



Fact Finding Mission to Israel, East Jerusalem and the West Bank

23 - 29 May 2010

Findings and conclusions

I. Introduction

From the 23rd till the 29th of May, a delegation of members of the board and the advisory board of *The Rights Forum* visited Israel, East Jerusalem and the West Bank. Chairman Dries van Agt (CDA), board member Jaap Hamburger, board member Jules Hosman (VVD) and members of the advisory board Laurens Jan Brinkhorst (D66), Wim van Eekelen (VVD), Tineke Lodders (CDA), Bert de Vries (CDA) and Liesbeth Zegveld took part in this journey. The director of *The Rights Forum*, Martin Siepermann, also joined the delegation.

The purpose of the mission was to gather information on developments in the peace process and the human rights situation. In this context, the delegation met with Israeli and Palestinian human rights organizations and visited places where severe violations of international law are being committed. In addition, the delegation received presentations from the UN organization OCHA and a leading Israeli human rights lawyer and met with Avraham Burg, former chairman of the Knesset, the Jewish Agency and the World Zionist Organisation.

II. Meetings

Furthermore, the delegation had meetings with the highest diplomatic representatives on site of the Netherlands, the European Union and the United Nations. The delegation met with Michiel den Hond, Dutch Ambassador to Israel, and with Jack Twiss Quarles van Ufford, Dutch representative to the Palestinian Authority. It also spoke with Andrew Standley, EU Ambassador to Israel, as well as with Christian Berger, EU Ambassador to the West Bank and Gaza Strip, and with Robert Serry, Special UN Envoy to the Middle East.

On the final day, the delegation met with Palestinian Prime Minister, Salam Fayyad. The opportunity to meet with Prime Minister Fayyad only became known in the Netherlands just before the delegation's departure. Consequently, a meeting with Israeli Prime Minister Benjamin Netanyahu or with Deputy Prime Minister Dan Meridor was requested from the Israeli authorities. The request was discussed during the mission. A meeting, however, did not come about.

III. Findings

The observations made and the information received by the delegation are outlined below.

East Jerusalem

In and around East Jerusalem the delegation has seen the effects of the continuing expansion of Israeli settlements, which are illegal according to international law. The expansion continues, also during the so-called settlement freeze. As a result, East Jerusalem is becoming more and more isolated from the rest of the West Bank. This isolation seriously endangers the prospects of a viable Palestinian state. Experts, with whom the delegation spoke, reported that Israel wants to prevent the Palestinians from having their capital in East Jerusalem by annexing and colonizing East Jerusalem. As a matter of fact, East Jerusalem becoming the Palestinian capital is an important condition for resolving the conflict, not only for the Palestinians, but also for the international community. At present, almost 200.000 settlers live in East Jerusalem. The total amount of settlers in East Jerusalem and the West Bank altogether is close to 500.000.

Furthermore, the delegation witnessed the separation barrier. In 2004, the International Court of Justice identified the barrier as illegal. Since the ruling of the Court, the construction of the barrier has continued at an accelerated pace. Around East Jerusalem, the obstacle has almost been finalized. Its path has apparently been chosen in a way that annexes as many settlements and land for Israel as possible, at the expense of the prospects of a viable Palestinian state.

The official Israeli argument for the construction of the barrier is that it promotes the safety of the citizens in Israel. This objective, however, could also have been served by building the barrier on the *de facto* border between Israel and the West Bank, the so-called Green Line, instead of building it in the occupied West Bank. The reason for building the barrier inside the West Bank is that Israel aims to keep as much of the West Bank as possible.

The impact of the barrier on the humanitarian situation and the human rights of many Palestinians is poignant. The delegation visited suburbs of East Jerusalem which have been divided into two parts by the barrier. North of Jerusalem, it came across a house of a Palestinian family that has become part of a settlement built around it. In order to keep the house outside the settlement, the Israeli authorities have built a cage around it and made a separate access route which is connected to the separation barrier.

Experts also pointed out the major problems in the so-called Seam Zone, the area between the barrier and the Green Line. This area comprises a lot of fertile land, which has been annexed by the barrier. It concerns farmlands belonging to about 100 Palestinian villages. Furthermore, there are thousands of Palestinians living inside the Seam Zone. They suffer from severe human rights violations.

