

# Human Rights Violations in Israel and Palestine

By [Stephen Lendman](#)

In-depth Report: [PALESTINE](#)

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The Association for Civil Rights in Israel (ACRI) publishes annual reports on the state of human rights in Israel and occupied Palestine. This article is based on its latest year end 2007 one.

ACRI is Israel's leading human and civil rights organization and the only one addressing all rights and liberties issues. It was founded in 1972, is independent and nonpartisan, and leads the struggle for these issues in Israel and the Occupied Territories through litigation, legal advocacy, education, and public outreach. ACRI also believes that civil and human rights are universal. They must be "an integral part of democratic community building and....a unifying force in Israeli public life" for everyone, especially those most marginalized, disadvantaged and currently persecuted or neglected.

ACRI evaluates the state of human rights annually, and it's latest report coincided with the December 10, 2007 International Human Rights Day. Its purpose is to cite flagrant violations; note positive trends and developments, if any; and "trace significant human rights-related processes (affecting) Israeli citizens and residents." Reports rely on various information sources: government publications, NGO reports, newspaper and other published materials, parliamentary documents and court litigation.

Human rights violations directly result from government policies, actions and inactions, and ACRI's report is gloomy. It found the Israeli government derelict for having allowed the "blanket" of rights it's supposed to ensure for Arabs and Jews to erode. As a result, rights violations grow, more people are affected, and those harmed most are on society's fringes. ACRI's report is comprehensive and documents them in areas of:

- health;
- workers' rights;
- the state of Arab Israelis;
- education in Sderot;
- migrant worker rights;
- citizenship and residency status;
- human rights in occupied Palestine, highlighting neglect and discrimination in Arab East Jerusalem, Hebron, and the "unrecognized" Negev Bedouins;
- freedom of expression;

- the right to privacy;
- criminal justice; and
- the overall destabilization and erosion of democracy in the country. Israel claims to be a democracy. Its record disproves it.

ACRI's evidence is disturbing and compelling, yet it's appalled by the Israeli public's indifference. It aims to change this by publicizing its findings so those in government, the media and general population know them and will react to reverse an ugly and damaging trend. Growing numbers of people worldwide know how Israel harms Palestinians. ACRI's report shows that Jews are also impacted.

## **Health Care in Israel**

Israel's 1994 National Health Insurance Law has noble guarantees - quality health services for every Israeli resident in accordance with justice, equality and mutual support principles. Ever since, however, Israeli governments violated their obligation, and unequal access has increased. It's characterized by inadequate funding, privatized health services, a steady erosion in the extent and quality of services provided, and the crowding out of access for the poor and many in the middle class. Defunding public health means private insurance is as essential as it is in the US. The result is two health systems differing markedly in quality - one for the well-off and another for everyone else, including many in the middle class.

ACRI finds it disturbing. The trend undermines Israel's social contract with its citizens, violates basic rights, and reneges on the state's duty under the International Covenant of Economic, Social and Cultural Rights. ACRI focuses on the problem with special emphasis on a growing hospital crisis, the need for expensive supplemental insurance, and how various population groups cope inadequately under very limited and expensive health service access.

In recent years, budgets have been cut, and the trend continued in 2007. The Ministry of Health's per capita allocation is 14% lower than in 2001, and the Ministry's development budget is 43% lower. Public hospitals have been hardest hit, patient access to quality health care has eroded, and medical personnel are understaffed and aren't able to provide the best care possible.

The Israel Medical Association January 2007 data highlight the crisis:

- the hospital beds/population ratio has declined; it was 3.27 per 1000 persons in 1970; a year ago it touched 1.94, the lowest figure among western countries;
- the approved number of beds hasn't increased, the need for them has, and it's been met by adding "non-approved" beds that comprise up to 30% of the total in hospital internal medicine units (IMUs); the result is growing overcrowding and medical staff unable to cope;
- on routine days, average hospital occupancy is 100% compared to 85% in the West; in IMUs it reached 130% and in pediatric units 112%; and
- overcrowding and underfunding force early patient releases before they're ready to go; they also contribute to the spread of infections, viruses and

diseases and require doctors and medical staff to be responsible for a growing number of patients, more than they can adequately handle.

Ever since the 1994 National Health Insurance Law passed, health services have eroded in violation of its guarantee. The Adva Center advocates for policy changes favoring disadvantaged Israelis. It tallied the damage through last year and found a 44% decline in health service funding with gaps made up for by supplemental insurance. Over 70% of the public have it while the rest rely solely on dwindling national health services that often fail to deliver.

Most disadvantaged Israelis lack supplemental insurance: one-third are age 65 or older; 53% are Israeli Arabs; 42% are Jews of Russian origin; while 11% are from the Hebrew-speaking community. A 2007 Physicians for Human Rights report describes how various population groups are disadvantaged. Those furthest removed from Israel's social center got poorest access. They include: low wage earners; "unrecognized" Negev Bedouins; East Jerusalem Palestinians; Israelis married to Occupied Territory Palestinians; prisoners; Palestinian spouses of Israeli Arabs; migrant workers; refugees and asylum-seekers; and victims of human trafficking. In total, these groups comprise about 1.25 million men and women.

