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

The Closure of the West Bank and Gaza Strip: Human Rights Violations Against Residents of the Occupied Territories

Information Sheet: May 1993

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INTRODUCTION

During the month of March 1993, 15 Israelis were killed by Palestinian residents of the occupied territories, 10 in the territories and 5 within the Green Line.¹ During this same period, a number of civilians were stabbed and wounded. Due to the large number of these incidents, the Israeli government decided to impose a closure on the Gaza Strip beginning March 30, 1993. The following day the closure was extended to the West Bank. The closure prevents movement of residents of the West Bank and the Gaza Strip into Israel, denies them access to East Jerusalem, and prevents free movement between the northern and southern parts of the West Bank. Movement between the West Bank and Gaza Strip has also been obstructed.

At the time of writing this report, the closure has been in effect for over four weeks and, according to the authorities, will continue "until further notice." The closure is a grave violation of the rights of the Palestinian residents of the occupied territories, and constitutes collective punishment of some 1.8 million people. This policy contravenes Israel's obligation under international law, especially Section 43 of the Hague Regulations, which requires Israel to provide for the welfare and orderly life of the residents of the territories. The closure prevents over one hundred thousand Palestinians employed in Israel from reaching their places of work, thus depriving hundreds of thousands of people from their income. Many people requiring medical treatment or continued medical care are prevented from obtaining the care they need, and a large number of teachers and students are unable to reach the institutions where they study or teach. In addition, the number of family visits to the thousands of Palestinian prisoners incarcerated on Israeli soil has been drastically limited. The closure has also interrupted the transport of consumer goods, including food products and medicines, and partially paralyzed the economy in the territories.

The closure prevents residents of the West Bank and Gaza from reaching East Jerusalem - a medical, educational, economic, and professional center, where many educational institutions, hospitals, foreign consulates, banks, stores, and other vital services are located. Jerusalem is also a center of religious life for Palestinian Muslims and Christians.²

The limitations of the closure do not apply to the tens of thousands of Israeli civilians who live in the occupied territories, and are able to travel between them with complete freedom as well as to enter Israel. The closure does not regulate the movement according to region of residence, then, but is directed only against the Palestinian residents of the territories. The closure thus discriminates between the Palestinian residents and the Israeli civilians who live in the same areas.

During the closure, the Israeli security forces conducted extensive campaigns in search of "wanted" persons. In the course of these searches, residents of the Gaza Strip were in many cases subject to beatings, humiliation and massive property damage. Violence of such proportions has been unknown since the first period of the Intifada.

Following is a partial depiction of the main difficulties facing residents of the occupied territories, which helps convey the ramifications of this collective punishment on the population. In addition, the report presents a number of testimonies regarding use of violence on the part of security force members against residents of the territories during the closure.

¹ Among the Israelis killed were 7 civilians and 6 members of the security forces.

² Easter fell on the second week of the closure, and Christians living in the West Bank and Gaza were unable to reach Jerusalem for holiday prayers.

Depriving Workers of Income

According to information provided by the Central Bureau of Statistics, in an average week in 1992, approximately 116,000 Palestinian residents of the occupied territories worked an average of 4.55 million hours in Israel.³ Close to 70,000 of these workers were employed through the Labor Bureau. Workers hired through the Bureau received their paychecks via the Payments Division: their employers sent their untaxed paycheck to the Payments Division, which deducted the appropriate sums, distributes them to the respective agencies (Income Tax, the State Treasury, the National Insurance Institute (NII) and the Histadrut) and transferred the net income to the worker.

The remaining Palestinian residents of the territories (some 46,000) who work in Israel were not registered through the Labor Bureau, but are hired on a daily, irregular basis, without work permits, and received their pay directly from their employer.

As of April 13, two weeks after the closure was declared, only 13,000 of the 70,000 Palestinians employed in Israel and registered with the Labor Bureau had received their March paychecks; only some 3,000 out of approximately 15,000 registered employers had reported to the Payments Division by that date to pay their workers.⁴ On that same day, the Labor Bureau announced, in keeping with a guideline issued by the Ministry of Labor and Welfare, that employers who had not distributed March paychecks to their workers from the occupied territories would lose their employers' permits. Following the announcement the number of employers reporting to the Bureau rose: from April 13 -15, the salaries of some 38,000 additional workers were transferred to the Payments Division.⁵ No records have been kept for the unregistered workers, so it is difficult to determine how many have received the money owed them from the period prior to the closure.

