CHAPTER – V

HUMAN RIGHTS VIOLATIONS IN ISRAELI OCCUPIED TERRITORIES

The primary issue of human rights which arose after 1948 war regarding Palestinians, were two fold, the status of the Palestinians expelled from their country and that of those who remained behind under Israeli rule. The Arabs who lived under Israeli rule since 1948 can be considered under general discriminatory Practices, violation of property, enforced exile or deportation and violent assaults including massacre¹. Violation of human rights Israeli Arabs are constant and pervasive feature in Israel. The Palestinians in West Bank and Gaza Strip came under Israeli occupation after the 1967 war. The war extended Israeli military rule to the Occupied areas of the West Bank and Gaza Strip. Israel’s violation of human rights of the Palestinians increased and were intensified after the war of 5 June 1967. Israel was faced with a large Arab population in the territory under its control, which was constantly challenging the occupation. Israel resorted to illegal and brutal means to spread terror, reduce opposition. Israel resorted to illegal and brutal means to spread terror, reduce opposition and force the submission of the civilian Arab population, ever through such means constituted grave violation of human rights².

The problem of human rights violations in the Occupied territory of the West Bank and Gaza Strip have been documented by Amnesty International, International Red Cross and the Israeli League for Human Rights. More recently, the US Department of States, Report on the
Human Rights Practices in the Occupied Territories has also criticized Israel for its failure to uphold internationally recognized standards of human rights. Among the violations of civil and human rights mentioned by these organizations and others are:

1. Shooting and beating of unarmed individuals.
2. Expulsion from the region without specific charges.
3. Restriction on residency rights for Palestinians who were not present in the West Bank and Gaza Strip in June 1967.
4. Suppression of Palestinian culture (e.g., the use of the word "Palestinian") display of the Palestinians flag or the wearing of its four colours are considered crimes.
5. The closure of Palestinians national institutions.
6. Collective punishment such as curfews against entire neighborhood, villages and districts.
7. Intimidation of families of individuals in whom the authorities are interested.
8. Military censorship of all publications.
9. Confiscation of land and natural resources.
10. Exploitation of labour forces in Occupied Territories.
11. Illegal settlement policies of Israel in Occupied Territories.
12. Differential taxation policies.
13. Restriction on economic activities.

Israeli practices in the Occupied territories have been repeatedly judged to be violations of UN Charter and International Convention on Human Rights and the Fourth Geneva Convention. Israel has refused to
heed these condemnations and arrogantly asserts its own convention to
the contrary. These Conventions grant the occupying power the right to
take measure to maintain its security. However, the Convention is that
military necessity can not be allowed to deprive human beings certain
elementary protection. Israel adamantly holds that these Conventions
does not apply to the Occupied Territories.

In connection with this the issue of human rights, adopted in 1948,
by the United Nation Human Rights Commission which states in Article 2
that every human being “without distinction of any kind such as race,
colour, sex, language, religion, political or other opinion, national or social
origin, property, birth or other status is entitled to all the rights and
freedoms set-forth in this declaration”. Article 5 reads“ No one shall be
subjected to torture or to crucial, in human or degrading treatment or
punishment”. Article 9 add that “no one shall be subjected to arbitrary
arrest, detention or exile”. The Fourth Geneva Convention, formulated by
nations of the world precisely to protect all people under military
occupation such as the Palestinians.

The United Nations Human Rights Commission has accused
Israel, of war crimes, in Occupied Arab Territories. The UN Commission
has also reported that the human rights violation in the Occupied
Territories represents violations of Geneva Convention of 1949 on "the
Protection of Civilians in War Time". On December 19, 1968, the UN
General Assembly established a Special Committee to Investigate Israeli
Practices Affecting the Human Rights of Population of the Occupied
Territories. The UN Commission on Human Rights on March 4, 1969
established a Special Working Group of experts to investigate allegation of violation of human rights and Fourth Geneva Convention, 1949. On Feb. 11, 1970, this group issued a report that found substantial Israeli violations of the 1949 Convention and the report was approved by the Commission on Human Rights. Israel has repeatedly refused to permit the General Assembly's Special Committed to visit the Occupied Territories to investigate the allegations made against it.

Article 55 and 56 of the United Nations charter recognize and protect individual human rights. The Human right charter provisions have been supplemented by an international bill of rights consisting of the Universal Declaration of Human rights. Human Rights Conventions carry most of provisions of the Universal Declaration of Human Rights. These are the International Convention on Civil and Political Rights, the International Convention on the Elimination of all forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide.

Israeli Violations in the Occupied Territories:

Palestinians in the Occupied Territories have enjoyed since 1967 no rights and no representative institution. There is no authority to which they can appeal, no protection which they can invoke. Their every movement and action is subjected to the arbitrary authority of Israeli Military Governor. They can be detained, imprisoned, deported without the intervention of any tribunal. Their houses and property may be destroyed, their land confiscated, their camps burned and their trees cut
down. Attempts, made by Amnesty International or by the International Red Cross, by private organization or individuals or even by the formally constituted United Nations Special Committee to Investigate Israeli Practices in the Occupied Territory have met with no co-operation from the Israeli government.

Israel use an array of harsh measures against Palestinians in the Occupied Territories such as deportation, arbitrary arrest, policy of torture, demolition of houses, settlement of Jews on Palestinian Land and denial of adequate water to Palestinians.

