The source's organisation has supported the Ministry of Health to establish the first limb reconstruction in Gaza since 2014 and since then, the source's organisation has invested in building the capacity of the local team through training in the UK and on job training in Gaza. The source's organisation is bringing limb reconstruction medical missions into Gaza hospitals that work side by side with the trained local team. In addition, the source's organisation provides all the essential items, instruments and equipment that are needed to conduct complicated limb reconstruction surgeries. The source stated that WHO has recently supported the Ministry of Health (MOH) to have a dedicated limb reconstruction unit at Nasser hospital.

The source's organisation assists with a neonatal programme that covers all of the units in the whole of the Gaza Strip. The source's organisation has also supported burns units in the West Bank for over 10 years and is now doing this in Gaza – Gaza has much more of emergency type treatment.

The source's organisation provides support to the MOH to establish and sustain some of the essential services such as limb reconstruction, neuro, physio, neonatal care, burns care, surgical skills etc which enable the MOH to improve the access for the most vulnerable groups who are need for these services, without people needing to pay a premium.

Hospitals provide surgery & aftercare, while the source's organisation tries to fill in gaps where it can, other NGOs (including WHO, UN agencies and many other NGOs) help and collaborate with each other, depending on the support the source's organisation can provide.

Mental health is an area of priority. The source's organisation is trying to ensure by capacity building that there are mental health (MH) services including community MH units in local areas in the West Bank and Gaza Strip, but there is no long-term institutional care in Gaza for people with mental health illnesses. There is one mental health hospital in Gaza, but with limited capacity in comparison with the needs. There is a need to address some gaps in mental health in terms of building capacity of health professionals and improving capacity of centres (in terms of the setting, beds, structure, etc). There are long term facilities in the West Bank – in Bethlehem, but it is very difficult to get permits for people to go there, even for people to travel for oncology treatment. The whole mental health issue is very new, the source's organisation is trying to build and support the idea.

Hospitals and medical facilities are short staffed, but the source's organisation is unaware of the exact staffing figures. The total number of employees is around 11,000 but more than 2,000 are not working. The rest are not receiving their full salaries and work under difficult circumstances with lack of medicine and human resources. The Ministry of Health in Gaza reported a loss of around 200 of their best employees in 2018, who left Gaza to seek work opportunities elsewhere to secure salaries for their families.

The source noted that UNWRA, which is suffering from budget cuts, provides healthcare for people in refugee camps, roughly 70% of the Palestinian population in Gaza are refugees. Patients do not wait for healthcare, they go to find it. If they cannot access it as soon as possible or if the treatment is not available from UNWRA, they will seek it from the government.

## **West Bank (WB)**

Access to clean water, electricity, sewerage is much better [than Gaza]. But certain villages in Area C and the Jordan valley do not have regular access to clean water, as there may be no mains water or sewerage in these places. The situation in the cities is decent, but in the summer time there is a shortage of water. Israel controls the amount of water in these places.

From 3<sup>rd</sup> October 2019 there will be electricity cuts in the WB on Thursdays. The Palestinian Authority (PA) owes money to the Israeli Government, which is going to limit the electricity supply in return.

There are checkpoints, closures of which happen all the time affecting everyone, including college students. Access to movement is random, for example a man killed an Israeli soldier and the whole area went into 'lockdown', no one could get in or out of the area. Many people do not like or prefer not to travel. There are some Palestinians who were born and brought up here, but who have never gone to the other side of the West Bank because they do not want to travel.

There is a current negative financial situation regarding the supply of medicines. The PA Ministry of Health (MOH) have growing debts which are due to the referral of patients to non-government facilities when the PA MOH is unable to provide the necessary services. This happened before, but not for this long or this badly.

East Jerusalem Palestinian hospitals are licenced by the Israeli MOH. In the WB public and private hospitals are licenced by the PA MOH. If someone needs treatment and has resources, they will go to the private sector. If they do not have resources, they use government hospitals. One way or another treatment will be available. Israel's goal has always been to formalise services, but this has now stopped. There are less referrals to Israel and new agreements, Memorandums of Understanding (MoUs) are being made with Egypt and Jordan.

A permit is required to travel from the WB to Israel for medical treatment, but some very sick people cannot get a permit.

Young people go to college, but the market economy is not large enough to absorb them, so there are initiatives to create markets. Colleges are booming, particularly for vocational interests and skills training, everyone wants to go.

Since February 2019, government employees have only received half of their salaries, so many are trying to find other employment to subsidise their income because they do not know when the situation will improve.

## **Great March of Return (GMR)**

Four health workers (Musa AbuHassanin, Razan al-Najjar, Abdallah al-Qutati, and Mohammed al-Jdeili) have been killed by Israeli forces at the GMR protests in Gaza, while each of the four was on duty. A further [832 health workers have been injured](#) at the protests by Israeli forces.

The [UN Commission of Inquiry](#) into the protests found 'reasonable grounds to believe that Israeli snipers shot at journalists, health workers, children and persons with disabilities, knowing they were clearly recognizable as such'. These are serious human rights and humanitarian law violations and may constitute war crimes or crimes against humanity.

For years the Israeli authorities have fostered a culture of impunity for repeated attacks on the Palestinian health sector. Such attacks may well constitute war crimes.

[Back to Contents](#)

### Hamoked, 25 September 2019

Hamoked is an Israeli registered human rights organisation. It has been running for 31 years and provides free legal aid to Palestinian human rights violations victims and challenges discriminatory policies. It works on 6,000 cases a year and therefore has access to a large pool of human rights victims and identifies most harmful policies.

Hamoked challenge policies such as:

- Freedom of movement in occupied territory (between Gaza and the West Bank, access to lands trapped behind the separation barrier, and travel abroad)
- Residency rights in East Jerusalem
- Detainee rights - with a focus on minors
- Combatting collective punishment - punitive home demolitions (the assailant is usually dead or in prison, so their family suffer by having their homes demolished by the Israeli authorities)
- Punitive revoking of residency

### **Freedom of movement**

The Oslo Accords recognise the West Bank and Gaza as one political entity and had provisions for movement between the two, however, around the mid-1990s, Israel implemented a policy called 'Differentiation policy' between Gaza and the West Bank which deliberately created a distinction between the two. The Israeli authorities closed the Gaza Strip, making it difficult to move in and out of, especially after the 2005 Israeli withdrawal from Gaza and the 2006 elections in the Palestinian Authority, following which Hamas rose to power in Gaza. Entering and exiting Gaza is very restricted.

There are people who live in the West Bank but have their registered address in Gaza. The Oslo Accords grant authority over the Palestinian population registry to the Palestinian Authority. However, Israel veto's certain changes to the population registry and refuses to acknowledge a change of address in cases of people born in Gaza and registered there, but who moved to the West Bank. These people sometimes face deportation back to Gaza.

There was one case of a 25-year-old man who moved from Gaza to the West Bank at the age of 2. Neither he or his family were able to update his address and he was caught in Israel without a permit. He had a short prison sentence, then faced deportation back to Gaza even though he had no family there and hadn't been there since he was 2. Hamoked prevented the deportation.

It is now impossible to 'immigrate' from Gaza to the West Bank. When children were registered in Gaza, but moved to the West Bank to join family, Israel demands that people go through an immigration process for the family to be reunited in the West Bank. This takes 2 years.

## **Family unification**

When someone from East Jerusalem, Israel or the West Bank marries someone from Gaza, they are unable to live anywhere apart from Gaza (or abroad), so a lot of families are forced to split up. One parent will live with the children in West Bank, Israel or East Jerusalem, the other in Gaza. The only way of seeing each other is by the non-Gazan visiting Gaza as it is very difficult for Gazans to leave. If the family are Christian, the parent from Gaza is sometimes allowed to visit at Easter and/or Christmas with a permit. Hamoked help non-Gazan parents apply for permits to visit Gaza and children can accompany them until they turn 18 years old. Once they turn 18, it becomes very difficult for them to visit their parent.

The criteria to enter is if a parent is terminally ill, dying, or to attend a wedding or a funeral (i.e. humanitarian reasons).

In general, Hamoked has high success rates with their cases, one of the reasons being that it keeps a low profile. However, over the past 3 or 4 years, Hamoked have increasingly come under attack by ultra-nationalist organizations. Their lawyers are harassed via phone calls and outside court hearings, and in September 2019, the EU delegation building in Tel Aviv was graffitied with 'stop funding terrorism' – because the EU give Hamoked money and people believe Hamoked support terrorists, but this is not accurate.

## **West Bank**

The area which Hamoked work on primarily is the Seam Zone. These are the areas of the West Bank isolated by the separation barrier, which constitute approximately 9% of West Bank, including East Jerusalem. Israel applied a permit regime to those enclaves of land. While an Israeli or a foreigner can enter the Seam Zone, a Palestinian has to apply for a permit. This also applies to people who own agricultural lands, a home or run a business in these areas. There are currently 17 different types of permits, it is all very bureaucratic and there are different criteria or approval needed for each one. They are valid for different time periods and renewed at different rates.

Hamoked helps farmers receive permits, it helps about 300 farmers a year. However, there has been a worrying increase in rejections over the last 2 years. Hamoked submitted a Freedom of Information request to find out why there was such an increase. In 2014, 24% of farmer permit requests were rejected whilst 72% were rejected in 2018 – only 2% of those were for security reasons. Most permit rejections are due to bureaucratic reasons, not a material reason. These rejections were against the promise the Israelis made when building the wall, where they said that they would help make farmers accessing their lands as easy as possible, but now less than 30% of farmers are granted access to their lands.

Since 2017, Hamoked began to see odd grounds for rejection, such as plots of land described by the Israeli authority as being too small to farm. If a plot of land is under 330 metre square, people are not allowed to access them because Israel deem the plot too small.

Many Palestinian families inherit lands communally, plots are subdivided by the amount of people. These sub-divided plots often end up being under 330 metre square so nobody receives a permit to the land. Most of these areas are in Area C of the West Bank, where people are generally quite poor and have low levels of education. They rely on land to grow olives, tobacco and vegetables. Ongoing

access is needed to tend to the crops. People have been shifting to olives because olive trees do not need as much access or tending to. The yield in the Seam Zone is lower than anywhere else in the West Bank.

The permits are only valid for one specific purpose and the gates may only be open 2 or 3 days a week. Access is extremely restricted, and restrictions go beyond permits. There is a limit on the number of labourers that can be brought through to tend to the land and is based on how big the plot of land is, for example a worker may be granted access 30 days a year to assist with the cultivation.

If someone has two different grounds for entering the Seam Zone – i.e they own agricultural land and a business, they need to have 2 separate permits for the two different places.

### **Travel abroad**

We work on people's ability to travel abroad from West Bank.