It is clear that unregistered workers who receive an untaxed salary directly from their employers do not receive any unemployment compensation. Yet workers employed through the Labor Bureau are also not compensated in any way for being unable to reach their places of work, despite the fact that the Labor Bureau Payments Division deducts payments from Palestinian workers proportionately equal to those paid by Israeli workers.⁶ According to data provided by Workers' Hotline, over NIS 11 million in NII payments were deducted from Palestinian workers in 1992 alone.⁷ Those who suffer the consequences of the closure are not paid unemployment compensation or any other unemployment insurance benefits. On April 27, 1993, the government decided to continue its policy not to pay unemployment compensation to Palestinian workers who lost their sources of income due to the closure, but it was promised that the Civil Administration would within two weeks absorb some 5,000 workers in infrastructure development in the territories.⁸

As of April 27, 1993 it was decided that approximately 20,500 "special" permits would be issued to enable Palestinians in the territories to work in Israel during the closure. Of these 11,100 were to be distributed in the Gaza Strip and 9,400 in the West Bank.⁹ The number of Palestinians who entered

³ Of these workers, approximately 75% were employed in construction, some 9% in agriculture and some 5% in hotel and food industries. Data provided by the Central Bureau of Statistics from an April 14, 1993 press release.

⁴ Data of the Payment Division of the Labor Bureau as reported by **Ha'aretz** daily, April 14, 1993.

⁵ Data of the Labor Bureau as reported by **Davar** daily, April 16, 1993.

⁶ Workers' Hotline estimates that the average monthly salary for a worker from the occupied territories employed in Israel through the Labor Bureau is NIS 1,500 after taxes.

⁷ See Worker's Hotline, **March 1993 Information Sheet**

⁸ **Davar**, April 28, 1993.

⁹ Data provided by Lt. Hanan Rubin, Spokesperson for the Coordinator of Activities in the Territories on April 28, 1993, and are true to April 27, 1993.

Israel for work during that period was actually much smaller.¹⁰ There are several possible explanations for this phenomenon. First, the number of permits actually distributed during this period was only approximately 15,500: 7,300 in the Gaza Strip and 8,200 in the West Bank.¹¹ Other reasons include the lack of communication between workers and employers, bureaucratic complications, and strikes declared by various Palestinian organizations. In any case, the special work permits were intended to solve the problems of the Israeli economy rather than to serve the needs of the workers. This is evident, for example, from the preference given to workers in the agricultural sector.

Denying tens of thousands of workers access to their sources of income, workers who support hundreds of thousands of people, is a breach of Israel's responsibility to ensure a livelihood for the Palestinian residents of the occupied territories who are prevented, by a government decision, from reaching their places of work. Section 39 of the Fourth Geneva Convention stipulates that:

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

In the territories today there is no economic infrastructure capable of absorbing Palestinian workers who lost their jobs. This is because under Israeli control, development in the economic infrastructure of the occupied territories has been almost non-existent, while dependency on work in Israel has grown.

Ten years ago, Israeli Supreme Court President Meir Shamgar ruled in the Abu 'Itta case that:¹²

The economy of the territories is connected by umbilical cord to that of Israel. A severing of the two economies would prevent the effective upholding of the responsibility to ensure public order. This dependent economy, which relies on the Israeli economy in many and varied ways, would suffer an immediate negative effect if an attempt were to be made to revert to the economic relations that existed prior to 1967. Any severing of the two economies - as long as Israel is in control of the territories - would be likely to have immediately destructive results on the economy of the territories and the welfare of their population.

¹⁰ According to daily media reports, only approximately one half of the workers who received permits during this period entered Israel.

¹¹ Data from the Office of the Coordinator of Activities in the Territories, true to April 27, 1993.

