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country summary

Israel/Occupied Palestinian Territories (OPT)

The heavy toll of fighting among Palestinian groups, Hamas's armed takeover of Gaza, and the intensified humanitarian crisis in Gaza as a result of the Israel-led blockade dominated events in 2007.

In 2007, for the first time since Israel occupied the West Bank and Gaza in 1967, more Palestinians died as a result of internal Palestinian fighting than from Israeli attacks. The Israeli and Western economic embargo of Gaza, Israel's almost total closure of Gaza's border crossings, ongoing lawlessness in the OPT, and heightened Israeli restrictions on freedom of movement in the West Bank contributed to a serious human rights and humanitarian crisis.

This overview begins with an assessment of Israel's human rights practices followed by a separate section on the record of the Palestinian Authority and Hamas.

Israel

Gaza

In the aftermath of the Hamas armed takeover in June 2007, described below, Israel moved to isolate Gaza. It closed the crossings for people (Rafah and Erez) and for goods (Karni), and sharply limited the passage of imports to Gaza at the secondary crossings of Kerem Shalom and Sufa. The Israeli Customs Authority banned the export of Israeli goods bound for Gaza except for limited humanitarian supplies (basic foods, medicine, and medical equipment).

The general population has borne the brunt of Israel's measures. The border closure has led to the shut-down of 75 percent of Gazan factories, further crippling a local economy already weakened by past Israeli border closures. Shortages have led to a steep rise in food prices. According to the UN Office for the Coordination of

Humanitarian Affairs (OCHA), as of June 2007 87 percent of Gazans lived below the poverty line and 85 percent were dependent on humanitarian aid.

While Israel has usually allowed urgent medical cases to leave Gaza through the Erez crossing, by mid-September it stopped allowing most patients out, reducing the average number of patients leaving Gaza each month to five, down from 40 in the preceding months. Israel denied exit to many seriously ill patients on unspecified security grounds; at least five patients died in Gaza after being denied treatment in Israel.

At this writing, 670 Palestinian university students were also trapped in Gaza, unable to continue their higher education in the West Bank or abroad. On October 22 some of these university students from Gaza petitioned Israel's Supreme Court to grant them permission to travel. Israel has continued to ban Palestinian students from the West Bank and Gaza from studying at Israeli universities despite a 2006 Supreme Court decision requesting the military to change its policy.

Following Palestinian militants' continued firing of homemade rockets from Gaza, Israel's cabinet declared Gaza a "hostile entity," on September 19, paving the way for Israel to impose additional measures to deter Palestinian rocket attacks. On October 26 Defense Minister Ehud Barak approved cutting supplies of electricity and fuel, measures that constitute collective punishment of Gaza's civilian population in violation of international humanitarian law.

Palestinian Deaths and Israeli Impunity

Between January and October 2007, 245 Palestinians, about half of whom were not participating in hostilities, were killed by Israeli security forces. The Israeli army's continued failure to investigate civilian death and injury where there was evidence of a laws of war violation reinforces a culture of impunity in the army and robs victims of an effective remedy.

In a welcome development, Israel's State Prosecution agreed in September, following a decision of the High Court of Justice, to establish an independent commission of inquiry to investigate the circumstances around the Israeli air force's

July 2002 targeted killing of Hamas military leader Salah Shehadeh in Gaza that also killed 14 civilians, nine of them children. Minister of Defense Barak announced that he will not cooperate with the commission and that he will forbid Israeli soldiers from appearing before it.

Freedom of Movement

Israeli authorities in 2007 expanded already extensive, often arbitrary restrictions on freedom of movement in the West Bank and East Jerusalem. In September 2007 UN OCHA reported that the army had set up 572 West Bank roadblocks, an increase of 52 percent in just two years. The restrictions make it impossible for many Palestinians, including UN doctors and teachers, to get to work, access education and health services, and visit family, friends, and religious and cultural institutions.

The Wall and Settlements

In 2006 then-Acting Prime Minister Ehud Olmert stated publicly for the first time that the route of the wall the government had said it was constructing to prevent Palestinian armed groups from carrying out attacks inside Israel also reflected official aspirations for a future border. Currently, 85 percent of the wall's route extends into the West Bank, carving out approximately 10 percent of the West Bank, including almost all major Israeli settlements there—which are illegal under international humanitarian law—as well as some of the most productive Palestinian farmlands and key water resources.

Israel continues to expand illegal settlements in the West Bank and the Israeli settler population has been growing by around 5.5 percent each year. In 2007 approximately 450,000 settlers were living in the West Bank, including East Jerusalem; more than 38 percent of the West Bank now consists of settlements, military bases, and other Israeli-controlled areas, most of which are off limits to Palestinians. Settler violence against Palestinians and their property continues with virtual impunity.

