



THE PALESTINIAN
NAKBA
1948-2008

60
YEARS OF
CATASTROPHE

FRIENDS OF AL AQSA
Defence of Al Aqsa & Peace in Palestine

Published by
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Preface

In one of the introductory chapters to his book, *Six Days*, the journalist Jeremy Bowen describes the Nakba of 1948 like this; "A society that had grown up over more than a thousand years was destroyed and scattered across the Middle East. Palestinians fled for reasons that civilians do in all wars, to save their lives and protect their children and also because, in some places, Israel practised what is now called ethnic cleansing."

Between 600,000 and 700,000 Palestinians were made refugees by the summer of 1949. A few managed to rebuild their lives and prosperity elsewhere. Most were left destitute and ended up in refugee camps. "The Palestinian refugees' children, grandchildren and great grandchildren," argues Bowen, "became the foot soldiers in the Middle East's long war."

The collective memory of the Nakba is as real for Palestinians as the collective memory of centuries of oppression and dispossession is real for Jewish people around the world. The pain which Palestinians across the world will experience on the 60th anniversary of the Nakba will be just as real as the pride which Israelis will feel on the simultaneous 60th anniversary of the birth of their state in the land of Palestine.

Today, recognising the right of Israelis to retain and live in peace in the state that their parents and grandparents created in 1948 is rightly regarded as a pre-requisite to any lasting peace in the region. Yet, all too often, the Nakba is barely talked about. Even mentioning it can attract the accusation that you are undermining the search for peace or threatening the existence of the state of Israel. It should not mean either of these things. Talk to Palestinian refugees and they will tell

you that the central thing they demand is recognition. Recognition of what happened to their families and their homes; Recognition that they are not simply an inconvenient side-issue in the Middle East; Recognition they have a voice that should be heard; Recognition that they have rights like anyone else. If the world's leaders - and particularly Israel - took that step of officially acknowledging the Nakba and recognising that Palestinian refugees have rights, agreement on what steps should now be taken in practice to resolve the situation may be far less complicated or threatening than many believe. The greater danger and the continuing tragedy lies in refusing to face up to the issue.

The truth is that both peoples have suffered. The continuing conflict in the Middle East means that they are still suffering - whether it be the mother of an Israeli child hit by a Qassam rocket in Sderot, or the mother of a Palestinian child killed by an Israeli missile strike on Gaza City. A just solution to the refugee question could be one of the keys to ensuring that Palestinian and Israeli mothers in future do not have to experience similar anguish.

Richard Burden MP
Chair, Britain-Palestine All Party Parliamentary Group

The people of Gaza are under total siege once again. The unemployment rate is well over 80% and due to the blockade there are continuous shortages of all the very basic necessities of life. Apart from the obvious humanitarian aspects to the siege and the shortages, there is a huge psychological impact, particularly on young people. Palestinian youth often view the world via internet screens and TV, as travel is impossible. The hopes and aspirations of these youngsters are constantly dashed by living behind concrete walls and every day local movement dominated by searches and checkpoints.

Those Palestinians that have left, often with enormous difficulty, are forced to become spectators in the survival of their own people. Even those who have gained foreign passports find great difficulty in returning, even for a visit. The Palestinian people are looking for recognition, peace, justice and survival; something the leaders of the world seem to have great difficulty understanding.

Jeremy Corbyn, MP

The Palestinians are still suffering from the occupation of their country, given to them by the United Nations. Israel breaks International Law with impunity and has ignored UN Resolutions especially 242, and has acted with great brutality towards the Palestinian people.

The USA and Europe, including the UK, make feeble protests but take no action and the current peace process is but a gesture unless Hamas is included in any negotiations.

Those of us in this country who want a peaceful future for Palestine and Israel must try to reach out to Palestinians and Israelis who agree with us and force Israel and the USA to listen. The alternative is a war which will spread all over the Middle East.

Baroness Jenny Tonge

As a journalist, I have walked through the killing fields of Iraq, Afghanistan, Lebanon and Sri Lanka and seen death close up. As a journalist I have walked through the carnage and destruction caused by acts of terrorism in Ireland, Lockerbie, London and New York. As a journalist I have walked through areas of natural disasters caused by the earthquakes of Pakistan and Kashmir and have witnessed the aftermath of the Tsunami. As a journalist I have walked through famine areas and held starving African children in my arms as they've struggled for life. But nothing, absolutely nothing prepared me for what I witnessed as one of the first journalists to enter the Jenin refugee camp after the 2002 siege. It will haunt me for the rest of my life and in my darkest moments I still cry when I think of man's inhumanity to man in that place.

I have never before witnessed one group of people deriving so much pleasure and joy from inflicting so much pain and suffering on another group of people including their babies and infants. The injustice that is Palestine is there for all to see if only you will look.

Yvonne Ridley Journalist and author

Never in history has a story been so slanted as that of Palestine and Israel. Never has the victim been so squarely blamed for his own misfortunes as has the Palestinian. This is not an arrogant counter-narrative to Israel's concoctions. It's a glaring truth that continues to be either ignored or misunderstood.

Ramzy Baroud Editor, Palestine Chronicle

1. Introduction

In 1948, 78% of historic Palestinian land was seized for the establishment of the state of Israel. During the fighting, approximately 750,000 Palestinians were expelled from their homes or fled to escape the violence of Zionist gangs who were perpetrating massacres against civilians.¹ This formed the roots of the Israeli-Palestinian conflict.

Sixty years later, the refugees who were expelled or fled have yet to return to their homeland. Israel has expanded its borders yet further into parts of the 22% of what remained of Palestinian land. The subjugation of the Palestinians has occurred both through the actions of the Israeli soldiers and violent extremist settlers. With the subsequent resistance from the Palestinians, it has been the Palestinian and Israeli civilians who have paid with their lives, their health, and their property in the cross fire.

The history of the Palestinian-Israeli conflict tells the story of how one people's land was promised to another people, by a third party who had no sovereignty over it. This created division, hatred, anger, sorrow, war and tragedy. These feelings still subsist and make the way to peace all the more difficult.

During the last 60 years, wars have been fought and peace initiatives initiated. However, the occupation persists and with each passing year, Palestinians lose more land, more freedom and face even greater persecution.

Due to the instability brought about by the occupation, there has been no compilation of data relating to deaths, injuries, and other human rights abuses of Palestinians which covers the entire period from 1948 to 2008. Most data were compiled during the first and

second Intifadas when increasing numbers of human rights monitoring organisations became established as more and more atrocities were committed. For this reason, many of the statistics cited here only apply to certain time frames.

In 2004, the United Nations' Permanent Observer of Palestine Nasser Al-Kidwa, reported to the General Assembly that "Israel, the occupying Power, continues to perpetrate war crimes, State terrorism and systematic human rights violations against the Palestinian people as it continues to launch deadly assaults and raids against civilian areas throughout the Occupied Palestinian Territory, including East Jerusalem."² This was reported in the form of a letter which was preceded by 199 other letters, the first of which dated back to 29 September 2000.

These letters were intended to form a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. Since then, Israel's tactics against the Palestinians has only escalated in violence. In response, the Palestinians have formed a fractured resistance movement.

This report marks the 60th anniversary of the Palestinian *Nakba* or 'catastrophe'. The details contained are intended to clarify the history and promote a better understanding of the conflict in the minds of the readers.

60 Years of Catastrophe



2. Background

Zionism can be defined as a political movement that supports an exclusive homeland for Jewish people in the land of Palestine.³ The concept of Zionism dates back to the 19th Century and the political movement which eventually culminated in the birth of Israel was founded by Theodore Herzl (1860-1904) in 1896.⁴

Zionism is a purely political movement which is not based on religious doctrine. "By imitating the Western concept of the 'nation state', political Zionism tended towards the creation of a type of community radically different from the community of Jewish religious faith."⁵

In his diaries, Herzl himself confirmed 'I am not a religious man'.⁶ This nationalist doctrine was not born out of Judaism but out of the European nationalism of the 19th century.⁷

Herzl realised that the Arab population in Palestine would present a problem for the plans of Israel being created there, and in public he asserted that no Arab would be displaced from his home as more Jews arrived.⁸ However, in private, he wrote in his diary: "We must expropriate gently... We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our country... Both the process of expropriation and the removal of the poor must be carried out discreetly and circumspectly."⁹

Thus, over 55 years before the creation of Israel, Zionism's fathers had already intended the displacement of the native Palestinians from their homelands. Religious Jews were opposed to the Zionist plan from its inception, defying the Zionists' call for a homeland in Palestine. More recently, in 1978, Rabbi

Hirsh spoke to the Washington Post stating: "Zionism is diametrically opposed to Judaism. Zionism wishes to define the Jewish people as a nationalistic entity. The Zionists say, in effect, 'Look here, God. We do not like exile. Take us back, and if you don't, we'll just roll up our sleeves and take ourselves back.' ... This, of course, is heresy. The Jewish people are charged by Divine oath not to force themselves back to the Holy Land against the wishes of those residing there."¹⁰

While Herzl was founding the Zionist movement, the Jewish conference in Montreal passed a motion stating: 'We strongly disapprove of every initiative aimed at the creation of a Jewish state. Attempts of this kind clearly show a false concept of Israel's mission. We assert the goal of Judaism is neither political, nor national, but spiritual, and that its purpose is to promote peace, justice and love among men.'¹¹ Such facts leave very little doubt about the stark difference between Zionism and Judaism.

The Zionists set their eyes on Palestine at a time when the Ottoman control of the region was wavering. Between 1516 and 1919, the land of 'Palestine' formed part of the Turkish Ottoman Empire. Towards the end of the 19th century, the Ottoman Empire was disintegrating and Arab nationalism was emerging amongst the Empire's disgruntled Arab subjects.¹² This rise in nationalism led to division between the people ruled by the Ottomans and paved the way for the eventual collapse of the Empire and the emergence of nation states created and supported by the West.

During the last years of Ottoman rule, the Zionist movement was desperately searching for rulers and heads of state to support them in establishing a Jewish state in Palestine. When British politicians were

approached, they were sympathetic to the idea due to their own anti-Semitism and as a means of ridding Britain of the 'Jewish problem'.¹³

Following the death of Herzl in 1904, Chaim Weizmann became leader of the World Zionist Organisation. He moved from Geneva to England, believing that Britain was most likely to support the Zionist project due to its own desires to gain control over Palestine.¹⁴ In 1906, Weizmann met Prime Minister Arthur Balfour and from that time he fostered a relationship with him which would culminate in the Balfour Declaration written on 2 November 1917.

The Conservative Party regained power in 1916 and began open discussions with the Zionists. Britain's interests at the time were to secure the strategic position of Palestine and the Zionists offered their help in protecting British regional interests and the vital sea routes to India.

During WWI, the Ottomans sided with Germany and this provided an opportunity for Britain to occupy Ottoman territory including Palestine. However, Balfour's declaration was made a month before the troops moved into Jerusalem. The Balfour Declaration was a statement of policy by the British Government on how the Ottoman Empire would be partitioned following its collapse.

A key aspect of the declaration was that the rights of non-Jews in the land would not be prejudiced. However, despite this stipulation, the British government had made a promise of the Palestinian land to the Zionists when it had no sovereign rights over the territory. Thus, they marked the end of Palestine as the national homeland of Palestinians.

Balfour Declaration

2 November 1917.

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet: "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country". I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely

Arthur James Balfour

2.1 The British Mandate and UN Resolution 181

With the collapse of the Ottoman Empire after World War I and its division by the Treaty of Sevres, the League of Nations created a Mandate over Palestine which was held by the British. The objective of creating Mandates was to administer the territories they related to "until such time as they are able to stand alone."¹⁵

The British Mandate over Palestine continued until 1948. Prior to the creation of the Mandate, the British had already made a number of conflicting promises.

In 1916, they promised a united Arab country incorporating most of the Arab Middle East region in exchange for Arab loyalty to the British.¹⁶ In 1917, they made the Balfour Declaration cited above promising a homeland for the Jews in Palestine. The British had also promised the Hashemite family rule over most land in the region in return for their support.¹⁷

The obvious conflicts between these promises began to be played out on the ground in earnest from the 1920s until Israel was created in 1948. During this time, the British were embroiled in the conflict between the native Palestinians and the increasing numbers of immigrant Jews arriving on the shores. The often violent confrontations left many dead, including British service personnel.

Palestinian resistance to the British occupation of their land and the increased Jewish immigration was poor in the 1920s. "Palestinian resistance consisted of the peasant revolts of the 1920s, led by landless agricultural workers who had been expelled from the lands purchased by the Zionist Agency, and the more organised resistance groups of the 1930s, which grew up in response to actions from Jewish terrorist groups and British concessions to the objectives of Zionism. These movements were all brutally suppressed; thousands of Arabs were killed and wounded, and more than six thousand were incarcerated in British prisons and camps, clearing the way for the establishment of the Jewish state."¹⁸

On 29 November 1947, the United Nations voted on the partition of Palestine. The Proposal for Partition ignored many rights and norms in international law, including majority rule and the right to self-determination. At that time, the population was 32%

Jewish owning 5.6% of the land.¹⁹ Despite this, the proposed partition allocated 56% of the land to the Jews and the remainder to the Palestinians. The land allocated for the state of Israel also contained the most fertile areas of Palestine.

The Palestinians were understandably opposed to this partition plan which audaciously sought to pass sovereignty of more than 50% of their homeland to the minority living there. The Arab states wanted the legality of the Partition Plan to be considered by the International Court of Justice. This was denied.²⁰

The General Assembly vote had been postponed twice before it took place, and historic commentators suggest that there was deliberate engineering to ensure that the two-third majority vote would be achieved. The following day, on 30 November 1947, civil war broke out in Palestine and the fighting continued for 20 months. The final armistice agreement was signed between Israel and Syria in July 1949:²¹ 'Those 20 months transformed the landscape of the Middle East forever.'²²

60 Years of Catastrophe



3. The Days of War

More than 530 Palestinian villages were ethnically cleansed in the days of war and its inhabitants either fled or were killed. Before Israel was established, approximately 1 million Palestinians were resident within the Palestinian territories. During the 1947-1948 war, it was estimated that approximately 750,000 Palestinians were expelled or fled to save themselves from the Zionist gangs which were terrorising Palestinian villages and committing massacres. Of these 750,000 or so, 30-40,000 were internally displaced, only a small number of whom managed to return to their original homes after the war ended and Israel was created.²³ About 150,000 Palestinians managed to remain in their homes during the war and became citizens of the newly created Israel.²⁴

Expulsion of Arabs typically occurred by orders of officers of the newly organised Israeli Defence Forces (IDF). One such expulsion was of the people from the towns of Lydda and Ramle. On 12 and 13 July 1948, 50,000 – 60,000 Palestinians from these two towns were expelled by IDF troops, under threat of death. Before the march out, about 250 Palestinians were killed in a gun battle in the town. Between 2-4 Israeli soldiers died in the same battle.²⁵ Benny Morris, a neo-Zionist champion of right wing Israelis, and a leading Israeli historian, conducted research into the killings and expulsion, and stated that Israeli reports in the “1950s, 1960s and 1970s were less than honest in their treatment of the Lydda-Ramle episode.”²⁶ Israeli historians at that time had reported that the Palestinians left of their own accord, or wanted to leave and requested safe passage. Military records show that direct orders were given to IDF troops to empty the towns of their inhabitants because of the risk they were deemed to pose to Tel-Aviv, just 10 miles away.²⁷ Morris calls these reports ‘deceitful’ and ‘misleading’,

characteristics that many Palestinians have accused Israeli historians of.

The result of such distortions of history are summed up by Morris who states: “The treatment of the Lydda-Ramle affair by past Israeli historians is illustrative of what can be called, for want of a better term, the old or official history. That history has shaped the way Israelis and Diaspora Jews – or at least Diaspora Zionists – have seen, and in large measures still see, Israel’s past; and it has also held sway over the way gentile Europeans and Americans (and their governments) see that past. This understanding of the past, in turn, has significantly influenced the attitude of diaspora Jews, as well as European and American non-Jews, towards present-day Israel – which affects government policies concerning the Israeli-Arab conflict.”²⁸

During 1948, the number of Zionist fighters increased dramatically, out-numbering the Arab armies operating in Palestine. By mid-May, they had 35,000 troops while the Arabs had 25,000. By mid-July, the IDF had increased to 65,000 and by the end of the year, that figure was approximately 96,500.²⁹ The coalition of Arab armies could not match this dramatic increase in troops, giving the IDF the upper hand in the conflict.

