

# Denying Palestinians Free Movement in the West Bank

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This article summarizes an August 2007 B'Tselem report now available in print. It's one of a series of studies it conducts on life in Occupied Palestine to reveal what major media accounts suppress. This one is titled: "Ground to a Halt - Denial of Palestinians' Freedom of Movement in the West Bank."

B'Tselem has a well-deserved reputation for accuracy and integrity. It's the Jerusalem-based independent Israeli Information Center for Human Rights in the Occupied Palestinian Territories (OPT). It was founded in 1989 by prominent academics, attorneys, journalists and Knesset members to "document and educate the Israeli public and policymakers about human rights violations in (Occupied Palestine), combat (the Israeli public's) denial, and create a human rights culture in Israel" to convince government officials to respect human rights and obey international law.

Its work is detailed, wide-ranging, carefully researched, and based on hundreds of testimonies and dozens of on-the-ground observations. For verification, it's also cross-checked with relevant documents and other government sources. Work on this report was completed over a six month period in 2007. It included information from other reports, statements from political and military officials, petitions to Israel's High Court of Justice, and media accounts.

B'Tselem states: "For the past seven years (since the September 2000 Second Intifada began), Israel has imposed restrictions and prohibitions on Palestinian movement that are unprecedented in scope and duration." It refers to hundreds of permanent and temporary checkpoints, other obstacles, physical barriers, and Israel's Separation Wall (ruled illegal by the World Court) on confiscated Palestinian land.

Free movement in the West Bank is severely restricted and nearly always entails "intolerable and arbitrary delays, much uncertainty, friction with soldiers, and often substantial expense." B'Tselem stresses that throughout 2008, it will continue to focus on this topic - with new maps, short videos, and various "public education and advocacy activities to highlight" Israel's unnecessary, outlandish and illegal restrictive measures. People need to know, and B'Tselem intends to tell them.

This is its 14th report on this topic since September 2000. Previous ones covered specific type restrictions like checkpoints, for-Jews only roads, and the Separation Wall. The one is comprehensive. It surveys all of them and their collective effects on Palestinians' lives.

The measures aren't new or restricted to the West Bank. They've been ongoing since the early 1990s and have undergone expansion and refinement ever since. Until 1991,

Palestinians (except small numbers designated security threats) could move freely throughout the Territories and were able to enter and stay in Israel during daytime hours. It helped Palestine establish social, cultural and commercial ties to its neighbor, Israeli Arab citizens in it, as well as between Gaza and the West Bank.

During the January 1991 Gulf war, everything changed. General permits were cancelled and replaced by new restrictive policies. Thereafter, all Palestinians needed (selectively authorized) permits to enter Israel and East Jerusalem. Checkpoints and barriers were erected for enforcement. They've restricted movement ever since, and at times, like the 1993 killings of nine Israelis, became a general closure policy. All free movement was halted, Palestinians lost their jobs in Israel, few opportunities at home could replace them, and the Territories suffered great economic and social harm.

Closure also split the OPT into three areas: East Jerusalem, the remaining West Bank and Gaza. After September 2000, Israel tightened free movement further and continues harassing and containing relentlessly. Two main factors explain how:

- Israel's "ever-expanding settlement enterprise....along the length and breadth of the West Bank;" they're on strategically chosen and most valued lands; in areas designed to contain Palestinian city expansions; further harmed by Israel's (for-Jews-only) bypass roads that constrict, isolate and divide West Bank areas; and

- the effects of the Oslo Accords; they split the West Bank into three areas - Area A under Palestinian Authority (PA) security and civil affairs control; Area B under Israel security and right to restrict free movement; and Area C under total Israeli control, including on matters relating to land, planning and building; Areas B and C comprise 80% of the West Bank, including its main roads, so that lets Israel restrict movement how, when, for as long, and for whatever purpose it wishes over most of the Territory.

After September 2000, its measures were hardened. It clamped down on free movement, isolated Palestinians in cantonized enclosures, and made a fundamental human right a privilege to grant or withhold as it pleases. Its pretext is security but, in fact, that's false. The real aim is harassment, land grab, and a state-sponsored expulsion plan so Israel can seize all the land it wants for Jews only. It's gone on for decades and so far unchallenged by the world community. B'Tselem wants to stop it along with all other law violations so Palestinians can have their long denied justice they deserve and should get.

### **Israel's Means to Control Movement**

B'Tselem divides Israeli control into three categories reflecting "different layers" of restrictive policy. They, in turn, build on each other and are interrelated:

- physical means to divert movement to certain passageways and roads and prevent access to others;

- restrictions and prohibitions that first layer physical tools enforce; and

- the means to ease or tighten, selectively and under careful monitoring, second layer restrictions and prohibitions.