¹² HCJ 69, 493/81, Abbu 'Itta et al v. Commander of Judea and Samaria, P.D. 37 (2), p. 197. In this decision the Supreme Court approved the imposition of Value Added Tax on residents of the occupied territories, claiming that the tax was imperative due to the dependency of the economy of the occupied territories on that of Israel, and stemmed from Israel's responsibility to ensure the welfare of the population.

Influence of the Closure on Medical Services in the Territories

The closure makes it difficult for persons requiring medical care or continuing treatment to reach medical institutions located in East Jerusalem, the most important center of medical services for residents of the territories. Many medical workers and hospital staff living in the West Bank and Gaza Strip also face difficulties in reaching their places of work.¹³ An additional difficulty relates to those requiring urgent medical care who are delayed at road blocks.

Al-Maqassed Hospital in East Jerusalem is a general hospital which serves the population of the West Bank and Gaza, and offers special services not available in other hospitals in the territories. Seven hundred and twenty six persons are employed there. Fifty of them are residents of the Gaza Strip, including physicians, nurses and technicians. As of April 21, 1993, none of the Gazans had received permission to enter Jerusalem in a motor vehicle from the territories.

The closure prevents residents of the West Bank and Gaza Strip who require medical care from reaching al-Maqassed, and there has therefore been a sharp decline in the number of outpatient visits, hospital admissions, and surgical operations performed.

- During the first three weeks of the closure, only approximately 44% of the usual number of patients used out-patient facilities. During this period 1,793 persons visited the clinics, while during the same period in March, 4,032 visits were recorded.

- During the first three weeks of the closure, the number of persons admitted to the hospital declined by 20%. For example, during the first 11 days of the closure 389 patients were hospitalized, versus 473 during the same period in March.

- During the first 11 days of the closure, 140 operations were performed, in contrast to approximately 200 performed during the same period in March, a decline of 30%.

- There was a 50% decline in the number of women residents of the West Bank who gave birth at al-Maqassed Hospital.¹⁴

- During the first period of the closure, there was a shortage of blood at the al-Maqassed Hospital blood bank. According to the hospital director, the shortage resulted from the fact that usually, 70% of the donors are residents of the West Bank, who are unable to reach Jerusalem.¹⁵ Only after a special donation campaign conducted among hospital employees and residents of East Jerusalem, and assistance from the Gaza Red Cross, was the problem temporarily solved.¹⁶

Other hospitals in East Jerusalem are facing similar problems. Augusta Victoria Hospital serves the general refugee population in the West Bank and the East Jerusalem area (some 400,000 people), and also takes special cases of Gazan refugees. Approximately one third of the staff live in East Jerusalem, and the remainder live in the West Bank. During the first 26 days of the closure the

¹³ According to data of the Association of Israeli-Palestinian Physicians for Human Rights, during the first three weeks of the closure, East Jerusalem hospital employees who were residents of the West Bank received travel permits to East Jerusalem valid only until 7:00 p.m. Only on April 22, 1993 did the medical staff officer of the Civil Administrations announce to the Association that these permits would be made valid for 24 hours. For hospital workers who are residents of the Gaza Strip, the situation was more difficult: only on April 27, 1993, were they promised entrance permits to Jerusalem.

¹⁴ In contrast, there was a rise of some 10% in the number of women from East Jerusalem who gave birth there.

¹⁵ **Al-Fajr**, April 8, 1993.

¹⁶ **Kol Ha'ir**, April 16, 1993.

number of residents of the West Bank hospitalized was 71% of the number on non-closure days. The situation in the out-patient clinic was even worse: only approximately 40% of the regular number of patients from the West Bank reached the clinic between March 31, 1993 and April 25, 1993.¹⁷

The West Bank branch of UNRWA, which serves the refugee population in Jerusalem and the West Bank, has been partially paralyzed since the closure, due to the shortage of workers: some 200 of 350 workers are unable to reach UNRWA headquarters, located in Jerusalem.¹⁸ The supply distribution services for some 200 pregnant and nursing women as well as milk distribution for some 300 infants, which operate under regular circumstances, have been suspended.¹⁹

In the Gaza Strip, residents are encountering tremendous difficulties in reaching hospitals outside the Strip. Normally, UNRWA transports some 70 persons daily to hospitals in East Jerusalem, the West Bank and Israel. During the closure, a much smaller number of persons have been able to leave the Strip for treatment. Only 17 persons requiring medical care had registered for the April 20th bus to hospitals outside of Gaza, and only 3 of those had received travel permits. The others, who had applied for but were not granted permits, boarded the bus anyway, with the hope that they would not be turned back at the roadblock.²⁰

¹⁷ Data provided by Augusta Victoria Hospital, true to April 25, 1993.