Many atrocities were committed by the Zionist fighters against mainly civilian Palestinians. Thirty four separate massacres were reported including the following:

3.1 Deir Yassin Massacre

On 9 and 10 April 1948, a massacre was committed by Zionist terror gangs which instilled fear in the hearts of Palestinians and led many to flee their homes to avoid a similar fate.³⁰ The village of Deir Yassin came

under attack on Friday 9 April 1948 from the Zionist terror gangs called the Irgun and Lehi. The village was targeted as it was placed in a strategically significant position approximately 1 mile outside of Jerusalem and overlooked vital routes between Jerusalem and Tel-Aviv.³¹

Its population was thought to be approximately 750. For two days, the village was systematically destroyed and many of its inhabitants murdered.³² The reported figures of those killed vary from 103 to 250.³³ However, despite the discrepancies in the numbers of victims, the ferocity of the attack is agreed on by all.

The massacre and events leading up to it were described as follows: "As British forces withdrew in anticipation of Mandate termination, surrounding Arab nations infiltrated irregular fighters into Palestine. Jewish paramilitaries also mobilized, and ethnic harassment and rioting expanded into sniping, village raids, and street combat. As take-no-prisoners ambushes, terror bombings, and village depopulation contributed to cycles of violence, British forces rarely intervened to halt the bloodshed. The Deir Yassin incident took place during this increasing civil strife inside Palestine."³⁴

Over 100 Zionists were involved in the attack on the village. Atrocities committed included the deliberate killing of prisoners and wounded Palestinians; the murder of children who were lined up against walls and shot; the murder of pregnant women including a nine month pregnant woman whose body was then stabbed; random firing on unarmed civilians hiding in their homes resulting in many deaths; the shooting of numerous prisoners by firing squads (including one group of 25 men who were previously paraded around)³⁵ and the rape of Palestinian women.

Eliyahu Arbel from the Haganah inspected Deir Yassin following the Massacre and 24 years later recounted: "I have seen a great deal of war ...but I never saw a sight like Deir Yassin," which largely comprised of "the

bodies of women and children, who were murdered in cold blood."³⁶

The whole massacre was summed up by Benny Morris as follows: "Deir Yassin is remembered... for the atrocities committed by the [Irgun] and [Lehi] troops during and immediately after the drawn-out battle: whole families were riddled with bullets... men, women, and children were mowed down as they emerged from houses; individuals were taken aside and shot." Morris quotes Haganah commander Levy: "[T]here were piles of dead... Some of the prisoners moved to places of incarceration, including women and children, were murdered viciously by their captors... [Lehi] members... relate that the [Irgun] men raped a number of Arab girls and murdered them afterward (we don't know if this is true)."³⁷

Deir Yassin was the massacre of many unarmed civilians and it proved to be a powerful rallying call for surrounding Arab countries to intervene in Palestine, and also caused great fear in many Palestinians who fled their homes as a result of the reports of the murder and carnage that occurred.

3.2 Yehiday Massacre

On 13 December 1947, the Palestinian village of Yehiday was attacked by Zionist terrorists dressed in British army uniforms.³⁸ They entered the village in an army patrol of 4 vehicles, then disembarked and began a massacre by spraying machine gun fire at Palestinians gathered in a coffee house. The attackers then began to use hand grenades and crude bombs against the civilians. The arrival of a real British patrol which intervened stopped further killings. Seven Palestinians died during this massacre.

3.3 Al-Sheikh Village Massacre

On 1 January 1948, a group of two hundred Zionist terrorists attacked the village of Al-Sheikh.³⁹ They snuck

into the village from the southern hills in the middle of the night and began their attack on the houses at the outer edges of the village using hand grenades. This was followed by machine gun fire which caused the deaths of 40 civilians, most of whom were women and children.

3.4 Naser Al-Din Massacre

On 13 and 14 April 1948, a group of Zionist terrorists belonging to the Irgun and Lehi gangs attacked the village of Naser al-Din.⁴⁰ This village was ethnically cleansed by Zionist fighters, who entered it dressed as Palestinians. When the local people went to greet them, they were all fired upon and all but forty of them were killed. The remainder fled to the Tiberias city and to Lubyia and were evacuated by the British troops. All the houses in the village were burnt to the ground. Palestinian historian Walid Khalidi⁴¹ reports that now "there are no visible signs of the former village. Residential buildings that belong to the city of Tiberias have been erected on parts of the village site and land. Portions of the village land have not been developed and are used as grazing areas by Israelis."⁴²

3.5 Beit Daras Massacre

On 21 May 1948, the Zionist Giv'ati Brigade surrounded the village of Beit Daras after previous unsuccessful attempts to occupy it.⁴³ The village had a population of 3,190,⁴⁴ all of whom were ethnically cleansed from the area. In the massacre, many were killed including women and children who were clearly leaving the village to flee the fighting. Walid Khalidi describes the remains of the village as follows: "The only remains of the village buildings are the foundation of one house and some scattered rubble. At least one of the old streets is clearly recognisable."⁴⁵

3.6 The Dahmash Mosque Massacre

This massacre occurred during the Lydda-Ramle⁴⁶

ethnic cleansing, when the Zionist forces committed their biggest massacre against Palestinians killing 426 men, women and children.⁴⁷ After the Israeli 89th Commando Battalion, which was led by Moshe Dayan, occupied Lydda (believed to be the home town and burial place of Saint George), Palestinians were told to go to the main mosque for safety. All 176 people who fled to the Dahmash Mosque were massacred in retaliation for a hand-grenade attack following the surrender which killed several Israeli soldiers.⁴⁸

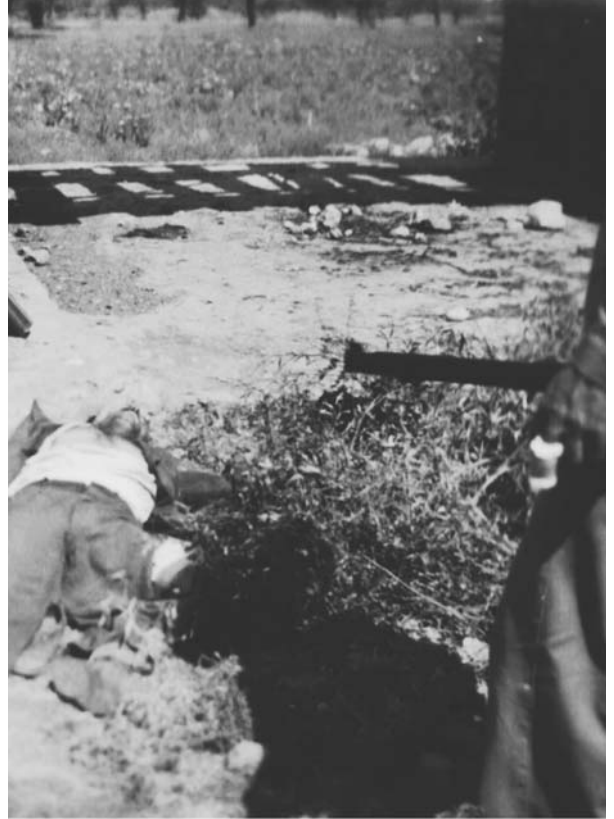
Of the 19,000 Palestinians who lived in the town of Lydda, only 1,052 were allowed to remain. The remainder were forced to march out of the city to Ramallah in the West Bank. Women who were leaving the city were also robbed of their jewellery by Zionist forces. During this 'death march' 350 Palestinians died from exhaustion and dehydration in the 40 degrees heat. Israel now has renamed the village of Lydda 'Lod'. The refugees from Lydda and Ramle and their descendants now make up approximately half a million Palestinian refugees living in camps around Ramallah and in Jordan. They suffer terrible living conditions which have barely improved over the past 60 years.

3.7 Dawayma Village Massacre

On 29 October 1948, this town was attacked by the Zionist Irgun and Stern Gangs and its inhabitants who could not flee were murdered. Some of the soldiers who were involved recorded written testimonies of the events. One wrote that in order "to kill the children they fractured their heads with sticks. There was not one house without corpses."⁴⁹

The Egyptians accused the Israelis of having committed a massacre here, and the UN requested a visit to investigate. Following 3 refusals, a team was finally allowed to visit but was obstructed from making any real assessment of the numbers killed.⁵⁰ They concluded that a massacre had occurred although no numbers of dead could be given.

60 Years of Catastrophe



4. The Nakba: Israel is Born

Some of the massacres that have been described in this report were deliberate actions undertaken by the Zionist leadership as a policy to empty out the Palestinian lands of their native people. These individuals then went on to form the Israeli government and continued this policy. Yitzhak Rabin wrote in his diaries following the massacres and ethnic cleansing of Palestinian villages: "Ben-Gurion would repeat the question: 'What is to be done with the population?', waving his hand in a gesture which said: 'Drive them out!'"⁵¹

Rabin went on to comment on the necessity of using propaganda to get young Israeli soldiers to undertake such brutal actions against the Palestinians: "Great suffering was inflicted upon the men taking part in the eviction action. [They] included youth-movement graduates who had been inculcated with values such as international brotherhood and humaneness. The eviction action went beyond the concepts they were used to. There were some fellows who refused to take part... Prolonged propaganda activities were required after the action... to explain why we were obliged to undertake such a harsh and cruel action."⁵²

Thus, the Palestinian Nakba was a deliberate and orchestrated event, without which the state of Israel could not have been born, and its racist ideologies could not have been set in motion. Israel now continues to exist as a Zionist state by denying Palestinian refugees their right of return which ensures that Israel retains its Jewish majority. The Law of Return was passed in 1950⁵³ and this provided that, "Every Jew has the right to come to this country as an *oleh*."⁵⁴ Thus, while Palestinians who lived on their land for generations were being denied the right of return, any person following the Jewish faith from anywhere in the world, with no ties to the land, was allowed to come and settle upon it.

Also in 1950, Israel passed the Absentees' Property Law under which the state of Israel confiscated large portions of land belonging to Palestinians who were made refugees. Under Section 1, an absentee is described as a national or citizen of Lebanon, Egypt, Syria, Saudi Arabia, Trans-Jordan, Iraq, or the Yemen,⁵⁵ or a person who was in any part of Palestine or a neighbouring country,⁵⁶ or a Palestinian citizen;⁵⁷ who was absent from his property after 29 November 1947,⁵⁸ or had left for a neighbouring country or an area controlled by an enemy force of Israel. Once a property owner was deemed to be an absentee, he would only have his property returned if he was able to prove that he had left his place of residence "for fear that the enemies of Israel might cause him harm,"⁵⁹ or, "otherwise than by reason of or fear of military operations."⁶⁰ Due to these provisions, the majority of Palestinians and other nationals of neighbouring countries were unable to reclaim their property as they had fled in fear of attack from Israeli forces, not from any other army.

4.1 Refugees

One of the longest standing consequences of the birth of Israel has been the Palestinian refugee problem. A full and comprehensive look at the land distribution and ownership before the 1947-1949 conflict, population composition, the Nakba and resultant refugee flow, refugees in exile, and patterns of dispersion are available in '*The Atlas of Palestine 1948*' compiled and researched over many years by the Palestinian academic Dr Salman Abu Sitta. This work provides a clear picture of the crisis of the time and how the refugees fled, and the author describes it as 'a record for Palestinians'.⁶¹

Benny Morris looked in depth at the documentation

stored in the Haganah archive in Tel-Aviv and the Israeli Defence Forces and Defence Ministry archive in Givatayim once they became de-classified. While the materials are still being processed, he has drawn some stark conclusions about the 1948 Palestinian refugee exodus.

Morris states unequivocally that "the refugee problem was caused by attacks by Jewish forces on Arab villages and towns and by the inhabitants' fear of such attacks, compounded by expulsions, atrocities and rumours of atrocities – and by the crucial Israeli Cabinet decision in June 1948 to bar a refugee return."⁶² This Cabinet decision was never reversed and 60 years later, these refugees and their descendants are still waiting to return home.

However, Morris also points the finger at Arab states during the days of war, for failing to adequately prepare the Palestinians for the war, and for failing to lead them through it. He also points out that our knowledge about the direct and indirect responsibility of the Arab states in the Palestinian Nakba will not become apparent until these states open up their government and military archives relating to the 1947-1949 period.⁶³

There are many first-hand accounts from Palestinian refugees who suffered the 1948 exodus.⁶⁴ These include the late Edward Said,⁶⁵ whose family lived in Palestine until December 1947 when they fled to Egypt. Said wrote: "My extended family lost all its property and residences, and like so many Palestinians of the time bore the travail not so much as a political but as a natural tragedy... Many families and individuals had their lives broken, their spirits drained, their composure destroyed forever in the context of seemingly unending, serial dislocation... emblematic of the larger story of loss and dispossession, which continues today."⁶⁶

The 1948 Nakba created approximately 750,000 refugees. In 1967, following the 6 Day War a further 350,000 refugees were created, some of whom were

displaced for the second time. The United Nations Relief and Works Agency for Palestine Refugees in the Near East⁶⁷ (UNRWA) was set up following the 1948 refugee exodus. Under General Assembly Resolution 302 (IV) of 8 December 1949, UNRWA was authorised to carry out direct relief and works programmes for Palestinian refugees. The mandate of UNRWA has been repeatedly extended since that time.

UNRWA is different to any other similar body created by the UN because it has become a crucial provider of basic services to Palestinian refugees including health, education, relief and social services. It currently has over 4.4 million refugees registered in the Middle East, all of whom rely heavily on this UN agency for their most basic needs and development.

The case of Palestinian refugees is unique because of its protracted nature, the numbers of refugees concerned and also because of the classification of a 'refugee'. UNRWA defines a Palestinian refugee as any person "whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their home and means of livelihood as a result of the 1948 Arab-Israeli conflict." The refugee status is also extended to "descendants of persons who became refugees in 1948."⁶⁸ Thus, while many of the original refugees of 1948 have passed away, their descendants now form the largest refugee group in the world.

Palestinian refugees suffer greatly within the occupied territories, but also within the refugee camps in neighbouring states. In a recent statement by UNRWA Emergency Appeal (2008), Karen Koning AbuZayd⁶⁹ reinforced the fact that Palestinian refugees "consistently suffer higher levels of household poverty than non-refugee Palestinians."⁷⁰ Within Lebanon, they have no citizenship rights⁷¹ and are restricted from working in over 60 occupations and have almost lived in quarantine since becoming refugees.

In Syria, they have no citizenship rights except through

marriage, but even this is restricted to Palestinian women marrying Syrian men. Refugees in Syria fare better than Lebanon, as they are given access to the same public services as Syrians.⁷²

In Egypt, some 40,000 refugees are still required to report to local police stations every month. In Jordan, although Palestinians were allowed to adopt Jordanian nationality, there is discrimination in their treatment.⁷³

A 2005 Palestinian refugees census showed the following numbers of refugees:⁷⁴

Country	Number of Palestinian Refugees
Jordan	1,827,877
Gaza	986,034
West Bank	699,817
Syria	432,048
Lebanon	404,170
Saudi Arabia	240,000
Egypt	70,245
TOTAL	4,660,191

i. Living Conditions in Refugee Camps

Palestinians living in refugee camps suffer the worst forms of social deprivation. In the Gaza Strip, 20% of refugees live in camps which are not connected to the sewage and water systems.⁷⁵ Raw sewage and waste water pass in open channels along streets, resulting in a terrible stench and the spread of disease. High levels of poverty and unemployment exist amongst Palestinians.

In the West Bank, while poverty is still rife, the conditions are not as desperate as in Gaza. There are 19 recognised refugee camps housing about one quarter of the West Bank's refugees. Most of the remainder live in towns and villages. Those living in the camps suffer greatly from Israeli closure policies which keep them virtually imprisoned within the camps. There is overcrowding

in housing and in schools. The UNRWA-run schools have an average of 50 pupils per classroom.⁷⁶ Due to the number of school children, 24 schools also run on a double shift basis.

