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بتسيلم - مركز المعلومات الإسرائيلي لحقوق الإنسان في الأراضي المحتلة

**B'Tselem** – The Israeli Information Center for Human Rights in the Occupied Territories

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## **GROUND TO A HALT**

### **DENIAL OF PALESTINIANS' FREEDOM OF MOVEMENT IN THE WEST BANK**

#### **Executive Summary**

Since the beginning of the second intifada, in September 2000, Israel has imposed restrictions on the movement of Palestinians in the West Bank that are unprecedented in scope and duration. As a result, Palestinian freedom of movement, which was limited in any event, has turned from a fundamental human right to a privilege that Israel grants or withholds as it deems fit.

In the seven years that have passed since the outbreak of the second intifada, B'Tselem has published no less than fourteen reports on various aspects of Israel's policy restricting Palestinian movement. The present report provides a comprehensive survey of this policy and its effects on Palestinian human rights from the perspective of the past seven years. It is based on hundreds of testimonies given to B'Tselem during this period and on dozens of tours and field observations made over the past six months in researching this report.

#### **Means of controlling movement in the West Bank**

Israel uses a number of means to restrict Palestinian movement in the West Bank. These means, which are part of a single, coordinated control mechanism, include the following:

- Physical obstructions – dirt mounds, concrete blocks, boulders, fences, trenches, and iron gates, totaling 455 at the present time;
- Fixed checkpoints – 80 fixed checkpoints, 33 of them controlling the entry of Palestinians into Israel, and the others controlling Palestinian movement inside the West Bank;
- Flying checkpoints – more than 100 temporary checkpoints are set up weekly between the fixed checkpoints;
- Separation Barrier – the total length of the barrier, upon completion, is expected to reach 721 kilometers, only 20 percent of which runs along the Green Line, the remainder extending into the West Bank, creating enclaves entry into which is by permit only;
- Siege – Israel blocks the access roads to certain areas by placing physical obstructions, so that entry and exit from the area is possible only via fixed checkpoints, where the traveler undergoes a security inspection and, in some instances, must have a permit to cross. A siege of this kind is currently imposed, at varying degrees of severity, on the Nablus area and on the Jordan Valley;

- Prohibition on use of roads – on 312 kilometers of main roads in the West Bank, Israel forbids or restricts vehicles bearing Palestinian license plates;
- Increased enforcement of the traffic laws – the increased enforcement further deters Palestinians from using roads on which Palestinian vehicles are not forbidden;
- Building of "fabric of life" roads – these roads enable greater control of Palestinian movement, forcing it further from the main roads in the West Bank, which are intended for Israelis.

### **Splitting the West Bank**

The restrictions on movement that Israel has imposed on Palestinians in the West Bank have split the area into six geographical areas: North, Center, South, the Jordan Valley and northern Dead Sea, the enclaves resulting from the Separation Barrier, and East Jerusalem. The restrictions have made traveling from one section to another an exceptional occurrence, subject to various conditions and a showing of justification for the journey. Almost every trip in the West Bank entails a great loss of time, much uncertainty, friction with soldiers, and often substantial additional expense.

The division of the West Bank is enforced by an integrated use of the various means of control in a way that channels Palestinian vehicles and pedestrians to a small number of checkpoints, through which they must pass to get from area to area, provided they meet the conditions and restrictions that vary from checkpoint to checkpoint and from one time to another. The main checkpoints are the following:

*Za'tara (Tapuach) Checkpoint* controls almost completely movement between the North and Central area. It serves as a bottleneck and as the main means of enforcing restrictions on the movement of males age 16-35 traveling from the north to the south;

*"Container" Checkpoint* controls almost completely movement between the South and Central sections. Until recently, passenger vehicles were forbidden to cross the checkpoint. Long delays of up to an hour are common, especially at peak times;