Palestinians from the West Bank can only leave Palestine via Jordan. They must travel into Jordan and then fly from there. Israel polices the West Bank border crossing, and sometimes people arrive at the border and discover there is a security block against them and so they cannot travel. If someone is deemed a 'security risk' they can have a block logged against them, but they are not informed of the reasons why they have it logged against them, or even informed that it has been logged. Hamoked help people challenge these travel bans. There is an 8-week administrative process to challenge the ban, and if this request to cancel the ban is rejected, a legal challenge can be submitted to the Jerusalem District Court. This is difficult to work on as insight is not granted into why a security block was placed on people. Vague reasons are given such as being connected to terror financing, but there is no detail on what exactly Israel is referring to: which transactions were deemed suspicious? In connection with whom? Details about the reason for the ban are shown in court only to the judge. Hamoked lawyers cannot argue against it because the reasons are not given to them. If a person has never been arrested and has never done anything wrong and they have a good reason for leaving, this all gives more weight to the Appeal.

Some people are asked to sign a pledge that they will not return to the West Bank for a while. 16 to 35-year old Palestinian men used to be told not to come back for a year, but that was 20 years ago or longer. Recently, a student who left to study in Malaysia was told not to come back during his entire 3 years of study. Often, people are required to submit a sum of money and sign a pledge not to 'engage in terror activities', and only then are they allowed to travel.

Many people can be linked to someone else, a friend for example, who is seen as 'worrying', i.e. a security risk to Israel. This used to be sweeping, for example in 2014, one person committed an attack and people with the same surname from the same village all received a travel ban, even if they were not related to the person who was arrested. This shows how arbitrary it can be – people do not find out the real reasons for arrest.

It is usually not a problem for Palestinians to return to the West Bank. It is easier to return than to leave.

Sometimes people must deposit money to the Israeli authority in order to leave and are paid back once they return, if they do what they said they would do i.e. go to Jordan for hospital.

There was an example of a baby born without a nose (very rare, only 41 cases known worldwide – baby on respirator, needed reconstruction of nasal breathing passages). The mother was not allowed to travel to the hospital appointment in Jordan. Hamoked managed to send her to Jordan twice, but each time the permit took a month to be granted. Hamoked finally managed to send her to Italy for her baby's procedure. Initially there were lots of complications in sending her out of the West Bank to Italy, but eventually it happened.

### **Arbitrary arrest**

Conditions of detention and torture.

Conviction rates of Palestinians who have indictments brought against them are over 99%. They are brought before Israeli military courts. Hamoked collect affidavits from detained children, often they do not know why they are serving a sentence. They are spoken to in a language they do not understand (Hebrew) and they are frequently not able to see a lawyer before their interrogations, where they are pressured into signing confessions.

Some children going into detention are 15 years old, whilst some are 12 and 13 years old. Children are usually detained for throwing stones or taking part in illegal demonstrations in the West Bank.

Hamoked focuses on the lack of respect for due process rights as well as physical and verbal abuse. These feed into high conviction rates. For the detained children there is usually no lawyer or parent contact before interrogation or court appearance. They are shouted at, slapped, held in solitary confinement, denied toilet breaks, not given food or water. They often have no legal understanding and do not know the implications of what they are doing when they are pressured into signing a confession. They do not understand the ramifications of taking a plea bargain which may only lead to 5 months in prison, but can result in a travel ban and no permit to work in Israel for many years to come.

When Palestinians are arrested, Israel does not notify families where detainees are taken and does not allow detainees to access a phone. They can be arrested in the street or taken away from their homes, families will not know where they have gone. Palestinians call Hamoked, provide the organisation with ID and details about arrest. Hamoked then contact the Israeli military who they have a formal relationship with. Hamoked ask the military where the individuals are being held. The organisation receives, on average, 10 to 30 calls per day. Their case load in 2018 was over 4,000 tracings. Over 60% of all arrests in West Bank go through Hamoked to trace where people are.

Previously Hamoked had to check all places of detention, but now there is a centralised command centre in the Israeli military, which is responsible for finding out where they are. Habeas Corpus are submitted if the individual is not found within 24 hours.

There is one famous unofficial detention site run by Shabak (the Shin Bet) which is Israel's version of MI5 and makes use of torture, stress positions and beatings as described by detainees. Hamoked's tracing found the existence of the place.

Prisoners were told that they were on the moon or they did not exist. There was a court proceeding to stop Palestinian people being taken to this detention centre. Prisoners must be taken to a formal detention centre. However, some are sometimes taken to other places. In one case, 2 years ago, a teenager was held on the floor of a kitchen inside a military base for a few days.

Detention centres are now more formalised and are run by Israeli prison service. There are 2 military detention centres where they can be taken for 21 days, then they have to be taken to a formal prison.

Hamoked can send a lawyer to prison to take affidavits and find out conditions of detention and if detainees' rights are being respected. Lawyers have to be an Israeli Bar lawyer and the visit must be coordinated in advance. Families have to apply for an entry permit into Israel to see their relatives in jail. The Red Cross facilitates visits and people must apply for permits through the Red Cross, who coordinate it with Israeli authorities. Visits occur one day a month per area. On this day, everyone goes on Red Cross buses and then return to the West Bank.

### **East Jerusalem Residency Status**

Almost all Palestinians from East Jerusalem are 'permanent residents of Israel', but they do not have citizenship. Their residency can be revoked if a person leaves Jerusalem/Israel for 7 years or longer. Residency is not automatically passed on to their child. A Palestinian permanent resident of Israel has to proactively register their child, whereas an Israeli new born is automatically given an ID number.

If an East Jerusalemite marries a West Banker, they would need to go through family unification. The West Banker can receive a temporary stay permit, which is not formal residency status and does not allow them to drive, they cannot access social services and have to renew their permit once a year. Some couples who have been married for 20 years have to keep submitting documents to prove that they are married. Family unification is not possible for people from Gaza as it is impossible for Gazans to move to East Jerusalem to be with family.

East Jerusalemites have access to the Israeli NHS. Their West Bank spouses can join the system, but they have to pay quite a high entry fee, and their health insurance is generally more expensive than it is for Israelis. There is an age limitation on West Bank spouses to receive permits, they can only begin family unification if the West Bank wife is 25 years or older and if the West Bank husband is 35 years or older.

Registration for East Jerusalem residency is much more complex for children if there is any indication that they have lived in PA run areas. The cut off age to become a resident in East Jerusalem is 14 years old for people who have lived in the PA run areas. If children do not apply by then, they lose possibility of becoming Israeli residents. If both a child's parents are from East Jerusalem, then the cut off age is 18 – unless there is any suspicion that they have ever lived in the West Bank.

Because the process is so complex, parents often do not start the child registration process early enough because they do not have the time to go through all the processes and hoop jumping. Then it becomes urgent because children are at risk of losing eligibility for East Jerusalem residency for the rest of their lives.

[Back to Contents](#)

## Yehuda Shaul, Breaking the Silence, 25 September 2019

Yehuda is 36 years old, was born and raised in Jerusalem and grew up in the political right. He attended a high school in a West Bank settlement. He joined the IDF, served as an infantry combat soldier between 2001 to 2004 during the peak of the second intifada. He spent 2 years in the West Bank, one year of which was in Hebron. During the final months of his service, he spoke to comrades who all felt the same regarding the Israeli military and their presence and actions in the West Bank. He left the military and spoke to other soldiers. It was clear that people in Israel were/are unaware of what went on/is going on.

On 1 June 2004, Breaking the Silence opened a photo exhibition in Tel Aviv with video testimonies – more than 7,000 people attended the exhibit. The organisation felt that something needed to be said. The exhibition attracted a lot of media attention which encouraged other veterans to approach the organisation - all said they did the same sort of thing during their service in the Israeli Defence Force (IDF).

The heart of the organisation's work is documenting soldiers [experiences in the IDF]. It has taken testimonies from more than 1,200 men and women who served the IDF in the OPTs and who have had an in-depth observation of how the occupation functions. Breaking the Silence cross-checks the testimonies with published books and media reports, as well as with witnesses and reports from other human rights organizations. All testimonies go through the Israeli military censor in order not to give away state secrets.

The story is simple, Breaking the Silence are soldiers who believe the Israeli Military should be used as a tool of protection, not an occupation or an aggressor. There is no reason why millions of people should be oppressed by a foreign army. The organisation believes the Israeli occupation is destroying the morality of the IDF, destroying Israeli society's origins. The Israeli government is still sending soldiers to do the job in the oPt and is still sending people to do these acts. The organisation demands the government and country listen to what the government made the soldiers do in the oPt in the name of the country.

In many ways, the security situation during the Second Intifada, when he served, is different than today. Testimonies from these two periods reflect those changes.

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There are 3 categories of cases found in Breaking the Silence testimonies:

**Category 1)** Cases of soldiers who break the orders and operate against the rules – shooting at Palestinians against the rules of engagement, beatings, lootings – there is no dispute between the organisation and military officials that this happens. This is problematic and both the organisation and military officials agree it is criminal and immoral. However, there is a disagreement against how common these actions occur. Military officials state these actions are not common. Breaking the Silence says it is more common than what officials say.

Compared to the Second Intifada, the last few years have shown a 95% decrease of these cases of soldiers who disregard instructions – there has been less friction and violence so there has been a decrease. Israel and the OPTs are not now in an intifada.

**Category 2)** Cases of formal missions/orders which are immoral and illegal. For example, on 19 February 2002 there was an attack on an IDF checkpoint in Ein Arik near Ramallah where 6 soldiers were killed. The following night, special IDF forces

were sent to carry out revenge. The order was 'at 2am anyone at a police checkpoint were doomed to die –armed/unarmed/uniformed/ununiformed'. 15 Palestinian police officers were killed that night. Different units across different areas received the same orders, indicating that these instructions came from very high up, likely the Deputy Chief of Staff or higher. One of the officers leading an attack is now a member of Breaking the Silence. Yehuda spoke with 4 other soldiers and officers who were involved with these teams.

During some of the operations in big urban centres during the Second Intifada, the IDF would receive formal orders to shoot to kill anyone on the street between 1am to 3am, or 2am to 4am.

Today, this no longer happens. That does not mean the government would not act similarly in the future if a Third Intifada were to break out. Rather the opposite. Actions that were unthinkable 15 years ago are the norm today, such as the rules of engagement on the Gaza/Israel border fence. There is currently no combat, but if it was said 15 years ago that Israel would fire 19,000 shells during the 2014 Protective Edge Operation into Gaza, it would be unbelievable. The shells (exploding 45kg) cause death at 50 metres and injuries at 150 metres. In a full-scale war, IDF safety regulations mandate that shells should not be fired if there are other IDF troops within a 350-metre radius. However, in Gaza, shells are being fired at closer distances to Palestinian civilians.

**Category 3)** The backbone of a permanent occupation are regulations, methods and formalities that officials cannot deny happening and are not necessarily illegal if put in front of a lawyer. It is what every soldier faces in the OPTs – for example, the concept of 'making its presence felt'.