The essential idea is that in combination these layers represent a single control mechanism, all parts operate together, and determining their impact requires evaluating the combined

effect of four types of control:

(1) obstructions to deny access to main roads; they divert Palestinians to checkpoints where the army (IDF) supervises movement from one area to another or can deny it altogether; obstructions are in different forms – dirt mounds, concrete blocks, boulders, trenches, fences and iron gates; their numbers have gradually increased and in mid-2007 totaled 455 throughout the West Bank; they limit pedestrian and vehicular movement, and especially affect the elderly, the ill, pregnant women and small children; they're even more restrictive in winter when water accumulation turns dirt areas muddy;

(2) permanent staffed checkpoints; they're fairly constant in number, and Israel has used them to some degree throughout 41 years of occupation; they gained prominence, however, after Israel cancelled general-entry (free movement) permits in 1991; they were then expanded during the Second Intifada; over time, they've become the most conspicuous occupation symbol and one of its most hated;

— in mid-2007, 80 were in place of which 33 were the last inspection point before entering Israel along the Green Line; the other 47 lie inside the West Bank, some with control towers; seven are to transfer goods; they're called "back-to-back" because merchandise is unloaded on one side, checked, then reloaded on another truck on the other side; operating times vary – many open at 6AM and close at night; others are staffed around the clock but limit crossings to "urgent humanitarian" cases;

— movement restrictions vary from one checkpoint to another and always at Israel's discretion; to pass, travelers must show proper ID or crossing permits; searches may be conducted; procedures are at the discretion and mood of soldiers; some checkpoints are for pedestrians only; others are restricted to commercial and public transportation.

(3) so-called flying checkpoints; they're temporary, may be erected anywhere, and remain for hours or longer; in recent years, they've increased in numbers – from a weekly average of 73 in late 2005 to 136 in 2006 to about 150 in 2007 and at times up to 200. Again, the pretext is security, their real aim is to harass, and no one does it better than Israelis.

Consider the effects of all checkpoints. Since September 2000, they've become "the main (source of) friction (between) Palestinians and Israeli security forces." They generate tension, create uncertainty, deny or delay passage, humiliate and overall makes things intolerable. They're also degrading by demanding that males expose their upper bodies in public simply as a way to harass them.

It gets worse by selective detentions in so-called "positions" – isolated holding areas for additional "security" checks that, in fact, are to punish and further humiliate; they can last hours, in exposed heat or cold, without food or water, and at times include physical abuse; many Palestinians are affected daily; Israel's high command has full knowledge; the government does as well; nominal recommendations are made to stop it, yet abuse continues and few offenders are ever punished.

(4) the Separation Wall; in June 2002, Israel decided to build it; again the claim was security; in fact, it was separation and theft of over 10% of Palestinian land, including for-Jews only roads to connect settlements with Israel and other settlements; most of the Wall is completed; its planned length is 721 kilometers; only 20% of it lies along the Green Line; most of it runs deep inside the West Bank; near Jerusalem, it surrounds the Ma'ale Adumim

settlements about 14 km into the West Bank on stolen Palestinian land;

— its route creates two kinds of Palestinian enclaves – villages and farmland between the Wall and Green Line (in the “seam zone”) on the Israeli side of the barrier; another area comprises villages on the Palestinian side that are surrounded on three or more sides because of the route’s winding path or that the Wall meets roads on which Palestinian movement is forbidden or physical obstructions prevent it.

Physical restrictions and movement prohibitions give Israeli security forces more latitude, and they take full advantage through a fourfold layer of control:

(1) by imposing a siege to completely or partially prevent Palestinians from crossing to or from a certain area as well as isolating the area from other parts of the West Bank; it’s done with physical obstructions to block access and force residents to pass through staffed checkpoints; closing off the area facilitates sweeping movement prohibitions on specific classifications of people by gender, age or place of residence; the IDF claims their “risk profile” makes them “potential terrorists;” targeting them by siege is a frequently used post-September 2000 tactic; large areas of the West Bank have been affected; their degree of harshness varies; and areas like the Jordan Valley, Area A and cities like Nablus, Jenin, Tulkarm and Hebron have been especially impacted.

— in December 2001, the West Bank IDF commander signed the Proclamation Regarding the Closure of Area (Encirclement) (Area A); it classified it as a closed military area, was unlimited in duration and still remains in force; in April 2007, a separate order was issued for Nablus restricting entry to and exit from the city to certain checkpoints; again the army claims it’s a security measure “to prevent terrorists and materiel from leaving Palestinian towns in Judea and Samaria....”

(2) the “seam zone;” Israelis say it’s the enclosed area between the Green Line and Separation Wall; when its first section was completed (in October 2003), the IDF declared this section a closed military area with entry into it forbidden; later areas may also be closed off, but even ones that aren’t will have severe movement restrictions the way they’re imposed throughout the West Bank; all Palestinians are affected; Jews and foreigners have permits permitting easy entry and exit.

(3) prohibiting travel on certain roads for Jews only; on some roads, no Palestinian vehicles are allowed; on others, travel is allowed for ones with special permits; the Oslo Accords set the rules; most often (but not always), Palestinians may travel on Areas A and B roads but prohibited or restricted in Area C; they’re excluded from about 311 km of West Bank roads for Jews only; they connect settlements to Israel or other settlements.