Deportation:

It is one of the cruelest measure by which the Israeli authorities have consistently tried to stifle political activities in the Occupied Territory. It has been employed especially against those providing leadership in their communities. The deportation are normally carried out by Israel in brutal circumstances, the victims being taken blind fold to the border and turned loose, often in very difficult country and without food or means of transport, sometimes with short fired over their heads.

There are two categories of arbitrary deportation. In the first category are political leaders active in fomenting acts of civil disobedience or encouraging terrorist action against Israeli forces. In the second category are terrorists imprisoned for a very long period whose release would entail a serious security risk.

The first category of deportation is very effective against a certain class of persons mainly the organizers of civil unrest or terrorism, many of
them professional persons who stand to lose their clientele and livelihood as a result of their deportation. Organizers of protests against the annexation of East Jerusalem and activists in petitions and strikes against changes in the educational, religious and legal system were deported\textsuperscript{12}. For instance two mayoral candidates in the April 1976 West Bank municipal elections Dr. Ahmad Hamzi and Dr. Abdul Azia were deported on charges of inciting the Palestinian population against Israeli occupation\textsuperscript{13}. In November 1979, the threat of deportation was posed against the radical mayor of Nablus, Bassam Shakr allegedly for supporting the PLO use of terrorism against innocent Israeli civilians. Massive protest including the largest demonstration in the history of West bank and the resignation of the many mayors from the West Bank and Gaza Strip as well as political considerations about the future of the autonomy plan for West Bank and Gaza Strip, led the Military Government to cancel the deportation and free the detained Shakr. Deportation was used in May 1980 against the mayors Fayd Kawasme of Hebron and Mohammed Milhem of Halhul and against the Supreme Court Muslim Judge of Hebron, Shaikh Al Tamami, accused of incitement against the state and supporting the PLO\textsuperscript{14}.

With regard to second category the persons deported were saboteurs, members of terrorist organization and persons actively engaged on behalf of the Arab Government in acts against security and public order and most had been in administrative detention prior to their deportation, for long period of time\textsuperscript{15}.

According to Julius Stone, stated that Article 45 of the Fourth Geneva Convention allows for the deportation of aliens from the territory
of a party to the conflict. According to Haim Cohen J. suggested that any deportation of citizen from his country was invoilation of customary International Law weather the deportation are arbitrary or not. But customary International law, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights does not forbid all deportation but only arbitrary deportation. The European Convention of Human rights and American Convention on Human rights also make the prohibition of deportation absolute. The prohibition and deportation of protected persons regardless of their motives contained in Article 49(1) of Fourth Geneva Convention shows that this Article forbid all kind of deportation of protected persons in Occupied Territories for whatever purpose.  

Deportation were routinely used so suppress the Intifada of Israel announced that it would resume as deterrent to Intifada violence. Israeli authorities ordered four Gaza leaders of Hamas (an Islamic Resistance Movement) deported alleging that they were Intifada field commanders who had activity incited violence. Under relevant decisions of the Israeli High Court deportation orders are subject to judicial review and in accordance with these rulings, appropriate legal petitions were filed in these cases. The High Court justice has issued a deportation order to against Gaza leader, which contravene Article 49 of Fourth Geneva Convention.  

The situation worsened further in mid December 1992, following the decision of the Government of the Israel to deport over 400 Palestinians form the Occupied Territories Clashes between Palestinians
and Israeli security forces rose significantly following the deportation. Throughout, December 1992, Israeli forces responded to civilian disturbances including the frequent and excessive use of lethal force. Following the deportation attacks by Palestinians against Israeli military personnel, settlers and civilians both inside Israel and in the Occupied Territories rose sharply.\textsuperscript{18}

**Administrative Detention Or Arbitrary Arrest And Policy Of Torture Against Palestinians:**

Administrative detention is defined as the internment of individuals by administrative proceedings i.e., not the basis of conviction and sentence by criminal proceedings, or on the basis of judicial order. A person is arrested with a view to initiating such criminal proceedings. Administrative detention is the confinement of individuals by the administrative authority according to administrative process. According to Israeli military authorities, administrative detention is not intended as a political but as a security detention. Israeli authority maintain that administrative detention is used only against persons recently and repeatedly engaged in actions threatening security and that political views and activities are not ground detention. Many individual including academics, journalists and Human Rights Workers who have not engaged in or advocated violence or other acts threatening security, have been detained. Israeli officials have confirmed that in some instances release of detainees is dependent upon the behaviour of the people in the area where the detainee lives.\textsuperscript{19}
Israeli officials state that administrative detention is used when IDF legal advisors have determined that there is sufficient evidence to detain a person and that the evidence has been corroborated. Most administrative detention orders are for a six-month period. The maximum length is 12 months and several dozen Palestinians have been detained on 1-year warrant. Each detention order is subjected to judicial security with access by court to all evidence including secret evidence and each order must be approved by the Minister of Defense. Approximately 10% of all detention were extended beyond original term. Israel denies imposing administrative detention of Palestinian for the expression of political views or non-violent activity, claiming that administrative detention is imposed only for activity that is both dangerous and serious. A detainee has right to see lawyer as soon as possible. However, in the case of security detainee, an officer may issue a written order to delay access to council for no longer than 15 days for reasons of security or the efficiency. Higher ranking officials or judges may extend this period by upto 75 more days for the same reasons. In Practices, security detainees are usually denied access to lawyer during the initial investigation for a period of 7 to 15 days. Israeli regulations permits prisoners to be held in isolation from family and from other detainees during interrogation. The Palestinian claim that Israeli authorities does not attempt to post notification within 48 hours. They asserts that families and lawyers are normally notified must later and often locate the detainee through their own efforts. The International Committee for Red Cross attempts to help by passing on to family (telephone) the information it receives from Israeli prison officials.
military judge may delay notification of arrest to immediate family members attorneys and consular officials under the law for up to 12 days. A military judge is empowered to extend this period in security cases for an unlimited period. Crucial information about the reasons for detention is almost invariably withheld by the authorities from administrative detainees and their lawyers. This seriously impaired any meaningful exercise of the right to challenge the detention.