*Tayasir, Hamra, Gittit, and Yitav checkpoints* control movement to and from the Jordan Valley. In May 2005, Israel instituted a sweeping prohibition on Palestinian movement into the Jordan Valley, except for persons with a Jordan Valley address in their identity card and persons with special permits. In April 2007, the Defense Ministry announced cancellation of the sweeping prohibition on entry. However, B'Tselem found that the removal of the prohibition related only to pedestrians and persons traveling on public transportation, which itself requires a permit, and that the decision was implemented only at the Tayasir and Hamra checkpoints;

*Almog Checkpoint* is located at the Beit Ha'arava intersection and controls movement to and from the northern Dead Sea. In recent years, Palestinians have not been allowed to enter this area unless they have permits to work in the nearby settlements or permits to enter Israel. Since May 2007, Palestinians with permits to enter Israel have not been allowed to cross. Testimonies indicate that the reason for setting up the checkpoint is, apparently, the desire to restrict use of the beaches in the area to Israelis;

*Gates in the Separation Barrier* control movement between the enclaves in the seam zone and the rest of the West Bank, with only residents of the enclave and persons holding special entry permits being permitted to cross. Of the 38 gates designated for Palestinian use, only six are open daily from between twelve to twenty-four hours without interruption. The barrier crossings designated for Israelis traveling to and from the West Bank are operated around the clock;

Movement between East Jerusalem and the rest of the West Bank is channeled through 12 checkpoints set up along the Separation Barrier. Palestinian residents of the West Bank who do not have Israeli identity cards, but have permits to enter Israel, may use only four of the checkpoints: *Qalandiya, Gilo, Shu'afat refugee camp, and Olives*. The remaining eight checkpoints are intended for use by settlers and residents of Israel, including Palestinians living in East Jerusalem.

In addition to the restrictions on movement from area to area, Israel also severely restricts movement within each area by splitting them up into subsections, and by controlling and limiting movement between them. For example, in the North section, Israel separates the Nablus area, which is under siege, from the nearby villages, and also from the other northern districts – Jenin, Tubas, and Tulkarm.

In the Central section, the restrictions on movement create two principal subsections, around Salfit and Ramallah. Not only do the restrictions separate nearby villages from these towns, they also detach villagers from their farmland.

In addition to the enclaves that have been created between the Separation Barrier and the Green Line, it is expected that there will be *13 internal enclaves*, in which almost 240,000 Palestinians, in 10 villages, will live. These enclaves, comprised of villages and farmland, result from the winding route of the Separation Barrier, or from the meeting of the barrier and another physical obstruction, such as a forbidden road. Travel to and from the enclaves is achieved through one or two access points.

The restrictions on the movement of Palestinian vehicles on main roads in the West Bank also contribute to the splitting of the six sections into subsections. The forbidden and restricted roads serve as main access roads to the settlements and from one area to another in Israel, and are thus used regularly by settlers and the general Israeli population. Among these roads are Route 90, in the Jordan Valley, which is used by settlers living in the area and by Israelis traveling between Jerusalem and northern Israel; Route 443, which has been forbidden to Palestinian use since the beginning of the second intifada, and has been used since then only by Israelis, as another rapid thoroughfare linking Jerusalem and the bloc of settlements surrounding it and the Tel-Aviv area; and Route 557, which leads to the Elon Moreh and Itamar settlements, which isolates the 14,000 residents of the Palestinian villages of Beit Furik and Beit Dajan from the rest of the West Bank, Nablus in particular.

### **Harm to the Palestinian fabric of life**

The geographic division of the West Bank into primary and secondary areas, separated and sometimes completely detached from each other, greatly affects every aspect of Palestinian life. It is difficult to quantify the ramifications of the harsh restrictions, which have lasted close to seven years and have been imposed on the entire Palestinian society.

However, it is clear that they touch on all aspects of life and are felt every day and every hour. This report discusses some of these effects, concentrating on the central social institutions and systems, which naturally affect the residents' ability to exercise many of their human rights. For example, the restrictions on movement impede many Palestinians in exercising their right to health by denying proper access to medical services: sick persons needing treatment have difficulty getting to the medical centers; the quality of service provided at these facilities suffers because of the absence, or delay in arrival, of physicians and staff; medical emergency teams have trouble getting rapidly to the ill or injured. The restrictions also impair the ability to develop the health system and build medical reserves, a deficiency that is liable to increase the already heavy dependence of Palestinians on health services in Israel and other countries.