— rules are so harsh and convoluted that further restrictions are imposed on some roads Palestinians may use; an example is forbidding Palestinian vehicles from crossing a road, requiring passengers to leave their vehicles on one side, cross on foot, and get other transportation on the other side; this creates great hardship, is only to harass, and in cases of passenger illness or mothers in labor it may be life-threatening; in addition, Israeli security forces have great enforcement latitude; orders are issued verbally, not in writing, and soldiers at checkpoints can pretty much do as they please, depending on their mood.

(4) harsh travel laws act as deterrence; they impose high fines and/or insurance requirements; Palestinian violators are treated discriminatorily; and a high percentage of

drivers are affected.

To counter public criticism, Israel issued two selective easing measures; they help some Palestinians but tighten movement restrictions for others:

(1) the permits regime; since 1991, Israel required Palestinians to have personal entry permits to enter its territory and East Jerusalem; after 1996, Palestinians also needed permits to enter West Bank jurisdictional areas; post-September 2000, rules were further tightened; some Palestinians must have permits to enter, remain in, or leave large areas inside the West Bank, including the “seam zone” and areas under siege; other permits are needed to arrange (passenger and commercial) vehicular checkpoint crossings; a limited number are allowed based on the capacity of security forces to inspect vehicles, goods and passengers;

— B’Tselem lists nine different type permits for passenger vehicles - commercial ones; public ones for taxis and buses; movement in areas under encirclement; humanitarian ones; for permanent “seam zone” residents; for daily “seam zone” entry; “seam zone” entry for farming or work; and to enter the Jordan Valley;

— movement restrictions and prohibitions are so onerous and for so many reasons that Israelis consider permits a privilege; for Palestinians, they’re essential to meet daily needs; West Bank District Coordination Offices (DCOs) issue them, but procedures are unclear and lack transparency; B’Tselem believes “two general and sweeping criteria must be met” to get one:

(a) “lack of ‘prevention,’ either for security or police-related reasons relating to the applicant,” and

(b) having documents to show justification for the request.

Quotas exist in all cases; when they’re filled, many qualified residents are left out; in addition, other qualifying procedures exist but are unstated; ultimately DCO officials have total discretion in awarding or denying permits and can be pretty arbitrary about it; “seam zone” residents provide an example of what all Palestinians endure; to get a permit to their own home area, they must prove they reside there from their ID card address on the day the declaration of closed military area was made or in some other way show their center of life is there; those getting one are allowed entry via one checkpoint only;

(2) So-called “fabric of life” roads for Palestinians only; the West Bank’s main roads are only for Jews; initially, those for Palestinians passed through villages and city centers, but because of criticism an alternate plan was developed - creating a separate, contiguous road network running north-south in the West Bank; it’s based on separate levels in places where Israeli and Palestinian roads meet; bridges and interchanges achieve separation with Israelis able to travel on top at high speed; lower level “fabric of life” roads comprising 20% of the West Bank’s total are for Palestinians; elements of the plan have been implemented and “fabric of life” roads are being built; they represent another part of Israel’s repressive apartheid scheme.

## **Splitting the West Bank**

Article 13 of the 1948 Universal Declaration of Human Rights states:

(1) "Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country."

Israel is a serial international law and human rights abuser. For Palestinians, it believes allowing free movement is a privilege, denying it is the norm, and actions no matter how outlandish require no explanation or justification.

Israel divided the West Bank into three control areas - A, B and C. For purposes of restricting movement, it further split the Territory into six geographical units:

— North that includes the Jenin, Tulkarm, Tubas and Nablus districts, except for those in the Jordan Valley and Separation Wall enclaves; about 840,000 Palestinians lived in this area as of summer 2007; today the number is somewhat higher;

— Central that includes the Salfit, Ramallah, and Jericho districts, except for parts in the Separation Wall enclaves; in summer 2007, the Palestinian population exceeded 400,000;

— South that includes the Hebron and Bethlehem districts, except for the northern Dead Sea and Separation Wall enclaves; Palestinians here number over 700,000;

— the Jordan Valley and northern Dead Sea that includes the eastern strip of the West Bank, except for Jericho and nearby refugee camps; the Palestinian population is around 10,000;

— the Separation Wall-created "seam zone" and inside the West Bank "internal" enclaves; when the Wall is completed, the "seam zone" Palestinian population will number about 30,000; an additional 25,000 will be in "internal" enclaves; the "seam zone" also contains thousands of Palestinian farmland dunams (a dunam equals about one fourth of an acre) and 39 settlements; unlike the other geographical units, the enclaves are dozens of non-contiguous sections that are separated from the rest of the West Bank; and

— East Jerusalem that includes all the area Israel annexed in 1967 and is attached to the Jerusalem Municipality, except for the Shu'afat refugee camp and Kfar Aqeb that the Wall separates from the city; around 200,000 Palestinians live in this section.

All geographical units are constricted by Israel's rigid control system explained above. Below are the checkpoints that control movement from one section to another:

— Za'tara (Tupuah) Checkpoint controls North to Central sections movement; in addition, the IDF directs to this checkpoint all west and east traffic along the Trans-Samaria highway and from Route 60 from Nablus in the north and Ramallah in the southwest and south; Palestinians may generally pass freely heading north; those traveling south encounter ID and sometimes vehicle checks; delays are common; males aged 16 - 35 often aren't allowed to go south.