About 25,000 Palestinians, including prisoners of conscience were arrested in connection with the Palestinian uprising. The Occupied Territories. Over 4,000 served periods in administrative detention without change or trial, several thousand other were tried by military courts. At least 45 Israeli pensioners of conscience were held most of whom were conscientious objectors to military service thousands of Palestinians were beaten while in the hands of Israeli forces or were turned or ill treated in detention centre.

For example, Prisoners of consciences held in administrative detention included Semi-al-Kilani, a writer and post detained between April and October 1991 and Faisal Husayni, a leading Palestinian figure who was released after 18 months detention. Other administrative detainees included Badrain Jaber, a teacher held under consecutive order since March 1988 and Ribhi Haddad, a laborer since March 1988 and released in November 1989. Thousands of Palestinians have been tried by military courts in the Occupied Territories. Some have received sentences of up to five years imprisonment for stone throwing and up to nine years for throwing petrol bombs. Amnesty International called for the
release of prisoners of conscience and for administrative detainees to be released unless they were given an adequate opportunity to challenge their detention. It also delivered an oral statement to the UN Commission on Human Right about human rights violation in Occupied Territories.

Torture has been routinely used by Israel against Palestinian who have been detained by security forces. It is a widely accepted fact that Palestinian Arabs have been beaten and tortured during their interrogation. Some of the victims reported that they have lost consciousness during the beating. Some of them claimed both psychological and physical torture. Some of the victims also reported that the torture included immersion in cold water, hanging by the hands and feet and various forms of sexual sadism, beating on genitals, inserting bottle into the rectum, threatening to bring females of the arrested person for public rape in the prison. In October 1990, Sha, Wan Jabarin, a humanist workers held in administrative detention said in an affidavit that he had been severely beaten and burned with cigarettes several time by a soldier while he lay on the floor in detention center in Hebron. Mahmud al-Masri died of a perforated stomach ulcer in Gaza prison in March 1990 while being interrogated by the general security services. Khalid Shaikh Ali died in the same prison in December 1991 due to internal bleeding from the abdomen.

Demolition/Sealing of Houses

It is one of the harshest violations of human rights in the Occupied Territories. The presence of the saboteur in the house or the presence of sabotage material in the house can lead to its sealing or demolition. If the
house did not belong to the terrorist it could be demolished for the owner
knowledge of the presence of the saboteur or of the sabotage material.
According to the ICRC upto 1978 1,224 houses had been demolished or
sealed up since 1967. According to US Department Reports of 1996 on
Human Rights in Occupied Territories this number had gone up to 2300.
Military authorities in the Occupied Territories may enter private
Palestinian homes and institution without warrant in pursuit of security
objectives. Israeli authorities claim that forced entry may lawfully occur
enter is resisted. Under the presently applied regulations, military
commanders may order the demolition or sealing of any house from which
they suspect a firearm has been discharged or bomb thrown or any house
situated in an area, town, villages, quarters or street whose inhabitants
have committed offenses against the regulations. Authorities asserts that
they demolish or seal only those houses Occupied by Palestinian known
to have actively participated in a murder or caused serious physical
injury. In many cased public institutions have also been sealed a
number of times for security reasons.

Article 23(g) of the Hague Regulations and Article 53 of the Fourth
Geneva Convention both permits destruction of enemy property when
absolutely required by military necessity. But these conventions forbid the
destruction of private property. The Israel action therefore has been
criticized by the UN and international community time and again but Israel
had paid little heed to international condemnation.

The Palestinian in the Occupied Territories have also been
subjected to curfew, mass identity checks, school closures and seizures,
business closures and confiscations, roundup of searches and arrest,
trade and travel restrictions, closed areas orders and action involving the families of the suspected terrorist. All these measures violate Article 33 of the Fourth Geneva Convention which prohibit collective penalties and reprisals against the populations in Occupied territory.  

**Exploitation Of Palestinian Labours from Occupied Territories:**

In the Occupied Territories, there is a surplus of unemployed or under employed labour among the Arab population. Thousands of Palestinian from labourers also works on Israeli farms where they are under paid and are generally abused. The worst case of exploitation and abuse involve Palestinian children as young as eight and ten years old who work for Israelis. All workers from Occupied Territories have to carry identity cards where they are required to show on demand. They are in Israel only as migrant workers and must returns to the Occupied Territories every night. There are estimated 30 thousand unorganized workers who gather every morning to go to work in Israeli farms. Forty percent of their wages is deducted for insurance funds, yet they are entitled to no benefits and do not receive any benefits. In shorts, in many economic respects, the workers of the Territories are a treasure for the Israeli economy.