The conditions in refugee camps outside of the occupied territories fare no better. In Jordan, while refugees do benefit from citizenship rights, the refugee camps are poorly equipped and maintained and are rife with poverty. In Lebanon, many of the refugees live in 12 established camps. Here, the hardships facing refugees are immense including: "deterioration of proper living condition[s], crowded households, inadequate safe water sources, absence of proper wastewater disposal and solid waste management, in addition to other humanitarian and social problems...".⁷⁷ The refugees in Lebanon have also faced the additional hardships of the wars waged by Israel against Lebanon, in 1982 and 2006.

The refugees have not been absorbed by the Arab states surrounding the occupied territories, and they continue to live in limbo, waiting to return to Palestine.

ii. The Right of Return

Article 13 of the Universal Declaration of Human Rights provides that "Everyone has the right to leave any country including his own, and to return to his country." This right is further repeated in The International Convention on the Elimination of All Forms of Racial Discrimination (Article 5(d)(ii)) and The International Convention on Civil and Political Rights (Article 12(4) – No one shall be arbitrarily deprived of the right to enter his own country). This is the Right of Return which Palestinian refugees have been claiming since the Nakba of 1948, and which is a principle of Customary International Law binding on all states.

This right was reinforced by the General Assembly in Resolution 194⁷⁸ which "Resolves that the refugees wishing to return to their homes and live in peace

with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property..”⁷⁹

Palestinians have not been given the right to return by Israel and they have not been compensated for their losses. The Israeli Prime Minister at the time, David Ben-Gurion took the position that re-settlement of Palestinian refugees was not an obligation on Israel as long as it was not at peace with its Arab neighbours.

Israel was accepted as a member state by the UN on 11th May 1949 by UNGA Resolution 273⁸⁰ on the condition that it accepted and implemented Resolutions 181 and 194. In brief, these resolutions protected the rights of the indigenous Palestinians within the pre-1948 land of Palestine, access to the Holy places, and reinforced the right of return. Israel failed to implement them in 1949 and to this day continues to deny Palestinians the right of return.

For the Palestinians, this is a right enshrined in law and one which they are not prepared to surrender even after 60 years as refugees. Sincere ties to the land of Palestine run deep, and many families still carry the keys to the homes their families left in 1948; homes that no longer exist. Successive Israeli governments have prevented refugees from returning, in the interests of safeguarding the Jewish majority in Israel.⁸¹ Israelis have also argued that there is no room to accommodate Palestinian refugees within Israel.

After meticulous investigation, the scholar Salman Abu-Sitta found that practically implementing the Right of Return for Palestinian refugees is a very real possibility. He states that: “Demographic analysis of Israel shows that the concentration of Jews today is largely in and around pre-1948 Jewish land and that the expropriated Palestinian land is still sparsely populated. As surprising as this may seem, serious research proves this point - 80% of Jews in Israel live in 15% of its land.

The remaining part has a total area of 17,325 km² and is essentially the land of the 4.9 million Palestinian refugees.”⁸²

The Right of Return of refugees remains one of the most contentious issues in peace negotiations.



Maan Images - Wesam Saleh



Maan Images - Wissam Nassar

5. The Birth of Palestinian Political Movements

In the immediate aftermath of the 1948 war and for the two decades that followed, for many Palestinians their time was taken up with the concerns of everyday living in harsh conditions. There was little time left for “organising, analysing and planning”⁸³ a military or other response to Israel. However, small groups of individuals continued to resist Israel.

The Palestinian national movement began to take shape in the 1960s, with the involvement and encouragement of the surrounding Arab states. Once formed, they evolved to become independent of these influences and led the way in resisting Israeli occupation and then representing the Palestinian people on the international stage. The organisations are the Palestine Liberation Organisation (PLO), Fatah and Hamas.

5.1 The PLO and Fatah

The PLO was formed on 26 June 1964 during the first Arab Summit.⁸⁴ At this stage, commentators such as James Gelvin⁸⁵ suggest that the PLO was formed as a ‘Wholly owned subsidiary of the Arab League’.⁸⁶ It operated as an umbrella organisation dedicated to establishing a Palestinian state. Following the 6 Day War, the PLO became a more independent body representing the Palestinian national movement, and the most dominant party within it was and to this day remains Yasser Arafat’s ‘Fatah’. In 1969, Yasser Arafat became the chairman of the PLO Executive Committee, and held this position until his death in 2004.

The original Charter of the PLO included the goal of the Right of Return and self-determination for Palestinians. The rise in popular support for the PLO was marked by the ‘Battle of Karameh’ in 1968. In March of that year, Israel launched a military raid on the Jordanian

town of Karameh which was the political and military headquarters of the Fatah movement. Three hundred Palestinian fedayeen fighters (supported by Jordanian artillery fire) managed to combat an assault by over 700 Israeli soldiers inflicting over 100 casualties, and forcing the heavily armed Israeli military to withdraw. This battle “changed the balance of power in Palestinian politics.”⁸⁷

In the weeks following the battle, many Palestinians joined the Fatah faction and the number of fighters swelled into thousands.

The PLO received UN recognition in 1974 and was recognised by Arab states as a ‘government in exile’ on the basis that a future Palestinian state would be formed. It also received full membership in the Arab League in 1976. But throughout this time, the PLO leadership was in exile from the Palestinian territories.

It was first based in Jordan, but King Hussein moved to quash the Palestinian movements because of threats they posed to the Jordanian monarch’s rule. Thus, in September 1970, known as ‘Black September’, the Jordanian security forces clashed with Palestinian groups and the resultant violence led to over 7,000 deaths. The PLO headquarters in Amman were attacked and all the Palestinian fighters were forced out of Amman and the main Jordanian cities.

At this point, most of the senior PLO members moved to Lebanon. From there, they consolidated their efforts in resisting Israeli occupation. However, in 1982, following Israel’s full scale war against Lebanon, the PLO were once again driven out and found reprieve in Tunisia where they remained until 1994. The PLO was recognised as the ‘representative of the Palestinian

people' by Israel on 9 September 1993, following the exchange of letters of mutual recognition. Yasser Arafat's letter to Prime Minister Yitzhak Rabin stated that "The PLO recognises the right of the State of Israel to exist in peace and security."⁸⁸ This exchange of letters preceded the Oslo negotiations and marked the beginnings of the failed peace initiatives of the 1990s.

In 1994, Yasser Arafat returned to the Occupied Territories as the head of the PLO representing the Palestinian people within the Palestinian Authority. Fatah remains one of the dominant political factions within the Palestinian territories.

5.2 Hamas

Hamas is an organisation that is perceived by the international community in a myriad of different ways. It has been proscribed as a terrorist organisation by the United States, Canada, Europe, and Japan, following Israeli lobbying. For Palestinians on the other hand, Hamas is a symbol of victory and an entity they can rely on to lead them to emancipation from Israel's occupation.

Hamas' roots lie in a social Islamist group which was formed in 1946 in the Gaza Strip and 1948 in the West Bank. This was an offshoot of the *Ikhwan al-Muslimoon* (Muslim Brotherhood), founded by the late Imam Hasan Al-Banna of Egypt in 1928. This was a philanthropic social project dedicated to charity.⁸⁹ Its popularity was imbedded with its social contribution to Palestinian society. At the grass roots level, it provided Palestinians under occupation with structured health, education and social services to assist the poor and needy suffering the most under the occupation.

In the days following the first Palestinian uprising or *Intifada*, the Palestinian *Ikhwan* decided that there was a pressing need to create a new organisation which would not only begin confronting and resisting the Israeli occupation, but would also address their

social and welfare needs. This new organisation was to be called 'Hamas' (in Arabic, an acronym for *Harakat Al-Muqawama Al-Islamia* which means the Islamic Resistance Movement). The official date of Hamas' inception was 14 December 1987.⁹⁰ The internal debates between the *Ikhwan* members at that time indicated that with the beginning of the Intifada, they felt they had no choice but to change tactic and face the occupation head on.⁹¹

In explaining this change in Hamas, Khaled Hroub wrote: "The radicalism of Hamas should be seen as a completely predictable result of the ongoing Israeli colonial project in Palestine. Palestinians support whichever movement holds the banner of resistance against that occupation and promises to defend the Palestinian rights of freedom and self-determination."⁹²

Thus, Hamas as a political entity first began resisting Israeli occupation in 1987, almost 40 years after Israel was created and 20 years after the occupation of the West Bank and Gaza Strip began. Hamas describes itself as "a Palestinian national liberation movement that struggles for the liberation of the Palestinian occupied territories and for the recognition of the legitimate rights of the Palestinians."⁹³

The Hamas Charter was written in 1988 and although it is now thought to be largely obsolete,⁹⁴ it is the point of reference for most Western politicians and commentators. Within it, there are undeniably anti-Jewish statements and has thus led to charges of anti-Semitism against Hamas. Khaled Hroub⁹⁵ confirms that in the early years following the inception of Hamas, little difference was made between a Jew and a Zionist. However, in recent years, he says, Hamas has clarified this and confirmed that it is vehemently anti-Zionist but not anti-Jewish/Semitic as religiously, Hamas cannot be anti-Jewish.⁹⁶

Hamas' popularity has always been imbedded in its

social contribution to Palestinian society, especially as these services were provided in stark contrast to the accusations of corruption and misuse of funds being levelled against the Fatah dominant PA prior to the 2006 elections.⁹⁷

Hamas' resistance activities against Israel underwent a turning point in February 1994 after an attack on Palestinian worshippers within the Ibrahimi Mosque in Hebron, where 29 were killed.⁹⁸ Hamas' revenge was a suicide attack against Israeli civilians. Prior to this, Hamas had restricted its resistance activities to targeting Israeli military objects despite the number of Palestinian civilians being killed by Israel.

The suicide attacks are used by Hamas in what it calls retaliatory missions. However, it is for these same acts that Israel and its allies call it a terrorist organisation.

Since then, Hamas attempted on numerous occasions to negotiate a truce with Israel whereby both sides agreed that civilians would not be targeted. Discussions were rejected by Israel on the basis that it would not negotiate with 'terrorists'. Hamas has continued to support such attacks in response to the killing of Palestinian civilians. While deaths on both sides are equally appalling and neither should be belittled, the death toll on the Palestinian side during the intifada was four times greater.

The suicide attacks against Israelis have been the main reason flagged by the US and the EU for isolating Hamas internationally and proscribing it as a terrorist organisation. Palestinians, who have been denied the right to legitimately defend themselves through the development of a traditional army and conventional weapons, which Israel uses against them with impunity, argue that they are using the last possible weapon available to them. The deliberate targeting of civilians is a crime under international law, and while Hamas is being penalised on the International stage for its attacks, this same treatment is not being enforced

against Israel, who has been responsible for a far greater number of Palestinian civilian deaths and has been carrying out such attacks for a longer period of time.

60 Years of Catastrophe



6. Israel and International Law

Since Israel's admittance to the UN in 1949, it has been the subject of dozens of UN Resolutions relating to its treatment of the Palestinian people. Many of these have reinforced Israel's obligations towards the Palestinians under international law, especially since 1967.

Israel called the 1947/48 war a War of Independence. For the Palestinians, they were 'conquerors'⁹⁹ who stole their homeland. Over the past 60 years, prominent Israelis and pro-Israelis have made a number of assumptions about its position and responsibilities under International law. Elliot Green,¹⁰⁰ in an article which appears on former Israeli Prime Minister Binyamin Netanyahu's web-site, refutes that there are any Palestinian occupied territories on the grounds that in the 1920 post-WWI peace conference in San Remo, the "Principle Allied Powers, acting on behalf of the international community, recognised all the land between the Jordan and the Sea, including Jerusalem, as part of the Jewish National Home, based on the Jewish People's historic rights."¹⁰¹ Thus, he argues, the occupied territories were always a part of Israel and they have merely been recaptured.

Israel has also argued that post 1967, it has not been occupying territory as far as the Forth Geneva Convention is concerned because the provisions of that convention require the land to be the sovereign territory of a High Contracting Party prior to the occupation; and as Jordan and Egypt controlled the West Bank and Gaza Strip respectively without sovereign rights, the areas failed to qualify. Thus, purportedly, Israel is not an occupying power and is not bound by the provisions of the Geneva Convention where its actions in the West Bank and Gaza Strip are concerned.

All of these arguments are fallacious on many grounds,

and are rejected by the UN, all non-Partisan respectable legal scholars and the entire international community. Leading international law professor Francis Boyle discussed Israel's obligations under international law and stated that "there are 149 substantive articles of the Fourth Geneva Convention that protect the rights of every one of these Palestinians living in occupied Palestine. The Israeli government is currently violating, and has since 1967 been violating, almost each and every one of these sacred rights of the Palestinian people recognised by the Fourth Geneva Convention. Indeed, violations of the Fourth Geneva Convention are war crimes."¹⁰²

Israel's obligations under the Fourth Geneva Convention which regulates belligerent occupation have also been reinforced by the UN Security Council most recently in Resolution 1322¹⁰³ which was passed with a 14-0 majority, calling on Israel as 'the Occupying Power' to "abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in a Time of War."¹⁰⁴ Further to this, the International Court of Justice (ICJ) in its Advisory Opinion on the legality of the separation wall, stated unequivocally that the Fourth Geneva Convention applies to the territories occupied by Israel.¹⁰⁵ The Court stated:

The Court notes that, according to the first paragraph of Article 2 of the Fourth Geneva Convention, when two conditions are fulfilled, namely that there exists an armed conflict (whether or not a state of war has been recognised), and that the conflict has arisen between two contracting parties, then the Convention applies, in particular, in any territory occupied in the course of the conflict by one of the contracting parties. The object of the second paragraph of Article 2, which refers to "occupation

of the territory of a High Contracting Party”, is not to restrict the scope of the application of the Convention, as defined by the first paragraph, by excluding there from territories not falling under the sovereignty of one of the contracting parties, but simply to make it clear that, even if occupation effected during the conflict met no armed resistance, the Convention is still applicable.

Professor Francis Boyle also holds the opinion that the Palestinian resistance movements are legitimate under international law. He states that “the Palestinian people are defending themselves and their Land and their Homes against Israeli war crimes and Israeli war criminals, both military and civilian.”¹⁰⁶ He holds the view that as war crimes are a precursor to Genocide, unless the international community takes steps to prevent these war crimes, “it could well degenerate into Genocide”.¹⁰⁷

6.1 Israel’s War Crimes

A War Crime can be defined as a punishable offence under international law, for violations of the laws of war by any person or persons, military or civilian. The laws that regulate wars are found primarily in the Geneva Conventions and their Additional Protocols.

The Fourth Geneva Convention is concerned with the protection of civilian persons in time of war. Article 147 lists grave breaches of the convention as including any of the following acts committed against protected persons or property:

- wilful killing;
- torture or inhumane treatment;
- wilfully causing great suffering or serious injury to body or health;
- unlawful deportation or transfer or unlawful confinement of a protected person;
- wilfully depriving a protected person of the rights of fair and regular trial; and
- extensive destruction and appropriation of

property not justified by military necessity and carried out unlawfully and wantonly.

At one time or another, Israel stood accused of committing each and every one of the acts listed above against the Palestinian people.¹⁰⁸

i. Wilful Killing

There is no complete compilation of statistics relating to the number of Palestinian deaths resulting from Israeli military fire since 1948 due to the absence in the early years of human rights monitoring organisations with access to the whole of the Palestinian territories. However, these figures are more readily available for the deaths which arose during the First and Second Intifadas and the period in between them, due to the large number of organisations which sprung up both in the occupied territories and within Israel opposing the human rights violations taking place.¹⁰⁹

Between the start of the first Intifada in 1987 and the year 2000 - 1,489 Palestinian civilians were killed,¹¹⁰ of whom 113 were killed by Israeli civilians, and the remainder by the Israeli Occupation Forces (IOF/IDF). The Israeli civilians responsible for Palestinian deaths were extremist settlers who are well documented for making the lives of Palestinians around them a living nightmare. Of those killed, 304 were children. In the same period, 94 Israelis were killed, of whom 4 were children.¹¹¹ Thus, Israel killed 15 times more Palestinians than it suffered in civilian fatalities.

