

Israel/Occupied Palestinian Territories (OPT)

Israel's blockade of Gaza and restrictions on movement to protect illegal West Bank settlements, along with indiscriminate Palestinian rocket attacks on Israeli towns and serious abuses by Fatah and Hamas against each other's supporters, were major components of the human rights crisis in the Israeli-occupied Palestinian territories in 2008.

Palestinian civilians accounted for around half of those killed in Israeli military operations in Gaza prior to a June ceasefire between Hamas and Israel. More Palestinians were killed in Gaza by the Israel Defense Forces (IDF) in the first half of the year than in all of 2007 in both the West Bank and Gaza.

Israel's blockade of Gaza has exacerbated the humanitarian crisis affecting Gaza's 1.5 million residents. In the West Bank, Israel maintains onerous restrictions on freedom of movement for Palestinians.

Palestinian armed groups fired rockets and mortars indiscriminately into Israeli towns, particularly Sderot, killing four civilians and wounding others. Fatah and Hamas, the dominant Palestinian parties in the West Bank and Gaza, respectively, were responsible for extensive human rights violations as they sought to impose their authority, and retaliated for each other's violations.

Palestinian armed groups in Gaza continued to hold as hostage Israeli soldier Gilad Shalit, captured in June 2006.

Israel

Gaza Strip

Israel's comprehensive blockade of the Gaza Strip has severe humanitarian and economic consequences for the civilian population. Even after the June ceasefire,

continued restrictions reduced the availability of basic goods and the provision of essential services. Imports in September represented 30 percent of what Israel allowed into Gaza in December 2005. Exports remained completely barred.

Israel is Gaza's major source of electricity and sole source of fuel, so its restrictions on their supply cripple transportation as well as water-pumping, sewage, and sanitation facilities.

Israel also continues to restrict the movement of Palestinians out of Gaza. The restrictions rely on Egypt's cooperation along its border with Gaza, in particular at the Rafah crossing.

In the first half of the year, Israel permitted only a small number of persons with medical emergencies to leave. In July a handful of students with foreign scholarships left Gaza. In August and September Israel eased some restrictions and allowed more emergency medical cases to exit. In September over four thousand Palestinians, including 1,100 pilgrims, entered Egypt via Rafah, but Egyptian authorities prevented some 800 students from leaving to study abroad. The vast majority of Palestinians remain unable to travel outside the territory. Foreign Minister Tzipi Livni wrote in July that this policy was due to a September 2007 security cabinet decision declaring Gaza to be a "hostile entity."

Israel reintroduced a complete blockade in November in retaliation for a wave of Palestinian rocket attacks. The complete closure by Israel cut off food and medical aid, as well as fuel supplies, halted the United Nations' food distribution to 750,000 people, and caused widespread power cuts.

Palestinian Deaths and Israeli Impunity

Between January and June 2008, Israeli forces conducting military operations killed 388 Palestinian fighters and civilians in Gaza, about half of whom were civilians; 59 of the dead were children. Israeli forces killed 41 Palestinians in the West Bank between January and the end of October, of whom at least 15 were civilians. The largest Israeli military operation, between February 27 and March 3 in Gaza, killed 107 Palestinians, more than half of them civilians. Human Rights Watch examined

one area occupied by Israeli troops during the operation and found strong evidence in four incidents that Israeli forces deliberately fired at and killed five civilians, medical personnel, and incapacitated fighters. In other attacks, Israeli forces did not appear to take all feasible precautions to ensure targets were military and not civilian.

As of November 2008, Israeli Military Police launched only one formal investigation into suspicious killings of civilians.

On August 12, Judge Advocate General Brig.-Gen. Avishai Mandelblit informed the Reuters news agency that the decision by an Israeli tank crew to target a Reuters cameraman in Gaza on April 16 was “sound.” The attack killed the cameraman and eight other civilians, including six children. Mandelblit said the crew acted properly even though, he acknowledged, they could not identify the cameraman as a combatant.

Freedom of Movement

Israel increased its extensive, often arbitrary restrictions on freedom of movement for Palestinians in the West Bank and East Jerusalem. From September 4, 2007, through September 1, 2008, “closure obstacles” in the West Bank increased from 572 to 630. These restrictions make it difficult or impossible for many Palestinians to access jobs, education, and health services, as well as to visit family and friends.

Settlements and the Wall

The route of the “separation barrier” or wall, more than 80 percent of which extends into the West Bank, further restricts the ability of thousands of Palestinian residents to access their land, essential services such as education and healthcare, and water.

As of mid-2008, more than 600 buildings were under construction in illegal West Bank settlements (not including East Jerusalem) and tenders had been issued for more than 2,400 others. In July government approval of Maskiot marked the first official recognition of a settlement in almost nine years.

The Israeli human rights organization B'Tselem, in October, reported 429 cases of settler violence against Palestinians and their property in 2008, a 75 percent increase over 2007. These included physical assaults with firearms, beatings, and destruction of crops and other property. Israeli authorities seldom apprehend or prosecute perpetrators. In September a bomb placed outside his home injured 77-year-old Hebrew University professor Zeev Sternhall, a prominent critic of the settlement movement.

Discriminatory Legislation

Israel continues to apply laws and policies that discriminate on the basis of ethnic or national origin. Since 2002 Israel has prohibited Palestinians from the OPT who are spouses of Israeli citizens from joining their partners in Israel. In 2007 the Knesset extended the ban through 2008 and expanded its scope to include citizens of Iran, Iraq, Syria, and Lebanon married to Israelis from living with their spouses in Israel.

In a positive development, since October 2007 Israel approved nearly 32,000 family unification requests in the West Bank and Gaza Strip, the first exceptions to a freeze on family unifications put in place in September 2000. Some 90,000 family reunification requests remain pending.