— Container Checkpoint almost totally controls movement between the South and Central sections; Border Police staff it round the clock; from 2002 to February 2007, passenger cars were prohibited without a special permit; it's now cancelled; since September 2000, Palestinians have been prohibited from using Route 398 that runs from the checkpoint to



the Ma'ale Adumim and Qedar settlements; Palestinians are diverted to other worn roads of nearby villages; Palestinian traffic passing through the checkpoint are subjected to lengthy delays and at times searches; when Israel declares a comprehensive closure, it applies to this checkpoint; it severs the southern West Bank from the rest of the Territory and requires Palestinians traveling to or from the South to do it by foot.

— Tayasir, Hamra, Gittit and Yitav checkpoints control movement to and from the Jordan Valley. In May 2005, Israel instituted sweeping Palestinian movement prohibitions here, except for residents with ID cards and persons with special permits. They were cancelled in April 2007, it affects only pedestrians and those using public transportation (that also requires a permit), and applies only to the Tayasir and Hamra crossings.

— Almog Checkpoint that controls movement to and from the northern Dead Sea; generally only Palestinians with work permits for nearby settlements and/or to enter Israel may pass; since May 2007, the latter category was cancelled.

— the Separation Wall directs movement between the “seam zone” enclaves and the rest of the West Bank to several gates in the Wall; only Palestinians with special entry permits may pass; 38 gates are in place; only six operate daily from 12 to 24 hours continuously; 17 others open two or three times a day for 30 minutes to two hours; 13 additional ones operate during farming season; two other gates allow movement of residents of a few houses that are enclosed by the Wall and separated from their village; still other crossings are for Israeli travel between the West Bank and Israel; they operate round the clock.

— the Separation Wall also directs movement between East Jerusalem and the rest of the West Bank; this section is called the “Jerusalem envelope” and has 12 checkpoints; crossing (permitted only through four of them) requires a valid ID and permit and submitting to stringent checks; they include exiting vehicles, having them searched, and passing through a revolving gate equipped with a metal detector; the remaining eight checkpoints are for settlers, Israeli residents and East Jerusalem Palestinians with Israeli IDs.

In addition to area to area restrictions, Israel tightens them further with others within areas by breaking them into sub-areas and controlling movement between them. Nablus in the North is separated from nearby villages and from other northern West Bank districts.

The Nablus area includes the city, three refugee camps and 15 villages that contain over 200,000 Palestinians combined. It's been under siege for seven years; entry and exit is through four surrounding checkpoints; passage through them entails stringent personal and vehicle checks, including for all merchandise in both directions; and special permits are required for passenger vehicle entry.

Collective Nablus movement prohibitions are harsh and unique in the Territory. Males between 16 and 35 are especially affected, but they overall disrupt life for everyone. The restricted male population alone affects 26,000 persons. If the age is lowered to 15, it rises to 36,000, and if females are included (as sometimes happens) it totals 73,000. This group is the area's main work force, its entire economic life depends on them, and prohibiting their movement brings it to a halt.

When it's in force, siege conditions vary by checkpoint for those allowed through. The two main Beit Iba and Huwara ones inflict the longest and most burdensome delays and restrictions. In addition, all persons having a “risk profile” because of age are forbidden to

leave the area and need a “movement permit in area under encirclement” if they want to exit. However, it’s not easy getting one with a convoluted system in place that requires a party permitted to cross to apply for persons who aren’t and even they can’t do it easily. In addition, permits aren’t issued for “ordinary” needs, such as work, family visits or school. Those considered are only for “humanitarian” reasons like needed medical care. Few overall are issued.

The Nablus siege also restricts movement in the Jenin Tulkarm and Tubas districts. Nablus is vital for them and for years was the West Bank’s economic and industrial center. Now these districts are separated, and major roads between them are blocked. In the past, traveling from Jenin to Nablus took about 40 minutes on the main road. It now takes one to three hours on narrow, winding roads plus a long wait at one of the Nablus area checkpoints.

Over the past two years especially, accessing Nablus has been hard and complicated for villagers located to its north. Checkpoint access is limited, some are closed to traffic, and those that operate have delays running up to hours. In addition, soldiers at times block road traffic for several hours, no advance notice is given, and it causes undue hardship for travelers having to wait or use alternate routes. The IDF is also at times punitive. It sets up indiscriminate flying checkpoints, uses them for punishment, and makes it harsher with instances of violence and confiscation of permits and identity cards that can only be redeemed at a permanent checkpoint that may or may not be operating.

The Central Section splitting caused much the same type hardships. It created two principal sub-areas around Salfit and Ramallah. It detached some of these cities’ villages and separated them from their residents’ farmland.

After the IDF blocked Salfit’s main entrance road from the north, alternate routes became necessary, and they lengthened travel times considerably. It created great hardship for travelers who rely on Nablus for basic services and also for villagers who are blocked from their farmland. Sixty-six thousand people are affected.