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 March 2007 the Knesset amended the Citizenship and Entry into Israel Law, expanding the scope of the existing ban on family reunification and extending it through 2008. The new law also bans residents or citizens of Iran, Iraq, Syria, and Lebanon married to Israelis from living with their spouses in Israel.

In July 2007 the Ministry of Justice issued draft legislation, in the form of a proposed amendment (Number 8) to the Civil Wrongs (Liability of the State) Act, which would reintroduce a sweeping ban on Palestinians from filing tort claims for injuries caused by Israeli security forces. Israel's Supreme Court had struck down a previous amendment to this effect in December 2006.

Expulsion of Asylum Seekers

On August 18, 2007, Israel expelled approximately 50 Sudanese nationals, mostly from Darfur, who were presumably entering Israel to seek asylum. The summary expulsion violated Israel's international obligations and marked a departure from prior Israeli policy, which had been to allow Sudanese asylum seekers to remain temporarily in Israel pending refugee status determination by the UN High Commissioner for Refugees.

Palestinian Authority and Hamas

Attacks on Israeli Civilians

Palestinian armed groups in Gaza continue to fire locally made rockets into civilian areas in Israel, disrupting life in the border town of Sderot. At this writing, two Israelis had been killed and several more wounded in such attacks in 2007. These attacks, whether targeted at civilian areas or indiscriminate in their impact, are serious violations of international humanitarian law.

In January 2007, Islamic Jihad and the Fatah-affiliated al-Aqsa Martyrs' Brigade carried out a suicide bombing in Eilat, killing three Israeli civilians. The Palestinian

Authority failed to take action to apprehend those who had ordered or organized the attack.

At this writing, Palestinian armed groups still held hostage Israeli Corporal Gilad Shalit, captured in June 2006.

Intra-Palestinian Fighting and Lawlessness in the OPT

Palestinian armed groups, rival security forces, and powerful clans continue armed attacks on one another. At this writing, 318 Palestinians, including many civilians, had died in such fighting in 2007, most of them in Gaza.

By far the worst round of fighting broke out in June 2007 and left 161 Palestinians dead, including 41 civilians. By the end of the eight-day battle, Hamas had taken full control of the Gaza Strip. Both sides engaged in serious violations of international humanitarian law, such as torturing and summarily executing captured and incapacitated fighters, including inside hospitals; unnecessarily endangering civilians by deploying in populated areas during the fighting; and blocking the access of medical teams to injured persons.

Despite the gravity of the violations committed by both sides, the Ramallah-based Palestinian Authority and the de facto Hamas government in Gaza made no efforts to investigate these crimes or hold anyone to account, further entrenching impunity.

Since June 2007, the Qassam Brigades, the armed wing of Hamas, has been policing the Gaza Strip, carrying out arrests and running detention centers, although it is not a law enforcement agency nor is it empowered by law to exercise these functions. Both the Qassam Brigades and the Hamas-affiliated Executive Force have reportedly engaged in torture and inhumane and degrading treatment of detainees during interrogation. In the West Bank, the PA's Military Intelligence and Preventive Security forces, which are dominated by Fatah members, have been responsible for arbitrary arrests and detention as well as ill-treatment and torture of Hamas activists in the West Bank.

A Palestinian armed clan, the Army of Islam, kidnapped BBC correspondent Alan Johnston on March 12, 2007, and held him for 114 days before Hamas forces freed him following that group's takeover of Gaza.

Violence against Palestinian Women and Girls

Violence against women and girls inside the family is a serious problem in the OPT. Law enforcement and health officials lack adequate training, guidelines, and commitment to report and investigate the problem. Even in the rare instances where the authorities pursue cases, perpetrators benefit from laws that reduce penalties for men who attack female relatives suspected of dishonoring the family, relieve from criminal prosecution rapists who agree to marry their victims, and allow only male relatives to file incest charges on behalf of minors. The Palestinian Centre for Human Rights reported that as of late August, 11 women had been murdered by relatives in so-called "honor killings" in Gaza in 2007.

Key International Actors

The United States and key European countries have continued their steadfast support of President Abbas and the PA, but have not used their economic and political support to leverage improvements in the PA's human rights record. Nor have these countries pushed the PA to investigate human rights violations committed by Fatah-linked security forces and militias. In June 2007 the US, EU, and Israel announced the end of their economic embargo of the Palestinian Authority after Abbas dismissed the Hamas-led government and created a new emergency government based in Ramallah in the West Bank.

The Quartet (the EU, US, Russia, and UN) continues to funnel limited humanitarian aid to Gaza, even as the US, EU, and Israel continue their economic blockade of the de facto Hamas government in Gaza. This blockade is one of the primary factors behind the dire humanitarian situation in Gaza at present.

Israel remains by far the largest recipient of US aid, receiving US\$2.28 billion in military aid and \$280 million in financial aid in 2007. This amount is set to increase to \$3 billion for each of the next 10 years. Despite its leverage, the US has not made the funding conditional on Israel improving its human rights record.