Soldiers are ordered to be present everywhere to create fear. For example, in Hebron, 3 military patrols operate at any given time. During a night shift, for example, 10 pm – 6 am, they select random houses to raid. The sergeant leading the charge would choose the house (there would be no intelligence to direct a particular house to be raided). Soldiers make noise, jump from roof to roof, enter, raid, search, wake families. This is still going on now. It is IDF modus operandi. This could happen to 10 or 30 houses in one night, depending on the sergeant, whether he is active and motivated. It is completely arbitrary.

Another way a patrol can 'make its presence felt' is by setting up random checkpoints in the street. Soldiers are told to stop and search 200 young Palestinians, move on and do the same in another area. It is to create the sense of being pursued/being chased. Under military law, a warrant is not needed to stop Palestinians.

According to the testimony of one soldier, for example, his commander became bored one night of normal activities/patrolling so decided to go from one side of the old city of Hebron to the other without touching the floor – only on rooftops.

Outside the cities, in the rural areas, the missions that soldiers receive include guarding settlements and their own military base. There are watch towers on the roads that settlers drive on. There are also jeep patrols, the commander of which is usually a platoon officer or sergeant.

Part of the mission of the jeep control is also to "make its presence felt." One way they do this is by setting up 2 flying (temporary) checkpoints for at least 15 minutes in an 8-hour shift at a random time. It is completely random as to who the soldiers

will allow through. The mission is described to disrupt the day to day life of the Palestinian people in the local area.

In the last years, when compared with the Second Intifada there has almost been almost no substantial change. This is a permanent occupation. There may be a change in tactics, but the same principles remain. Mock arrests, for example, now take place, which were rare years ago. There is a new unit in town which has just finished its training. The military do not want the unit's first arrest to be a real arrest operation, so they send soldiers instead to a live exercise at a random Palestinian house that is chosen from an aerial photo. The officer will check with Intelligence to ensure the family is innocent and that there is no security reason to avoid the area. The army then enters and raids the house in the middle of the night, arrests a person (often the father of the family or a young man). The person is sometimes driven in a jeep. At some point, the radio says 'exercise over', so the soldiers release the individual (if anyone was arrested) and then return to their base and go to sleep. This type of military training happens to real citizens. This is just another way the army makes its presence felt. Soldiers enter a Palestinian home at 2am, people in the village wake up, see the jeeps and see people being arrested – people are intimidated. For the IDF - lack of logic is the perfect logic, lack of order is the perfect order. Everything is completely arbitrary.

### **Mapping operations**

When a unit is on a tour of duty, commanders often want their soldiers to not be too bored with only manning checkpoints and posts. And so once or twice a week, an officer will initiate something to do, such as approach a cluster of homes or a village in the middle of the night. Soldiers wake up the family, search the house, draw a map of what the house looks like, take information on who lives in the property, age of residents, cell phone numbers and sometimes photos. Different units do it differently, there is no standard operating procedure. Once the soldiers finish searching the house, they move to the next one. 99.9% of the time the information is thrown away – it is just another way for the IDF to make its presence felt.

### **Israeli police and IDF**

Police and border patrols are present in East Jerusalem, the IDF is not. The IDF is only present in the West Bank and at the Gaza/Israel border. The IDF wear an olive-green army colour uniform.

### **Gaza - Great March of Return**

Breaking the Silence publishes testimonies on shootings against unarmed civilians only when it is corroborated by 2 eye witnesses. Around the Great March of Return, snipers worked at the Israel/Gaza border in teams of 2 or 3, making it difficult to find out what really happened. Because of this, what follows does not describe testimonies on what happened at the Great March of Return but rather provides background on the rules of engagement and other IDF policies that can help to explain some of what happened during that event.

#### **Standards of Routine Engagement Around the Gaza Fence**

Before the protests started, the normal rules of engagement at the Gaza/Israel border fence was that if a Palestinian approached the fence at 300 metres, a soldier would shout or shoot in the air. If a Palestinian approached the fence at 100 metres, the soldier shot the Palestinian in the leg. If a Palestinian touched the fence, the rule

of engagement was shoot to kill. If a Palestinian crossed into Israel, the Palestinian could not be shot or lethal force could not be used, but the Palestinian would be arrested.

Palestinians sometimes want to be arrested by the IDF to be able to receive food while in detention, which is why they sometimes cross the border.

### **A suspect in a dangerous crime**

In the IDF rules of engagement, there is a category called 'suspect in a dangerous crime'. Previously, the regulations around this category detailed that if someone did not have serious weaponry and had committed a violent crime - for example, had stabbed a soldier and then threw the knife down, or had already thrown a Molotov cocktail and was then fleeing the scene - that person should be shot in the legs, as they are the suspect of a violent crime but no longer pose an imminent threat to human life. However, the rules of engagement around this category have changed in recent years and now permit shooting to kill at someone who has committed a violent crime but is no longer an imminent threat.

### **Establishing deterrence via the use of disproportionate force**

Using disproportionate force in order to deter is very common in the IDF. For example, during Yehuda's last tour of duty, Palestinian children were throwing stones from the village of Hussain on settlers driving on a nearby road towards the settlement of Beitar Illit (a city that is the second largest settlement in the West Bank with more than 50,000 inhabitants). The commanders decided at this time that throwing stones on the road leading to Beitar Illit was equivalent to throwing stones on the main road between Jerusalem and Tel Aviv and therefore was completely unacceptable. Therefore, special force snipers were sent to kill the children throwing stones – Yehuda was involved in placing the snipers. The idea was, a few children will die, the village will learn a lesson.

### **Shooting Main Instigators**

The IDF has a category of 'main instigators.' If facing a violent protest, the IDF protocols permit shooting at the legs of main instigators. The definition of a main instigator is someone who is leading a protest and whose removal from the scene would de-escalate a situation, according to the assessment of the commanding officer present at the scene. To shoot main instigators, IDF snipers use bullets of 7.62 calibre or 0.22 calibre, which are less lethal. However, 0.50 calibre bullets are not used. During the first year of the protests at the Gaza Fence, 7.62 calibre bullets were used and not 0.22, even though they would have been less lethal. In interviews, commanders from the field often used the term 'main instigators' and, in some cases, described a policy of shooting to kill these individuals.

Points to note:

- The IDF could always de-escalate its response but chose not.
- The basic rules of engagement – that lethal force should be used only as a last resort and only when life is in danger – this was breached during the Gaza protests.
- Breaking the Silence does not believe the IDF is the problem, but the Government's policy of permanent occupation.

[Back to Contents](#)

## GISHA, Legal Centre for Freedom of Movement, 25 September 2019

Gisha is an Israeli human rights organisation founded in 2005, just before the implementation of the disengagement plan, when Israel pulled all of its military installations and Jewish settlements from Gaza. Gisha's founders were a couple of lawyers who were looking at the situation and anticipated the relationship between Israel and Gaza i.e. that Israel would continue to maintain control over movement and access. That is their focus – the protection and right of freedom of movement for Palestinians in general, focusing mostly on Gaza residents, but also extending to West Bankers and Palestinians and others from abroad who are trying to access Gaza. Gisha is the only Israeli organisation with a programmatic focus on Gaza.

The control over freedom of movement has a ripple effect. It effects the right to access education, work, healthcare and family.

The organisation provides pro bono legal assistance to approximately 1,200 people per year, advocating on their behalf vis-a-vis the Israeli authorities in context of the permit regime and, where appropriate, filing legal petitions in court on their behalf. Through this assistance, Gisha challenges the denial of exit permits and challenges unfair and restrictive access policies. The organisation also meets regularly with decision-makers, policy-makers, and multipliers to promote greater accountability on the part of Israel for Gaza residents and to promote a rights-based discourse around Gaza. Gisha has 22 staff based in Tel Aviv and one field worker based in Gaza, who has been working with them since 2009. This field worker is their eyes and ears on the ground because the others cannot enter Gaza. A lot of information is obtained from other partners in Gaza such as the UN, INGOs and humanitarian organisations, and especially the residents of Gaza themselves, to understand the impact of the closure.

Gisha focuses on movement in and out of Gaza and Israeli policies regarding this.

There are 2 operational crossings between Gaza and Israel, Erez Crossing and Kerem Shalom Crossing. Erez is a pedestrian crossing and Kerem Shalom is a commercial crossing. There used to be more crossings, but they are no longer operating.

The two crossings into Israel are controlled by Israel and a combination of COGAT [responsible for implementing the civilian policy towards the Gaza Strip] and Israeli security who screen goods and people. An Israeli commercial company called Schechar, at the commercial crossing, manages a lot of the fee collections, determining which types of pallets can be used on trucks.

Rafah is a pedestrian crossing between Gaza and Egypt. The Egyptian side is controlled by the Egyptian authorities; the Gaza side is controlled by Hamas.

Another crossing is called Salah al-Din gate. This gate is for movements of goods, mostly fuel and some construction materials. The amount of goods being transferred into Gaza via Salah a-Din gate is very limited compared to the volume of goods being transferred through Kerem Shalom.

Transportation of goods from Israel is not 'door to door'. Goods being transported into Gaza on trucks are unloaded at the Israeli side and re-loaded onto another truck on the Palestinian side. The commercial side is huge with industrial sized scanners. Erez Crossing looks quite good, it is nice, like a small airport, with a car park for people waiting for friends or family. On the Israeli side, there is one fence with a

turnstile and the building is behind that. However, it can take hours to cross. There is probably some walking distance on the other side. Trucks exchanging goods can also take hours which can cause problems for agriculture and food goods on hot days.

### **Documents needed to enter and exit Gaza**

Documents needed to enter and exit Gaza depend on the person. A resident of Gaza who wishes to exit through Israel needs approval from the de facto authorities in Gaza (Hamas) as well as an exit permit from Israel. Even if a Palestinian from Gaza wants to transit through Israel and the West Bank to go to Jordan, it can be incredibly difficult to be granted a permit. There is a limited set criteria to be eligible to apply and an application can take months, even though some criteria are under urgent circumstances.

There was a monthly average of approximately 8,500 exits of Palestinians through Erez Crossing in 2018, out of a population of 2 million. Many of those exits are the same people who exit multiple times. 3,500 Gazans have trader or merchant permits which are typically granted for 3 to 6 months.

Regarding trader permits from Gaza into Israel, Gisha referred to their report: '[Media reports: Some 'trader permits' issued by Israel held by day laborers.](#)'

For years, the World Bank has been saying that allowing day labourers into Israel to work is an essential way to boost the economy in Gaza, as Palestinians can make money in Israel – cash in hand. At the start of November 2019, the number of valid trader permits was 4,811. This is the highest number of trader permits there has ever been.