In East Jerusalem, the delegation visited the Sheik Jarrah Neighbourhood. In this neighbourhood, 28 Palestinian families are threatened by Israeli deportation orders. Their houses, which were built in the 1950s by the UN for Palestinian refugees, are on land that has been allocated to settlers based on property rights the settlers claim to have. By contrast, the same Palestinians who are now threatened with deportation cannot claim possessions that they, or their ancestors, were forced to leave behind in 1948 on land that became part of Israel. Four families, consisting of 55 persons including 20 children, have already been forced to leave their homes. The delegation spoke to one of the families that keeps a daily wake on the street. The delegation also visited a peaceful demonstration of Israeli peace activists, who protest against the deportations on a weekly basis.

The delegation also visited the Palestinian neighbourhood Silwan, close to the Old City in Jerusalem. There, Israeli demolition orders threaten 88 Palestinian homes. They are to make way for the construction of a new park.

Silwan lies in occupied territory. Even so, the Israeli government argues that the 88 homes are illegal and therefore need to be demolished. If the demolitions take place, an estimated 1,200 Palestinians will lose their homes. The costs for the demolitions would be charged to the residents.

Many more houses in East Jerusalem are threatened by demolition. Only a fraction of the applications for building permits submitted by Palestinians to the municipality of Jerusalem are granted. Natural growth needs are not met. By contrast, Jewish neighbourhoods and settlements in Jerusalem have extensive possibilities for growth. According to Israeli experts who informed the delegation, through this discriminatory policy and other measures, the Israeli government tries to “judaize” Jerusalem.

South Hebron Hills

The delegation also paid a visit to the South Hebron Hills in the most southern part of the West Bank. The Palestinians living in these hills suffer from settler violence and repression by the Israeli government. The delegation met a Palestinian family that had been expelled from its village because the land on which its house was built was said to be of archaeological value. Consequently, settlers occupied the land. The family fled to its own farmland and has been living there in self-made huts ever since. After a while, these huts were identified as illegal by the Israeli authorities and are now under threat of demolition.

While the settlers in nearby settlements have every luxury at their disposal, the indigenous Palestinian inhabitants of the South Hebron Hills do not even possess the most basic provisions such as electricity and water. Due to the harsh living conditions, many Palestinians were forced to leave their land and move to Palestinian cities like Yatta or Hebron. Human rights activists pointed out that this is the result of Israeli policy, aimed at taking a maximum of land with a minimum of Palestinians thereon.

Hebron

In the Palestinian city of Hebron, the delegation visited an area known as H2. About 800 settlers live in H2, among them many extremists. The settlers are concentrated in a few settlements (buildings) in the city centre. Around the settlements, more than 1,500 Palestinian shops have been closed down by the Israeli army. This has done great damage to the middle class and the economy in Hebron. Some of the (main) streets have been "sterilized", i.e. designated as off limits for Palestinians.

To protect the settlers, an estimated 600 Israeli soldiers have been stationed in Hebron. Palestinians living in H2 barely receive protection, while they are exposed to intimidation and aggression by the settlers. According to Israeli ex-soldiers affiliated with the organization *Breaking the Silence*, the situation is exacerbated because the army operates on the basis of orders aimed at disrupting the lives of the Palestinian population. Since the beginning of the Second Intifada (September 2000), Hebron has been under curfew for 377 days, the highest number of days in the West Bank.

The delegation met a Palestinian inhabitant of Hebron who works for the Israeli human rights organization B'Tselem. He told us that due to the harsh living conditions in H2, an estimated 40 percent of the Palestinians have been forced to leave the area. The unemployment rate among Palestinians in H2 is more than 70 percent.

Sderot

In the Israeli city of Sderot, close to the Gaza Strip, the delegation talked to representatives of the organization *Other Voice*. In the past, Sderot has often been the target of rockets fired from

the Gaza Strip. The firing of these rockets on Israeli civilians, a serious violation of international law, still occurs, be it less often than before.

In Sderot and other towns along the Gaza border, the rockets have killed an estimated 20 Israelis and wounded a few dozen since 2004. The representatives of *Other Voice* have informed the delegation about the enormous emotional and psychological damage inflicted by the attacks on the civilians of Sderot, which have forced thousands of residents to leave the city.

The delegation was shown around the town of Sderot and took note of extensive measures to protect the local population against rocket attacks. Most of the houses, as well as bus stops, playgrounds and schools have safe rooms, constructed of reinforced concrete.

The delegation also discussed the Israeli policy regarding the Gaza Strip with the representatives of *Other Voice*. The organization is highly critical about that policy, especially about the ongoing Israeli blockade of the Gaza Strip. According to *Other Voice*, the blockade is immoral and counterproductive.