The restrictions on movement also have a decisive effect on *economy and trade* in the West Bank. These restrictions have an immediate and direct effect on the ability of Palestinians to get to work, on trade relations, and on profits, whether the business is large or small. The difficulty in movement from area to area results in the creation of smaller, local markets, and makes trade with other areas in the West Bank expensive, unpredictable, and inefficient. The constant uncertainty and the steadily increasing costs entailed in conducting trade as a result of the restrictions on internal movement are major obstacles to the recovery of the Palestinian economy.

The restrictions on movement also impair the ability to maintain family and social ties. This harm is especially felt by families living in the seam zone, in the Jordan Valley, and in the Nablus area, which are under siege. Other ramifications are felt in the supply of *infrastructure services and in law enforcement* in areas under the responsibility of the Palestinian Authority.

Finally, the "fabric of life" roads that Israel began to build throughout the West Bank to ease, as it were, Palestinian movement also affect their human rights. The infringement of human rights results from the expropriation of private land, from the inefficient use of public lands entailed in building the roads, and from the route selected for these roads. In setting the routes, Israel does not take into account the various interests of the people using the roads or the Palestinians harmed as a result of their construction. In some cases, Israel even forces a new "fabric of life." Rather than linking the communities that the road is intended to serve to their natural center of life, the road imposes an artificial connection to another "center of life." The consequences of these roads extend beyond the individual person and the immediate implications, inasmuch as every road, and certainly an entire network of roads, shapes the spatial environment and the relations between the people living in that space.

### **The legal perspective**

The State of Israel has the right, even the duty, to protect its citizens from threats to their security. Israel justifies the restrictions it imposes on Palestinian movement in the West Bank as necessary to achieve defined security objectives, and claims the measures are imposed for a limited period of time. It may be that this was initially true for some of the restrictions. However, it appears that these means continue to be applied even after the temporary and specific security need has passed, and are now used to achieve other

objectives. Chief among these objectives is to control and regulate Palestinians' movement so as to separate them from settlers and other Israelis on West Bank roads. Thus, restrictions on Palestinians enable continuous, swift, and safe travel for settlers who can go about their daily routine with minimal disturbance, including travel between settlements, on their own private road network. In addition, the separation between Palestinian and Israeli travel enables de facto annexation of these roads to Israel.

A substantial number of the restrictions are intended to serve these improper interests, rendering them fundamentally illegal. As such, the military commander is not authorized to impose them. Furthermore, even if all the restrictions were intended to achieve legitimate security interests, many of them still violate the principle of proportionality, and would be illegal for this reason as well.

Israel contends that the restrictions on movement are imposed as part of its ongoing battle against security threats, and are intended to deter and not to punish. However, the vast majority of the victims of the restrictions are not suspected of personally posing any threat to the security of Israel and its residents. Even accepting the argument that there is no better way to selectively restrict the movement of persons who indeed constitute a threat, and that the state does not seek to punish, but only to neutralize existing threats, given the results and the fact that most of the restrictions have continued for seven years, the conclusion is inescapable that the restrictions constitute collective punishment, which is absolutely forbidden by international humanitarian law.

## **Recommendations**

For the above reasons, B'Tselem calls on the government of Israel and the defense authorities to:

- immediately remove all the permanent and sweeping restrictions on movement inside the West Bank, including those parts of the Separation Barrier that extend into the West Bank. In their place, Israel should concentrate along the Green Line or inside Israel the means used to protect Israelis;
- act immediately to evacuate all the settlements in the West Bank. Until this is done, Israel must safeguard the lives of the settlers, giving preference to means that restrict their freedom of movement and not that of the Palestinians, who are the protected population of occupied territory;
- verify, before any temporary restriction inside the West Bank is approved, that the restriction is indeed needed for a legitimate security purpose and that the resultant harm to the Palestinian population will be proportionate. Such a restriction must be incorporated in a written order that specifies the nature of the restriction and the period of time it will remain in force.