### **Criteria to be granted a permit.**

Trader permits require business documentation. There is also an age restriction – those applying must be over 25. This used to be 35, but it was reduced in May 2019, as part of an amendment to the Status of Authorisations document. Gisha provided the latest [document from August 2019](#).

### **How long it takes for a response to an application**

Regarding response times to permit applications, Gisha referred to a [directive](#) setting out exact timelines, updated in October 2017.

Very often, regardless of the processing times, people do not receive responses in time to travel for the reason they wished to travel in the first place and sometimes do not receive responses at all. Typically, people approach Gisha either when their applications have been rejected or if they have not received a response.

### **Reasons for applications being rejected**

The most common reasons given for permit requests being rejected are that people do not meet the criteria or that they were blocked from travel for security reasons. Gisha referred to an August 2019 article by [Haaretz](#) regarding this. There is no further detail or explanation of what the security reasons are, but the Israeli authorities have determined that these people are a security risk of some kind. They are considered to be involved with Hamas, or have family members who are, or have lost family members in a military incident in the past. This is incredibly common and is almost a default response without processing individual applications. When

challenged, over 50% are dropped. Sometimes challenges end up in court. The Israeli state presents the security reason to the judge behind closed doors.

The lengthy processing times mean that people may not be able to access the reason for their travel. Many people have missed funerals, weddings, medical appointments, or their family members die whilst they are waiting. Students miss the start of the academic year and it is very common for people to miss appointments with the consulate for a visa interview.

Gisha's main interlocutor with respect to permits is COGAT, the Coordinator of Government Activities in the Territories. When a Palestinian wants an exit permit to travel out of Gaza to or through Israel, their application goes initially to the Palestinian Civil Affairs Committee PCAC, who passes it onto the Coordination and Liaison Administration (CLA) and then to COGAT. Israel/COGAT sometimes deny having received applications from the CLA and sometimes the CLA do not pass the applications onto COGAT. The restrictions in Gaza mean that many people do not even try to leave. Gisha conducts outreach in Gaza to encourage people to apply.

### **The process of returning to Gaza.**

Regarding the process of returning to Gaza, Gisha referred to their letter '[Gisha in letter to Gaza CLA: stop the unlawful practice of making Gaza residents sign a commitment not to return for a year as they exit via Erez crossing](#)', and page 2 of '[2017:Tightening of the closure A round-up of 10 recent measures imposed by Israel further limiting movement of people to and from Gaza](#).'

Re-entry is usually relatively smooth for people entering within their permit time. Many people who return are businessmen travelling to the West Bank for economic reasons, or travelling to visit family in Israel or the West Bank and their homes are in Gaza.

Gisha have been approached by individuals who have been denied access to travel out of Gaza on basis that they have a relative who has not returned within the time limit of their permit.

Family members of people who have stayed outside Gaza too long may get more hassle and have permits denied through association.

Regarding emigration from Gaza, Gisha also referred to the article published in August 2019, '[Israel dreams of transfer](#)'.

There are some Israeli agreed secondments of deployments of Physicians for Human Rights, who work with the disadvantaged. The organisation takes Palestinian and Israeli doctors into Gaza.

The Washington Physicians for Social Responsibility were initially denied permits, Gisha challenged these denials on their behalf and were successful in obtaining permits for most of the members of the delegation to enter.

Also, there are a lot of restrictions of local Gaza staff of international organizations exiting Gaza.

### **Palestinian diaspora access into the OPTs (Jordan, Lebanon, Egypt)**

Palestinians have all the same reasons to enter as people have to leave. International journalists can enter with a recognised press card granted by the Israeli authorities to journalists who work for a recognised media outlet. Others who wish to

enter – e.g. students, people on internships, professors, etc. – may be able to enter if they have an invitation from an international organisation to support their permit application. However, entry is very difficult for most people. A notable exception is diplomats and international staff of international organisations.

For information about people fleeing Gaza through Rafah Crossing, Gisha referred to their June 2019 article [‘The ones who got away’](#).

For information about the operation of Rafah Crossing, Gisha referred to their February 2019 article [‘Rafah crossing reopened for travel in and out of Gaza until further notice, Salah A-din Gate reopened for entry of goods into the Strip’](#).

[Back to Contents](#)

Sarit Michaeli, International advocacy officer, B’Tselem, The Israeli information Center for Human Rights in the Occupied Territories, 26 September 2019

B’Tselem is an Israeli organisation focussing first and foremost on Israeli responsibilities. Their focus when discussing Hamas in Gaza is on killings of dissidents and the death penalty which is still applied in Gaza by Hamas, as well as torture and arbitrary detention. The main thing is documenting all Palestinians who are killed within intra Palestinian fighting.

Though the main subject of research is the Israeli occupation, B’Tselem, as a matter of principle, criticise Hamas and the PA on their most egregious violations. Anecdotally, there are issues with the ability to express opinions, B’Tselem have heard from friends and from people they are in touch with in Gaza. They have seen media reports, social media reports and statements people make which have led to some sort of consequences with the Hamas authorities. B’Tselem have not carried out any research into this.

Regarding the treatment of prisoners, cases that have been exposed are worrying and include arbitrary arrest and detention. Someone died in detention 2 years ago.

### **Humanitarian situation**

There is evidence of the death penalty. Throughout Palestine (West Bank and Gaza) the death penalty exists in both places. However, it has not been applied since 2005 in the West Bank. In Gaza the death penalty is applied by the courts and is implemented – B’Tselem heard a report that the Hamas de-facto authorities have quietly stopped imposing the death penalty, and it is reflected in the fact that there have been no executions in Gaza in 2018-2019 – see: B’Tselem July 2019 report [‘Statistics on the death penalty in the Palestinian Authority and under Hamas control in Gaza’](#). B’Tselem have a list on their website of Palestinians who have been executed for serious crimes or alleged collaboration with Israel. The Hamas government would arrest people in Gaza for ‘collaborating with the Israelis’ and charge them with giving information to Israel and would implement capital punishment - as described, in 2018-2019 there were no executions.

There is a UN report which states that in 2020 Gaza will be uninhabitable, B’Tselem believe that the situation on Gaza today already fits the description.

Regarding the economy in Gaza, there is 12 years of full Israeli blockage, controlling what goes in and goes out of Gaza. Nothing can enter or exit without passing through Israeli border control, except for a small amount which passes from Egypt. There are monitoring and restrictions which have caused the economy to collapse.

The economy was based on manufacture and agriculture, but it cannot recover while the restrictions are in place. Israel prohibits many essential raw materials from entering and restricts exports. This hinders a productive economy, industry and agriculture. There is an in-depth Gisha report looking at how producers of processed foods in Gaza cannot sell to other markets. Agriculture, furniture and wood should theoretically be one of the biggest drivers of the economy. See World bank reports and OCHA reports.

Aside from this, another restriction is the movement of people. Rafah is controlled by Egypt and aside from bribes, it costs thousands of dollars to get out or US\$3,000 (not totally sure of the exact figure) for preferential exit treatment. People who leave through this crossing face a very dangerous journey through the Sinai facing the risk of terror attack. The main issue when it comes to Gaza is the exit of 2 million Gazans through borders controlled by Israel to get to the West Bank or abroad. They need approval to travel through Israel and there is a blanket restriction on exit and movement permits, which means that most exit is prohibited, and only some cases are allowed. Gisha has a very good summary of this.

There is not sufficient healthcare for certain conditions. Some reasons for this, is the total collapse of the health system, other reasons are due to Israel prohibiting equipment and dual use items from entering Gaza. Due to the devastation of the health system dozens of doctors have left. Israel imposes severe restrictions on people trying to leave for medical treatment. Some conditions, i.e. cancer, could be a death sentence. Access to health care is worse than anything you would expect in a vaguely developed country.

Every so often, Hamas will hand out charity from Qatar such as cash suitcases to try to alleviate the immediate conditions of some groups. There are allegations that some of this has been siphoned off by the leaders of Hamas. According to media reports, families who receive this are politically selected and receive around US\$100 which is about 380 shekels. For such a family that means receiving a bit of food aid, US\$100 will not go that far and families in Gaza are large.

The international community (EU-US) has a policy of contact with Hamas. Perhaps the EU has some technical contact in some ways, but the only country that has contact with Hamas is Norway. Hamas are responsible for providing health care. There is an ongoing conflict between Hamas and the PA and this split has also led to various problems, such as salaries of public sector workers in Gaza being cut. These issues affect the quality of life in Gaza. The PA have had their budget slashed due to Israeli legislation cutting salaries of Palestinians in West Bank. The PA are the biggest employer and provider of jobs in the WB which many families rely on. The World Bank reports on economic risks.

Statistics show there is virtually no water pumped from the aquifer in the Gaza strip that is potable. It has to be treated first. Coastal aquifers under Gaza are salinated and polluted through years of various neglect and have to be treated/filtered. Gazan authorities buy water from Israel and clean water access is based on financial ability. The water in Gaza is just so bad that people have to filter it or buy filtered water. Children's health is deteriorating due to consuming poor water. The World Health Organisation reports the degree of deterioration of children's health is due to consuming this type of water. Some diseases such as rickets are returning to children in Gaza due to the lack of nutrition, lack of water consumption and the consumption of polluted water. In terms of sanitation, there are restrictions on

bringing in equipment and chemicals to fix water facilities. There is also a lack of electricity which means raw sewage is pumped into the Mediterranean Sea – polluting the Gazan shoreline and other areas of the Mediterranean. The daily amount pumped into the sea effects swimming, leisure and fishing.

Virtually all Palestinians in the West Bank do not get a regular flow of water in their taps.

Psychosocial conditions in Gaza are simply shocking. There are plenty of groups that work on this issue such as OCHA. There is gender-based violence, suicide, self-medication with anti-depressants, hopelessness, unemployment, malnutrition, lack of education. There are so many issues that are affecting Gaza and these issues are not a result of a natural disaster, it is purely the result of Israeli government decisions, compounded by Egypt, the PA and other international actors, and due to the Israeli blockade.

According to the Oslo Accords, Israel has a final say over the Palestinian population register, which is one joint register for Gaza and the West Bank. Israel applies massive restrictions on Gazans to be able to have family unification across the West Bank, Gaza and East Jerusalem.

### **The Great March of Return**

Based on talking to people and reading media, Hamas have influenced the march in some ways. Hamas have co-opted what began as an independent initiative and have adopted and encouraged it by arranging buses to transport people to the protests. However, from testimonies gathered, it is fair to say that tens of thousands of people participated out of their own free will and not under coercion by Hamas. When Hamas' security forces wanted to lower the level of friction, they made people stay away from the fence and Israel admitted that they allow Hamas to do that. Israeli authorities recently almost apologised for killing a Hamas security force member while monitoring the border fence. Claims that 'The Great March of Return' is purely a Hamas ploy are disingenuous. The March is greatly popular, people have a strong desire to protest and demand to alleviate the effects of the blockade and demand a return to pre 1948 land, which Palestinians view as theirs.