From the start of the Second Intifada which began in September 2000, to the end of 2007 – 4,330 Palestinians were killed of whom 41 were killed by Israeli civilians.¹¹² Of these, 864 were children thus accounting for nearly one fifth of the deaths.¹¹³ In the same period, 1,030 Israelis were killed, of whom 325 were military personnel involved in the occupation.

Israel has been accused of wilfully killing civilians on numerous occasions following widespread reports

of unrestrained military attacks. The victims have included the very old and the very young. Israel's policy of 'targeted assassinations', which itself comes into question, has been condemned because of the number of civilian deaths it has caused. Examples of such wilful killings include the following:

Jenin Massacre: Between 3 and 11 April 2002, the Israeli occupation forces attacked Jenin, the second largest Refugee Camp in the West Bank. Following the attack, the UN Secretary-General reported:¹¹⁴ "By the time of the IDF withdrawal and the lifting of the curfew on 18 April, at least 52 Palestinians, of whom up to half may have been civilians, and 23 Israeli soldiers were dead. Many more were injured. Approximately 150 buildings had been destroyed and many others were rendered structurally unsound. Four hundred and fifty families were rendered homeless. The cost of the destruction of property is estimated at approximately \$27 million."¹¹⁵ The Secretary-General also reported that a total of 497 Palestinians were killed in the course of the IDF military incursions into Palestinian cities and refugee camps from 1 March to 7 May 2002, and during the immediate aftermath.¹¹⁶

Iman al-Hams: In October 2004, 13 year old Iman was shot dead by an Israeli army captain when she ventured near an Israeli army post. In an appalling act of wilful killing, Iman was shot 17 times at close range¹¹⁷ by the soldier, after she was initially wounded by gun-fire. The radio exchange between the soldiers at the scene reflected that Iman was killed deliberately in an act to 'confirm the kill', although it was clear to them all that she was a terrified child.¹¹⁸ After the killing, the soldier was reported to have had no regrets and said he would do the same if it were a 3 year old.¹¹⁹ In an Israeli military court a year later, he was acquitted of her murder despite the overwhelming evidence. Such decisions typify the Israeli military and judicial attitudes towards wanton killing by Israeli soldiers. No Israeli soldier has ever been charged with the murder of a Palestinian civilian despite dozens of deliberate killings.

Sheikh Salah Shahada: In July 2002, on the orders of Prime Minister Ariel Sharon, the Israeli occupation forces dropped a 1 tonne bomb on a densely populated neighbourhood in Gaza, in the 'targeted assassination' of Sheikh Salah Shahada.¹²⁰ Fifteen people were killed in this air strike, 9 of whom were children including a 2 month old baby. Despite worldwide condemnation, Ariel Sharon hailed the operation as "a great success".¹²¹

ii. Torture or Inhuman Treatment

Palestinians have faced torture and inhuman treatment at the hands of both Israeli soldiers and extremist Israeli settlers. The most severe forms of torture take place within Israeli prisons where Palestinian political prisoners are held. It should be stated at the outset that Israel is in breach of Article 49 of the Fourth Geneva Convention each time it removes Palestinians from the occupied territories and places them in Israeli prisons. Article 49 states: "Individual or mass forcible transfers, as well as deportations of protected persons from the occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."

Further to this, Article 76 states: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health."

In October 2007, reports emerged about the death of a prisoner at the Ketziot Prison in the Negev Desert after disturbance.¹²² Prison officers launched a dawn search raid of the prisoners' quarters contrary to an agreement in place between the prison authorities and the prisoners. This led to protests, which were violently repressed with the use of clubs, tear gas and rubber bullets.¹²³ Twenty nine year old Mohammad Sati

Mohammad Al-Ashkar was hit in the head with a small bag filled with pellets, which wardens are only allowed to fire at prisoners' legs. He was severely injured, however, the prison wardens kept him confined in a small room with other prisoners for 7 hours before he was taken to hospital where he died of his wounds. Nine other prisoners were seriously wounded, and such incidences are not isolated.

Palestinian child prisoners also face harsh treatment which contravene international standards, including incarceration in adult prisons where they face physical, psychological and sexual abuse.¹²⁴ There is also medical mistreatment of prisoners who face abuse:

"A 17 year old prisoner was beaten severely, passed out, then regained consciousness while being beaten by three prison police. At that point, his hands were tied behind his back and his feet bound. He was then taken to the clinic. He reported that his clothes were torn and he was bleeding from his nose and other cuts on his face. According to the affidavit, the [Israeli] physician did not examine him or treat his injuries."¹²⁵

Palestinians also face inhumane treatment on a day to day basis at checkpoints across the entire occupied territories, of which there are over 500. One of the worst atrocities committed by the Israeli occupation forces involve medical patients wishing to pass by check points to get to hospitals, who are denied passage. By the end of 2006, at least four pregnant women and 34 new born babies had died due to deliberately imposed delays at checkpoints.¹²⁶ There are dozens of other examples of Palestinians dying due to denial of passage at checkpoints. Such treatment is inhumane and has added to the intense psychological impact of this occupation on the Palestinian people.

iii. Causing Great Suffering

Palestinians have suffered a great deal since the Nakba 60 years ago. The occupation of the West Bank and Gaza

Strip perpetuated this suffering and continues to do so with every passing day. Palestinians face deliberate harsh occupation policies which de-humanise them, reducing their lives to a mere existence. Article 33 of the Fourth Geneva Convention prohibits Collective Punishment, stating that: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or terrorism are prohibited." Palestinians have faced collective punishment on a wide scale which has caused great suffering.

In 2005, John Dugard, the UN's Special Rapporteur on human rights in the Palestinian territories, reported the following:

"The system of closure is nothing new to the Palestinian people and has characterised the belligerent Israeli occupation... It is directly responsible for the humanitarian crisis in the OPT which, according to reports published by the World Bank in 2004, has resulted in 47% of Palestinians living below the poverty line and 16% of Palestinians in deep or "absolute" poverty and not being able to afford to meet their basic survival needs, despite humanitarian assistance. The situation is even more critical in the Gaza Strip where the poverty rate is at 68% and, according to UNOCHA, expected to rise."¹²⁷

Since that report, as expected, the poverty rate has increased and by mid-2007, poverty in the Gaza Strip affected 88% of the population.¹²⁸ This poverty has been the direct result of Israel's occupation policies and is causing immense suffering.

iv. Unlawful Deportation or Transfer / Unlawful Confinement

Despite it being a War Crime, between 1967 and 1992, Israel deported 1,522 Palestinians from the occupied territories.¹²⁹ Regardless of the illegality of this action, Israel also announced a possible policy of forcibly expelling the families of suicide bombers out

of the occupied territories. The commentary to the Fourth Geneva Convention which prohibits expulsions states that the 'prohibition is absolute and allows no exceptions'.

In addition to this prohibition, as stated previously, Article 33 of the Fourth Geneva Convention also prohibits punishing an individual for an offence he or she has not personally committed. Israel's policy of punishing the families of suicide bombers and of wanted 'militants' amounts to collective penalties and contravenes the provisions of the Geneva Convention. Israel uses arguments such as 'deterrence' to justify these policies. In reality, as these prohibitions are absolute, there can be no justification for breaching them.

The UN Security Council has confirmed the illegality of Israel's policy of deportation and expulsion on numerous occasions, including in Resolution 799,¹³⁰ where the Security Council strongly condemned "the action taken by Israel, the occupying Power, to deport hundreds of Palestinian civilians". Furthermore, in the same Resolution, the Security Council expressed its firm opposition to such deportations by Israel and confirmed that deportations of civilians constituted a contravention of Israel's obligations under the Fourth Geneva Convention.

Israel also employs policies which amount to unlawful confinement of Palestinians.¹³¹ Palestinians can be subjected to 'administrative detention' without charge or trial under Military Order 1226. This detention can last for six months and be renewed indefinitely by a military judge. Such detainees have no right to a hearing, and some Palestinians have been detained for years under this provision. By the end of 2007, over 740 Palestinians were being held in administrative detention.¹³²

In addition to this, Israel's general arrest procedures can be said to amount to unlawful confinement due to the wide discretion given to Israeli soldiers in making

arrests, which only require a 'reasonable suspicion' under Military Order 378. Under this Order, an arrested person can be placed in solitary confinement without access to legal representation for 8 days. Legal advice can be withheld for a total of 32 days, and the arrested person can be held for 6 months and 12 days pending investigations.

Many Palestinian families suffer greatly under these provisions, including 46 year old Walid al-Houdany whose 44 year old wife was held without charge in administrative detention for over 7 months. Many others have faced the same situation, including young women with babies to care for.¹³³

v. Depriving a Person of a Fair Trial

Article 10 of the Universal Declaration of Human Rights states that 'Everyone is entitled to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.' The arrest and detention of Palestinians in the occupied territories are governed by Israeli military regulations. "Palestinians are tried within Israeli military courts located within Israeli military centres in the OPT. These military tribunals are presided over by a panel of three judges appointed by the military, two of whom often do not have legal training or background. These tribunals rarely fall within the required international standards of fair trial."¹³⁴

By the end of 2007, Israel held over 11,000 Palestinian prisoners.¹³⁵ These prisoners face varying degrees of hardship and uncertainty about the offences they are being accused of, the duration of their imprisonment, the likelihood of a trial, access to legal representation and visits from their families, amongst other things. In addition, detention conditions do not conform to the UN Standard Minimum Rules for the Treatment of Prisoners.¹³⁶

Access to a fair trial for these Palestinian prisoners is almost impossible. The most compelling evidence used during trials is usually 'confessions' which are extracted under duress, thus rendering them completely unreliable.

Palestinian children are also deprived of the right to a fair trial and the standards employed by Israel in dealing with them contravene international norms on the treatment of child prisoners. "Israeli Military Order 132 defines a Palestinian child as a person under the age of 16 and those children over the age of 16 are sentenced as adults and imprisoned with adults. Palestinian children are subjected to the same arrest, interrogation, trial and imprisonment procedures as adults, by the Israeli State. Palestinian children, when under the arrest of Israeli soldiers, are not advised of their rights, are not given immediate access to a lawyer or contact with a parent, guardian, other adult relative or an independent support person."¹³⁷

vi. Destruction and Appropriation of Property

During the years of occupation, Israel has been responsible for the destruction of large amounts of Palestinian public and private property, and civilian infrastructure. Hospitals, schools and government buildings have all been targeted, and water, electricity and sewage works destroyed by military strikes and incursions.

Between 29 September 2000 and 15 November 2004, Israel fully demolished 4,170 Palestinian homes,¹³⁸ and partially damaged many thousands more. The reasons presented for demolishing these homes included 'Clearing Operations', homes built without a permit, and as a means to punish the families of Palestinians involved in or suspected of attacks against Israel.¹³⁹

Home demolitions as punitive measures are illegal under the Fourth Geneva Convention, yet between 1967 and 2004, Israel demolished 2,464 homes as a

punitive measure against Palestinians.¹⁴⁰ Israel applied such punitive demolitions as a policy against the Palestinians during the second Intifada. It justified this on the grounds that it fell within the exception of being "rendered absolutely necessary by military operations". However, this is rejected on the grounds that punitive house demolitions are not carried out in the context of hostilities, and they do not form manoeuvres or movements "carried out by the armed forces with a view to combat."¹⁴¹

Punitive house demolitions also constitute Collective Punishment, which is absolutely prohibited under the Fourth Geneva Convention. Israel is contravening this by punishing a group of people for the actions of individuals.

The destruction of homes has a lasting and profound impact on Palestinian families. The Israeli human rights group B'Tselem reports that almost all aspects of family life are impacted upon: "Disruption to the family unit, as some families are forced to split up and live separately; sharp decline in the standard of living, as a result of the loss of property, even after the family finds substitute housing; and feelings of dependence and instability as a result of the loss of their home, which is more than just a place to provide shelter."¹⁴² They also report that house demolitions have a substantial post-traumatic effect, primarily on children.

The appropriation of Palestinian land has been central to the Zionist ideology and forms the basis of the creation of Israel. Even Palestinian families that remained in their homes during the 1947-48 war lost their land to the state, and to this day, Bedouin villages are facing severe pressure to give up their lands or are being forcefully relocated. The Jewish National Fund (JNF) which operates in Israel has the sole purpose of acquiring land for Israel's Jewish citizens. 93% of 'nationalised' land in Israel is controlled by the JNF. Palestinians are prohibited from leasing or farming most JNF owned land.

6.2 Apartheid Practices

Israel has been condemned internationally for practising Apartheid-like policies.¹⁴³ Former United States' President, Jimmy Carter is one of the most well informed ex-US politicians on the Israel/Palestine issue. He describes the situation as "a system of Apartheid, with two peoples occupying the same land but completely separated from each other, with Israelis totally dominant and depriving Palestinians of their basic human rights."¹⁴⁴

Since 1948, Palestinians claim to have suffered denigration whether they were made refugees or remained within the borders of the newly created Israel. Within Israel, there is preferential treatment for members of the Jewish faith over the country's 1.4 million Palestinian-Arab Israelis who make up 20% of the population.¹⁴⁵ Despite this large proportion, they own just 3% of the land; 2% for residential use and 1% for agriculture.

While on the surface, all Israelis share the same rights regardless of religion, there is in reality a great deal of discrimination to contend with, including in employment and education.¹⁴⁶ There are also examples of overt discrimination such as Arab Israelis being prohibited from purchasing/leasing land in Israel that belongs to the Jewish National Fund in certain areas. To put this into context, "[I]magine the French government banning Jews from purchasing land in Paris and its vicinity. Imagine that the United States would ban Jews from purchasing land in New England.. What would you say then? Yet when it comes to Arabs we keep silent, because we have been accustomed to think that in Israel there are citizens of various ranks and not everyone is entitled to the same rights."¹⁴⁷

This has led to some unrest from Israel's Arab quarters. In 2000, Judge Theodore Or wrote: "The Arab citizens of Israel live in a reality in which they experience discrimination as Arabs. This inequality has been

documented in a large number of professional surveys and studies, has been confirmed in court judgements and government resolutions, and has also found expression in reports by the state comptroller and in other official documents. Although the Jewish majority's awareness of this discrimination is often quiet low, it plays a central role in the sensibilities and attitudes of Arab citizens. This discrimination is widely accepted, both within the Arab sector and outside it, and by official assessments, as a chief cause of agitation."¹⁴⁸

Palestinians in the occupied territories suffer more overt forms of discrimination as compared with the half a million illegal Israeli settlers living there. This includes separate roads for the use of Israeli settlers which Palestinians are prohibited from using; a system of collective punishment such as closures and checkpoints which completely restrict the freedom of movement of the Palestinian population; and preferential treatment afforded to illegal settlers over Palestinians where water supplies and other resources are concerned.

Through the building of the wall, the pre-existing policy of 'separation' was consolidated. Many have compared this to the system that was employed in South Africa during the apartheid era where Bantustans were created to keep the black African population separate from the whites. In the occupied territories, the wall keeps the Palestinians separate from the Israelis, even encircling the illegal settlements. Within these walls, the Palestinians will remain unequal, and at the mercy of Israel.

Apartheid was made illegal under international law by the UN Convention on the Suppression and Punishment of the Crime of Apartheid. Article II states:

For the purpose of the present Convention, the term 'the crime of apartheid', which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhumane acts committed for the purpose of

establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

Denial to a member or members of a racial group or groups of the right to life and liberty of person

- By murder of members of a racial group or groups;
- By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
- By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- By deliberately imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;
- By any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognised trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- By any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- By exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

- By persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

The International Criminal Court also confirmed that the crime of Apartheid constituted a Crime Against Humanity under Article 7 (1) (j) of the Rome Statute.