According to the members of *Other Voice*, Israeli attacks on the Gaza Strip do not contribute to the safety of the civilian population of Sderot. A measure that did contribute to the safety, according to one of the representatives, was the truce with Hamas that the Israeli government agreed to in June 2008. That truce came to an end shortly after the Israeli army in November 2008 invaded the Gaza Strip. The firing of rockets increased again. Six weeks later, Israel launched a major attack on the Gaza Strip. During the conflict that followed (December 2008 – January 2009), more than 1,400 Palestinians were killed.

The representatives of *Other Voice* pointed out that 1,5 million civilians in the Gaza Strip do not have any protection against Israeli attacks. The hardening of positions and the hatred in Sderot against the population in Gaza is reason of great concern to them. According to the representatives, few people in Sderot realize that the Gaza Strip is the biggest open air prison in the world.

Gaza

Due to the fact that Israel has closed off the Gaza Strip, the delegation did not visit that part of the occupied Palestinian territories. However, the delegation has been informed by the UN organization OCHA and the Israeli human rights organizations *Gisha* and *Physicians for Human Rights-Israel* about the humanitarian and human rights situation in that area.

The Gaza Strip is 41 km long and 6 to 12 km wide. An estimated 1.5 million people reside in that area, of which 80 percent live below the poverty line. The Israeli army has created a buffer zone on the Palestinian side of the border, which is a no-go area for Palestinians. About 30 to 40 percent of the fertile farmland of the Gaza Strip lies in that zone.

For nearly three years, Israel has blocked traffic of people and goods to and from the Gaza Strip by land, sea and air. Because of this blockade, 95 percent of the private enterprises in Gaza were forced to close down; approximately 100,000 jobs have been lost.

The Israeli government only allows few products into the Gaza Strip. Among the products which (sometimes) are stopped are chocolate, toys, pasta, coriander, shoes and clothing. Raw materials and construction supplies are not allowed in at all. As a result, the severe damage to private and public infrastructure caused by the conflict in December 2008 and January 2009 cannot be repaired. The delegation learned that during that conflict, the Israeli army destroyed about 4,000 Palestinian houses and damaged about 17,000 houses severely.

According to the *Physicians for Human Rights-Israel*, from a medical perspective the Gaza Strip is in a “chronic state of emergency”. During the conflict in December 2008 and January 2009, the local health care system has been hit hard. 15 hospitals and other medical facilities have been damaged. As a result of the Israeli blockade, 110 kinds of medicine are no longer available.

67 kinds of medicine are at risk of running out within the next three months. Due to poor health care, many critically ill patients are dependent on treatment in hospitals outside the Gaza Strip.

During various discussions the delegation learned that the international boycott of Hamas, which entered into force after the democratic and fair elections in 2006, has proven to be counterproductive. By isolating Hamas, the international community deprives itself of the possibility to influence Hamas and encourages radical elements in the Gaza Strip, according to several interlocutors. In order to achieve results, Hamas needs to be involved in the political process. This opinion concurs with the views of authoritative Israelis, like former Minister of Foreign Affairs Ben-Ami and former head of the Mossad Ephraim Halevy, who believe that contact with Hamas is necessary.

Bethlehem

In Bethlehem, the delegation was briefed by Palestinian human rights organization Badil about the Palestinian refugee issue. This issue has its roots in the expulsion and flight of about 750,000 Palestinians from areas in which the State of Israel was founded in 1948.

Consequently, a visit was paid to the refugee camp Aida. This camp, founded in 1951, harbours around 5,000 refugees. They have only one clinic available and have to make do with very limited facilities. Regularly, the residents do not have drinking water.

From one of the houses on the outskirts of the camp, the delegation witnessed the 8-meter high separation wall, which has been built right next to houses and which winds along the camp. Military watchtowers control the daily life of the residents. Frequently, invasions take place and the camp is shelled. The delegation observed bullet holes in many homes and in the walls of a UN-school.

On the other side of the wall, in area that Israel has confiscated, there are hundreds of olive trees. Behind those trees lie large settlements in which the inhabitants live luxuriously.

In addition to the above, the delegation was informed about the following issues:

Position of NGO's in Israel

The position of peace and human rights organizations in Israel is under serious threat. Legislation is being drafted which, when it enters into force, will interfere with the funding of these NGO's and will cause them to lose their status as charity organizations (and thus tax benefits associated with that status).