Arab labour was largely responsible for building the Jewish settlement in and around the Jerusalem and Hebron and the wages they are paid are far below the minimum wages paid to Israeli labour. The Occupied Territories not only served as a source of cheap labour but provided Israel with markets for its goods. Since the occupation., Israel
has increased six fold its exports to the Occupied Territories making these Territories the second largest market second only to the United States. In classical colonial fashion, the economies of Occupied areas are distorted to serve Israeli interests\textsuperscript{32}. Palestinians agriculture has also been distorted to serve Israeli interests, in addition to being divested by massive land expropriation, expulsion, and displacement. Palestinian crops have been destroyed by petrol, sprayed poison on fields, thereby, destroying many acres of wheat, barley and olive groves. However, instead of opening opportunities in Israel to all Palestinians in the Occupied areas it has especially excluded skilled and professional workers. This policy is clear violation of Article 52 of the Fourth Geneva Convention\textsuperscript{33}.

**Israel's Policy of Jewish Settlement in the Occupied Territories**

Israel's occupation of the West Bank and Gaza Strip is now more than 33 years old. Since it early days, this occupation has followed a colonization policy aimed at establishing settlements and exploiting every advantage possible in the Occupied Territories\textsuperscript{34}. After the occupation of the West Bank and Gaza Strip in 1967, Israel has adopted a policy incremental annexation of Palestinian lands by establishing Jewish settlements in the Occupied Territories. The establishment of Israeli settlements in the West Bank and Gaza Strip seems to follow the long adopted Zionist policy of obtaining political ends by bringing Jewish immigration to Palestine. After the 1967 war the Israeli government have requisitioned half the area of the West Bank and Gaza Strip for numerous purposes such as military, housing, agricultural, establishing industrial plants and workshops and construction of extensive network of road\textsuperscript{35}. 
It is obvious that settlements in West Bank and Gaza Strip have political purpose in that they aim to create fait accompli which would change the demographic balance and geographical composition of the Territories in question. They would also breakup the contiguity and encircle the densely populated Arab areas situated along the West Bank watershed. The main purpose of these settlements are to solidify the option for an Israeli annexation of at least part of the West Banks. Thus the adherent of demographic security approach support the establishment of a large number of Jewish settlements that would be scattered throughout the West Bank and Gaza Strip.

Jewish settlement in the Occupied Territories began shortly after the June 1967. Since the Israeli occupation, approximately 200000 Israeli citizens have settlement in some 200 location in the West Bank and Gaza Strip. Which include both rural and urban area and expanded East Jerusalem. More than 60% of the land has been seized by Israeli authorities. Intensive build up of new urban and community settlement have taken place around Jerusalem, Hebron, Nablus, Jenin and other Palestinian cities in Jerusalem and Habron Jewish settlement were established inside the cities themselves. The settlements which are located on land purchased or confiscated from Palestine are frequently established on the tops of hills overlooking Palestinian villages. Their existence is a constant thorn in the Palestinian side. Since 1987 a succession of Israeli government had supported settlement activity in the Occupied Territories citing various security, religious and nationalistic justification. The first settlement in the West Bank outside of the East
Jerusalem were justified on the basis of a plan designed by Yigal Allon, which was intended to achieve maximum territorial increase for Israel with minimal increase in Palestinian population. In other words, Allon wanted to built settlements on and eventually annex as much of the West Bank as possible to provide "defensible borders" without having to add to the Palestinian population of Israel. The initial Israeli settlement was based on the strategy and political concept embodied in the famous Allon Plan. It was submitted tentatively in July 1967 and the plan was approved by the Israeli Cabinet in June 1968. Allon argued that the permanent borders of Israel must be defensible from a strategic point of view and had to depend on topographical obstruction to withstand modern armies. As results, these security borders had to become political borders. To achieve this end, Jewish settlement had to be created in these areas. The labour government supported this plan and called for the establishment of Kibbutzim and Moshavim in the designated areas. These early settlements were based on agriculture and light industry. By 1971, ten settlements were built and within five years, two chains of settlements were established. All of these settlements were forms and produced winter vegetables, bananas and citrus and flowers. Residents in any of these settlements could easily commute to their jobs in Jerusalem or Tel Aviv and still benefited from the generous housing subsidies provided to the settlers. Many of the rural settlements are small but nonetheless require the full component of services, roads, water, electricity, schools, health clinics. In the Occupied Territories, Jews now make up approximately 13% of the total population of the Territories. In East
Jerusalem, the Jewish population has even surpassed the Palestinian population. About one half of the land in the West Bank has been dedicated by the Israeli authorities for Israeli use, although currently Israeli settlements occupy only a fraction of this land. A land about one third of land in Gaza has been reserved for Israeli use.