Israel has been accused of practising Apartheid policies by many individuals including South African Archbishop Desmond Tutu who visited the occupied territories and stated that "the humiliation of the Palestinians at checkpoints and roadblocks" was like the suffering of the black South Africans "when young white police officers prevented us from moving about."¹⁴⁹ Israel's policies with Palestinians both within its own borders and in the occupied territories have breached numerous provisions of the anti-Apartheid laws.

i. Citizenship Laws

Israel employs citizenship laws which are overtly racist in nature. Israeli law does not recognise an 'Israeli' nationality, but rather expects each person to register a 'nationality' as Jewish or Arab, or any other. Due to this, identity cards make it easy to distinguish Jewish Israelis from non-Jews, facilitating discrimination.

Israel also employs discriminatory practices against Arab citizens who live in 'unrecognised' villages in Israel. One example is the village of Dar El-Hanoun which has existed since 1920 and which Israel refuses to recognise as a legal dwelling place.¹⁵⁰ The villagers are all Israeli citizens, but the state provides them with no public services which mean no paved roads, no electricity, no sanitation, no health services and no educational services. At the same time, the state of Israel is building new settlements for its Jewish citizens in the surrounding areas. This is the case for numerous other Arab villages dotted around the deserts.

While the Law of Return allows any Jewish person from

anywhere in the world to migrate to Israel and gain full citizenship status; Palestinians continue to be denied the right of return as recognised and supported by international law.

Another example of preferential treatment for Jewish citizens includes the Israel Lands Administration decided in 2003 to award a 90% discount in leasing lands to ex-Israeli soldiers. They applied this discount specifically to listed towns and villages in the Galilee and Nagev as a mechanism by which to draw Jewish people into areas with high Palestinian populations.

ii. Family Unification

Palestinians who remained in their homes when Israel was created gained Israeli citizenship. As stated, they suffered inequality in treatment and discrimination which has persisted to this day. They are treated as suspect citizens by Israel and suffer immense prejudice as a result. Palestinians living in Israel who can trace back their ancestry in Palestine for generations are no longer allowed to bring their families into Israel as there is no right of family re-unification. Therefore, any Palestinian in Israel who marries a Palestinian from the occupied territories is not able to live with their spouse within Israel.

This same principle is also applied to Palestinians living in East Jerusalem.¹⁵¹ As a result, Palestinians are restricted from who they can marry based on whether or not that person holds the right Jerusalem ID card in order to avoid family unification problems.

Palestinians in the occupied territories are also being faced with increasing hardship where family unification is concerned.¹⁵² Since 1967 in particular, Israel has put in place increasingly restrictive measures on Palestinians which have prevented thousands of families from being together. In 1967, 140,000 family unification requests were made and only 45-50,000 of these were granted.¹⁵³ Approval was denied to all males between

the ages of 16-60.¹⁵⁴

From 1973, most applications were denied using criteria which were kept secret from the Palestinians. Between 1973 and 1983, only 1,000 applications per year on average were granted. Following 1983, a new procedure was put in place which took years to complete and during the time the application was being processed, the applicants were not permitted to visit their families in the place where they wished to relocate to. This made it impossible for many families to even make the applications as they did not wish to be separated from their families for so long and instead applied just for visitors' permits for short periods of time.

From 1993, a new quota system was introduced and Israel only processed 2,000 requests a year. It is unclear how many of these were granted, but in light of the fact that thousands were waiting for unification with their families, it was totally inadequate. In 1999 and 2000, the quota was raised to 3,000 and 4,000 respectively. Then in September 2000, all reunification requests were frozen.

On 31 July 2003, the Israeli parliament passed the Citizenship and Entry into Israel Law¹⁵⁵ which barred family unification in Israel for Arab-Israelis who married Palestinians from the occupied territories. This was a one year order, which, as expected, has been repeatedly renewed and is still in force today.¹⁵⁶ Amnesty International stated that this law explicitly discriminates against Palestinians from the West Bank and Gaza and implicitly discriminates against Palestinian citizens of Israel who constitute 20% of the population.¹⁵⁷ Amnesty International also pointed out that the law would especially affect the Palestinian residents of Jerusalem who usually marry Palestinians from the occupied territories. The UN Human Rights Committee called on Israel in 2003 to revoke the law and to reconsider its policy with a view to facilitating family unification for all of its citizens and permanent residents.¹⁵⁸

Israel failed to do so citing, as always, security reasons. This law has not gone unchallenged in the Israeli courts, however, it was upheld in the Israeli High Court in a 2006 decision. Chief Justice Aharon Barak dissented and argued in the minority judgement that "the appropriate goal of increasing security is not justifying [the] severe harm to many thousands of [Arab] Israeli citizens."¹⁵⁹

iii. Collective Punishments

Palestinians are restricted from exercising many freedoms under Israeli occupation due to policies which have been described as illegal collective punishment. These include: over 500 checkpoints severely restricting freedom of movement; the demolition of hundreds of houses leaving thousands of Palestinians homeless; curfews which prohibit free movement for long periods of the day and night; closures of entire towns and villages restricting access to neighbouring areas, schools, medical facilities etc, and military incursions within Palestinian population centres causing death, injury and material destruction.

Palestinians in the occupied territories are forced to carry identity cards which are used by the occupation forces to limit their movement. Different cards are issued for residents of different areas; residents of East Jerusalem (and the pre-1967 Israel borders) carry blue cards and residents of the West Bank carry green cards. Areas such as the Jordan valley are strictly only accessible to residents from the area. Residents from the West Bank are rarely given access to East Jerusalem and passage from the West Bank to Gaza and vice versa are, for all intents and purposes, impossible via Israel.

Even passage from town to town within the West Bank is extremely difficult. Families who live mere kilometres away from each other are only able to visit each other a few times a year as they rely almost entirely on the good will of Israeli soldiers to allow them passage via checkpoints, and permission is rarely granted between

certain towns and villages. Checkpoints allow the military to impose closures on the territories, and when closures are enforced, Palestinians are unable to move from the area they live to any other place, whether it is for school, health, work or any other purpose.

Checkpoints are a collective punishment on the Palestinian people. By the end of 2006, 528 permanent checkpoints were recorded across the West Bank.¹⁶⁰ In addition to this, there are 524 'flying checkpoints' which are temporary and constantly moving.¹⁶¹ This situation has persisted and despite Israeli promises to tear down checkpoints, the number existing since 2000 has only increased.¹⁶² The UN Office for the Coordination of Humanitarian Affairs (OCHA) stated that: "movement within, and in and out of, the West Bank is controlled by numerous checkpoints, roadblocks, earth-mounds and gates. These physical obstacles [manned and unmanned]... restrict the movement of around 2.4 million Palestinians."¹⁶³

Entry and exit into Bethlehem is now restricted to 'terminals' consisting of a maze of rotating metal doors, corridors and loudspeakers giving orders. Comparisons have been made between these terminals and the entry and exit into prisons. Such security around this small town is unnecessary, and has had a seismic impact on the population of the town. Bethlehem relies on tourists to keep its economy afloat. However, due to the strict checks imposed by the Israeli forces for those wishing to enter, many tourist agencies no longer make the trip. As a result, the streets of this once flourishing town are now silent and empty, even at Christmas and Easter times.

The open land around Bethlehem was once a beautiful and serene site. However, the route of the separation Wall means that this land, belonging to the Palestinians, will be annexed by Israel who will separate them from the land using the Wall. Farmers from Bethlehem, such as Abed Rabo,¹⁶⁴ will lose the land which their families have farmed for generations. Even today, Abed

struggles to reach his land and cultivate it in peace. He reports being terrorised by Israeli forces for years as they want him to leave his land. However, his patience persevered and they eventually gave up physical assaults, although they found other ways to pressure him, including blocking the roads which give access to the land.¹⁶⁵

Israel's separation wall has also led to greater isolation of Palestinians in the West bank and its impact has been devastating on many communities. In Jerusalem, the Wall has cut off Palestinian neighbourhoods from the rest of the West Bank, and there is absolutely no freedom of movement between the two areas. In urban areas, the Wall is an 8 metre tall cement structure and in rural areas, it is made of wire fences, surveillance roads, ditches, cameras, and fine sand. Most devastating of all to the Palestinians living around the Wall is the huge amount of their land which was confiscated by the Israeli forces, without compensation, to pave the way for the Wall. Palestinians will lose control of their land on the Israeli side of the wall, no matter how far from the internationally recognised Green Line border it is, thus confirming to them that the wall is more about grabbing West Bank land than about Israel's security.

Within the West Bank itself, there are numerous Jewish/settler-only roads which carve up the territory into Bantustans. Where the roads cross over Palestinian roads, Palestinians are often subjected to hours of delays as their roads are closed to allow a few settlers to pass unimpeded.

Not all Israeli soldiers are complicit in the crimes of the state. There is a growing movement of 'refuseniks' who are Israeli soldiers refusing to serve in the occupied territories.¹⁶⁶ Over 1,000 soldiers have refused to serve as they see the occupation as endangering the state of Israel. Some of these soldiers have faced imprisonment due to their stance, but have not compromised their position of conscience.

iv. House Demolitions

As discussed in **6.1 (vi)** above, house demolitions are another form of punishment employed by the state of Israel against the Palestinians, and implementation of this policy reflects a system of apartheid. This measure is undertaken against Palestinians living both within the borders of Israel and those in the occupied territories. Between 2000 and 2007 alone, 74,000 Palestinian homes were either fully or partially demolished by Israel. There is a significant disparity between the demolition orders issued against Palestinians and against Israeli Jews, both in terms of numbers and enforcement.

The land allocation by Israel is 8 times greater per Jewish person than it is for a Palestinian citizen. The 1.4 million Palestinians living within the pre-1967 borders of Israel are subjected to huge overcrowding as they are forced to live on the same lands on which 160,000 people lived in 1948. Very few steps have been taken to cater for the growing Palestinian-Israeli population by the state of Israel. Palestinian Israeli towns do not receive the same amount of public resources and are not allocated the same services. However, Palestinians are expected to pay the same taxes.

Palestinians are placed in an extremely difficult position by Israel's restrictions on planning and developing. Planning permits are rarely, if ever, granted, especially in areas like Jerusalem and the Bedouin villages in the Israeli deserts. The growth of Palestinian families means that it is essential for more houses to be built to accommodate them. Once these houses are built without permission, they are demolished even though the families living within them will certainly be left destitute. Some families have had houses demolished up to four times, but have rebuilt them on the same land as they have no other option. Palestinian activist Salim Shawamreh has had his home demolished four times in 9 years. Each time, he has rebuilt it to house his family. Every time a Palestinian home is demolished, an average of 12 people lose their home.¹⁶⁷

The situation of the Palestinians in Jerusalem is dire. Despite Jerusalem being the place of their birth and the home of their ancestors, Palestinians living here are classified as 'immigrants' with permanent residency status. However, this residency is not guaranteed, and since 1967, 7,000 Palestinians have had their residency permits revoked and been forced to leave. Palestinians in Jerusalem are required to prove that Jerusalem is the 'centre' of their lives in order to retain their residency rights. Thus, short periods of absence, even for educational reasons, can result in the revocation of their ID cards. Such practices all exemplify a system of apartheid which only affects Palestinians.

v. Education

Since 2000, the IOF have been responsible for hundreds of attacks against educational establishments. There were almost 300 incidents of schools being shelled; 8 out of 11 Palestinian universities were shelled, 1600 students and approximately 200 teachers were arrested, and worse of all, over a thousand Palestinian school children and students were killed. This included children such as 10 year old Ragda Adnan Al-Assar who was shot in the head by IOF gun-fire on 8 September 2004, as she sat at her desk in her classroom in a UN school building.¹⁶⁸

Within the state of Israel, the Palestinian-Israeli minority also face discrimination in education. The Israeli policies within education give preferential treatment to Israeli Jews. Non-Jewish schools are not provided with the same facilities as Jewish ones, and recently, the Akbara School in Safad which was the only Palestinian school in the area was closed by the Israeli Ministry of Education in the 2007/2008 school year. Thus, elementary school-aged children in the area are forced to travel 50km per day to and from school.

Discrimination in the education system and the nature of the curriculum is intended to promote and maintain the 'Jewish' character of Israeli institutions. However,

this obviously leads to racism against all non-Jews.

Due to this discrimination, the living standards of Palestinian-Israelis are generally much lower than their Jewish counterparts. In 2005, the National Insurance Institute found that 52% of Palestinians in Israel live below the poverty line, compared with 16% Jewish Israelis.¹⁶⁹ In addition, of those who are working, almost half of the Palestinians work in low-wage sectors such as manufacturing or construction.

vi. Prisoners

As stated in section 6.1 (v) above, Israel currently holds over 11,000 Palestinian political prisoners. This figure includes 104 women and 375 children. In addition to this, 41 Members of the Palestinian Legislative Council and 7 Ministers were imprisoned during 2006/2007.

Since the occupation of the West Bank and Gaza Strip began in 1967, over 650,000 Palestinians have been detained by Israel.¹⁷⁰ The arrests take a number of forms, including mass arrests at times of increased instability, arrests following a crime, or administrative detention, which is a renewable term of 6 months' imprisonment.

In 2001, the UN Committee Against Torture issued a report criticising Israel's detention procedures, in which it raised concerns about the apparent use of torture by Israel against Palestinian detainees.¹⁷¹ Israel's Supreme Court reached a decision in 1999¹⁷² where it stated that the use of 'moderate physical pressure' by the Israel Security Agency (ISA) was illegal. Despite this prohibition, there were still reports of torture by the security agents.

The issue of confessions as evidence is another huge failing of the Israeli system. Many convictions are based on 'confessions' which are extracted under torture or other forms of duress. One report on Palestinian child prisoners stated that: "The Military

Court (both the judiciary and the prosecution) relies heavily on the confession of a Palestinian child. In this regard, there are no rules of evidence in the Military Court. A confession is obtained by coercion during the interrogation process. A confession is the main piece of information or "evidence" used against a Palestinian child in the Military Court. A confession is, in effect, the prosecutor's case and can also be used to implicate other Palestinian child prisoners both in Court proceedings and in interrogation. The confession, regardless of how it has been obtained, forms the bases of the indictment against the child. It is what the child has to respond to in entering a guilty or not guilty plea before the Military Court."¹⁷³

vii. Water

Under the military occupation, Palestinians are also being denied access to water, even where the water sources are within the occupied West Bank. Israel has placed severe restrictions on Palestinians where drilling for water, depth of wells and irrigation are concerned, and stands guilty of diverting, depleting and controlling Palestinian water sources.¹⁷⁴ Israeli policies ensure that a great deal of the water is siphoned into Israel and the illegal settlements in the occupied territories. This has resulted in a water crisis in the area, which only affects Palestinians.

Ground water is the primary source of the Palestinians' freshwater supply. In the West Bank, the aquifer system is comprised of several rock formations that are recharged from rainfall. In years of normal rainfall, 600-650 mcm of rain per year infiltrate the soil and replenish the aquifers. The West Bank ground-water resources are classified according to flow direction into:

1. The Northeastern Aquifer system, which has an annual safe yield of 145 mcm. Israel utilizes 103 mcm per year, and limits Palestinian use to 42 mcm per year;

2. The Eastern Aquifers system, which has a safe yield of 100-150 mcm per year. It lies entirely within the West Bank and following the 1967 war; Israel expanded its control over this aquifer and began to tap it to supply illegal Israeli settlements.

Since 1982, the West Bank's water has been controlled by Israel's water company, Mekorot, and integrated into Israel's overall water network. As a result, water from the West Bank now supplies 25 - 40% of Israel's water. Israel is consuming up to 82% of the West Bank's water, while Palestinians can only use 18-20%. Palestinian water use is controlled and restricted by the Israeli government which employs a discriminatory system in allocating this resource. A 1967 military order decreed:

"No person is allowed to establish or own or administer a water institution (any construction that is used to extract either surface or subterranean water resources or a processing plant) without a new official permit. It is permissible to deny an applicant a permit, revoke or amend a license, without giving any explanation. The appropriate authorities may search and confiscate any water resources for which no permit exists, even if the owner has not been convicted."¹⁷⁵

As a result, Palestinians are rarely allowed to dig wells. In addition, Palestinian wells cannot exceed 140 meters in depth, while Israeli wells can be as deep as 800 meters.