The delegation learned that this legislation is being aimed specifically against civil society organizations who receive subsidies from international governments and organizations ("foreign political entities"). The legislation would not have any negative effects on settler organizations, which receive their funding from private sponsors.

The petitioners claim that the legislation will make the funding of civil society organization more transparent. However, representatives of Israeli human rights organizations argued that a high level of transparency already exists. In their view, the legislation is meant to weaken the position of peace and human rights organizations that criticize the Israeli government.

Another bill would result in a ban on civil society organizations that disseminate information through which Israeli politicians and army officers could be prosecuted abroad for charges of war crimes.

Several Israeli human right activists argued that if these laws enter into force, they would seriously damage Israeli democracy. They requested international pressure to prevent this from happening.

Planning

The delegation has been informed about the way in which the Israeli government uses planning for political purposes, for example, to restrict the economic development in the occupied West Bank and to concentrate as many Palestinians on as little land as possible. Contrary to international law, Israel is radically transforming the infrastructure of occupied territory. For instance, the delegation observed separate roads in the West Bank. Palestinians are usually not allowed to use roads that are intended for settlers and the Israeli army. For Palestinians, Israel builds so-called *fabric of life roads* which connect Palestinian areas. As a result, a system of segregation is being created in the West Bank.

The fragmentation of the West Bank began during the Oslo-process, when the West Bank was divided into so-called A-B-C areas. The C-areas, in which Israel exercises complete control, cover about 60 percent of the West Bank. The settlements lie in these areas. The A- and B-areas, in which the Palestinian Authority has limited powers and where most Palestinians live, are enclaves surrounded by territory controlled by Israel.

The fragmentation of the West Bank is also caused by more than 500 checkpoints placed by the Israeli army. In November 2005, the so-called *Agreement on Movement and Access* had been agreed under U.S. mediation. Its purpose was to reduce the number of roadblocks and to increase the freedom of movement of the Palestinians. However, the delegation learned that since then, the number of checkpoints has increased by more than 30 percent. At international request, Israel has removed a few roadblocks in the past few weeks. This reduction, however, did not result in an improvement of accessibility for West Bank residents of Jerusalem, the Jordan Valley, the Seam Zone and the C-areas.

The Israeli human rights lawyer Michael Sfard informed the delegation about the inequality in the West Bank. There, Israeli domestic law applies to the settlers but not to Palestinians, who live in the same area; they are subjected to military regulations.

The delegation learned that Palestinians are not allowed inside the settlements, unless they have special permits. Wide buffer zones have been constructed around the settlements that Palestinians are not allowed to enter. The zones regularly cover land that belongs to Palestinians. Frequently, settlements are being expanded within these zones. Moreover, military zones have been established throughout the entire West Bank. Palestinians who live there, and sometimes have been doing so for decades, need a permit to reach their own house.

The Israeli occupation authorities only allocate a limited number of building permits to Palestinians. By contrast, master plans for settlements offer much room for expansion. Thousands of Palestinian houses in the West Bank are threatened with demolition. Every year, on average 200 Palestinian houses are being demolished.

Human rights Palestinian Authority and Hamas

In the Palestinian city of Ramallah, the delegation met with *al-Haq*, one of the oldest human rights organizations in the Middle East and winner in 2009 of the “Geuzenpenning”. *Al-Haq* informed the delegation about the human rights situation on the Palestinian side. According to *al-Haq*, both the Palestinian Authority (West Bank) and the Hamas government (Gaza Strip) are responsible for human rights violations. Violations include politically motivated arrests, torture and ill-treatment and discrimination based on political preference. Many of these human rights violations are the result of political rivalry between Fatah and Hamas, which escalated in 2007. Hamas holds about 150 Fatah members imprisoned in the Gaza Strip, Fatah has about 500 members of Hamas detained in the West Bank. Torture and prolonged interrogation of political opponents are common. People responsible for torture are rarely prosecuted. *Al-Haq* lobbies the Palestinian Authority to criminalize torture and end impunity. According to *al-Haq*, the international community needs to pressure both Hamas and the Palestinian Authorities to respect human rights.

IV. Conclusions

Based on personal observations and meetings with top-diplomats and human rights and peace organizations, the delegation has reached the following conclusions.