Apart from the Israeli government directly building settlements, Jewish organisations have also been carrying out settlement activities with government backing. The same official Jewish settlement of Tekoa, Ofra and Qaddum, were sponsored by Gush Emunim (Faith Bloc), a Jewish religio-political organisation zealously committed to the idea of West Bank being an inseparable part of the divine ordained land of Israel. Supporters of Gush Emunim considered the settlement and eventual annexation of the entire West Bank and Gaza Strip, to be religious duty. They were in large part responsible for the dramatic increase in Jewish settlement in the Occupied Territories. It was created in early 1974 and acted as pressure groups to gain governmental approval for more settlement especially in the West Bank region of Samaria. It was made up of right-wing nationalist and ultra-orthodox religious groups and received the support of Likud party. From 1974 to 1980 it was the pioneering activities of Gush which led the way and defined the ideology in settlement activities. Dozens of new settlements were established in the central massif and Western foothills of the West Bank. This settlements were semi-Urban.

In May 1977, when Likud government under the leadership of Menanchem Begin came to power, a strong settlement movement was
under Begin embarked on a steady and energetic policy of permanent incorporation of the West Bank and Gaza Strip into Israel. The core of this policy was rapid expansion and diffusion of Jewish settlement and land acquisition

By September 1983, 106 Israeli settlements had been established in the West Bank and Gaza Strip (excluding East Jerusalem). Of these 98 were located in West Bank and the other eight were situated in Gaza. By summer 1983, there were 12,731 housing units in the Occupied Territories either Occupied, vacant or under construction. The number of families settled in West Bank by September 1983 was 6000 (275,00 people) while 200 (900 people) were living in Gaza. Jewish families tended to be scattered throughout the West Bank region while the Jewish population in Gaza was clustered in the south-west coastal line. By 1988 there were already about 140 Jewish settlement in the Occupied Territories, housing about 140,000 people and more were planned

Palestinians on small farms and in villages were being surrounded by aggressive Jewish settlers. Which made them feel harassed and intimidated. It seemed that there was an Israeli master plan to deprive them of their land and homes. At the time all Palestinian movement between the Gaza Strip and West Bank prohibited. It was hope that with the signing of the 10 allow in 1993, settlement activity would come to the west. But this has not happened. The Israeli government announced the creation of a permanent new settlement in the heart of the Hebron and expansion of two settlements in Jerusalem and Nabulus. It was also the Israeli plan to expanded the municipal boundaries of Jerusalem and
establish an umbrella authority to include a number of illegal settlements. This represents a concrete step towards the illegal annexation of more Occupied Palestinians land maintaining a specific demographic composition with the aim of furthering the process of the Judaization of the city.

Despite the restriction imposed in Oslo Accord and Popular Declaration prohibiting the parties from carrying out any activities that would alter the character of Occupied Territories settlement activity continues unabated. When Netanyahu came to power in May 1996, settlement activity assumed an overtly aggressive posture. Netanyahu earmarked half billion US Dollars for investment in settlement activity with key focus being on the East Jerusalem area and the old city. The settlement projects at Jabal Abu Ghanien and Silwan have focused international attention on Jerusalem. It is projected that the settlement at Jabal Abu Ghanien called Har Homa is intended to house nearly fifty thousands Jews. There are also plans to expand the massive settlement of Maale Adunim on the outskirts of Jerusalem. There has also been settlement activity in Yakir and Barkan all in Nablus area as well as in other places. The settlements bring with them attended infrastructure like industrial zone and bypass roads that further aggravate Palestinian losses. They are also a means of maintaining ultimate military control as they dissect and isolate Palestinian population centres.

The international law has placed certain restrictions on the action of belligerent occupying powers against civilian population under their control such as forbidding confiscation of private property. These
restrictions and others were codified in the 1949 Geneva Convention relating to the Protection of Civilian Persons in Time of War. The Article 49(6) of the Convention says that "a belligerent occupying power shall not make any changes in the laws, institution or government of territory or place civilian settlements into the territory which it occupy". In other words, land may be used by the occupying power only for military reasons and only military occupation may move in. It is on this basis that most international legal institution or scholars have condemned Israeli settlement activities.

The international community has repeatedly expressed its strong opposition to the Israeli policy of confiscation, colonizing and settling in Arab lands. The UN Security Council in 1979 adopted a Resolution 446 which determined that the Israeli policy and Practices in establishing settlements in the Occupied Territories has not legal validity and constituted a serious obstruction to achieving a just and lasting peace in the West Asia. In Venice Declaration of June 1980, the EEC countries stated that the Israeli settlements constitute a serious obstacle to the peace process in West Asia. They consider that these settlements, as well as modifications in population and property in the Occupied Territories and illegal under International law.

Israel's Water Policies in the Occupied Territories:

Israel is perpetually in a need of water resources in order to meet the ever increasing demand for water caused by the constant influx of immigrants and the establishment of new settlements. Every new
acquisition of water has been made at the expenses of the Arabs and particularly the Palestinians. This has led to further escalation of tension in the region. After taking over river waters, and exhausting all the surface water resources. Israel turned to exploiting the subterranean waters in the West Bank, claiming that she has rights to these waters, as they are important sources feeding the subterranean waters in the West Bank in order to meet the need of the settlements there. Israeli acquisition of water resources have created more difficulties for the Arab inhabitants and this has helped Israel to seize more land and water and depopulate the West Bank.