During a drought in the 1990s, illegal settlers received a continuous supply of water throughout, largely from Palestinian sources. In contrast, millions of Palestinians suffered from an intermittent supply of water, especially during the summer months. The Bethlehem area, for example, should have received 1,200 cubic meters of water per hour, but Israel reduced this to 300 cubic meters per hour, forcing most Palestinian neighbourhoods to wait weeks for piped water. Palestinians were thus forced to purchase water on

the black market for the survival of their livelihoods – farming. Palestinians were being charged \$4 per cubic meter for water costing Israelis \$0.50-\$1.00 per cubic meter. Israeli settlers were selling water – taken from Palestinian sources – back to desperate Palestinians at a 300 % profit.

In addition, up to 300,000 Palestinians in the West Bank are not yet linked to public water distribution systems, and Israel continues to hamper the efforts of the Palestinian Water Authority to provide them with this essential service.¹⁷⁶

6.3 Israel's Human Rights Record

Israel's human rights record where the occupied Palestinians are concerned has been deeply criticised by many human rights organisations.¹⁷⁷ In its 2007 Report, Amnesty International stated that "Israeli soldiers and settlers committed serious human rights abuses, including unlawful killings, against Palestinians, mostly with impunity."¹⁷⁸ Amnesty also reported that investigations and prosecutions into human rights abuses were rare and "usually only occurred when the abuses were exposed by human rights organisations and the media."¹⁷⁹

Despite the largely pro-Israeli attitude of the government of the United States, it reported similar findings to Amnesty International in its County Reports on Human Rights Practices 2000.¹⁸⁰

Amongst other things, the report stated: "Israeli security forces sometimes exceeded their rules of engagement, which provide that live fire is only to be used when the lives of soldiers, police, or civilians are in imminent danger. ... Israeli security forces abused Palestinians in detention suspected of security offences. ... Israeli security forces sometimes impeded the provision of medical assistance to Palestinian civilians. Israeli security forces destroyed Palestinian-owned agricultural land. Israeli authorities censored

Palestinian publications, placed limits on freedom of assembly and restricted freedom of movement for Palestinians."¹⁸¹

The report lists a number of abuses of human rights, committed by the Israeli occupation forces and the illegal settlers who in some parts of the West Bank, most notably in Hebron, make life a complete misery for the Palestinians in the area.

i. United Nations' Resolutions

The UN has passed over 80 Security Council Resolutions and 600 General Assembly Resolutions concerning Israel. At least half of these Resolutions criticise Israel for its behaviour towards the Palestinians or its neighbouring states. For example, between 1946 and 1989, the UN passed a total of 175 Resolutions concerning Israel.¹⁸² 74 of these were perceived to be neutral; 4 against the interests of an 'Arab' state or body; and 97 were opposed to Israeli policies.¹⁸³

The United States has faced heavy criticism for its repeated use of its veto within the Security Council in support of Israel.¹⁸⁴ It first used its veto to shield Israel on 10 September 1972, and since then the US has extinguished many Security Council Resolutions by veto, including condemning an Israeli soldier who shot 11 Muslim worshippers within the Al-Aqsa Sanctuary in 1982; calling on Israel to stop violating Palestinian human rights in the occupied territories and to abide by the Fourth Geneva Convention in 1988; and condemning Israel's shooting of civilians in 1988.

Below is a selected list of Security Council Resolutions which have been passed concerning Israel:

- Resolution 194**, 11 December 1948: Right of Return.
- Resolution 89**, 17 November 1950: regarding Armistice in 1948 Arab-Israeli War and "transfer of persons".
- Resolution 106**, 29 March 1955: condemned Israel for Gaza raid.

Resolution 111, 19 January 1956: condemned Israel for raid on Syria that killed fifty-six people.

Resolution 162, 11 April 1961: urged Israel to comply with UN decisions.

Resolution 228, 9 April 1962: censured Israel for its attack on Samu in the West Bank.

Resolution 237, 14 June 1967: urged Israel to allow the return of new 1967 Palestinian refugees.

Resolution 242, 22 November 1967: Required termination of all claims or states of belligerency and respect for and acknowledgement of, the sovereignty, territorial integrity and political independence of every State in the area. Interpreted commonly today as calling for the Land for Peace principle as a way to resolve the conflict.

Resolution 248, 24 March 1968: condemned Israel for its massive attack on Karameh in Jordan.

Resolution 252, 21 May 1968: declared invalid Israel's acts to unify Jerusalem as the Jewish capital.

Resolution 444, 19 January 1979: deplored Israel's lack of cooperation with UN peacekeeping forces.

Resolution 446, 22 March 1979: determined that Israeli settlements are a 'serious obstruction' to peace and called on Israel to abide by the Fourth Geneva Convention.

Resolution 452, 20 July 1979: called on Israel to cease building settlements in occupied territories.

Resolution 471, 5 June 1980: expressed deep concern at Israel's failure to abide by the Fourth Geneva Convention.

Resolution 592, 8 December 1986: strongly deplored the killing of Palestinian students at Bir Zeit University by Israeli troops.

Resolution 605, 22 December 1987: strongly deplored Israel's policies and practices denying the human rights of Palestinians.

Resolution 641, 30 August 1989: deplored Israel's continuing deportation of Palestinians.

Resolution 672, 12 October 1990: condemned Israel for violence against Palestinians at the Haram al-Sharif/ Temple Mount.

ii. Human Rights' Groups Denounce Israeli Policies

Numerous Human Rights monitoring groups and campaigners, including Amnesty International, Human Rights Watch, Reporters without Borders and Israel based group B'Tselem have all issued statements in opposition to Israeli policies at one time or another.

On 6 March 2008, following the events in Gaza during the preceding months, several UK based human rights and development groups issued a collective stinging criticism of Israel's blockade on Gaza. The group included Save the Children, Christian Aid, Amnesty International and Care international. They issued a report (*Gaza Strip, A Humanitarian Implosion*) stating that the humanitarian situation in Gaza was at its lowest point since it became occupied 41 years ago. Further to this, they also held the view that the blockade against Gaza was Collective Punishment (prohibited by international law) and failed to deliver security to Israel.

Geoffrey Dennis from Care International UK was quoted as saying "Unless the blockade ends now, it will be impossible to pull Gaza back from the brink of this disaster and any hopes for peace in the region will be dashed."

The group identified that the blockade dramatically worsened levels of poverty and unemployment, and led to deterioration in education and health services to over 1 million Gazans. They called on Israel to comply with its obligations under international law as the occupying power in Gaza and to ensure access to food, clean water, electricity and medical care to the residents of the strip. Unfortunately, at the time of writing, Israel is still continuing its blockade.

60 Years of Catastrophe



7. 1967

Following the 1967 war between Israel and its neighbouring states, Israel assumed its occupation of the West Bank, Gaza Strip, Golan Heights, Sinai Desert and the Sheba Farms. Since that time, Israel has been accused of stealing vast amounts of Palestinian land under a number of different guises. These have included: declaring areas as closed military zones and confiscating the land, using unsubstantiated 'security reasons', declaring the land as part of 'natural reserves', confiscating land which has not been cultivated for 3 years and confiscating land which is made up of more than 50% stone. When land is confiscated, families who lose their homes and farmlands are not compensated for this loss. As a result of these policies, 46% of the West Bank is now highly inaccessible to Palestinians.

The 6 Day War began on 5 June 1967. There are many narratives available on the war, its precipitators and its consequences for the balance of power in the region.¹⁸⁵ Israel has always stated publicly that this was a war in self-defence against attacking Arab armies. Leading scholar, Noam Chomsky, challenges the assertion by some historians that all of Israel's wars were about defending Israel's very existence.¹⁸⁶ With regards to the 6 Day War in particular, he sets out statements made by leading Israeli military officials at the time which suggest that there was an aggressive element to the war.¹⁸⁷

Former Israeli Prime Minister, Menachem Begin was recorded as saying: "The Egyptian Army concentrations in the Sinai approaches do not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him."¹⁸⁸

The Israeli Chief of Staff in 1967 was General Yitzhak Rabin, who also stated: "I do not think Nasser wanted

war. The two divisions he sent into Sinai on May 14th would not have been sufficient to launch an offensive against Israel. He knew it and we knew it."¹⁸⁹ At the time, Egyptian newspapers reported that Nasser's actions were a response to information coming from the Soviet Union about an impending Israeli attack against Syria.¹⁹⁰ This soviet intelligence was unfounded.

In the first hours of the war, Israeli airstrikes were said to have destroyed almost all of the Jordanian airforce, approximately 90% of the Egyptian airforce, and about 70% of the Syrian airforce.¹⁹¹

During the war, 13,300 Arabs were killed, the majority (12,000) of whom were Egyptian. Israel suffered 779 deaths. The Jordanians and the Syrians suffered 800 and 500 deaths respectively. Israel took over 6,000 prisoners during this war, as well as beginning its occupation. Following the War, the UN passed Resolution 242 in November 1967, requiring Israel to withdraw from all of the territories it occupied during the war. Israel did not comply with this Resolution and over 40 years later remains in occupation of much of that land.

On June 25th, Israel illegally annexed East Jerusalem and called the whole of Jerusalem, East and West, its 'eternal and undivided capital'. This has been rejected by the international community who still recognises East Jerusalem as occupied territory which cannot be annexed by Israel under the provisions of the Fourth Geneva Convention.

For Israelis, the 1967 war was a momentous victory which would provide the much coveted additional land envisaged by the Zionist forefathers. For Palestinians, it represented another catastrophe, and 350,000 were made refugees, many for the second time. Many Israeli

politicians and military leaders unashamedly called for the transfer of Palestinians out of the West Bank and Gaza Strip. This included Joseph Weitz, who stated in September 1967: "...there is no way but to transfer the Arabs from here to the neighbouring countries, transfer all of them, not one village or tribe should remain."¹⁹²

An Israeli General, Uzi Narkiss also recounted to an interviewer in October 1988 that following the war, "Israeli troops on the Jordan river had killed civilian (Palestinians) trying to slip back to the West Bank."¹⁹³

Since the 1967 war, Palestinians have been fighting for both self-determination and for the right to exist as a people. They have faced numerous attacks at the hands of Israel's occupation forces and have survived decades of oppressive occupation policies. Israel states that it maintains its policy of occupation to guarantee its own security. However, ironically, it appears that in guaranteeing its security, it has stripped the Palestinians of their security and any semblance of normal life.

The New Israeli Attitude

Following the 1967 war, Israel's attitude to the world changed. Marc Ellis writes: "It is in the light of the 1967 war that the Jews articulated for the first time both the extent of Jewish suffering during the Holocaust and the significance of Jewish empowerment in Israel. Before 1967, neither was central to Jewish consciousness; the Jewish community carried on with a haunting memory of the European experience and a charitable attitude towards the fledging state. After the war, both Holocaust and Israel are seen as central points around which the boundaries of Jewish commitment are defined."¹⁹⁴

Thus, as memories of how the state of Israel was established faded, more and more Jewish people began to identify with Israel. This has given greater strength to the Israeli government who relies on Zionist

Jews around the world to lobby their governments in favour of Israel. Unfortunately, this has led to vigorous campaigns in Western capitals against any form of criticism of Israel, regardless of its actions.¹⁹⁵

Following the 1967 'victory', Israel saw itself as a "benevolent conqueror or even liberator"¹⁹⁶ and its message to the UN reflected this. This was the case especially with Jerusalem where Israelis believed they had simply taken what was already theirs.¹⁹⁷ Following the occupation of East Jerusalem, Israel adopted a two-fold plan to strengthen its hold on the city. Firstly, it started to rapidly increase the number of Jews living in East Jerusalem, and secondly they aimed to hinder the growth of the Arab population, and if need be, force them out.¹⁹⁸ As a result of this policy, life was made unbearable for Jerusalem's Palestinian citizens. Many moved out of the city, and over 40 years after the occupation began, East Jerusalem now has a higher number of Jewish residents than Palestinians (less than 200,000).

In the years following the war, there was a shift in power balance. Israel now had something to bargain with – the land it occupied during the 6 Day War. The issue moved from being about the existence of Israel, to the need for the Arab states and the Palestinians to regain their land.¹⁹⁹ Israel used this to demand recognition and to propose the idea of land for peace. However, one piece of land was never put on the table for negotiation, and that was Jerusalem.

Another major change was in economic terms, as Israel integrated the economies of the West Bank and Gaza Strip into its own. While this did provide more jobs for the Palestinians initially, their economy became very much a colonial-style dependent one. This had catastrophic consequences when Israel began its policies of closure and isolation of the West Bank and Gaza Strip. The economies of these two areas have now all but collapsed under Israeli sponsored embargoes (Gaza Strip) and intermittent

closure from the outside world (West Bank).

Israel also integrated its electricity grid with that in the West Bank and Gaza Strip, and became partially dependent on West Bank water aquifers for water.²⁰⁰ Where electricity is concerned, the events in the besieged Gaza Strip from January 2008 reflected how Israel could use this to further oppress the Palestinian people by cutting off supplies. Many human rights organisations²⁰¹ have accused Israel of denying Palestinians their basic human rights due to their actions in Gaza.

Israel also began the building of illegal settlements contrary to Article 49 of the Fourth Geneva Convention shortly after the war. These were small settlements in the Jordan valley, along the Golan Heights, and also on the edges of the Sinai Peninsula; all military in purpose. Following Israel's 1977 elections which brought the Likud Party to power, Ariel Sharon was appointed Agriculture Minister and he began the building of settlements in occupied territories in earnest. Over 40 years later, approximately half a million Israelis now occupy illegal settlements within Palestinian occupied territories.

60 Years of Catastrophe



8. The 1970s and 1980s

8.1 The Yom Kippur War, 1973

In the 6 years following the Six Day War, Egypt made many attempts to negotiate the return of the Sinai Peninsula from Israel. However, these all failed and on 6 October 1973, the Yom Kippur War began. Egypt and Syria launched an offensive to reclaim their land which was being occupied by Israel.

Israel was not prepared for such a well planned offensive and underestimated the Arab fighting forces.²⁰² It clamoured to quickly mobilise its reserve forces and with the support of the US it launched a sustained counter attack against Egypt and Syria. Saudi Arabia then got involved and led the way for an oil embargo imposed on the US. The US supporting Israel and the Soviet Union supporting the Arab states were drawn into this conflict which threatened to escalate into a nuclear conflict between the two superpowers of the time.

The military hostilities came to an end on 22 October, although some offensives continued. The UN Security Council passed Resolution 338 calling on all parties to the conflict to implement Resolution 242.²⁰³ This reduced the tension between the superpowers.

Both sides suffered heavy losses, with 6,000 Israeli deaths and approximately 8,500 Egyptian and Syrian deaths. A partial peace was achieved by US mediation between Israel and Egypt and Syria in 1974. In January, Israel agreed to withdraw from parts of Sinai and exchanged prisoners with the Egyptians. In May, Israel withdrew from the 165 square miles of Syrian land it occupied during the Yom Kippur War, and some of the Golan Heights. Following these agreements, the Arab oil embargo came to an end.

This led to the Camp David Accords between Israel and Egypt which were signed by President Anwar Sadat and Prime Minister Menachem Begin on 17 September 1978. These Accords led to the final Israel-Egypt Peace Treaty of 1979, officiated by US President Jimmy Carter. This was the first time an Arab state recognised Israel. This created a great deal of tension between Egypt and Arab states, as Egypt had failed to bring the issue of Palestinians onto the negotiating table and this was seen as a betrayal of their cause.

8.2 Israel's Invasion of Lebanon, 1978-1982

Between 1978 and 1982, Israel launched a number of offensives against Lebanon in an attempt to create a 'security belt' along Israel's northern border.²⁰⁴ Following a bus hijacking in Tel-Aviv by Palestinian commandos, resulting in the deaths of 34 Israelis and 8 Palestinians, the Israeli army was given an opportunity to invade Lebanon on 15 March 1978. This was called the Litani River Operation and 20,000 troops penetrated 10km into Lebanon, attacking PLO bases along the way. The US issued a statement calling for Israeli withdrawal from Lebanon.