¹⁸ UNRWA: United Nations Relief and Works Agency, created by the UN to assist Palestinian refugees in the Near East.

¹⁹ From an April 21, 1993 press release.

²⁰ **B'Tselem** conversation with an UNRWA spokesperson from Gaza, April 19, 1993.

Influence of the Closure on the Education System in the Territories

The closure has a severe influence on the education system in the territories, since many teachers and students are prevented from reaching educational institutions. Teachers and students from the West Bank and Gaza Strip are unable to reach institutes of learning in East Jerusalem, residents of the Gaza Strip are unable to reach the West Bank, and residents of the northern part of the West Bank are unable to reach the southern part, and vice versa.

The following table lists of a number of educational institutions, and the percentage of workers and students who have been unable to report to school or work since the beginning of the closure due to difficulties in travel.²¹

Institution	Rates of Absence:	
	Workers (%)	Students (%)
Qalandia Center for Professional Training	27	51
Ramallah Community College	4	55
A-Nejah University (Nablus)	9	7
Bir Zeit U. (Ramallah District)	11	22
Jerusalem Girls' Art College	50	50
Abu Dis Science and Technology Institute	60	75
Hebron University	6	13
Dar al-Yatim, Jerusalem	83	43

An additional institution which suffered the effects of the closure is the Beit Hanina Islamic College, in East Jerusalem. Some forty lecturers and other workers are employed at the college, thirty of whom are residents of the West Bank, and are prevented by the closure from getting to work. Approximately 350 students, 90% of whom are residents of the West Bank, study at the college.

On April 3, 1993, the second semester was scheduled to begin, but the college did not open on time, and had not opened to the time this report was written, since neither the students nor the employees, who live in the West Bank, are permitted to travel to the college.

The college belongs to the "Wakf" (organization responsible for Islamic property) in East Jerusalem. The director of the college sent the "Wakf" a list containing the names of 24 employees, to be forwarded to the authorities to request permits for travel to the college. A representative of the "Wakf" informed B'Tselem that the list would not be sent to the authorities until a response to an earlier request regarding other workers was received.

²¹ Data from the Center for Applied Research Education. The data apply to the period from April 1-12, 1993.

Additional problems caused by the closure include the following: students who have completed their studies are unable to reach the college to receive their diplomas; students wishing to enroll for the coming school year are unable to register; the college bursar, a resident of the village of Khader in the Bethlehem District, is unable to reach the college to balance the books and prepare the paychecks, distributed on the 28th of every month. His request to the Civil Administration for a travel permit was denied.

UNRWA reported partial paralysis of educational institutions as a result of the closure: the Qalandia Center for Professional Training was closed temporarily due to the closure, and the studies in the Ramallah Men's Professional Training Center were suspended for three days. Pupils in the Gaza Strip, who comprise some 40% of the student body in UNRWA schools in the West Bank, were unable to reach school, and residents of the southern part of the West Bank were unable to reach educational institutions in the north. Teachers who live in the West Bank and are employed at UNRWA schools in Jerusalem were also unable to reach their place of work.²²

Residents of the village of Hizmeh in the Ramallah District faced particularly difficult problems during the closure. The village is located near the Pisgat Ze'ev neighborhood in Jerusalem, and has a population of 4,000. Hizmeh resident 'Aref 'Abdallah al-Khatib, age 74, described the situation to B'Tselem as follows:²³

The area of the village, according to the authorities' building plans, is about 350 dunam, and belongs to the Ramallah District. The main entrance to the village is from the west, via Pisgat Ze'ev. There are two schools in the village: a boys' primary and high school, and a girls' primary school and junior high. The high school-age girls study in Beit Hanina in East Jerusalem, some 8 kilometers from the village. On April 19, 1993, the army placed a roadblock at the entrance of the village, preventing the girls from reaching school by foot. In addition, some 30 high school students who live in the village and study in various schools in East Jerusalem and Ramallah are unable to get to school. There are some seventy 3 - 4 year-old children in the village who attend nursery school in Beit Hanina. Since the erection of the roadblock, these children have been unable to reach school. There are teachers at the boys' school who live in Ramallah. These teachers are held up every morning at the roadblock on the Jerusalem-Ramallah road, and thus school begins late every day.