Income alone is a hugely limiting factor, and two studies document it. A 2005 Brookdale Institute one showed that 15% of Israelis forego some medications. Among low wage earners, the figure was 23%. A 2006 Israel Medical Association survey of Israeli Jews found 23% of them abstain from some form of treatment or essential medication with income and family size the main limiting factors. The same survey reported that 56% of Israeli Jews fear they'll be unable to afford needed medication because of cost, and it estimated that the situation for Israeli Arabs is far worse.

The situation is most acute in peripheral areas, especially in southern Israel that's populated by Bedouin Arabs and new immigrants. Here, socioeconomic status is lowest and so is access to health services that are far below what's available in Central Israeli cities like Tel Aviv and Haifa: fewer hospital beds, inadequate specialized equipment, fewer specialists, and waiting periods for appointments can take weeks. In addition, for more complicated cases, patients are at risk. Hospitals can only provide preliminary exams, patients must incur time and expense to get to where proper treatment is available, and it can be touch and go in life-threatening cases.

ACRI believes that distributive justice demands that the state provide local health services where they're lacking so all Israelis get equal access to it. That will require funding boosts not now available or planned.

### **Worker Rights and the Unemployed**

Subcontracted employment is a growing trend in Israel, the practice exploits workers, labor laws are violated, and human rights organizations are taking note. On average, subcontract wages are 60% of standard, few or no benefits are gotten, and worker rights are routinely violated. Most common abuses include: wages below minimum, illegal overtime without pay, firings without severance, social benefits withheld, leave time disallowed or no pay while on leave, lower pay because of illegal deductions and fines, and organizing efforts crushed.

The situation is deplorable, organizations like ACRI are addressing it, and the government tops their target list. It's the country's largest subcontract employer and the body

responsible for making and enforcing the law. Progress for reforms show promise:

- in March 2007, the Ministry of Finance's General Accountant, Yaron Zelekha, directed government ministries to assure that subcontract bidding includes all social benefits workers are entitled to under protective labor laws. ACRI called it a "significant breakthrough" provided they're enforced; earlier efforts failed because they weren't;
- the same Ministry now requires subcontract companies to present confirmation they're complying with employment laws;
- in June 2007, the Knesset produced a draft bill requiring organizations using subcontract labor to assure worker rights aren't violated; and
- the General Accountant also established a minimum price for employing subcontract workers.

Earlier in 2005, the government established the "Mehalev" program that was known as the "Wisconsin Plan" where the idea originated. In principle, it was sound, but in practice it failed. The idea was this - reduce the number of guaranteed income recipients by integrating them into the job market and thus provide better opportunities for more pay and benefits. In fact, the format was unsuitable for many required to enroll, too little investment went into the program, and bureaucratic obstacles overwhelmed its administration.

A June 2007 inter-ministerial report assessed the plan, concluded it failed, and recommended a new one be established with a menu of proposed changes. As a result, revisions were made, and a new program called "Employment Lights" began in August 2007 with performance under it yet to be assessed.

### **The Rights of Israeli Arab Citizens**

The Palestinian population (excluding refugees) is around 5.3 million. About 3.9 million live in occupied Gaza and the West Bank, and another 1.4 million are Israeli citizens comprising 20% of the population of 7,150,000. They live mainly in three heartlands - the Galilee in the north, along the "Little Triangle" in the center, and the Negev in the south. They get no rights afforded Jews even though Israeli Arabs are citizens, have passports and IDs and can vote in Knesset elections. Even so, they're nonpersons, are systematically abused, neglected, and are confined to 2% of the land plus another 1% for agricultural use.

ACRI assesses the damage that shows up in reports and surveys it reviews. They reveal a disturbing trend - increasing racism toward and discrimination against Israel's Arab citizens. For example:

- the June 2007 Israel Democracy Institute's "Democracy Index" reported disturbing results explained below, and the data are the highest seen since pre-Oslo;
- a March 2007 Center Against Racism report showed a 26% rise in racist incidents against Israeli Arabs in 2006. In addition, an overall negative trend toward Arabs is growing, including feelings of discomfort, fear and hatred. Most disturbing is the government's attitude and how the media portrays its Arab citizens - stereotypically negative, threatening and as state enemies. Fear and loathing is then sown that, in turn, is translated into actions - threats, assaults,

forced separation of Jewish and Arab communities and racist Knesset legislation;

— Knesset members (MKs) and public figures want to strengthen the Jewish character of the state and do it legislatively. For example:

(1) to make military or national service a prerequisite to vote and get National insurance benefits; Arabs aren't required to serve in the military, they're not encouraged to do it, few of them do, and Israel's Ministry of Defence has discretion under Article 36 of the 1986 National Defence Service Law to exempt all non-Jews;

(2) to require MKs and ministers to declare their allegiance to the State of Israel as a "Jewish and Democratic State;" and

(3) a 2007 draft bill declaring that Jewish National Fund (JNF) land (about 13% of state lands) should only be for Jews; the bill passed its "preliminary reading" by 64 to 16. In actuality, the government owns about 80% of Israeli land, the JNF another 13%, and Jews and Arabs the rest. The Israel Land Administration (ILA) administers all government and JNF land, controls who gets access to it, and pretty much assures that Arabs can't buy Israeli land.