It’s even worse for the 300,000 Ramallah district residents in a city that’s the West Bank’s seat of government because Israel denies East Jerusalem that status. In addition, after undo restrictions and hardships caused many Palestinian entrepreneurs to leave Nablus and the northern West Bank, Ramallah developed into the Territory’s cultural and economic center. Obstructions, checkpoints and the Separation Wall demarcate the area and combined make movement just as hard as throughout the rest of the West Bank.

It’s the same for Jericho’s 40,000 residents. In addition, for 10,000 of them in the north in the besieged Jordan Valley, they’re separated from the city, and for those in the east there’s another obstacle - 19 km of trenches and land east of it that’s a closed military area.

The South section’s splitting has been less conspicuous, but it hasn’t made movement easier. Most notably since September 2000, have been restrictions in Route 60’s southern section that runs the entire length of the southern West Bank and is this subsection’s principal roadway. Access roads to the Route are now blocked, over time some have been eased, but use of the road remains limited.

Most harmed are residents in towns and villages in Hebron’s southern area. To reach the city, they must use long, winding, beat-up roads that are no substitute for decent ones. Once the Separation Wall is completed east of the Efrat and Gush Atzion settlements, Route



60's northern quarter in the South section will be on the Wall's Israeli side and completely off-limits to Palestinians. As a result, Bethlehem will be separated from Jerusalem as well as the main road to Hebron with all the hardships that will create.

Consider how they affect Hebron. It's the only Palestinian West Bank city (other than East Jerusalem that Israel annexed in 1967) with an Israeli settlement in its center. Because of it, the IDF created a contiguous strip of land through the city over which Palestinian vehicles are prohibited. It runs from the Kiryat Arba settlement in the east to the Palestinian Tel Rumeida neighborhood in the west, and in many sections along its center, Palestinian pedestrians are banned. The main Shuhada Street is most affected. In addition, the strip blocks Hebron's main north-south artery harming the entire Palestinian population.

Jordan Valley and northern Dead Sea restrictions involve the use of Route 90 that runs the entire length of the section. Israel operates five checkpoints here for control. Only public transportation and vehicles with special permits may pass. That frees the Route for settlers and Israelis traveling between Jerusalem and the Beit She'an Valley, the Sea of Galilee, or the Galilee area in the north. It also allows the IDF to use large Jordan Valley sections as fire-exercise zones and close off much of their water and grazing areas to Palestinians.

Dozens of non-contiguous "seam-zone" enclaves are also affected. The Separation Wall separates them by winding back and forth between the Green Line and deep into the West Bank. They all contain Palestinian farmland on the barrier's Israeli side. Some also include villages where 30,000 Palestinians live. Because they aren't connected, crossing from one subsection to another at best is hard and at worst impossible. It forces travelers to cross the Wall twice with all the hardships that entails. Further, since permits are for one enclave only, entering another one requires a second permit.

The Separation Wall then can be divided into five sections plus the Jerusalem area, and each one contains separate enclaves. Combined they form a crazy quilt isolation pattern with physical obstacles and human repression used against a defenseless civilian population.

Internal community and farmland enclaves are affected as well but not by having to pass through the Wall or obtain permits. However, roads that used to connect them have been closed making travel times longer and more complicated. When completed, the Wall's route will create 13 non-contiguous internal enclaves for about 240,000 Palestinians in dozens of towns and villages.

East Jerusalem is the final section. Israeli Arabs with identity cards may move about fairly freely with one notable exception. It's the use of temporary checkpoints (so-called "collection" ones) to collect resident tax debts. They operate a few hours at a time on main neighborhood roads where Israeli Police (usually Border Police) provide security along with tax officials to do the collecting. Police stop cars, collectors do the rest, but never to Jerusalem's Jewish residents.

### **Harm to Palestinians' Fabric of Life**

West Bank separation and division inflicts great harm to Palestinians' fabric of life in the short and longer term. This section examines how.

First consider health as a fundamental human right and how restricting movement affects it. Ill persons needing treatment are greatly impeded reaching medical centers. The quality

and availability of service is hampered as well by delaying or restricting physicians and staff. First aid crews also aren't able to reach the sick and injured quickly. Even when situations aren't life threatening, movement restrictions increase morbidity chances and may shorten a life span.

Overall, West Bank Palestinians have limited or no access to medical care, and residents of villages and outlying areas are most gravely affected. Then consider so-called "risk profile" people being denied passage through checkpoints. Another example is persons needing a permit for access to Jerusalem hospital treatment. To get one, patients must provide medical documents testifying to their illness and confirming their appointment at a specific hospital.

The situation is especially problematic for pregnant women when their time to deliver approaches and their hospital is in Jerusalem. Permits are valid only for one or two days, as it is for all ill persons, but the moment when it's needed is uncertain. They must thus be continually renewed, and there are times when it's impossible. It thus forces mothers to give birth at checkpoints because they're denied passage through them.

In 1996, the Physicians for Human Rights petitioned the State Attorney's office for relief and nominally got it - to allow passage through checkpoints without permits in cases of medical emergency so ill persons can be treated. All checkpoint locations are supposed to comply, but it turns out they don't. Soldiers don't treat Palestinians kindly, are unresponsive to their needs, and are untrained medically to recognize emergencies.