There is a clinic in the village which belongs to the Civil Administration, staffed by a doctor who does not live in the village and comes twice a week. Due to the closure, he has been unable to reach the clinic, and two doctors who live in the village fill-in for him, and are experiencing difficulties in transferring patients requiring medical care to East Jerusalem. Women who live in Hizmeh usually give birth in various East Jerusalem hospitals. Those who have medical insurance give birth in the government hospital in Ramallah. There is no pharmacy in the village.

Village merchants are unable to reach Beit Hanina or East Jerusalem in order to bring foodstuffs. There are two mosques in the village, but residents usually pray at the Temple Mount on Fridays. Since the closure they have been prevented from doing so.

One thousand workers from Hizmeh are employed in Israel. There are no places of work in the

²² UNRWA press release, April 21, 1993.

²³ Attorney Eliyahu Avram of the Association for Civil Rights in Israel who visited the village with B'Tselem fieldworker Bassem 'Eid, on April 22, 1993, sent a letter concerning this matter to the OC Central Command and the Judea and Samaria Legal Advisor.

village.

Government clerks employed as postal, educational and medical workers live in the village. These workers received travel permits to Ramallah, but their movement is limited since not all own cars, and there has been no public transportation to the village due to the closure. Except for the government clerks, not a single resident of Hizmeh, including employees of the Jerusalem municipality, has received a permit. There is no gas station in the village.

The distance between Hizmeh and Ramallah via Pisgat Ze'ev is 14 kilometers, but access by this route has been blocked since the closure. The Civil Administration proposed to the village mukhtar, Amin Selah a-Din, that residents reach Ramallah through Jericho, a 45-kilometer journey. There is no public transportation along this route, and only a few people in the village own private cars. Travel by this route takes a good hour since it is not via the highway.

The village belongs to the municipality of a-Ram, some four kilometers from the village, but the only access to the Civil Administration is via the Jericho road. It is impossible to arrive by foot from the village to the Civil Administration building, since there is no paved road, and the one path that leads there goes through the mountains near Pisgat Ze'ev and Neveh Ya'akov. A Palestinian who takes this route risks his life, since soldiers or civilians who see him may harm him.

Violence by Security Force Members Against Residents of the Territories

Since the imposition of the closure, the security forces have declared their intention to increase their efforts to search for wanted persons, inciteful material, and weapons. During these searches, soldiers have taken part in a large number of extremely violent incidents against residents of the Gaza Strip including beating and humiliations, and have also caused much property damage. B'Tselem gathered many testimonies on a large number of such incidents.²⁴

I. Khan Yunis

On April 8, 1993, the IDF declared curfew on the city and refugee camp of Khan Yunis; the curfew lasted for three days. Early on the morning of April 11, 1993, the curfew was lifted in most parts of the city and camp, but some of the neighborhoods remained under curfew. During this period there were recurring incidents of violence against residents and damage to property. Two of them are described in the following testimonies.

a. Testimony of Muhammad Ahmad al-Astal, Age 24

On April 9, 1993, at about 11:00 a.m., soldiers arrived at the large house where members of the al-Astel family who live in town occasionally meet. About ten of us were sitting in the house. The soldiers took four men and put them in another room. I stayed in the room with three members of the family. The soldiers then took two young men to the corner and beat them with the butts of their guns and with their fists, and slapped and kicked them. They instructed me and another member of the family to go into a room where the clothes were kept, and empty the closets. When I started

²⁴ On April 27, 1993, Ha'aretz reported that a number of soldiers and officers had been suspended for committing violent acts against residents of the Gaza Strip, and would be given disciplinary hearings. Others are being investigated. Ha'aretz, April 27, 1993.

doing so the soldiers called me, slapped me on the face and said: "You are a member of Hamas." I went back to emptying the closets, but they called me again and said: "You are a member of the Islamic Jihad," and slapped me again. The third time they called me they said: "You are a member of the PLO," and slapped me once more. They did the same to the young man who was with me. Afterwards, they called us both. A soldier held us both by the back of the neck and banged our heads together.