The UN issued Resolution 425 calling for Israeli withdrawal and the establishment of an international peace keeping force in South Lebanon for the establishment of a buffer zone. However, in the years that followed, up to 1982, there were many cross border attacks and counter-attacks, in which Israel heavily bombed PLO enclaves in Lebanon. The PLO's retaliatory attacks resulted in the deaths of several Israeli civilians. This violence culminated into Israel invading Lebanon again in 1982. Ariel Sharon was the Commander in Chief of the Israeli Defence Force, and he planned to wipe out the PLO 'once and for all'.²⁰⁵

Israel's airstrikes were massive and targeted most of Lebanon including Beirut.²⁰⁶ The ground invasion was mounted by 200,000 Israeli soldiers. Israel's onslaught in and around Beirut forced the PLO to evacuate, and on 21 August 1982, approximately 15,000 PLO men left Lebanon. Despite this, Israel did not stop its aerial bombardment. Israeli forces were also responsible for massacres and atrocities committed in the Palestinian refugee camps of Ein al-Hilweh, Sabra and Shatilla. This was condemned by the UN as a Genocide.²⁰⁷ The IDF had more manpower and better military hardware, and came out of this war victorious. Thousands of Palestinians and Lebanese paid with their lives.



9. The First Intifada and the Oslo Peace Process

9.1 The First Intifada

As with most events concerning these two peoples, the Palestinians and the Israelis provide conflicting accounts of the events which sparked off the first Intifada. The event which many commentators point at is the killing of four Palestinians when an Israeli driven truck ploughed into a group of Palestinians. Israel described this as a traffic accident, whereas the Palestinians saw it as a deliberate act of murder.

In order to understand why this sparked the fuse for an uprising across the entire occupied territories, one needs to understand the living conditions endured by the Palestinians in the 20 years since the beginning of the occupation. The general policies in the Occupied Territories allowed Israelis, both illegal settlers and occupation forces, to make daily life a sequence of humiliation and injustice. Palestinians were murdered by soldiers and settlers without being brought to account by the Israeli courts. This included the killing of a Palestinian schoolgirl who was shot by a settler while in the school yard.²⁰⁸ The Supreme Court released the perpetrator on bail as they did not think his offence was serious enough to warrant detention, and then at the final hearing, he was given a seven month suspended sentence and acquitted of all charges except causing death by negligence. The court's reasoning was that he only intended to 'shock' the girl by firing at her, not to kill her. The judgment brought jubilation to the settlers present in the court room who began to sing and dance.²⁰⁹ For Palestinians, it fermented an immense amount of frustration and anger due to the scale of the injustice.

Similar incidences of deliberate murder of Palestinians going unpunished had scattered the testimonies of Palestinians under occupation, and continued to

do so in the 20 years following the start of the first intifada. Other injustices included, amongst other things, the demolition of Palestinian homes, arrest and detention without due cause, daily harassment and intimidation, physical assaults, and restrictions on freedom of movement within the occupied territories and internationally.²¹⁰

The first incident of Palestinian civil unrest occurred in the Jabalia refugee camp in the Gaza Strip. This unrest then spread across the Palestinian territories and many public protests took place demonstrating the deep sense of anger and frustration at the injustice suffered by Palestinians.

During the first intifada, approximately 50,000 Palestinians were imprisoned by Israel, "many held under grotesque conditions, often without trial."²¹¹ The occupation forces undertook brutalities against the civilian population which reached absolute inhumane levels. Approximately 1,095 Palestinians were killed between 1987 and 1991, and 15,000 more injured. In the same period, Palestinians killed approximately 100 Israelis in retaliation. The UN passed Security Council Resolution 605²¹² in which it reiterated Israel's obligations towards the Palestinians under the Fourth Geneva Convention and strongly deplored Israel's policies which violated the human rights of the Palestinian people. This Resolution drew particular attention to the 'opening of fire' on defenceless Palestinian civilians by the Israeli army, causing death and injury.

It was the brutality of the IDF during the uprising that drew the attention of the world to the occupation and Israel's atrocities. It was during the first Intifada that the Israeli army was given direct orders to 'break the bones' of Palestinians.²¹³ These orders came from

Defence Minister Yitzhak Rabin.²¹⁴ The result of this practice was grotesque injuries to many Palestinians, including thousands of children. The Swedish branch of Save the Children estimated that "23,600 to 29,900 children required medical treatment for their beating injuries in the first two years of the intifada", one third of whom were under the age of ten years.²¹⁵ While this violence was taking place, Israel continued to tell the international community that there were only small pockets of protestors.

Israel's response to the protestors was excessive and the international community began to criticize Israel for its disproportionate use of force. Amnesty International reportedly sent a telex to Defence Minister Yitzhak Rabin expressing concerns at the reports of "Israeli soldiers severely and often indiscriminately beating demonstrators with clubs and rifle butts." They noted that such a response to demonstrators throwing stones went "well beyond what might be considered reasonable force."²¹⁶

A peace process was initiated in order to bring the unrest and brutality of the Intifada to a halt. During the intifada, the PLO was still isolated abroad and Hamas was gaining increasing popularity. In a bid to defuse this and reign in the Intifada and the Palestinian struggle for freedom, Israel sought to negotiate with the PLO as a representative of the Palestinian people. Thus, the Oslo Peace Process was commenced and Yasser Arafat returned to the Palestinian territories as the leader of the Palestinian people.

9.2 Oslo

In September 1993, Israel and the Palestinian authority recognised each other for the first time since 1948. With an exchange of letters between PLO leader Yasser Arafat and the Israeli government, a new process of peace began.

Following the exchange of letters, on 13 September 1993, Israel and the PLO signed the Declaration of Principles which began the Oslo Peace Process. The Oslo process was the first time the Israelis and Palestinians were brought together for face-to-face negotiations.²¹⁷ Under the Oslo Agreement, the West Bank and Gaza Strip were divided into areas A, B and C. Areas A constituted 17.7% of the entire territory and this was all that was under the control of the Palestinian Authority. Zones B and C which formed the majority of the land were still under Israeli control.

Israel retained authority and control over all underground resources and air space. Thus, there was no real end to the occupation after Oslo, only a shift in its nature. Another great shortcoming of Oslo was that it only applied to the Palestinians who were the original inhabitants of Gaza and the West Bank, to the exclusion of all other Palestinian descendants from refugees of 1948/1967.²¹⁸

Sara Roy²¹⁹ confirms that Oslo changed nothing for the Palestinians, stating: "In fact, a key feature of the Oslo period was Israel's unchallenged and strengthened domination of Palestinian life, which was a direct outcome of the peace agreements. ...The peace process produced greater hardship for Palestinians (despite the removal of certain economic restrictions and transient periods of improvement), introducing new dynamics such as closure, territorial fragmentation, the dissection of the Palestinian community into isolated and disconnected enclaves, and the establishment of a non-democratic governing authority that led to a marked deterioration in the economic and political conditions."²²⁰

The signing of the Oslo Accords was presided over by US President Bill Clinton, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat. This marked the official end of the First Intifada, 6 years after it had begun.



Figure 1: Map of Palestinian territories post-Oslo.

9.3 The First Suicide Bomb Attack – 46 Years after the Nakba

On 25 February 1994, during the Muslim holy month of Ramadan, extremist Israeli settler Baruch Goldstein massacred 29 Palestinians at the al-Khalil/Ebrahimi Mosque in Hebron. In response to this, on 6 April 1994, Hamas launched a suicide attack in Afula which killed 9 Israelis and was in specific retaliation for the Hebron killings. This began the cycle of violence with Israel targeting Palestinians, and Palestinians responding with suicide bombings.

Israel's response to these suicide attacks has been to ostracise the groups responsible as 'terrorist' organisations. Israel's arguments about its security are now largely to do with combating suicide attacks which claim the lives of its civilians. However, some commentators who have investigated the suicide attacks have found that almost each attack was a Palestinian response to the killing of civilians or leaders in the occupied territories.²²¹ Professor Steve Niva suggests that Israeli political leaders were not surprised by suicide attacks as they were well aware of when they would occur – in almost all instances after a targeted assassination of a Palestinian Leader. "It would be extremely difficult to imagine they [Ariel Sharon and Minister of Defense Shaul Mofaz] were unaware that since the first Palestinian suicide bombing inside Israel on April 6, 1994 ... many Israeli assassinations of militant commanders have been followed by suicide bombings."²²² While Professor Niva also condemns the Palestinians for their 'myopic preoccupation with revenge', he also suggests that Ariel Sharon in particular may have taken the steps of targeted assassinations simply to exact a violent confrontation from the Palestinians, thus one assumes, confirming to the world that they are 'terrorists'.

The killing of civilians on both sides of this conflict is to be condemned in the strongest possible terms. It

should be pointed out that Palestinian suicide attacks began 46 long years after the Nakba occurred, and were retaliatory actions. This terrorism is a direct response to Israeli state sponsored terrorism and both of these need to be tackled by the international community in a fair, just and balanced way. As it stands, Israel has convinced the world about Palestinian terrorism, but Palestinians have not succeeded in convincing the world about Israel's state sponsored terrorism, despite the hugely disproportionate number of Palestinian victims.

10. The Second Intifada

The Second Intifada, much like the first, had a spark, but the underlying reason was again years of built up frustration and anger at Israeli injustices continually perpetrated against the Palestinian people and the failure of Oslo to bring any tangible relief. It finally materialised that under the Oslo agreement, Israel could continue to dictate terms that completely undermined the Palestinian national aspirations and rights under international law: "A united Jerusalem would be the eternal capital of Israel, the Jordan valley would be forever controlled by Israel as a security asset, most of the Jewish settlements would stay and remain under Israeli sovereignty, and Israel would accept no moral, political or historical responsibility for the Palestinian refugees."²²³ Thus, Palestinians would never regain all of the land that is theirs; they would be denied the right of return of refugees enshrined in international law; they would have no rights over the holy city of Jerusalem; they would not have contiguous territories; they would never have a national army; and they would never have full control of their own borders.

The frustrations finally boiled over on 28 September 2000, when then Israeli opposition leader Ariel Sharon stormed into the Holy al-Aqsa Sanctuary, flanked by hundreds of armed Israeli riot police and a Likud Party delegation, in a visit that was "clearly intended to underline the Jewish claim to the city of Jerusalem and its holy sites."²²⁴ Israeli police and soldiers then clashed with hundreds of Palestinians who had gathered to protest against this violation of the Holy al-Aqsa Sanctuary.

The Israeli response to the protestors was the use of brutal force and live ammunition, resulting in many deaths. In the first month following the outbreak of the intifada, 141 Palestinians were killed and 5,984 were injured.²²⁵ The riots continued throughout the occupied

territories and the Israeli response was viewed by many in the international community to be disproportionate, as with the first Intifada. Again, Israel stood accused of gross human rights abuses. On the other side, Israeli civilians were killed by the resumption of suicide bombings.

A UN enquiry into the events found that in the months following the outbreak of the Intifada, "the IDF, operating behind fortifications with superior weaponry, endured not a single casualty as a result of Palestinian demonstrations and, further, their soldiers seemed to be in no life threatening danger during the course of these events,"²²⁶ yet they still killed hundreds of Palestinians. The Israeli occupation forces also increased the level of harassment and humiliation of Palestinians and responded to demonstrations and riots by employing harsh measures of collective punishment. Following the outbreak of the Intifada, everyday life in the Occupied Territories became unbearable.²²⁷

During the Second Intifada, between September 2000 and the January 2006 elections, over 4,000 Palestinians were killed by the Israeli occupation forces, of whom 759 were children, 141 were female, 25 were medical personnel and 10 were journalists.²²⁸ Thousands more were injured and over 4,500 houses were fully or partially demolished.²²⁹ Israel also imposed a system of closures across the occupied territories which prevented Palestinians from any movement from place to place, even if the need was urgent such as for medical care. B'Tselem described these closures in 2005 as follows: "The restrictions on movement that Israel has imposed on the Palestinian population in the Occupied Territories over the past five years are unprecedented in the history of the Israeli occupation in their scope, duration, and in the severity of damage that they cause to the three and a half million Palestinians who reside there. In the past, Israel has imposed either a comprehensive closure on

the Occupied Territories or a curfew on a specific town or village to restrict Palestinian freedom of movement, but never has Israel imposed restrictions as sweeping and as prolonged as those currently in place."²³⁰

Approximately 50,000 Palestinians were arrested during the Second Intifada, and many still remain imprisoned, including women and children. The economic impact of the closure policies has been huge, and when coupled with the embargo imposed on the territories from 2006 onwards, it has resulted in an almost complete collapse of the economy. In 2007, the World Bank issued a Report²³¹ which criticised Israel's closure policies and accused Israel of extending legitimate security measures in order to expand and protect illegal settlements. It pressed on Israel to ease the restrictions on the movement of Palestinians in order to allow their economy to recover. Israel has virtually ignored these criticisms, once again citing security concerns.

The end of the Palestinian Intifada was marked by the Palestinian democratic elections in 2006. However, a new and even harsher reality awaited Palestinians than what they had faced during the Second Intifada. Before this, Israel took the monumental step of removing its settlements from the Gaza Strip.



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11. The Gaza Disengagement

On 15 August 2005, Israel began what it termed a 'painful' process of 'disengaging' from the Gaza Strip. After 38 years, 17 illegal Israeli settlements were emptied of their extremist occupants, in some cases with the use of physical force by the Israeli army.²³² All of these settlers were compensated for their 'loss' and re-housed, an irony considering they were occupying Palestinian land illegally and the families whose land was confiscated for the building of these settlements were rarely given any form of compensation despite their legal rights over the land.

Israeli Prime Minister Ariel Sharon undertook this move as a unilateral measure, without negotiating the issue with the Palestinians. Many of the hard-line settlers were simply re-deployed to illegal settlements in the West Bank. For the occupants of Gaza, it meant a long awaited peace away from the misery suffered at the hands of the settlers, only to be met with an even worse form of punishment within the prison camp that Gaza soon became.

Israel maintained its full-scale sea, air, and land siege of Gaza, and effectively turned the area into an open air prison. Palestinians were still denied freedom of movement and engaging in international economic activity, and in reality, Israel has remained in occupation of the Gaza Strip according to international law. What the disengagement plan did achieve was the isolation of one Palestinian area (Gaza) from the other (West Bank) to create apartheid-like Bantustans.

While the Gazans celebrated a victory in the days of the disengagement, Palestinian activist Raji Sourani foresaw the reality of the consequences for Gaza. He wrote on 18 August 2005: "The people you see on television celebrating on the streets of Gaza will also come to realise that Israel remains in control of the land borders (including the only access point from

Gaza to the outside world), the sea (preventing fishing, pleasure boating or travel for work or holidays) and the air (ensuring that the airport runway remains bombed-out and inoperable)."²³³ In months and years since the disengagement, the Gazans have come to realise that they are imprisoned and suffer the lowest form of existence.

Even though Gaza is a coastal strip, the fishing industry has been left shattered by Israel's military restrictions imposed on Gaza's territorial waters. A report produced by the Palestinian Centre for Human Rights contained testimonies of Palestinian fishermen in Gaza and the impact of Israel's policies on them:

"There are around 3,500 professional fishermen working along the 40-kilometer coastline of the Gaza Strip. Between them, they economically support almost 40,000 people, including mechanics, fishmongers and thousands of local fishing families. But the Gaza fishing industry has been decimated, especially over the last five years, because of increasingly punitive Israeli restrictions on how far out to sea the fishermen can sail without being shot or harassed. The Interim Arrangements on the Gaza Strip and West Bank signed between Israel and the PLO in 1994-5 did not conform to international human rights standards, as they restricted the movement of Palestinian civilians, including the right of Gazan fishermen to fish off their own coastline. However, the Interim Arrangements did stipulate that Palestinian fishermen are permitted to fish up to twenty nautical miles from the Gaza coastline.