There is a weekly update by the UN humanitarian Protection Cluster. There have been 60,000 attendees at 'The Great March of Return' at its height. The vast majority of people in this protest are peaceful (families were even picnicking in the background). A small minority are confronting Israeli soldiers at the fence by throwing stones, Molotov cocktails, in some cases IEDs, vandalising the fence and burning tyres. Only a tiny number of instances where Palestinians used lethal force at Israeli soldiers.

The vast majority of Palestinians killed in protests were not posing a risk, not a level of risk to those guarding the fence that would warrant the use of lethal force. This is the relevant legal question as to whether lethal force is legal in a policing situation – 200 Palestinians were killed by snipers. The fact that there were illegal open fire regulations handed to Israeli soldiers on the Gaza border is the crux of the matter. Most activity from the Palestinians was not the type of activity that would warrant the use of legal force. The Israelis admitted that they changed the rules of engagement and open fire regulations, because it became apparent that this policy was so deadly, led to such a loss of life and caused debilitating injuries to so many youths. There is a lot of video evidence of Palestinians being shot as they are walking away

from the fence, or in some cases just standing in a crowd of people. Medics and journalists have been killed or injured as a result of the open fire regulations. Anyone approaching the fence is in danger of death. 'The Great March of Return' is still happening weekly.

Additional issues which effects Gaza are periodic Israeli military operations. In 2014 it involved aerial bombings over residential areas and about 2,500 Palestinians being killed, of which around half were members of armed groups and 500 were children. The Israeli policy of bombing civilian areas claiming military targets has led to bombing residential areas, mass loss of life, destruction of property and thousands of injuries. The most dangerous and shocking thing when looking at life in Gaza, is that it is not possible to escape these air strikes, they take place without warning or with a system of Israeli warning that is insufficient, and most people do not have proper bomb shelters. There are Israeli justifications, but for ordinary Gazans it is almost impossible to protect themselves and their families from these attacks. Most of the damage in Gaza has been rebuilt since 2014, but the fatalities, trauma and injuries still effect many people. There are a trickle of people still dying from these injuries. There is a long-term impact, people are still being affected by the trauma, such as widows. The other issue is that the risk of reignition of the conflict is still severe, it has not been averted. There are armed groups that are still involved in the conflict, firing rockets, incendiary kites which cause disruption inside Israel and sometimes rockets fired from Gaza land and kill civilians. This is a war crime under international law.

Israel has declared all of the border areas as no go zones, so people wanting to cultivate land, heard or collect rubble are unable to do so.

[Back to Contents](#)

International rights group, 26 September 2019

## **Gaza**

### **Freedom of movement**

The main issue with Gaza is the 12-year unlawful closure and the policy of severe restrictions of movement and goods, as well as the generalised ban on travel outside of exceptional humanitarian situations.

Regarding access to health care - movement is restricted. Depending on the month, 30% to 40% of medical appointments are missed as people do not receive a response to their permit application in time or are rejected. The numbers of people overall travelling out of Gaza through Erez in 2018 was about 1% of the level in 2000. Numbers are a bit higher in 2019, but still a fraction of the number of the 2000 figures. Medical care patients use the Erez crossing to go to East Jerusalem. Minors need others to accompany them, but there are restrictions on who can go, often resulting in only grandparents able to go.

The approval rate for permits for medical treatment for injuries sustained during the Great March of Return protests is 18%. Israel use punitive measures for people protesting. These peaceful protests and demonstrations do not pose an imminent threat to life.

There is a generalised ban on travel which is not based on a security assessment. People can have a medical permit one week but be denied a holiday permit the next week.

Similar restrictions on goods. For some time, there has been a ban on margarine allowed in industrial quantities, while permitted in smaller quantities. For example, Israel is trying to choke the cookie factory, not for security reasons. Most vegetables not allowed onto the Israeli market, but tomatoes and eggplants exempted. No security logic.

### **Socioeconomic factors**

Unemployment in Gaza is at 46%, 70% for women and youth.

80% of people are relying on aid.

GDP is 20% to 25% less than 1994. This is all through a man-made policy.

Access to electricity has increased since 2018, 12 hours of electricity is available a day. Israel exercises primary controls over electricity and could increase quantity.

### **The Great March of Return**

Israel has an expansive open fire policy and they regularly use excessive force. Since March 2018 in Gaza, the open policy has been set at its highest level. Israeli soldiers fire on people who do not even pose a threat to life, they fire on people who are approaching or breach the fence. However, it is not a justified use of lethal force and may amount to crimes against humanity. According to a UN investigation, all but 2 of the 188 individuals killed in 2018 did not pose an imminent threat to life. It is not just deaths, over 100 people have required limb amputations due to high velocity bullets fired at close range.

Numbers are down in 2019 because the protests have been smaller.

The general perception is that the Great March of Return is an organic grass roots protest, with different groups coming together which Hamas has instrumentalized for political gain, encouraging the protestors when it wants the protests to escalate and using security to stop them when it does not. Since 2019, Hamas have turned the March into a tool in their tool kit to pressurise the Israelis to get concessions.

Islamic Jihad Group have been responsible for a lot of rocket fire, which is a war crime in civilian areas.

### **Arbitrary arrest and torture**

Hamas is systematically arresting those who are critical on social media, journalists and those taking part in demonstrations. In March 2019 there were the 'We Want to Live' protests where thousands of people were arrested. Most were held for a few hours, some were held for longer. A report produced by Human Rights Watch in May 2019 – ['Palestine: No Let-up in Arbitrary Arrests, Torture'](#), reports a lack of accountability and rampant torture.

According to a Hamas letter, in 2018 and in the first 3 months of 2019 Hamas arrested 4,235 people. As of April [2019], they were holding 1,885 people. In that 15-month period, 24 people were charged with insulting others on social media, 15 for harming revolutionary unity and 27 for misuse of technology.

The Independent Commission for Human Rights (ICHR) keep monthly statistics of complaints on arbitrarily arrest. In that 15-month period, there were 47 complaints of arbitrary arrest and torture, of which they sanctioned 7 of wrongdoing. There has been one case of torture but there are yet to be convictions as the case is still going

through court. From January to August 2019 there were 122 complaints of arbitrary arrests and 141 of torture/ill treatment.

Detention is used as intimidation. People will often first be approached and spoken to by security forces, then threatened, then called in for interrogation but not detention, then finally detained. People are made to sign a commitment not to engage in the same sort of activities that led them to detention.

Recently, someone left Gaza and died in Europe. They left Gaza after being interrogated and intimidated by Hamas. People leave because of the closure and economic impact.

Regarding the conditions in detention, the international rights group has not focused on this—much more on mistreatment and torture.

Regarding internal security and criminal cases, people are taken to different places depending on their crime. There is an interrogation period and treatment depends on the police. This is when mistreatment and torture take place. Political prisoners are often placed in a room called 'the bus'. Hamas use positional torture. Prisoners have to stand for hours or days, or sit in a child's chair that is tilted. They are blindfolded, cannot talk, cannot use the toilet, their feet are whipped, they are beaten, it is a way of coercion to make people confess.

Al-Qassam, the armed wing of Hamas, have held 2 Israeli citizens and an Ethiopian/Palestinian in prison for over 4 years. There have been some allegations of spying for Israel from Qassam, as well as beatings of demonstrators. There are reports of Hamas authorities mistreating people and beating demonstrators they suspect of being in ISIS but this is hard to research.

### **The death penalty**

There have been 128 people sentenced to death since Hamas took control in Gaza.

Since June 2007 there have been 25 death sentences carried out in Gaza.

The method of the death sentence depends on the nature of arrests and the charges of the case. A formal PA official often goes to the military court and is killed by a firing squad. For civilian crimes i.e. murder or rape, the death sentence more often is hanging.

### **Hamas' recruitment methods**

The international rights group has not carried out much research on Hamas' recruitment methods but is aware of summer camps that could do some military training. This does not happen in UNWRA schools. The organisation was denied permits to enter Gaza, so has not been able to look into it for security reasons.

### **West Bank**

#### **Arbitrary arrest and torture**

Between 2018 and April 2019, there were 65,415 arrests. 1,134 were still being held in April 2019. There was a 29 [May 2019 press release](#) by Human Rights Watch which includes all these figures based on research, as well as figures obtained from the PA and Hamas.

Furthermore, there were 752 people detained for social media posts and at least 1,609 detained for insulting higher authorities or 'construction of sectarian strife'. 815 people have been held under the restricted cyber-crime law.

The Prime Minister of the PA met with the international rights group in July 2019 and made a statement that no citizen will be detained on freedom of expression. However, the ICHR received between 1 April and 31 August 121 complaints of arbitrary arrest and 79 complaints of torture and ill-treatment. A person can be held for days or weeks. The actual number of incidents likely higher, but these numbers are based on complaints the ICHR received. Some people do not complain because they do not think anything will be done, as there is no accountability. The international rights group work on a personal level with ICHR and find them to be honest, otherwise the international rights group would not cite their statistics.

ICHR is reasonably independent and generally credible. It reports fairly on information it receives, but it will not include analysis or legal determinations, it purely agrees with the facts. People are cautious about approaching ICHR and in general do not report issues because they do not believe they will achieve anything from it. People have been intimidated for submitting reports. There is a good amount of complaints but only a small number lead to a positive conclusion, resulting in tiny administrative sanctions such as a reduction of wages; transfers to different areas or departments; lowering of rank; a 'slap on the wrist' and even fewer are referred to military sanctions.

From 2017, to beginning of 2019, only 1 individual, a member of the PA intelligence services, received a 10-day sentence for assaulting protestors in the West Bank.

[Back to Contents](#)

An official at the Independent Commission for Human Rights (ICHR), 26 September 2019

ICHR has an office in Gaza, it visits all detention centres and prisons under security agencies of Hamas de facto government in Gaza. That does not include detention under Hamas' military wing, 'Izz Aldeen Alqassam'. It receives complaints from people about the Hamas authorities and has direct dialogue with Hamas officials in Gaza.

ICHR provides capacity building in Gaza in the field of international human rights standards: training to police, security and judges, despite the very brutal crackdown against peaceful demonstrators in March 2019.

### **Gaza – March 2019 crackdown**

Hamas attacked and beat up the ICHR Director in Gaza as he was visiting a journalist for information on the recent crackdown. Hamas was aware of who the Director was. He was dragged from the journalist's home to the street and was attacked by many policemen. An ICHR lawyer was also beaten up whilst trying to help the Director. Hamas claimed the Director had verbally assaulted a policeman, they came up with this version of events to justify their attack. They wanted to send a message that nobody is immune, even the most senior human rights defenders are not safe, to spread fear among Gazans. It is very likely the Director was attacked because he openly criticises Hamas. When Hamas denied the attack, ICHR asked for an independent investigation. Hamas then made a public apology and announced that ICHR can work freely in Gaza but never did an investigation or took any measures against those who attacked ICHR director in Gaza.