1. Israel shows no willingness to voluntarily end the **occupation** of East Jerusalem, the West Bank and the Gaza Strip. The continuing colonization by Israel of East Jerusalem and the West Bank poses a major threat to the establishment of the two-state solution and therefore to a durable peace in the Middle East. After all, key to this solution is that a **viable Palestinian state** arises alongside the State of Israel. The occupation and colonization are the main obstacle to a peaceful solution of the Israeli-Palestinian conflict.
2. Therefore, **international pressure** is needed to induce Israel to end the occupation and colonization and to act in accordance with international law. In line with the clear EU-Conclusions of 8 December 2009, the EU should announce economic means of pressure which will enter into force as soon as Israel resumes the (extensive) construction and expansion of settlements, during or after the so-called settlement freeze which will end in September 2010. The Netherlands should no longer block the use of means of pressure by the EU. As long as Israel does not commit to permanently freezing its settlement policy, no additional European privileges should be granted to Israel.
3. The EU should obstruct the involvement of European **companies** in settlements and the barrier. Moreover, an import prohibition should be established for **products** originating in the (illegal) settlements. The EU should support the Palestinian Authority in its opposition to the settlement policy.
4. Within the European Union, the Netherlands should call for effective measures to protect the position and rights of Palestinians in East Jerusalem and the West Bank, who are threatened by **house demolitions** and **extortions**.
5. The system of **segregation** created in the West Bank by the separation of infrastructure for settlers and Palestinians is unacceptable and threatens to make the occupation permanent.
6. The Israeli **blockade of the Gaza Strip** violates international law and causes extensive human suffering. In its statement of 8 December 2009, the EU has demanded an immediate and unconditional opening of border crossings between Israel and Gaza for all civilian and commercial traffic. As a follow-up to this statement, pressure should be increased to make Israel comply with this demand.
7. For the sake of the safety of civilians in the **Sderot** area and the **Gaza Strip** and in order to prevent renewed escalation of violence, the EU should, also at the initiative of the Netherlands, promote a peaceful solution to the conflict in the area. In that context, the position and responsibility of Hamas can no longer be ignored. Israel and Hamas should be pressured to comply with international law.
8. The total **isolation of Hamas**, in 2006 the winner of fair elections in the Palestinian territories, has proven to be counterproductive. The peace process can only produce satisfying results if Hamas is being involved. That does not need to harm the position of

the Palestinian Authority. National reconciliation between Fatah and Hamas must be stimulated.

9. **Human rights violations** under the responsibility of the Palestinian Authority in Ramallah and the Hamas government in Gaza must be opposed. The EU should use its influence on the Palestinian Authority to ban torture, politically motivated arrests and other violations of human rights and to promote the establishment of a state based on the rule of law.
10. At the initiative of the Netherlands, the EU should stand up for **human rights defenders in Israel**, who have increasingly come under pressure. The EU should lodge a protest against planned legislation, which would restrict European support to Israeli peace and human rights organizations.

Background delegation:

Board

Andreas van Agt (CDA) was Prime Minister of the Netherlands from 1977 to 1982. Consequently, he was the Queens' Commissioner (Governor) of the province of North Brabant and European Union Ambassador to Japan and the United States. Van Agt is chair of the board of *The Rights Forum*.

Jaap Hamburger is chair of A Different Jewish Voice (EAJG).

Jules Hosman (VVD) worked for the Dutch Ministry of Foreign Affairs and was Head European and International Public Affairs of Hoogovens and Corus.

Board of Advisors

Laurens Jan Brinkhorst (D66) was State Secretary of Foreign Affairs, EU Ambassador to Japan, Minister of Economic Affairs and Deputy Prime Minister of the Netherlands.

Wim van Eekelen (VVD) was State Secretary of Defence, State Secretary of Foreign Affairs, Minister of Defence, Secretary General of the Western European Union and member of the Senate.

Tineke Lodders (CDA) was chair of the Interchurch Organisation for Development Cooperation (ICCO), vice and interim chair of the Christian Democratic Party CDA and member of the Senate.

Bert de Vries (CDA) was Minister of Social Affairs and Employment and chair of the Christian Democratic Party CDA.

Liesbeth Zegveld is a lawyer, specialized in international law and human rights. Zegveld is a member of the Committee for Compensation for War Victims of the International Law Association and Professor of International Humanitarian Law at the University of Leiden.

The Rights Forum was launched on 10 December 2009, the International Day of Human Rights, and promotes a just Middle East policy of the Netherlands and the European Union.

See also: www.rightsforum.org.