The first of the major water sources secured by the Israelis in 1967 was the water from the catchment basin of the West Bank itself. Most of the rainfall in the West Bank penetrates the soil and reaches aquifers beneath that stretch up to Israel proper. An estimated annual volume of some 200 million cubic meters of West Bank water flows into the coastal reservoir that had already begun to be exploited by the Israelis in the early 1950s. These aquifers are integral parts of an elaborate system of extraction and injection well sited along the coast between Eshkelon and Haifa. The sustained recharge of these coastal reservoirs is critically important to Israel's water balance because it permits her to withdraw the same amounts from the coastal aquifers for consumption in Israel. Seizure of the West Bank was thus, the prerequisite to ensure that this flow of Arab water would remain available for Israeli consumption. Preemption of this aquifer is in fact much more important than the more frequently discussed squabbles between Israeli settlers and Arabs.
residents over the existing wells on the West Bank. By controlling the
West Bank the Israeli military administration can guarantee that the Arab
inhabitants do not develop this indigenous water resource. The
Palestinian people thus were deprived twice of their right to the water.
First, when they were expelled from their villages and agricultural lands,
thus losing their means of livelihood and becoming refugees and
secondly, then Israel seized the Jordan River waters and banned the
irrigation of new lands in the West Bank.\textsuperscript{55}

Mekorat, the Israeli National Water authority has been responsible
for the public water supply in the West Bank and Gaza Strip since 1967.
Control of water was a key factor to the political and economic control of
the Territories during the first years of the occupation. The water rights of
the Palestinian farmers were already encroached upon by the Israeli
authorities. Israel’s political attitudes towards the political future of the
West Bank and the Gaza Strip, its rejection of the establishment of a
Palestinian state there, and its insistence on retaining them appear to be
partially attributable to the water factor in these Palestinian Territories. It
seems to be difficult for Israel to accept a political settlement in the West
Bank and the Gaza Strip that would result in its relinquishing of its control
over water resources in these Territories. Moshe Dayan has said that
Israel will continue to control the water resources in Judea and Samaria
(West Bank) which constitute the main water resources for the coastal
plain and that, the Arabs in Judea and Samaria would not get more water
than they had today.\textsuperscript{56}
Before 1967 Israel had been pumping away from the West Bank’s water supply, some 500 million cubic meters annually by means of artesian wells drilled in Israel. This constituted approximately one-third of Israel’s annual water consumption before 1967 and it constituted five sixth of the West Bank water. Israel has imposed severe restrictions on Arab inhabitants wishing to dig wells, while allowing Zionist settlers to proceed unhindered. It is noteworthy that the average water consumption of the Israeli settlers in the West Bank equals about seven times the consumption of the Arab inhabitants there. These arbitrary measures have had serious effects on the living conditions of the people under occupation.

No well can be sunk by a Palestinian in the West Bank without first obtaining a permit from the representatives of the water commissioner at the military government offices. The Israeli authorities, have been completely prohibiting Palestinian farmers from drilling of any new wells for irrigation purposes since such drilling would be carried out in the area whose aquifer Israel is exploiting through the artesian wells in Israel. Water meters have been placed by the Israeli authorities on existing Arab wells to keep a daily check in order to maintain the limitations imposed on the amount of water the Palestinian are permitted to use. According to Israel’s military order 158 of 1 October 1967; no water installation was allowed without a license from the military commander. The Israeli Area Military Commander thus has complete and absolute control over access to water throughout the occupied territories. The order also gives the Area
Military Commander the power to cancel any license or armed it or make it conditional or change any of its conditions as may be required.\textsuperscript{61}

Between 1967 and 1987 there were only five cases of Palestinians being allowed to sink new wells for drinking water.\textsuperscript{62} Not a single application for the drilling of wells for irrigation has been approved since 1967. The ban on the drilling of new wells and the increasing consumption of water by the Israeli settlements and their farms have adversely affected Palestinian water resources. Israeli’s water policy in the West Bank has a devastating effect on neighbouring Arab springs and wells. Israelis have been drilling wells in close proximity to springs and wells that existed before June 1967 and on which Palestinian towns and villages have relied on for crop irrigation and domestic consumption.\textsuperscript{63}

In 1968 when the Israeli settlement of Mehola was established near the villages of Bardalah and Tel El Bada, Mekorat advised the settlement authority that the drilling of a planned well to supply water for the settlement would adversely affect the five wells and spring used by neighbouring Arab villages. Fully aware of this report, the Israel’s dug the well. Until 1970 little effect was registered.\textsuperscript{64} In 1970 villages from Bardalah, Tel El Bada and Bardalah began reporting a decline in the output of their springs and a lowering of the water level in their wells.\textsuperscript{65} In the Gaza Strip as well as in the Jordan valley wells for Israeli settlements were dug right next to springs which Palestinian farmers used for watering their animals, irrigating their fields and obtaining their own drinking water.
In some cases, these new wells were meant exclusively for the use of the new settlements.66

Dr. Hisham Awarani, Chairman of the Department of Economics of Al-Najah National University in Nablus (1978) presented an insightful study of Israel's water policies in the West Bank. His conclusions are as follows:67

1. The total number of artesian wells in the West Bank in 331 of which 17 have been drilled by the Israel water company (Mekorot) in the Jordan Valley to serve Israeli settlements in that area.

2. Twelve Arab wells have dried up following the 1967 occupation, many others in the Jordan Valley (mostly in the northern part) are suffering a declining water level and increasing salinity.