During the crackdown, Hamas stopped several field workers from a number of human right organisations, including the Palestinian Centre for Human Rights

(PCHR) and Addameer. These field workers were carrying out data collection and were stopped by Hamas police and detained for a few hours.

Hamas was fearful that the mass demonstration under that slogan 'we want to live' that took place in Gaza in March 2019 might topple their government, so it arrested over 1,000 people during the crack down and over 300 people were severely beaten up during the protests. Several journalists were arrested, many activists and journalists were mistreated and tortured. ICHR documented it all. Hamas took a very tough position against demonstrations because they were fearful it might lead to toppling their regime. The demonstrations were peaceful, spontaneous and activists were not linked to political parties. It was inspired by the tough conditions in Gaza, not from anyone outside. Hamas claimed the demonstrations happened because of outside entities, influenced by the PA in Ramallah. The PA supported the demonstrations publicly, but that does not mean the demonstration was organised by the PA – people have the right to peaceful assembly.

ICHR gave comprehensive press releases during the demonstrations, documenting the numbers of those detained and ill-treated, based on its observations by field workers and from complaints and information it received from activists. ICHR tried to visit Hamas prisons during the events but were denied access, so an estimate of the numbers was made which cannot be 100% accurate. The data is very reliable, collected from different sources.

Not everyone who was abused complained to the ICHR, but calculations were made from witnesses and observations.

### **Socioeconomic factors in West Bank and Gaza**

A recent report by World Bank showed a huge difference between the West Bank and Gaza in terms of socioeconomic indicators, which are disastrous in Gaza. There is 15% unemployment in West Bank compared to 45% in Gaza. The poverty rate in Gaza is double what it is in the West Bank. 60% of university graduates are unemployed in Gaza. People do not have life opportunities in general. Gaza is the densest area in the world, 1.9 million people in 360 square kilometres.

95% of people have clean water in the West Bank, but in Gaza there is 0% clean water. In Gaza, people have to buy bottled water. Tap water is not clean and cannot be used for cooking or drinking. There is a huge problem with electricity – Gazans access 8 hours of electricity a day. After international intervention, Qatar has paid money to help. Electricity was available for 2 to 4 hours a day and now there is 8 hours of electricity per day. Life conditions are unbearable.

Since Hamas has had control of the system, there has been another layer of suffering. Palestinians have difficulty leaving Gaza. The Rafah crossing has limited hours of crossing, people have to line up to wait for their chance to leave. In 2016 and 2017, the crossing was almost closed the entire year. The crossing used to open on average for 30 days a year. In 2018 and 2019 there has been a slight improvement.

Gaza is an explosion waiting to happen and will potentially be a refugee problem for Europe, Turkey and Egypt. Many people try to leave Gaza by sea to reach Turkey. In 2019, 2 Palestinians drowned near Algeria, whilst being smuggled to Europe.

Smuggling tunnels used to be a big business until Egypt stopped it. In the past it was used to smuggle goods and materials, but now it is very difficult to do this.

In order to pressurise Hamas, the PA started to cut salaries of their employees who live in Gaza. Many PA workers now receive partial salaries. If the PA suspect any employee of having relations or being sympathetic to Hamas or to Mohammad Dahlan [former leader of Fatah party in Gaza], they will cut their salary.

If someone lives in the West Bank, they can receive their passport within hours of application. Whereas it takes 2 weeks for a Palestinian living in Gaza to receive theirs. Additionally, they need clearance from security forces and many of them are refused. Gazans complain against security forces in the West Bank for refusing.

Gazans are under pressure from everybody in the world – Israel, the PA, Hamas, the Egyptians. They are not being helped. ICHR receive complaints about Hamas regarding fair trials, arbitrary detention and crack-downs on activists, human rights defenders and journalists. Sometimes, Hamas restricts movement of Gazans either through Erez or Rafah on security or political grounds.

ICHR roughly receives around 2,500 complaints a year in the West Bank and Gaza. Around 60% of complaints are against security forces and the rest are against civil institutions. 60% of these complaints are from the West Bank and 40% are from Gaza. Complaints cover human right violations, socioeconomic violations, freedom of expression/assembly/movement, social services.

People in Gaza are losing faith in the future, they do not see the point in living under miserable conditions. If there was a chance of being liberated, or having a statehood, maybe people would stay. However, conditions are only getting worse. Last month, a Gazan died in Bosnia. He entered Turkey legally and tried to go to other countries in Europe. This is a typical story, people escape death and find another type of death abroad as they go to an 'unwelcoming world'.

Gazans envy Palestinians in the West Bank, even though West Bankers also live in a type of prison, however West Bankers have relative freedom of movement and can access the Israeli labour market. They can leave the country at any time and they have a better economy. 150,000 West Bankers work in Israel and get paid well compared to Gaza. It is better in terms of employment and poverty rate.

Israel has completely divided Palestinians into groups. Living in Gaza is like living in a war zone. Israel considers Gazans as subjects of an enemy entity. West Bankers have resident rights in the West Bank and subject to Israeli military laws. East Jerusalemites are residents in East Jerusalem without Israeli citizenship rights and are subject to Israeli laws. The Palestinians inside Israel are second class citizens.

### **Hamas prisons**

ICHR has to make prior arrangements to visit prisons run by police, this is relatively easy. When it comes to visiting prisons run by internal security, it is more difficult. Internal security visits take a long time to arrange, are sometimes done once a month or are sometimes denied. In May 2019, the Israeli air force attacked Hamas' internal security buildings in Gaza and demolished its Headquarters. Hamas moved the prisoners during the airstrike, but kept them under custody. After the attack, Hamas did not allow ICHR to visit for 2 months.

There are two separate prison systems: one is the regular system under police control, called correction and rehabilitation facilities. This is where people are mainly charged with criminal charges and are detained, whether convicted or pending trial.

The number of people being held is about 1,200, sometimes the number is lower, sometimes higher. On average, 1,000 people are held. At least 35 female prisoners are currently held in Hamas prison, segregated from the men. Guarding these prisons from the outside are male policemen. Inside the facility there are all female staff.

There are major problems with these prisons, such as overcrowding, small cells and demolished facilities.

Due to the financial crisis and lack of resources from Hamas, prisons lack equipment, mattresses and hygiene. Hamas receive donations from different organisations to clean the prisons, but there is a problem with its medical services. ICHR hire 2 doctors, 1 GP and 1 psychiatrist to help with prison visits. There was a prisoner in a Hamas prison who went on a hunger strike and a GP sent by ICHR would visit daily and monitor his health. ICHR sometimes buy medicine for prisons because the medical service inside is very basic.

There is also a problem with Hamas' justice system. Military courts try civilians and many people are convicted or held on order by military courts.

Internal security detain people on a temporary basis, they hold people during interrogation for a few days to 2 or 3 months. If they are pending trial, they refer them to normal prisons. During the crackdown in March 2019, Hamas held hundreds of people in a military prison in the north of Gaza, in facilities that were not meant to be a prison.

## **PA prisons**

Under the PA, there are 3 types of prisons. Those controlled under the police (correctional rehabilitations) are well managed with professional staff and detailed polices. Facilities vary, the prison in Jericho was built by Europeans and has good facilities. It is built as a modern prison.

ICHR made a recommendation to the PA government to close Bethlehem prison down, due to bad conditions. The sun does not enter the prison and there is a problem with the oxygen and air. The food is ok. However, there is not an alternative facility in Bethlehem, so there are still 1,200 people in the prison.

The other type of prison is a military prison. This is where people from security forces are held. Conditions vary, the military prison in Jericho is good but the one in Ramallah is not. Regarding treatment and regulation, there has been a significant improvement.

The third type of prison is the temporary detention facility. People are supposed to be held in these facilities for a few days for interrogation. However, because regular prisons are overcrowded prisoners are held for longer periods in the temporary detention centres. ICHR has made several recommendations to the PA to close or replace some of these detention facilities. Ramallah, Nablus, Jerusalem, Bethlehem, most parts of the West Bank have very bad detention facilities.

ICHR visits to detention places is to ensure that there is due legal process. If the person needs legal assistance, ICHR will direct him to the appropriate place. ICHR look at prison conditions. If there is allegation of mistreatment, ICHR reports it to the relevant authorities and follows up on the allegations. The PA often deny mistreatment but sometimes they carry out investigations. Sometimes disciplinary measures are taken against those who carry out torture. The accountability system is

very weak but ICHR try to improve it and work on different levels. ICHR uses formal and informal interventions and sometimes go to court for strategic litigations. In some cases, ICHR issues press statements about certain types of violations

## **Women**

Some women in Palestine are under threat from their families. The national protection system is not always reliable and cannot cover all types of violence. Domestic violence against women does unfortunately exist in Palestinian society. The protection system is very limited and covers very small types of violence.

Regarding honour crimes, there was an amendment to the penal code. The perpetrator cannot use honour killings to receive mitigated circumstances. ICHR has seen a decrease of honour killings, but an increase in women dying in mysterious circumstances or suicide.

The West Bank follows the Jordanian Penal Code of 1960 whereas Gaza follows the British penal code of 1937. This goes back to the British Mandate over Palestine. The Jordanian law does not see homosexuality as a crime, but the British penal code does. The Israeli military system and emergency laws are used in the West Bank against Palestinians to justify house demolitions, administrative detention and prevention from travel.

## **Israeli human rights violations**

There are several specialized organisations that deal with Israeli human right violations such as the Palestinian Commission for Prisoners which takes care of the 6,000 Palestinian prisoners in Israeli jails. Collective punishment is a cornerstone in Israeli policies towards Palestinians. For example, Israel is still holding the bodies of 52 Palestinians who were killed by the Israelis. Israel refuses to give the bodies to the Palestinian families. It is a form of collective punishment. Israel also denies many sick people permits to leave Gaza. There are specialised NGOs that deal with prisoners. 6,000 Palestinians are held in Israel and at least 600 of them are on administrative detention i.e. detention without trial. This can take up to 6 years and in some cases, they were held for 12 years without trial. Other issues include land confiscation, settlements, restriction of movement. Israeli human right violations touch every aspect of a Palestinians life. There is no single organisation that can handle all these violations.

[Back to Contents](#)

Malik – Palestinian Authority, Ministry of Civil Affairs, 26 September 2019

## **Population registry**

There is a single Population Registry system for both Gaza and the West Bank. Israel has a computer to access the system.

The Palestinian Authorities (PA) have different offices, the main office is the Ramallah Ministry of Interior Office and there are district offices throughout the West Bank and Gaza.

In the West Bank, the General Authority of Civil Affairs, which was appointed according to the Oslo accords, deal with any civil issues such as land, electricity and power.