Later, they brought the two young men who were beaten earlier and ordered them to stand facing the wall with their hands up. They gave one of us all of our identity cards and told us to remain in the same position. Only one half hour later did one of the men who had been placed in the second room tell us that the soldiers had left the house. He asked us why we were still standing next to the wall, and we told him that the soldiers had told us to stay that way.

b. Testimony of Hassan 'Abd a-Sayyed Abu Lubadeh, Age 29, Married + 2 Children

On April 8, 1993, at 2 :30 a.m., I woke up to knocking at the gate of my house. I got up and heard people laughing outside. I asked who was there. They said, "Soldiers." I didn't believe them and thought that my brother and his friends were playing a practical joke. I opened the gate of the house and immediately received a blow to my face from the butt of a gun. Afterwards I received more blows in the same place. They put me into a room where my 23-year-old brother, Manar, was sleeping. The soldiers dragged him out of bed and threw him onto our car, which was parked in the courtyard of the house across from the entrance to the room. The soldiers asked me about the whereabouts of Abu Samhadana.²⁵ I said that I didn't know him, and then one of the soldiers punched me in one eye, and then the other. The soldiers told me to open the closet and empty it. After I emptied it out they told me to turn over the sofas. I turned them over and the soldiers took a knife and ripped open the underside. Afterwards they took me to the other room, where my brother Manar was (the one who had earlier been thrown outside). They instructed both of us to empty out the cabinets. One of the soldiers found a knife in the kitchen and asked me what it was. I told him that it was a bread knife. The soldier hit me with the knife on the nose. The knife blade hit my nose and I began bleeding. [B'Tselem fieldworker Bassem 'Eid confirms that he saw the wound on Lubadeh's nose.] The soldier grabbed a sack of rice and told me to pour the contents onto the floor. I told him that it was a sack of rice, and that there was nothing in it, and then the soldier took the sack and poured it onto the floor himself. Afterwards, the soldier took a container of oil and poured it onto the rice and onto the clothes we had taken out of the closet. The soldiers left the house without arresting anyone or confiscating anything.

II. Dir al-Balah Refugee Camp

Curfew was declared on the Dir al-Balah refugee camp early on the morning of April 6, 1993, and lifted on the afternoon of the same day. Following are a number of testimonies of camp residents regarding some of the incidents that occurred during the curfew.

a. Testimony of Bashir Ibrahim 'Abdallah Rantisi, Age 35, Married + 5 Children; One of his brothers, Nabil, has been "Wanted" by the Security Forces for 10 Months

On April 6, 1993, at 3:30 a.m., soldiers knocked at the gate of the house. I got up and opened the gate. The soldiers came in and asked me about Nabil. I said that he wasn't home. They asked where his room was, and I showed it to them. The door of the room was not locked, but they broke it with their guns, claiming that things were hidden inside it.

²⁵ Samhadana is a "wanted" person from Rafah.

The soldiers dispersed to all the rooms, and began overturning closets and mixing different kinds of food. My brother 'Abd al-Halim was beaten during the search. The soldiers gave him a soup spoon, and ordered him to dig a trench 1.5 meters into the floor. The soldiers spilled three bags of sugar onto the floor, and one soldier gathered some sugar with his hands and sprinkled it onto the knitting machine. One of the soldiers went up onto the roof of the house, where there is a little chicken coop containing a few chickens. He gathered eggs from the coops, descended to the house, went into Nabil's room, and began throwing the eggs at the walls. The soldier broke one egg into a cup, mixed it with bulgur he had taken from the kitchen, opened the lid of the sewing machine, and poured the mixture into the machine. [Bassem 'Eid, B'Tselem fieldworker, affirms that while visiting the house he saw signs that these acts had been perpetrated.] The soldiers left after approximately 3 hours. The soldiers confiscated two axes we use for chopping meat, and took my brother, 'Abd al-Halim, with them, but returned him shortly afterwards.