3. The total volume of water discharged from 314 Arab wells amounted in 1977-78 to 33 million cubic meters whereas the 17 Israeli wells in the Jordan valley discharged 14.1 million cubic meters.

Water consumption of the average Palestinian family in the West Bank is estimated to be less than a quarter of that consumed by the average Israeli family. Many Arab villages rely totally on rainwater for their agriculture while Israeli farmers make extensive use of sophisticated irrigation system. Abedel Rahman Tamimi Director of the Palestinian Hydrology group, says "since 1967 Arab residents have been denied permission to drill for water while Israel has sunk dozens of mostly deep wells for settlements and for military camps. All Jewish settlements in the territories were supplied with running water. On the other hand, 51
percent of Arab villages and hamlets are deprived of such a service and are obliged to rely on rain and spring water". He further stated that "in some areas settlements had swimming pools, while Palestinian villages next door had a shortage of drinking water". There is a wise consensus that control of the territorial water resources is vital to Israel's well being. About 475 million cubic meters, i.e. one-quarter of Israel's annual water potential originates in the West Bank. According to Meir Ben Meir, the water commissioner, one quarter of the water reaching Israeli kitchens and farms originates in the West Bank. The annual potential of the West Bank aquifers is 600 million cubic meters of which Palestinian inhabitants are only allowed to use only 20 million cubic meters. Israeli takes 95.5 percent and leaves the West Bank with 4.5 percent. The inequality of the allocation of water to Jews and Arabs can be seen in the 1990 plan in which 60 million cubic meters of water were available to 30 Israeli agricultural settlements while 90 million will be available for 400 Palestinian villages.

The structure of the Palestinian agricultural sector has been shaken and many people deserted their land because of the restrictions imposed on its irrigation and utilization. Shortages of water for agriculture have led to a sharp drop in the amount of irrigated Arab West Bank land from 27 percent before 1967 to 37 percent, today Israeli settlers, on the other hand, are irrigating 70 percent of their farm land.

In sum, since 1982 Israeli national water company, Mekorat has been integrating the West Bank supplies into the Israeli network. It seems
clear that the control of these sources will not be surrendered. Therefore, it is inconceivable that Israel will willingly abandon water resources, as these are considered essential to national security.\textsuperscript{71}

In the Israeli occupied West Bank and Gaza strip the Palestinians have occasionally protested against Israel's exploitation of underground water resources to supplement supplies inside Israel proper and irrigate Jewish settlements. The Palestinians have little power to do anything but watch hundreds of their pre 1967 springs and wells gradually turned saline and then dry up while in the vicinity employees of Israeli water authorities have highly sophisticated water pumping and transport systems to irrigate the Jewish settlements in the West Bank. The situation in the Gaza Strip is even more problematic. Heavy use of ground water supplied have allowed sea-water and even sewage to seep through the system. The deterioration in the quality of water has had an effect on agriculture output in the Strip.\textsuperscript{72}

The General Assembly of the UN passed a Resolution on 19th December 1983 (Resolution No. 144) condemning Israel for her exploitation of the natural resources of the occupied territories and calling upon all states, international organizations and other institutions not to recognize or cooperate with or assist in any manner the measure undertaken by Israel to exploit these resources or to effect any changes in the structure of those territories.\textsuperscript{73}

Human Rights Violations During the Intifada
The Palestinian *Intifada* (Uprising) began in the occupied territories in December 1987. In earlier days, restless Palestinian youths had been motivated by the armed struggle but this was to be a civil movement. The *Intifada* was an explosion of frustrated energy waiting to happen after two decades of Israeli military occupation and all political efforts to improve the Palestinians' conditions are moved towards statehood had failed. Initially Israeli countered the *Intifada* demonstrations by imposing curfews and a large military presence to overawe the protestors. However, as the uprising gathered momentum resorted to using live ammunition, rubber bullets, various forms of tear gas, mass arrest, dismissal of democratically elected mayors, expulsion of scholar had teacher, closing down of colleges and universities dispersion of student demonstration with weapons and ban on cultural activities of the Palestinians. Various degree of economic punishment like ban on fuel and closure of shops etc. were also apply to force the Palestinian into submission. International telephone line, electricity and water connections were also cut down in same areas. Students faced schools closures, restricted access to higher education and minimal career opportunities, professional faced high taxes reiteration on their practices and limited job prospects in the occupied territories. Israeli authorities also closed down a number of service oriented charitable and research organization allegedly for their support of the uprising. At least thirty trade unions were closed by military order. Other unions closed their doors themselves, fearing army measures and reconing that they could mere effective on an informal level.
The Israeli occupation authorities carried out wide scale arrest, detention, raids on homes in which suspects were thought to reside and more severe forms of punishment including deportation. The other severe measure applied in the Occupied Territories by Israel was deliberate damage of property, and demolition and sealing of the individual houses. As a result of causalities large number of Palestinian were killed and thousands arrested and detained often without charge or trial. There were frequent complaints about condition of illtreatment.79

In January 1988, the Israeli Cabinet announced the imposition of Iron Fist policy in the Occupied Territories to quell the uprising. By this time their were numerous media reports of soldiers using batons of an rifles butts against demonstrators, of limbs being deliberately broken, of soldier surrounding villages or localities known to be sympathetic to the uprising and imposing collective punishment prolonged curfews being the most common. The curfews affected the socioeconomic condition of Occupied Territories. The education of youths suffered in the Occupied Territories as a result of curfew, strike and closure order relating to the Intifada. Another forms of collective punishment was the ban on harvesting and marketing crops.80