The Ministry of Interior office deals with Palestinian IDs. The Population Registry office deals with family population registration, family unification, visit permits, visa extensions and changing of address. Both departments are connected – if there is a child born outside of Palestine and the parents are Palestinian, the child needs an ID to register.

A Palestinian needs to have an ID number before being put on the register and needs to be in the country to obtain an ID. Children must be registered in the population registry and have an ID before they reach the age of 16.

When a father or mother is Palestinian, their child can be registered on the population registry. Both parents are not required to be Palestinian. If the father or mother die before the child is registered, it is still possible for a relative to register the child. If neither parent has a Palestinian ID, it is not possible to register the child, because Israel does not allow it.

For family registration, Israel and Palestine have the same database. Some of the records are on paper and some are on a CD which can cause problems.

### **ID card**

The Palestinian ID card is green and has a random 9-digit number, the person's name, date of birth, place of birth, place of residency, mother's name, issuing place and issuing date. There is no expiry date. There is a family book which is like a slip of paper and this shows the registered husband, wife and children who are below the age of 16. A child has their own ID card when they turn 16. Anyone with a Palestinian ID card can have a Palestinian passport.

Palestinians in the West Bank do not hold residency cards or any other type of ID card, just the green ID card.

People are given an ID card on the same day of application, as it takes 5 minutes to issue. But during the Jewish holidays there are problems transferring data because the Israelis are on vacation. People can register their children in the West Bank, but not in Gaza. However, Palestinians have issues leaving Gaza and must go through the Rafah crossing to reach the West Bank, but it is not open every day throughout the year.

Most Palestinians in East Jerusalem have an East Jerusalem ID issued by Israel, but are not given full Israeli citizenship.

Regarding any issues with IDs, there are only technical problems. For example, in urban areas such as in Hebron, where some women give birth at home and sometimes do not feel the need to register their children because they are not sent to school. There is only a small number of people who do this. If a child does not apply for an ID card before he or she turns 16, it leads to the family unification process.

There are 2 cases where family unification is needed:

- A person is born in Palestine but does not register for an ID or residency before the age of 16 – the person must ask for family unification to Israel
- Visitors. People who enter Palestine on visas and stay illegally, such as wives of foreigners. This way has been stopped since Netanyahu took charge.

### **How to find out if someone is on the registry**

A person can find out if they are on the registry by phoning or speaking to someone at the population registry office. It is possible and easy to make a telephone enquiry. The person can provide his father's ID details, or their own name and date of birth as well as their mother's name and date of birth. If the person has an ID number, the computer will find the information.

## **Passports**

All Palestinians are entitled to have a passport, but some do not apply for them. ID numbers are found in the passport. Some Palestinians who live abroad do not have an ID, but in some exceptional cases they can have a passport which is illegal in the eyes of the Israeli side 'they don't recognize it'.

Most Palestinians in East Jerusalem have Jordanian passports.

There are diplomatic passports and ordinary ones. The PA has been asking for biometric passports but are still waiting for Israeli approval. The PA must wait for Israel's approval regarding many issues.

Regarding special humanitarian cases, Palestinians who live in refugee camps outside of Palestine do not have passports but are issued a different type of passport so they can move around and travel. However, they cannot enter Palestine with this type of passport because the Israelis have not approved it. Israel only issue passports to people they have accepted.

Travel documents are issued to Palestinian refugees in Egypt, Iraq, Syria and Lebanon. These governments issue travel documents to Palestinian refugees in their countries. People collect these documents from the Ministry of Interior in the concerned country. They are visit permits that must be approved through the Israeli system.

The PA do not revoke Palestinian passports, even if a person is a criminal. The PA are encouraging Palestinians to return and apply for IDs. The Israeli side can revoke IDs, it has been done. But the PA do not. The PA do not want to remove anyone from the registry if they are Palestinian – even if they have dual nationality. A Palestinian can stay out of the country for 10 or 20 years and keep his ID and passport.

Before the Oslo agreement in 1991, Palestinians used a bridge to cross into Jordan and would leave their IDs at the bridge. At the time, Palestinians could stay out of the country for two years and renew their visa for another one year. The Israeli side dropped the IDs of those who did not renew their visas. This law changed after 1991.

[Back to Contents](#)

Director General Mousa Ramawi, Centre for Development and Media Freedoms (MADA), 26 September 2019

MADA was established in 2006, to defend media freedoms and promote freedom of expression in Palestine. The organisation produces a monthly report, as well as one larger report every 6 months and one yearly report, in addition to special reports. It reports on all kinds of violations, but more on the Israeli and Palestinian violations in the West Bank and Gaza Strip. Reports show that usually the Israeli violations are worse and there is now more danger on media freedoms and on journalist's lives.

MADA states that it is very important for them to publish these reports, to show the local and international communities what violations are happening.

This year, MADA published their first index on media freedoms. The index is on their website, where details regarding the West Bank and Gaza Strip can be found, including self-censorship.

MADA initiated the establishment of the MENA Network, to combat hate speech in cooperation with other Arab organisations, and to enhance freedom of speech and expression.

MADA has a legal unit, its purpose is to:

- 1) Train journalists and Media students on legal issues related to their work and freedom of expression in general.
- 2) Defend journalists in court and follow their cases if they are in prison.
- 3) Provide free consultancy to journalists regarding issues of freedom of expression.

MADA has a local and international advocacy programme and it usually launches one or two campaigns every year related to different issues, such as access to information. It promotes rights among journalists and the Palestinian society.

During a conference on 28 September, MADA asked the PA to adopt freedom of information. Furthermore, in July 2019, it discussed this issue with the Prime Minister of the PA, who promised they were doing their best in that regard. MADA is optimistic as it sees a different attitude from the PA towards media freedoms.

In addition, MADA looks at censorship. It launches campaigns against self-censorship and for digital rights. This year, MADA campaigned for female journalists' rights in September 2019. In October 2019, they will launch a campaign on digital rights in Palestine, via billboards, social media, animations, films, news and on the MADA website.

Self-censorship is a problem for journalists and has increased in Gaza and the West Bank since the internal division on 2007.

It makes journalists more cautious to write or to criticise. Self-censorship is not just a fear of the government, it is also related to other factors such as socioeconomic factors, which is part of the reason for self-censorship in both West Bank and Gaza.

Roots of self-censorship are inherited from the Israeli occupation where everything, especially newspapers, are censored. Before being published, newspapers go through military censorship, where an Israeli reads every word of the newspaper and deletes paragraphs they do not like, or sometimes the whole article is deleted. In the past, newspapers would leave a white space to show that something had been deleted. However, Israel stopped this, so people are no longer aware if something has been deleted. Journalists must think more carefully and put more thought into what phrases and words to use, so it can be printed. During the first intifada the censorship intensified, Israel monitored what was written even in advertisements.

Censorship has deep roots in Palestinian society and among journalists and media outlets. The Israelis revived censorship. There is a new approach from the Israelis, to give more space to freedom of expression and to stop imprisoning journalists.

MADA want good legal environment to protect journalists and to develop media.

Before the Oslo Accords, there were no Palestinian TV channels. Afterwards, there were about 25 private TV channels and 70 radio stations. The number is now less than that.

Facebook closed pages of about 65 Palestinian journalists and media outlets and MADA believe this is because, in 2016, Facebook and the Israeli government signed an agreement of understanding regarding the policy of social media about the Israeli monitoring of pages. MADA believe that Facebook is adopting Israel's definition of incitement. Publishing a picture of a Palestinian martyr or anything to do with a martyr is seen as incitement.

MADA believe that discussing and reporting on the Israeli occupation is freedom of expression, not incitement. However, Israel want to silence people from talking about the Israeli occupation crimes. Israel have tried to silence Palestinians for many years.

A MADA representative stated, 'Do Israel still think that the world must only hear the Israeli story, not the Palestinian one?'. All Israeli violations and the agreement with Facebook is part of the policy to silence Palestinians. Israel do not want the world to know what is happening in Palestine.

### **Violations against journalists**

Most kinds of violations by Israelis are physical, targeting by tear gas, rubber bullets, sound bombs, beatings as well as verbal attacks. There are other kinds of violations such as detention, imprisonment, closure and destruction of media outlets and using journalists as human shields. There is prevention of covering incidents and prevention to travel.

Violations by the Palestinian side include detention, investigation, preventing coverage and sometimes physical attacks. All of the statistics of violations are on the MADA website. All kinds of violations are reported monthly.

MADA have researchers working the field who provide the organisation with information. Most of them are in the field in the West Bank and Gaza. Journalists contact MADA and talk about the violations and then MADA's researchers go to 'follow up' on the claims to obtain more detail. Sometimes, MADA take testimonies directly from journalists, they do not depend on other sources and so their reports are credible. If someone is in a prison, MADA will take information from the person's spouse or lawyer.

Journalists in Gaza are at risk by the Israelis when covering events. During the 'Great March of Return' demonstrations, 2 journalists were killed and tens of them were badly injured by snipers shooting at the upper body, even though journalists were wearing body armour with 'PRESS' and helmets.

Regarding the killing and injuring of journalists and the Marches in Gaza against the Israeli siege - the Israeli government do not want people to demonstrate, do not want journalists to report what is going on and are killing and injuring journalists and demonstrators, so people are not aware of what is happening.

### **Detention**

Detention periods in Palestine usually take a few days, but in Israel it may take months. The last example is a Palestinian photo journalist born in Algeria, Moustafa Al-Kharouf, and does not have ID (For 'security reasons', The Israeli Occupation

authorities refused to grant the journalist Mustafa Al-Kharouf residency in Jerusalem, even though he had lived and resided there ever since he was a child with his family and now lives there with his wife and children. Al-Kharouf does not hold any other nationality and he has never been arrested or convicted of any offence or felony) who was detained for a several months, Israel tried to deport him to Jordan. The Jordanian authorities refused because he is not Jordanian. He is now still in prison.

Families of journalists are not directly targeted, but when the Israeli authorities arrest journalists, they scare their families and their children and damage their furniture when they search their homes. The Israeli authorities turn up at Palestinian homes after midnight.

The Palestinian authorities do not usually arrest people at their homes.

### **Surveillance**

Many journalists and activists are arrested due to Facebook posts (most Palestinians use Facebook, not Twitter). The Israeli authorities harassed and arrested people because of posts on Facebook - there is strong surveillance of social media. The Israeli government are the best in the world when it comes to surveillance. Israel have a very good system to survey the public and can access people's mobile phones

[Back to Contents](#)

### **Diplomatic source, 27 September 2019**

The diplomatic source's organisation has been established in East Jerusalem in 1994, after the Oslo Agreement. It has bilateral relations with the PA (Palestinian Authority) and works in the West Bank, Gaza and East Jerusalem. The diplomatic source's organisation is present for two main reasons:

- 1) Cooperation – The organisation provides €300 million a year to the PA and to the Palestinian people, to help the PA and to fund the organisation's projects, particularly in Area C, regarding health, sanitation, agriculture and trade (trade is less vibrant and active right now).
- 2) Political relations – to maintain the organisation's political relationship with the PA, Palestinian Liberation Organisation (PLO) and other factions – except for Hamas, to find out what the needs of the PA are with the end goal of state building (a 2-state solution).