b. Testimony of Fatmeh Hassan Tbashe Se'ifan, Age 61, Married + 4 Children

On April 6, 1993, at 3:00 a.m., I heard knocks at the gate of the house. I immediately woke up and went to the gate. Soldiers entered the house, pushed me, stood me against the wall, and asked where my children were. I said that my children were sleeping. Some of the soldiers entered the room of my son Sa'ad, who is 30 years old. They woke him up and began kicking and beating him with their fists and with the butts of their guns, until he began spitting up blood. When I saw him in that state, I began shouting, and one of the soldiers took me out of the room. Afterwards, the soldiers took Sa'ad to the courtyard of the house, and we went into my son Ibrahim's room. They beat him severely too, took him out to the courtyard, and stood him next to Sa'ad. [The B'Tselem fieldworker verifies that he saw the bruises on Ibrahim's back.] The soldiers found two plastic rifles which belong to my grandson in the house, and used them to hit Sa'ad and Ibrahim, until the rifles broke. The soldiers gathered all the residents of the house, 27 people, and put us into a room. They threw a stun grenade in and shut the door. Afterwards, the soldiers ordered Sa'ad and Ibrahim to empty the clothes closets, and continued beating them and saying: You belong to Hamas. [The B'Tselem fieldworker reported that Ibrahim is bearded, and perhaps this was the reason for the soldier's comment.] The soldiers shouted "We are from Golani," [an IDF combat unit]. My brother-in-law, Selah Se'ifan, age 100 and blind, lives in our house. The soldiers entered the room, saw him sleeping, and asked who he was. My son Ibrahim told them that it was his 100-year-old blind uncle. The soldiers grabbed mattresses and blankets and started throwing them on the old man until he began shouting.

SUMMARY

The killing by Palestinians of a large number of Israeli civilians which led the authorities to impose closure on the territories and intensify of search campaigns by the security forces, does not justify collective punishment of a population of almost 2 million people for the deeds of just a few. Alongside the Israeli government's obligation to protect its citizens is Israel's duty under international law to ensure the well-being of the Palestinian population under its rule.

This obligation includes, *inter alia*, the right to earn a livelihood, to pursue an education, to gather for prayer, and to have access to medical treatment.

The policy adopted by the security forces in the territories during the past weeks is a grave violation of the basic human rights of the residents. It includes:

- a. Deprivation of 116,000 Palestinian workers of their sources of income.
- b. Compartmentalization of the occupied territories into four areas, and denial of access to East Jerusalem, an economic, medical, cultural and religious center for Palestinians.
- c. Denial of freedom of movement to Palestinians, while Israeli residents of the territories move about freely, aggravating the blatant discrimination already existing between the two populations.

During the period of the closure there was widespread violent behavior by soldiers against innocent civilians, including beatings, property damage, and other violations that bear no relationship to security needs.

As long as Israel maintains control of the occupied territories, it may not casually shake off its responsibility to the residents, including its legal obligation to assure the welfare of the population and the smooth functioning of everyday life in the area. Israel must cease the practice of imposing collective punishment on an entire population.

Israel must assure sources of income to Palestinian workers who lost their jobs as a result of the closure. This responsibility arises first and foremost from international law. The Israeli government's refusal to pay unemployment insurance compensation is particularly unacceptable in light of the fact that over the years large sums have been deducted from the paychecks of Palestinian workers for the National Insurance Institute.

Israel must enable freedom of movement between the Palestinian population centers in the occupied territories, must put an end to the violent incidents and property damage caused during security force operations, and must properly respond to those incidents which already occurred, including investigating all past cases, and bringing those involved to trial.

IDF Spokesperson's Response



Information Branch

April 29, 1993

IDF Spokesman's Response to the "B'Tselem" Report Regarding the Closure of the Territories

(April 28, 1993)

Introduction

In accordance with a governmental decision, the IDF imposed a closure on the territories (firstly on the Gaza District on March 28, and then on Judea and Samaria, on March 31).