Patients encounter other obstacles as well. Their travel is slowed by having to use long, winding and worn roads; they're sometimes blocked causing long delays; they have no access to ambulances or other transportation; must pass through checkpoints when they do or by foot; be up against closed ones; be forced to wait at open ones; and undergo searches.

These problems make people more dependent on first aid that can't cope in emergency cases where special expertise is required. At times, long distances are involved, and when need is greatest, it means lives are endangered. This is what Palestinians endure daily.

Movement restrictions also affect hospitals, especially East Jerusalem ones that are considered the OPT's best because they provide services unavailable elsewhere in the Territories. East Jerusalem's separation from the rest of the West Bank and needing a permit to enter is the problem. It affects staff and patients with the situation at al-Makassed Hospital typical. Twelve of its workers live outside the city and are classified "prevented entry." They have no permits. Even workers with them face long checkpoint delays or their closure when Israel wishes.

Restricting free movement also impacts health care professionals from developing their skills through in-service training. Students as well are affected, are unable to complete their studies or receive a lower professional training degree. It places Palestinians needing medical care in a hopeless situation. They're unable to move freely or receive expert care if they can.

B'Tselem's report is on the West Bank. Gaza is another matter, and since Israel's June 2007 siege, 130 in the Territory have died because they couldn't be treated. Their deaths are in addition to the hundreds of others from near daily incursions that continue without letup.

Movement restrictions also greatly affect the OPT's economy and trade. Post-September 2000, it's been in deep depression. GDP has declined around 40%, unemployment stands at about 80%, and the poverty level is punishing. It's how Israel and Washington planned it to bring the Territories to their knees and demand surrender as the price for relief.

At present, look how working conditions and transport of goods are affected. Palestinians could once travel freely outside their communities to jobs. No longer, and many lost out and have no means of employment. Employers as well are affected. They lost workers, had to scale back their operations or shut them down entirely.

The same hardships apply to transporting goods. They can no longer move freely, permits are required, they're hard to get, travel times are longer even with them, at much greater cost, and an example is trade between Nablus and Ramallah. The cost is fourfold what it was in 2002, the result is greatly reduced trade, it's forced merchants to concentrate more on their own communities and those nearby, and the result is far less commerce overall that severely impacts everyone.

Here's what's involved to move goods between Nablus and East Jerusalem:

- permits are needed;
- a quota restricts the number;
- goods allowed to be transported endure the so-called "back-to-back" method; at point of shipment they're loaded; then stopped at a checkpoint; unloaded; inspected by mechanical scanner, manually, and/or by dogs; they're then reloaded on another truck for delivery;
- damage is frequent because of extra handling and Israelis aren't too gentle about it;
- delays are the rule and they're costly;
- transport requires passing through other checkpoints and repeating the whole procedure again that may be more or less stringent depending on the whims of inspectors;
- when the Separation Wall is completed, transport will be even harder and its cost greater.

Tourism is also affected. Between the Oslo Accords and September 2000, cities like Bethlehem were desired destinations. No longer because of difficulties getting there and how hard it is to move around. The result is privately owned tourist sites throughout the West Bank have closed or have greatly cut back. An example is the Barahameh family's park in al-Badhan, a village 10 km north of Nablus. Getting there from Ramallah means passing through four permanent checkpoints plus whatever flying ones are up for the day. The result is wasted hours to spend a day at the park, and most tourists won't do it.

Small businesses like stores, souvenir shops and restaurants are also impacted. Many close down or operate at a fraction of their former levels. A World Bank West Bank report cites movement restrictions and their costs as two major obstacles affecting a healthy Palestinian economy.

They affect farming as well in areas like the Jordan Valley and "seam zone." Agriculture is an important source of Palestinians' income. Farmers need permits for it in these areas. Many are denied and their livelihoods destroyed or greatly impacted. Farm workers are also

affected. They, too, need permits, but even having them means putting up with long travel times and exhausting days. Many workers won't do it so farmers lose a vital work force and the ability to grow their crops productively.

Farmer and merchant Husni Muhammad 'Adb a-Rahman Sawafteh is an example of what others like him endure:

- he lives, works and farms in Tubas; he and his brothers have a house and 250 dunams of land in Bardala, a northern Jordan Valley village; they also have livestock;

- to reach Bardala, they must pass through Tayasir checkpoint; doing it involves "much difficulty;" it affects their workers as well;

- to sell their produce, they need to reach Bardala, but the hardship forces Sawafteh to manage things by phone; it's inadequate because it's vital to be current on prices and dealer payments that requires being in Bardala to do it;

- sometimes he can't be for a month; the result is dealers send "payment on account" and pay less than the amount owed; their back due debts accumulate; being there is essential to handle things; when he can't do it, he hasn't enough money for materials to fertilize the land and grow crops;

- caring for the livestock is another problem; they need daily care; Sawafteh had to build a new Tubas farm to do it, but it was lacking; Tubas hasn't enough grazing land so the flock can't do it daily as they need to; he thus has to buy them food; it's an additional expense he can't afford;

- he and other farmers have an additional problem as well; they need permits for themselves but also for their tractors and farm vehicles; it forces most of them to go long distances on foot or donkeys;

- it also restricts what crops can be grown; restrictions forced farmers like Sawafteh to forgo higher revenue-generating ones like tomatoes and cucumbers and switch to less labor intensive ones like wheat;

- some farmers give up altogether and let their land lie fallow rather than risk economic failure or work under onerous conditions.