### **Area C**

Area C could be seen as an open-air prison – there are no tanks at every corner, but it is roughly the same type of situation. Palestinians are under an administrative void. According to the Oslo Agreement, Area A is for Palestinians, Area B is under Palestinian administration and Israeli security and Area C is where Palestinians are not allowed to intervene or act without Israeli agreement. Israel should be the caretaker of the Palestinian population, but this is not the case. Israel wants to extend its sovereignty in Area C, to make Palestinians leave.

Palestinians in Area C are trapped between the concrete wall and the separation barrier on one side and the Jordanian border (also strictly controlled by Israel) and walls on the other side. In the middle of Area C, there are checkpoints and restrictions on movement between Palestinian controlled environments. There are

lots of small islands of Palestinian population, which can range from a few dozen of people all the way up to big cities. On leaving these Palestinian areas, roads are controlled by Israeli authorities.

There is a slightly bigger sense of freedom in the West Bank than in Gaza, but movement is limited to a certain area. Palestinians cannot cross the wall when living in Area C and are unable to enter Jerusalem without a permit.

The diplomatic source's organisation is trying to maintain the Palestinian population to ensure that they can continue living in the Palestinian Territories.

When the diplomatic source's organisation wants to start a development programme, it does not look for a green light from Israel, just a non-red light. Programmes include the building of schools, improvements in the health sector, water sanitation and energy - which is a big problem.

Development programs in Area C are managed in coordination with humanitarian colleagues who also build schools, shelters and agricultural buildings with the same end goal to allow the Palestinian communities to remain where they are. The Palestinians are under constant pressure to move and make space for the Israeli expansion.

Palestinians face pressure and harassment from the Israeli military. All communities in Area C are surrounded by Israeli settlements or outposts. One of the Israeli military missions is to make sure Israeli citizens are protected. They do this by having military outposts manned by soldiers next to settlements and by a constant movement of troops, controlling every aspect of Palestinians living in Area C.

The Israeli army block entrance and exit check points at random times throughout Area C.

### **Settlements – Area C**

There has been a very dramatic rise in settlement violence in recent years. The yearly olive festival takes place in fields next to the settlers, who are violent towards Palestinian farmers. The Israeli army do not intervene to protect the farmers/lands from the settler's violence.

Human rights violations derive from settlements. The diplomatic source's organisation has a focus on children affected by armed conflict. Interviews/briefings with UNICEF, UNRWA and Save The Children mention an almost systematic harassment of children, some can be detained for hours while on their way to school. Some children have to walk miles to reach school and cross through Israeli controlled checkpoints.

### **Demolitions and evictions – Area C**

There is administrative harassment and pressure by Israel - Palestinians need to have coordination and permits to be allowed to build anything in Area C, however these are virtually never granted and therefore virtually all buildings are illegal under Israel's regulations.

The diplomatic source's organisation works with the PA to make masterplans. A masterplan is needed to receive Israel's permission to build but they are almost never approved by the Israeli authorities.

When Israel wants people to move, it will issue demolition orders to schools, homes, buildings and agriculture shelters. The diplomatic source's organisation helps Palestinians rebuild in areas when something has been destroyed, or complains to Israel when something has been destroyed which was funded by the diplomatic source's organisation or another organisation it works with.

The EU also works with other organisations to assist communities that receive eviction orders. The diplomatic source's organisation finances Palestinian communities to construct new buildings but a small proportion of them are regularly destroyed or confiscated. Overall the majority of projects remain in place, but every month a building is demolished or confiscated that has been paid for by the diplomatic source's organisation or another organisation it works with.

Israel is the occupying power and should look after the population, but it does not do that. The diplomatic source's organisation therefore provides humanitarian aid to the population in need – Israel denies that there is a need for aid.

The main problem the population faces is that there is no access to a basic health system, no middle or higher education and there are virtually no jobs apart from farming, which is even becoming more and more difficult. It can be difficult for Palestinians to go to hospital or work – it could take hours due to checkpoints and because roads are sometimes small and windy and dangerous. (Most Palestinians are not allowed to use the new wide fast roads built for the settlers).

### **Freedom of movement – Area C**

Sometimes road layouts are changed by the Israeli authorities. Sometimes Palestinians find themselves at a dead end, where an old road comes to an abrupt stop and can no longer be used to travel. Sometimes Israel builds roads which practically can be used by Israelis only. Palestinians cannot use all roads in the OPTs, a certain permit to travel is required and there are checkpoints on every road to monitor this. Road 443 is built through the OPTs which has fences and checkpoints on either side of it. This road cannot generally be used by Palestinians but can be used by settlers. The checkpoints are manned by young soldiers or private security - many Palestinians are killed or injured if an incident occurs, because soldiers can panic at check points. It is a very stressful situation. There is also an 'apartheid' road with a central barriers fence - one side for settlers, the other for Palestinians.

Area C has permanent and temporary check points. It is illegal to forcibly transfer people, so the point of the Israeli policy is to push Palestinians to move to Areas A or B in order to change their centre of life.

### **Employment – Area C**

People cannot work. The biggest employer in the OPTs is the PA, but due to the financial crisis it had to reduce salaries – most people receive only a quarter of their salary. This is forcing Palestinians to work elsewhere, increasing the demand for work permits in Israel and leading to an increase of illegal workers in Israel. This has been allowed, because Israel knows this is the only way that Palestinians can survive. If Palestinians cannot work for the PA because there is no pay, or cannot work within the private sector because opportunities are very low, the obvious choice is to go to Israel, but the permit system is very restrictive. Firstly, a Palestinian must find a job, then apply for a permit. The Palestinian must also find an employer who is

willing to offer them a job but also be willing to wait 8 months with no guarantee that the permit will be approved.

The Coordination of Government Activities in the Territories (COGAT) know people cross the fence illegally and even have figures. Israel allows a certain amount of people to cross the fence to work illegally for money, otherwise people would be trapped and the West Bank would be like Gaza. Thousands of people cross into Israel every day.

## **Gaza**

Gaza has a population of 2 million people.

The diplomatic source's organisation has an office in Gaza with local agents only, who meet regularly with its organisation representatives. The diplomatic source's organisation runs a lot of programmes in Gaza. Currently, the main programmes are on water salination and sewage treatment, with a focus on energy, agriculture and economy to try to make life sustainable. The diplomatic source's organisation has a civilian mission which was established to train the PA to manage the Rafah border, but now it is dormant because the PA was expelled from Gaza by Hamas (the de facto authorities).

The situation in Gaza is well documented. There are UN reports which state Gaza will not be sustainable after 2020 (the West Bank is in the same situation, with very limited economic opportunities). Gaza's economy is blocked, there is no cash, no jobs, nothing can enter or exit Gaza without a high level of tax from Egypt, Israel and Hamas.

There is no infrastructure in Gaza, the situation is worsening every day. The health sector is the most concerning – treatment for long term sickness is impossible, as the equipment needed is not allowed to be brought into Gaza. People need to find treatment elsewhere i.e. East Jerusalem.

Access to everyday life medicine is very difficult. Gaza has a shortage of medicine which is concerning because of the restrictions imposed by Israel and the measures in place by the PA.

Since the March 2018 Great March of Return, there has been a disproportionate response by Israel such as the use of live ammunition at the Gaza/Israel border fence, causing many injuries. There are many more people in surgery than there was before the March began. Hospitals in Gaza are not suited for the numbers who need surgery and do not have the staff, equipment or materials for surgical intervention. Palestinians are dying due to the lack of staff/space.

The sewerage system is particularly bad. There is a need for electricity for desalination plants to work. Electricity comes from and is controlled by Israel. The international community are trying to arrange an agreement between Israel and Hamas – to provide the people of Gaza power every day. The electricity cuts effect hospitals, schools etc.

In every war-torn area, when there is no sewerage system, disease spreads very fast. This is a major problem when there is no health system capable of treating people who are suffering from the sewage.

Water is undrinkable and people cannot eat the fish from the Gaza coast. Israeli fishing restrictions are up to 15 nautical miles but, most of the time, fishermen are

restricted from going further than 6 nautical miles from the Gaza coast. The sewage runs into the Mediterranean Sea and does not run far enough from the shore and as a result, Palestinians are eating fish that is contaminated and poisonous. The sewage also affects the land and soil in the same way. Food must therefore be imported, but the Gaza borders are controlled by 3 different groups (Israel, Hamas and Egypt) who tax everything. Gaza cannot afford the taxes, it does not have the cash. Costs are 3 or 4 times more expensive than Jerusalem.

### **Freedom of movement – Gaza**

In 2017, out of the 50,000 permit applications to exit and enter, 7,000 were granted. The only hope Palestinians in Gaza have, apart from ending the blockade, is to leave permanently or to receive a work permit for Israel to be able to sustain the family, or to leave for a few years to earn enough money to be able to return and make a difference.

Out of the 60,234 exit applications in 2016, 24,000 were approved – mostly for 3 or 5 days for worship or to exit over the bridge to Jordan. Nobody has overstayed (Palestinians returning late are arrested or detained). Permits to Jerusalem are granted for 2 days and does not allow Palestinians to enter the West Bank.

27,000 applications are still in vetting since 2016. 200 of these are applications relating to someone who was dying/had died i.e. a permit request to attend a funeral.

Permit approvals are sometimes sent via text messages at 8am telling the applicant to be at the checkpoint by 3pm. If the applicant does not reach the checkpoint by the time given, it is assumed the applicant did not want to leave and the next time that individual applies for a permit it is denied.

Gaza is small enough that the wall is always seen and there is a sense of being trapped. There are universities in Gaza and many of the people are educated. There are good IT engineers and developers. The problem with education is that students can graduate but cannot use their degrees, so many go to the Gaza/Israeli fence despite the risk of getting shot because it gives them a purpose. That is the reality.

The diplomatic source's organisation is trying to make quick fixes, trying to find ways every week to alleviate pressure to make life a bit more liveable. If the Israeli side are not more flexible in allowing Palestinians to enter and exit Gaza for work, or to allow more goods to enter, Gaza will become worse and it will not be possible to live there. The UN report stated that Gaza will be unsustainable in 2020. No one knows exactly what this will mean for the 2 million people that live there. It is the biggest challenge.

Another challenge is that if nothing is done to aid Palestinians in Areas B or C in the West Bank, a Gaza type situation will happen in these areas –it is already starting.

[Back to Contents](#)