Retaliatory measures against the Palestinians demonstrators continued including forcibly closing shops and markets preventing fuel and food from reaching offending refugee camps and with holding petrols filling stations. The Israeli military announced new measures against the Intifada, including the use of fire arms by Israeli troops even when their lives were not in immediate danger and increased use of collective
punishment, meaning the demolition or sealing of houses and the confiscation of property. Palestinian automatically refused permission to rebuild demolished houses.\textsuperscript{81}

Although Jewish rural settlements in the Occupied Territories were protected by the army, some produced band of vigilantes, that not only mounted protective patrols but occasionally took retribution into their own hands by raiding Palestinian villages and farms.

Confrontation continued between gangs of Israeli settlers and Palestinian leading to reprisal raids on building and crops. Israeli settlers occasionally came into conflict with their own security forces, and some times barricaded their settlements against them. On one occasion 11 March 1988, a Jewish group from Kiryat Arba swarmed into nearby Hebron, damaging homes and cars. The Army had to be brought into to evict from the city. The culprits were members of Gush Emunim, a radical Jewish organization whose policy was to evict all Palestinians from Eretz Israel, and their excuse was that it had been a pre-emptive action to prevent Palestinians from marching on the local synagogue.\textsuperscript{82}

\textbf{Palestinian Authority (PA) and Human Rights}

Israel and the Palestinian Authority have consistently violated human rights in the name of security since they signed their first peace agreement in 1993. The human rights situation in the area of West Bank and Gaza Strip that were under Palestinian self rule deteriorated steadily. Intolerant of internal opposition to its policies and under intense pressure from Israel and the United States to "combat terrorism", the PA conducted
mass and often arbitrary arrests of suspected militants and opponents of the peace process.83

The PA has been responsible for internal security in much of Gaza and Jericho, following the 4 May 1994, signing of the Gaza-Jericho agreement by the government of Israel and Palestine Liberation Organization (PLO). The PA now rules over 60% of the West Bank and Gaza population. By strictly limiting the boundaries of PA power, the 'Oslo Accords' have denied the PA those powers (e.g., sovereignty) to mobilize people around a state building projects by maintaining effective control of the economy and pursuing unrestricted access to international market. Yet, the PA has been given all the power and resources needed to physically punish its people.84

The number of security agencies which appeared accountable to no one but Palestinian Authority President Yasir Arafat, encouraged abusive conduct. The security forces routinely beat and dispersed demonstrator demanding the release from Palestinian custody of uncharged detainees. Palestinian Security forces raided the camps of an-Najah University in Nebulous where students were protesting the large scale arrests by both the PA and Israel. Security forces fired their weapons in the air, beat students with clubs and used tear gas against the student.85

Beginning in August 1994, the Palestinian Security forces have frequently conducted dragnets that have swept up hundreds of Palestinians at a time. Most commonly these sweeps have followed
deadly attacks against Israeli military or civilians and consequently pressure from Israel and United States on the PA to crackdown on groups openly hostile to the Oslo Agreements, particularly, the Islamic Resistance Movements (Hamas) and the Palestinian Islamic Jihad. In dozens of cases, the Palestinian Authority has detained persons at the specific insistence of the Israeli authorities. They have been detained in most instances, because of their non-violent opposition to the agreement negotiated between the Israeli and PA or on the basis of their affiliation or suspected affiliation with non military branches of Islamist organizations. There have been a systematic failure to bring detainees before a judge with forty eight hours required by the criminal procedures law in effect in Gaza and the West Bank and to provide prompt access to legal counsel.86

The Palestinian Authority’s security forces arrested more than 1200 people on security ground including prisoners of consciences. Those detained included over 900 people arrested after the suicide bombing in Israel in February March 1997, by Palestinian groups opposed to the peace process with Israel which resulted in 63 deaths.87 Detainees were rarely charged with any offence or brought before a judge within a legal limits laid down by Palestinian law. Among the prisoners of consciences arrested during the year were human rights activists. Bassem Eid, a field workers of Israeli Human Rights Organization. Dr. Iyad-al-Samraj Commissioner General of Palestinian Independent Commission for Citizens Rights was detained for making statement critical of the Palestinian Authority. He was held in Gaza Central Prison and charged with possession of drugs. Mohammad Dahman, Director of al-Damir a
Human Rights Organization was detained for 15 days, charged with incitements by spreading false information after the organisation issued a communiqué suggesting that a detainee had died as a result of torture. At least 20 political detainees received unfair trial before the State Security Court. Trails were often summary and there was no right of appeal.

Although, there was no formal censorship of Palestinians newspapers the PA has imposed increasing restriction on right of free expression. There have been a numerous detention of Journalists usually for brief periods as also threat violence against reporters, editors, and publishers. The PA has sent clear warning against criticism when its forces detained Al-Quds (Jerusalem) editor Maher Alami, who had refused PA ordered to publish an article critical about President Arafat. The PA has been responsible for a number of arbitrary and repressive measures. There have been several incident of lawless behaviour on the part of its security forces and distributing absence of serous efforts to uncover abuse and to hold accountable those responsible.
References and Notes


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