- * The decision to impose the closure stemmed from security considerations only, and it in no way contradicts international law.
- * During the closure, there has been a drastic drop in the number of terror acts directed against civilians and soldiers.
- * During the closure, many armed fugitives were apprehended and future terror plans and murders were foiled.
- * Despite the closure, the Civil Administration has implemented significant steps to improve the economic, education and health situation of the residents of the territories.
- * The IDF follows a code of moral conduct in the territories in line with the moral code that guides it in its activities among a civilian population.

The Closure of the Territories - Background

Terror activities in the territories have been systematically escalating ever since the onset of the peace talks. In March 1993, there was a marked increase in the number of terror attacks both in the territories and within the Green Line. Parallel to the activities of the terror squads using firearms, there has also been a rise in the incidence of attacks using improvised weapons (particularly knives), which have been directed against civilians and security personnel. As a result, seven soldiers and nine civilians were killed. The decision to impose the closure was taken in this context.

Security Considerations

The IDF is well aware of the far reaching ramifications of the closure on the lives of the Palestinian public in general and those Israelis who have business ties with the Palestinians in the territories. Admittedly, the State of Israel is obligated to ensure the safety and welfare of the residents of the territories, but at the same time the State must also safeguard the lives of Israeli citizens. This is stipulated in international law which recognizes Israel's rights and duties to do everything in her power to maintain law and order.

The Civil Administration During the Closure

In addition to the decision in principle taken by the State of Israel to invest resources in improving the economic infrastructure in the territories, the Civil Administration is operating to alleviate conditions for the local population. During the closure, various permits were granted in order to answer the different needs of the populace:

Health: Every person in the territories who needs medical care in an Israeli hospital, can apply and will receive an entry permit from the Civil Administration. Furthermore, there is a procedure for evacuation in cases of emergency in ambulances and registered taxis. Patients requiring constant treatment (such as dialysis or heart patients) are also entitled to entry permits.

Education: Lecturers and students in East Jerusalem receive personal permits after the institution which they attend submits a list of its faculty and student body to the Civil Administration, and undertakes to see to their transportation.

Work Permits: Before the closure, there were 120,000 residents of the territories working in Israel. Following the closure, 23,000 workers were allowed entry to Israel. In this context, the Civil Administration has allowed the operation of eight buses from the territories into Israel and return, through Jerusalem. This was introduced on April 22, 1993.

Prison Visits: Family visits to Palestinian prisoners in Israel and in the territories are coordinated by the Red Cross, as was the case before the closure was imposed. Please note in this context the report of the Red Cross on prison visits which reviews the number of buses leaving the territories to Ketziot and Megiddo, etc.

IDF Activities in the Territories During the Closure

The closure enabled the IDF to initiate operations that led to the capture of wanted terrorists. These measures led to the halting of terrorism, the capture of armed terrorists, and the foiling of plans for future terror attacks and murders.

Since the implementation of the closure, twenty armed fugitives have been captured in the Gaza Strip and two more were killed. Sixteen were caught in Judea and Samaria. Eighteen others succeeded in escaping to Jordan or Egypt.

It should be noted that during the period of the closure there have hardly been any terror attacks against civilians and soldiers. A prominent exception was the car bomb at Meholla on April 16, 1993. Another incident was the murder of lawyer Ian Feinberg in Gaza City on April 18, 1993.

Civil Rights in the Territories

In the framework of its routine activity in the territories, as during the closure, the IDF maintains a code of moral conduct which guides it in its activities within the local populace. In the case of deviations, an investigation is opened, and if a complaint is justified, the offender is brought to justice. Following an investigation that was carried out following the submission of a complaint of improper conduct of soldiers in insulting Arab women in the settlement of Sater in Khan Yunis, two soldiers were tried and convicted: one of them who was directly involved was sentenced to 56 days in prison, the officer in command who was not involved directly in the affair was sentenced to 14 days of hospital work.

Out of the tens of thousands of houses that were searched, there have been isolated cases of deviation from proper conduct by soldiers. All these cases have been dealt with. In a case where a detainee was beaten, one officer was sentenced to 14 days community work and another officer was sentenced to seven days in prison. In a different case, an officer who caused damage to property was handed down a 28 day suspended jail sentence.