But Jamal and his colleagues claim that now they cannot fish more than 2.5 kilometers offshore without risking being shot."²³⁴

There have been many reports of Palestinian fishermen being prevented from fishing by Israeli patrol boats and soldiers who regularly harass and humiliate Palestinian fishermen, including making them remove their

clothes and swim back to shore. Israeli human rights group B'Tselem in 2007 reported incidents such as the following:

*"[I]n recent months Israel Navy crews have used a new method of humiliating and abusing the fishermen. B'Tselem has learned of many cases in which the sailors stopped fisherman off the coast, particularly opposite Rafah, forced them to go further out to sea and then ordered them, under threat of firearms, to undress and swim dozens of meters in the sea to the navy ship, despite the bitter cold. The sailors threatened to shoot anyone who did not want to jump in because he didn't know how to swim. The fishermen were ordered to swim to a rescue float that the soldiers threw into the water, but the soldiers yanked at the float just before the fishermen reached it. After being taken on board, the ship sailed to Ashdod Port. On the way, the fishermen were kept on deck in their soaked underwear, exposed to the wind and the spray of water. At the port, the fishermen were held for from fourteen to twenty-four hours, their hands cuffed and their eyes covered, and interrogated. In some cases, they were given military clothes and were offered food and a hot beverage. At the end of the interrogation, they were taken back to the ship and returned to where their boat had been anchored. The sailors then forced them to undress again and swim to their boat. In some instances, their clothes had been blown into the sea, so they had to make their way to shore in their soaked underwear."*²³⁵

Gaza has been strangled by Israeli closures and isolation. Israel's borders with the Gaza Strip was opened and closed at will, and the Rafah crossing into Egypt was controlled by 'agreement' with the Egyptian government. Worst of all, following the Hamas election victory and then its military control over Gaza, Israel further proved just how unbearable it can make life in the most densely populated strip of land in the world.



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12. The Palestinian Elections 2006

In an attempt to sideline Hamas, Israel, with the support of the US, demanded that the Palestinians hold elections, although this was an unprecedented demand upon an occupied people. On 26 January 2006, the Palestinians took part in democratic elections which were widely acclaimed for their fairness and transparency, and to the great shock of Israel and the international community, a majority Hamas-led government was elected. This surprised both Israel and Washington, as they had not expected this victory, had not foreseen it, and the polls had not predicted it.

Hamas won 76 seats and the Fatah party 43 seats of the 132 seats in the Palestinian Legislative Chamber. Those governments which had proscribed Hamas as a terrorist organisation were faced with a dilemma. Hamas was now the legitimate democratically elected government of the Palestinian people, and they had to develop a strategy to deal with them. Almost as soon as the election results were announced, Israel stated it would not deal with a Palestinian Authority which included Hamas.²³⁶ The Quartet followed suit. Within the occupied territories there were clashes between Hamas and Fatah supporters and general discontent. Hamas had a great deal to prove not only to the Palestinians who had entrusted them with power, but also to the rest of the world as a legitimate political party representing the Palestinian people's national interests. Their first obstacle was convincing the Fatah party to form a coalition government.

The response of Israel, the US, the EU and their allies, was to impose sanctions against the Hamas led government. Hamas' victory celebrations were short lived as Israel began withholding tax and customs revenues amounting to \$50 million a month. The US cut off its \$400 million a year in aid, but directed some funds through UN aid agencies for humanitarian aid, and the EU suspended its 500 million Euros a year. Further to

this, they imposed an embargo on the Palestinian people, which many commentators described as a punishment for exercising their democratic choice and electing Hamas.²³⁷ President Abbas also commented that the Palestinians "should not be punished for their democratic choice."²³⁸ Israel imposed three conditions on Hamas for the lifting of the embargo which the Quartet echoed. The conditions were:

- Recognition of the State of Israel;
- Renunciation of violence and the dismantling of 'terrorism' infrastructures; and
- Recognition of agreements and understandings between Israel and the Palestinians.

Israel used these preconditions to impose the following measures against the Palestinians:

- i. Upon the conclusion of the transitional government, no funds would be transferred from Israel to the PA;
- ii. Israel would appeal to the international community so that, upon the formation of the transitional government, the international community would refrain from all financial assistance to the PA except for humanitarian aid given directly to the Palestinian population;
- iii. Transfers of means and assistance to the Palestinian security services would be prevented;
- iv. The movement of VIPs connected to Hamas, including members of the PLC, would continue to be restricted in all areas under Israeli control;
- v. Given the heightened security risks, security checks at crossings - especially Karni and Erez - would be increased, regarding both people and goods. Activities to upgrade the Gaza Strip crossings would continue in order to enable more effective security oversight.²³⁹

The purpose of the sanctions was to make life unbearable so that Hamas' popular support would wane, fresh elections would be called and a more compliant Fatah option would be put back in power.

The initial Hamas response was to refuse to recognise Israel, because to do so would give legitimacy to Israel's occupation.²⁴⁰ Israel has never defined its borders, and therefore to recognise it would in effect mean condoning its occupation and jeopardising the Palestinian right to self determination. Azzam Tamimi states that: "Hamas leaders argued that if the Americans truly wished to see peace prevail in the region they should put pressure on Israel to end its occupation, rather than on the Palestinians, who are the victims and not the oppressors."²⁴¹

Hamas also refused to put down its arms so long as Israel was continuing its brutal occupation and killing innocent Palestinian civilians with impunity. Hamas' political leader Khaled Mashaal stated that they were entitled to resist Israeli occupation.²⁴² However, Hamas offered a long-term ceasefire under the condition that Israel returns to the internationally recognised Green Line border.

Following the imposition of the sanctions on Hamas, Israel and the US began funding Fatah security forces, in an attempt to ferment discord between the two parties.²⁴³ Soon, a wholly predictable cycle of internal violence ensued which threatened to consume the entire Palestinian society. The US also proposed the Dayton plan under which it would fund training for pro-Mahmoud Abbas 'security' forces, providing a presidential guard with additional weapons, ammunition and equipment.²⁴⁴ Some commentators accused the US and Israel of fuelling the violence by supporting Fatah and providing them with arms, especially in Gaza.

The result of the economic blockade was dire with Palestinian economic conditions severely

deteriorating. The government was left unable to pay salaries to thousands of its employees, and the public service provisions sharply decreased. As expected, this led to security chaos in the occupied territories as the living conditions were made unbearable and riots and protests broke out. After Israel and its allies had engineered this chaos, they attempted to apportion blame for it on to Hamas.

Historically, the relationship between Hamas and Fatah was one of mutual respect when Sheikh Ahmed Yassin and Yasser Arafat were at the respective helms.²⁴⁵ But since the assassination of Sheikh Yassin and the death of Yasser Arafat, this relationship has steadily deteriorated. The election results brought about violent clashes between Fatah and Hamas supporters which created further instability on the ground. Neighbouring Arab states intervened to bring an end to the civil strife. On 8 February 2007, the Mecca Accords for the formation of a Unity Government were agreed under which Fatah leader Mahmoud Abbas would remain President and Ismail Haniyah of Hamas would undertake the role of Prime Minister. Under the agreement, Hamas was to hold nine ministries in the Cabinet and Fatah was to hold six; and other factions were to hold four.

The Cabinet was agreed upon in March 2007, and the Unity Government was formed under the terms of which Hamas indirectly recognised the existence of Israel. However, Israel continued to reject the new Palestinian government and called on the international community to continue doing the same until Hamas renounced violence.²⁴⁶ The Israeli cabinet stated that "Israel expects the international community to maintain the policy it has taken over the past year of isolating the Palestinian government."²⁴⁷ Israel continued to withhold tax revenues.

Hamas continued to refuse recognition of Israel overtly, but did so indirectly when it formed the Unity Government. Hamas also longer calls for Israelis to

leave Israel, recognising that many now live there as second or third generations who know no other home. Rather, they have proposed an all inclusive society. This brings into question the Israeli claim that its existence is being threatened by groups such as Hamas. As a nuclear state, Israel does in fact have the capacity to wipe out every Arab state that surrounds it. Palestinians on the other hand have no such capacity and therefore do not in actual fact threaten the existence of Israel in the short or even arguably, long term. What they do perhaps present is a threat to Israel as a racist Jewish-only state.

The evidence presented above does support the argument made by Palestinians that they are facing annihilation. The formation of Israel in 1948 wiped 78% of Palestine off the map. Half of the remaining 22% has already been compromised. Since the inception of Israel, many high profile Israelis have spoken about their need to drive out Palestinians. For example, government officials such as Deputy Defence Minister Michael Dekel in 1987 called for the transfer of Palestinians to Jordan,²⁴⁸ Minister Yosef Shapira proposing bribing Palestinians to emigrate, and Minister Mordechai Zippori confirming there was no need to worry about the Arabs as they were slowly emptying away. In addition, Israel's expansionist policies manifested in its illegal settlement building for decades have resulted in the destruction of Palestinian homes and livelihoods in many parts of the West Bank.

The Unity Government collapsed three months after it was formed, with Fatah being pressured by the US government to cease its participation. Violence escalated in the Gaza Strip and Hamas was 'forced'²⁴⁹ to take over power there in order to avert an all out civil conflict. Between 7 and 14 June 2007, 161 Palestinians died before Hamas took over security of the Strip.²⁵⁰

At this point, the Unity Government was dissolved by President Mahmoud Abbas who then formed a new emergency cabinet placing Salam Fayyad in

the position of Prime Minister. Hamas rejected this appointment and called it a coup.²⁵¹ Many have raised questions over the legality of Abbas' new government, as an Emergency government can only operate for 30 days, and be extended for a further 30 days with the approval of two-thirds of Parliament. Until fresh elections are held, Hamas still holds the majority in parliament, and no parliamentary session has been held since June 2007. Thus, the 'emergency' cabinet continues to rule in the West Bank, while Hamas is in charge in the Gaza Strip.

Hamas, Gaza and the Israeli Isolation

The Hamas take-over of Gaza and President Abbas' response has led to a split between the two territories. President Abbas now negotiates with Israel over the West Bank. Gaza has become isolated and cut off from the international community. Israel announced that Gaza was a 'hostile entity' in September 2007. This was purportedly in response to rocket attacks from within the Gaza Strip into Israel.²⁵² The US government followed suit in labelling Hamas as a hostile entity, while promising not to abandon the Palestinians in Gaza.

Israel initially moved to cut fuel and electricity supplies to the Gaza Strip, but stated water, food and medicine would not be affected. UN Secretary General Ban Ki Moon stated that "such steps would be contrary to Israel's obligations towards the civilian population [of Gaza] under international humanitarian and human rights law."²⁵³ Despite Israel's promises, by the end of December 2007, Israel had cut all vital supplies including essential medicines to the Strip leaving it besieged. All the borders were closed and travel was completely restricted. Medical patients in urgent need of treatment no longer available in Gaza due to a cut in supplies, were prevented from crossing into Egypt or Israel, resulting in more than 90 preventable deaths by March 2008.²⁵⁴ In addition to the total siege, Israel continued military incursions in to the area causing

over 700 Palestinian deaths.

The World Health Organisation issued a statement on the health situation in Gaza on 22 January 2008,²⁵⁵ and within it stated: "Frequent electricity cuts and the limited power available to run hospital generators are of particular concern, as they disrupt the functioning of intensive care units, operating theatres, and emergency rooms. .. WHO further calls for restoration of electricity to health facilities, lifting of restrictions on the movement of medicines and essential commodities to Gaza, and for patients to have access to health care outside Gaza."²⁵⁶

Similar statements were echoed by human rights groups all over the world, but went unheeded as Israel continued its blockade and created a humanitarian catastrophe in Gaza. This situation culminated in riots at the Rafah crossing with Egypt, where Palestinians demonstrated in order for the borders to be opened so that essential life saving supplies and fuel could be purchased. The Egyptian government, in compliance with Israeli demands, refused this request and on 23 January, the border walls were bombed and torn down, and hundreds of thousands of Palestinians poured into Egypt to obtain the basic supplies denied to them by the Israeli blockade.

This relief was short lived as the borders were closed again 11 days later following negotiations between Egypt and the Palestinians, and reported Israel and US pressure. Israel began once again in earnest starving the Palestinians in Gaza of all of life's essentials, denying them their human rights and committing the war crime of Collective Punishment of a civilian population.²⁵⁷ While the Israeli cabinet considered a full scale ground invasion of Gaza to stop the firing of rockets into Israel, it received support from many sectors in Israel including Chief Rabbi Mordechai who had issued a religious edict to the Israeli Prime Minister much earlier in May 2007, stating that there was "absolutely no moral prohibition against the indiscriminate killing of civilians during a

potential massive military offensive on Gaza aimed at stopping the rocket launching."²⁵⁸

Israel's strangulation of Gaza is professed to be for one simple reason, to stop rocket attacks from Gaza against Israel. These rocket attacks have killed 10 Israelis since 2000 and represent a psychological trauma for Israelis living in and around the town of Sderot. However, when rocket attacks occur from Gaza, those responsible for them say they are in retaliation for the killing of hundreds of Palestinian civilians in Gaza by Israel.²⁵⁹ When the Palestinian death toll is compared to the number of Israeli deaths, although equally appalling, it reflects a clear disproportionate response from Israel. Now, Israel is collectively punishing 1.5 million people for these rocket attacks, and causing hundreds more deaths, and deep psychological trauma to an entire population. It is clear that while this injustice continues, so too will the rocket attacks, and until Israel begins to act responsibly and humanely towards the Gaza Strip, in line with its obligations under international law, the cycle of violence will continue.

At the time of writing (April 2008), the Gaza Strip was completely besieged once more and over 100 people were killed in a 5 day period. Calls by human rights organisations for a lifting of the embargo continue to go unheeded, and Israeli incursions kill and maim more Palestinian civilians on a daily basis. Essential supplies such as fuel were reduced to a trickle with catastrophic consequences for all aspects of daily life.

13. Conclusion

Over the past 60 years, Palestinians of all ages have been victims of Israeli violence and occupation. Those killed by bombs and bullets have included babies and the very old. Israel has been accused of responding disproportionately to Palestinian threats. For example, stone-throwing children are targeted with machine gun fire. Although these children realise the response that throwing stones may draw, they continue to do so. Hilda Reilly²⁶⁰ asked why the children dice with death in this way. The response she received was tragic: "They make a realistic assessment about what life has to offer them and decide it isn't enough to go on living."²⁶¹

An increasing number of activists, academics and Palestinians on the ground are now advocating the One State Solution to this decade's long conflict.²⁶² Israel's creation of Bantustans in the Occupied Territories means that a Palestinian state is not viable. Gaza has become a place of death and destruction. There is no normal life on this coastal strip, no supplies for schools, barely enough fuel for cooking and inadequate food supplies. The West Bank is now seeing new measures imposed for the movement of goods and people which will make it very difficult for aid agencies to provide essential supplies for the increasing number of impoverished people there. The construction of the separation Wall has imprisoned many Palestinians, especially in towns like Qalqilya which is completely surrounded and only accessible through a single checkpoint.

A One State solution would ensure that all of the citizens of Israel and Palestine are truly able to live side by side in peace, with equal rights in a democratic state. Both Israelis and Palestinians see the other as determined to destroy them, and a One State solution would ensure both peoples working together to live in harmony.

Throughout its 60-year history, Israel has prided itself

on being the only democracy in the Middle East, on par with all Western progressive democracies. Yet its actions belie a very different reality, involving occupation, discrimination, intimidation and apartheid. Well known jurists W.T. Mallison and S.V. Mallison noted in 1980: "It must be recognised that the term, 'the Jewish character' is really a euphemism for the Zionist discriminatory statutes of the State of Israel which violate the human rights provisions. The UN is under no more of a legal obligation to maintain Zionism in Israel than it is to maintain apartheid in the Republic of South Africa."²⁶³

Israel has abused the rights of the Palestinian people during the last 60 years. Yet the Israeli public are never exposed to the reality and brutality of the occupation and thus continue to see the Palestinians as a people who do not want peace and simply want to destroy Israel. The number of Palestinian civilian deaths far outstrips the number of Israeli deaths which have occurred. Palestinians on the other hand are guilty of attacking Israeli civilians in their resistance activities and this is unacceptable under international law.

If a similar cycle of death, destruction and deportation as witnessed since 1948 is to take place again over the next 60 years, there will be no Palestinians left in the Occupied Territories. There is an urgent and pressing need for the international community to act with true impartiality and pressure both sides equally in order to resolve this conflict and finally bring peace to all the people of the region.

Notes

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