Family and social life are also affected. Palestinian community life is based on extended familial ties even though members don't often live in the same towns and villages. Movement restrictions and inability to get permits prevent their ability to see each other, and it's especially felt in the "seam zone," Jordan Valley and Nablus under siege.

Ni'ma 'Ali Salameh Abu Sahara from Nablus is a case in point:

- her daughter married and moved to the Jordan Valley;

- no one has been able to see her, not even during holidays, because "the army doesn't let us cross the Hamra checkpoint;"

- she wasn't able to visit her first grandson and only saw him two months after his birth when her daughter visited her;

— her daughter just had a second child by Caesarean section; Abu Sahara went to the checkpoint to get through to see her; soldiers refused to let her pass; she begged them; they still refused; Abu Sahara “went home and cried.”

This story and many others like it are commonplace, and it’s caused the splitting up of nuclear families. Students leave parents to be near school. Wage earners and tradesmen leave families to be close to work. The ill live in cities to be near essential medical care facilities. From the time they leave homes to whenever they try to return, they encounter problems. For most Palestinians, they’re painful to impossible.

Restrictions prevent routine family gatherings as well as special ones like weddings, funerals, and caring for the sick. Palestinians once could take vacations, and a favorite spot was the northern Dead Sea area with its 25 km of coastline. No longer. The ‘Ein Fascha nature reserves there (one of the most popular recreational sites) are now operated by Israel’s Nature Reserves and Parks Authority for Jews only.

Movement restrictions affect all facets of daily life, including basic services and law enforcement – urban infrastructure, social services, mail, governance, rescue operations, electricity and gas, water, and locally-based security. When breakdowns occur and repairs are needed or other vital services have to be performed, district government employees get no preferential treatment crossing checkpoints to handle them. The result is long delays fixing essential public services or dealing with problems like medical emergencies.

“Fabric of life” roads for Palestinians are also affected, including the way they were built. They’re on expropriated private land, inefficiently use public property, and take other Palestinian land for the Separation Wall. An example is a road Israel built between the village of Shufa (south of Tulkarm) and a-Ras, northeast of the Sal’it settlement. Israel took village lands for it – from Far’on, a-Ras and ‘Izbat Shufa. To connect the two district seats, Israel seized private land, destroyed olive and citrus orchards on them, asked no permission to do it, and paid no compensation for the losses.

Israel unilaterally chooses routes for new roads, Palestinians’ interests aren’t considered, and injuries and losses they incur get no redress. They’re also harmed in other ways. Roads often demarcate villages, they limit their ability to build and expand for their growing populations, their costs outweighs their benefits, the harm affects whole communities, and it’s long-term.

### **Restrictions on Free Movement from the Perspective of International Law**

Besides Article 13 of the Universal Declaration of Human Rights and other international humanitarian law, the UN’s International Covenant on Civil and Political Rights is very clear about free movement. Its Article 12 states:

1. “Everyone lawfully within the territory of a State shall, within the territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

#### 4. No one shall be arbitrarily deprived of the right to enter his own country.”

Besides legitimate national security and military necessity, restricting free movement must meet another requirement – proportionality. Under Israeli administrative law as well, the state must prove the legitimate necessity of restrictions, that security can't be achieved by less harmful means, and that the end result justifies the cost under international law. The UN Human Rights Committee states that the principle of proportionality requires that movement restrictions be incorporated in clear and justifiable legislation. Failure to do so violates international law under which Israel is accountable.

Israel claims justification for its occupation policies – that they're vital to secure its West Bank settlers as well as Israelis traveling on the Territory's roads. Clearly, the threat is real, but unasked is why. It's because of Israel's longstanding belligerency forcing Palestinians to respond in self-defense and at times take Israeli lives. There's no secret how to stop it, but Israel abjures – stop attacking Palestinians so they stop fighting back. Long ago it was that way before Palestine became Israel. Arabs and Jews lived peacefully at a time the population imbalance heavily favored Palestinians and the great Jewish immigration wave hadn't begun.

Today, it's another matter, Israel manufactures its own security problem, then unjustifiably claims the right to react, and in the process, inflict great harm on a mostly-civilian population. Its actions are unrelated to security, are entirely political and stem from its annexation aims – to seize the West Bank's most valued areas, remove the Palestinian population, and resettle them in isolated cantons unconnected to the others except by a crazy quilt patchwork of obstructive checkpoints, barriers, and hard to traverse road network.

Israel acts illegally on occupied lands, and its draconian restrictions follow as a result. They're less for security and mainly to let settlers (on stolen land) move around freely. They're heavily protected, isolated from their Arab neighbors, able to travel on for-Jews only roads, live in Jewish-only communities, and get all the conveniences of a modern state that denies them to non-Jews in a country claiming to be a model democracy.