Israeli laws and practices continue to force tens of thousands of Bedouins in the Negev region to live in “unrecognized” shanty towns. The state deliberately excludes Bedouin villages from its national planning process, thus denying them legal status. Israeli authorities demolished dozens of Bedouin dwellings in 2008. An official commission headed by retired Supreme Court Justice Eliezer Goldberg held public hearings to examine the land ownership issues in early 2008, but as of November had not issued any findings or recommendations.

Expulsion of Asylum Seekers

Between August 23 and 29, the IDF forcibly returned to Egyptian custody 91 Eritreans, Sudanese, and Somalis who illegally crossed the border along the Sinai. (Egypt has not notified the UN High Commissioner for Refugees of their whereabouts, and reportedly deported to Sudan some of the 50 Sudanese whom Israel had forcibly returned in August 2007.)

The Palestinian Authority (PA) and Hamas

Attacks on Israeli Civilians

Palestinian armed groups in Gaza indiscriminately fired locally-made rockets into the Israeli border town of Sderot and other civilian areas throughout the first half of 2008. The rocket fire killed four Israeli civilians and wounded others in 2008, prior to the June ceasefire. Palestinian armed groups, excluding Hamas, continued to fire small numbers of rockets after the ceasefire came into effect. According to media reports, Hamas authorities temporarily detained several Islamic Jihad members for planning or carrying out rocket attacks. In early November Hamas and other Palestinian armed groups fired over 80 rockets at targets inside Israel, including civilian populated areas in response to an Israeli military operation that killed six fighters. As in previous rocket attacks, Palestinian authorities in Gaza took no action to prosecute any of the individuals involved.

On February 4, a Palestinian suicide bomber killed a 73-year-old woman and injured 11 other civilians in the southern Israeli town of Dimona. The Al-Aqsa Martyrs Brigades and Popular Front for the Liberation of Palestine claimed joint responsibility in a Gaza press conference. Neither of the groups or individuals who claimed responsibility were arrested by Palestinians authorities in Gaza or charged with any offense.

On March 3, a Palestinian with an assault rifle killed eight Israeli civilians, four of them under age 18, in a Jerusalem yeshiva, or seminary. The gunman, who was apparently acting independently, wounded 10 other students. Senior Hamas spokesmen appeared to give their support to the attack as well as to four others in 2008 in which Palestinians targeted Israeli civilians in Jerusalem.

Intra-Palestinian Fighting and Lawlessness

Hamas forces in Gaza and Fatah-dominated Palestinian Authority forces in the West Bank have carried out arbitrary arrests of each other's supporters, tortured prisoners in their custody, and closed down scores of charities, political societies, and other organizations. The PA prosecuted defendants before military courts, circumventing due process safeguards.

These abuses occurred throughout the period since Hamas took control of Gaza in June 2007, peaking in July 2008 after a bombing in a Gaza City beach café killed a four-year-old girl and five members of Hamas's armed wing, the Izzedin al-Qassam Brigades. Qassam Brigades members, who have no law enforcement powers, arbitrarily arrested over 200 people. In the West Bank, PA security forces responded by arbitrarily arresting over 100 people considered sympathetic to Hamas.

Palestinian security forces tortured detainees during interrogation, sometimes leading to their deaths. On February 14, the General Intelligence Services (GIS), which reports to PA President Mahmud Abbas, arrested Majid al-Barghuti, leader of a mosque in a village outside Ramallah. Eight days later al-Barghuti was dead, almost certainly as a result of injuries sustained from torture. On April 13, in Gaza, armed men arrested Sami `Atiya Khattab, a former GIS captain; 36 hours later he was dead, his body bearing what a Palestinian human rights defender called "obvious signs of torture."

In early August Hamas forces assaulted a Gaza City area controlled by the Hillis family, whom Hamas accused of sheltering the perpetrator of the beach café bombing. Of the 12 Hillis members killed, two were reportedly executed, and eyewitnesses said some of those wounded had been shot after they had surrendered.

In mid-September Hamas forces used excessive force in an attempt to arrest members of the Dugmush clan in Gaza City. Eleven family members were killed in the clashes, including three children, and 43 people were injured. Two policemen were also killed.

Despite the gravity of these violations, the Palestinian Authority took no steps to investigate them or hold anyone to account. Hamas authorities claimed in early June that they had punished 35 officers for "violating human rights" but did not provide details.

The struggle between Hamas and Fatah also contributed to Gaza's humanitarian crisis. In August Hamas authorities interrupted regular diesel shipments to the Coastal Municipalities Water Utility, an agency controlled by the PA in Ramallah.

Death Penalty

A military court in Gaza handed down a death sentence in January and another in July. In the West Bank a military court in Jenin handed down death sentences in April and July; a military court in Hebron also sentenced a man to death in April. A civil court in Gaza handed down death sentences in October to four men, including to a 22-year-old who was a juvenile at the time of the alleged offense. A military court in Bethlehem sentenced a 24-year-old man to death in November.

Key International Actors

Israel is the largest recipient of aid from the United States, receiving US\$2.38 billion in military aid in 2008. Washington has not made any funds conditional on Israel improving its adherence to international human rights and humanitarian law. The US trained and equipped Palestinian security forces, which took over some security functions in Jenin and Hebron.

The current European Union-Israel Action Plan only briefly and vaguely mentions human rights concerns, in contrast to similar plans between the EU and other countries in the region. As talks commenced in late 2008 about an "upgraded" relationship with Israel, the EU said any new agreement would include a formal subcommittee on human rights.

The Quartet (the EU, US, Russia, and UN) provided limited humanitarian aid to Gaza; the US and EU continued their economic sanctions against the de facto Hamas government there.

Israel was reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in May 2008.