All West Bank settlements are illegal under international law. So is the main road network forbidden to Palestinians that's built on annexed land. Israel's justifications are unfounded. Security is a non-starter. So is the claim that it's to protect against terrorist attacks that are, in fact, self-defense measures in an unfair fight. Palestinians are matched against the world's fourth most powerful military that flexes its muscles by attacking civilians and claims its occupation is just. International law says otherwise, but Israel ignores it.

It also acts disproportionately. It fails the test by all measures:

— there's no rational connection between the harm restrictions cause and Israel's declared security objective; independent security and human rights experts concur on this; their view is that there's a converse relationship between restrictions imposed and security desired; the greater the former, the less of the latter;

— a second failure is the lack of an alternative that causes less harm to achieve a security goal; in some instances, Israel admitted it hasn't used other methods that would have caused less harm; the Separation Wall is the clearest example of a measure causing great harm with little payback except for confiscated land; after that, the Wall is purely punitive



and the Palestinian response justifiable anger;

— a third failure is the lack of a proper relationship between the harm caused and security benefit gained; whatever reasons Israel claims for its policy, it must still justify that it acted in proper proportion to the benefit achieved; sweeping and protracted West Bank restrictions clearly fail the test; they affect all aspects of Palestinians' lives, infringe on their human rights and deny them the right to family life, health, education, work, and all else Israelis take for granted and get; and in cases of Nablus under siege, the effects are much worse on a locked-down population; there's no justification for causing so much harm for whatever benefits Israel claims to be getting; they're disproportionately way out of whack.

Israel also imposes its might without military legislation or written orders. For measures this far-reaching and causing so much harm, orders are merely passed down the chain of command verbally with lots of latitude on their implementation on the ground no matter how harsh. Such a system begs for abuse, and that's exactly what happens repeatedly.

Without official restrictions in writing, it's near impossible to monitor how the IDF administers them or judge what's right or wrong. By its policy, Israel has, in fact, given the army unlimited latitude, made it unaccountable, and instituted a system guaranteed to punish and abuse.

Under international humanitarian law, it's a system of strictly prohibited collective punishment. Article 50 of the Hague Regulations states: "No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible."

Article 33 of the Fourth Geneva Convention also states: "No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." The UN's International Covenant on Civil and Political Rights (quoted above) concurs. So do all independent human rights experts.

Israel claims it acts to deter, not collectively punish, but evidence on the ground proves otherwise. The vast majority of Palestinians affected are innocent civilians, they're suspected of nothing, they're made to endure great suffering, and Israel's actions have been imposed continuously and repressively for over seven and a half years plus the punitive effects of 41 years under occupation.

These are actions of one ethnic group against another, thus constituting another international law violation. It's prohibited by the 1966 (UN General Assembly-adopted) Convention on the Elimination of All Forms of Racial Discrimination that Israel ratified in 1979. Article 1.1 defines racial discrimination as follows:

"Any distinction, exclusion, restriction or preference based on race, color, descent, or national origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Article 5(d)(1) gives every person the right of free movement within the borders of the state without discrimination. Article 4 of the International Covenant on Civil and Political Rights prohibits all measures that discriminate solely on the basis of race, color, sex, language,

religion, or social origin. Israel violates all of the above. Its claims otherwise hold no water and are, in fact, convoluted. It denies legitimate citizens their legal rights on their own land, but provides preferential treatment for illegal settlers in stark breach of the law.

## **Conclusion**

Israel's repressive measures force West Bank Palestinians to live in a constant state of uncertainty, prevent them from making plans, deny them their basic rights, harm them when emergencies arise, and overall consign their lives to the will and whims to an illegal occupier.

Beyond the immediate harm that's considerable, the West Bank's geographical division causes severe long-term detriment to the entire Palestinian fabric of life - affecting their economic, political and social welfare. The result is an entire nation locked down, punished for being unwanted and in the way, and denied their right of self-determination and free movement on their own land.

Israel's justification is fraudulent on its face, yet goes unchallenged by the world community as well as by neighboring Arab states. Shamefully and willfully, they turn a blind eye to a human calamity they won't confront and denounce publicly as illegal and unacceptable.

B'Tselem has no such hesitancy. It ends its report by calling on Israel to:

— “immediately remove all the permanent and sweeping restrictions on movement inside the West Bank (including the Separation Wall ruled illegal by the International Court of Justice). In their place, Israel should” protect its citizens along the Green Line and inside the Jewish state according to the rule of law;

— “act immediately to evacuate all the settlements in the West Bank. Until this is done, Israel” has every right to protect its settlers security, but not to the detriment of the Palestinian people who are the lawful occupants of their own land; and

— “verify, before any temporary restriction....is approved (while settlements remain in place),” that it's “needed for a legitimate security purpose and that the resultant harm to the Palestinian population will be proportionate,” according to international law. Restrictions in place “must be incorporated in a written order that specifies the nature of the restriction and the period of time it will remain in force.”

Until Israel takes these measures and begins ending its 41 year occupation, it will continue violating international law and remain in violation of dozens of UN resolutions condemning it for its actions, deploring it for committing them, and demanding they be ended. So far, Israel shows no signs of complying and continues acting with impunity, arrogance and defiance of the rule of law it disdains.

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