These and other measures reveal a disturbing pattern - state-sponsored racism against Israeli Palestinians. They're routinely victimized, punished for being Arabs, and denied equality, dignity, privacy, freedom of movement and everything afforded Jews. Their freedom of expression was also challenged after four Arab documents were published with clearly stated aims - to legislatively mandate equal citizenship rights for all Israelis (Jews, Muslims, Christians and others). Outrage was the response because Jews believe these demands threaten state sovereignty. So do officials like head of General Security Service (GSS), Yuval Diskin. He called Israeli Arabs a "strategic threat," and got Attorney General Menachem Mazuz to agree.

Palestinian citizens have no say and are disadvantaged in many ways. They're routinely denied equal access to public resources in all areas of life, and ACRI highlights the northern rehabilitation program budget as an example. Arab villages there are sorely lacking because of government neglect. Budgeted funds are inadequate, they're improperly used, Arabs in the north are marginalized, their needs go unaddressed, and 2008 promises to be worse with planned budget cuts.

It's worse still in the south for the Negev Bedouins who comprise half the area's 160,000 population. They live in villages called "unrecognized" because their inhabitants had to flee their homes during Israel's War of Independence, couldn't return when it ended, and are considered internal refugees and "trespassers" on Jewish land.

These villages were delegitimized by Israel's 1965 Planning and Construction Law that established a regulatory framework and national future development plan. It zoned land for residential, agriculture and industrial use, forbade unlicensed construction, banned it on agricultural land, and stipulated where Israeli Jews and Palestinians could live.

Existing communities are circumscribed on a map with blue lines around them. Areas inside can be developed. Those outside cannot. Great latitude is shown Jewish communities, so new ones are added. In contrast, Palestinian areas are severely constricted with no allowed room for expansion. Their land was reclassified as agricultural meaning no new construction is allowed. It means entire communities are "unrecognized" and all homes and buildings

there are illegal, even the 95% of them built before the 1965 law passed. They're subject to demolition and their inhabitants displaced at Israel's discretion. It's so new land for Jews can be provided with Arab owners helpless to stop it.

As a result, no new Palestinian communities are allowed, and existing "unrecognized villages" are denied essential services like clean drinking water, electricity, roads, transport, sanitation, education, healthcare, postal service, telephone connections, refuse removal and more because under the Planning and Construction Law they're illegal. The toll on people is devastating:

- clean water is unavailable almost everywhere unless people have access to well water;
- the few available health services are inadequate;
- many homes have no bathrooms, and no permits are allowed to build them;
- only villages with private generators have electricity that's barely enough for lighting;
- no village is connected to the main road network,
- some villages are fenced in prohibiting their residents from access to their traditional lands; and
- education is limited, achievement levels are low, and dropout rates high.

It's worse still when home demolitions are ordered. It may stipulate Palestinians must do it themselves or be fined for contempt of court and face up to a year in prison. They may also have to cover the cost when Israelis do it under a system of convoluted justice penalizing Palestinians twice over for being an Arab in a Jewish state.

In 2007, around 200 Bedouin homes were demolished, compared to much lower numbers in previous years: 23 in 2002, 63 in 2003, 15 in 2005 and 96 in 2006. Most of the homeless are "invisible," the media hardly covers them, Jews are largely uninformed, and planned Negev Judaization assures things will get worse. It's to be a "A Miracle in the Desert" with a clearly defined aim - to populate the area with a half million Jews in the next decade. Plans are for 25 new communities and 100,000 homes on cleared Bedouin land. Unless efforts coalesce to stop them, the human toll will be horrific.

Various advocacy organizations are trying, and one is the UN Committee on the Elimination of all forms of Racial Discrimination. It published its recommendations in March 2007 that called on Israel to reconsider its development plans and recognize "the rights of the Bedouins to own, develop, control and use their communal lands, territories, and resources...." ACRI calls them a "national, religious, and cultural(ly) indigenous minority." Under international law, Israel is obligated to respect their right to preserve their culture and provide them adequate housing, education, livelihood and dignity. Israel, on the other hand, disdains international law, so hoping authorities will respect it looks impossible.

### **Education in Sderot, Israel**

Sderot borders Gaza and has been struck by Palestinian Qassam rockets. ACRI's study



focuses on protecting schools from them, rather than on the education they provide. It reported that despite the state's obligation to defend its citizens, it's done it poorly in Sderot, including for its schools. They were built in the 1970s, have shingled roofs and lack security rooms. In July 2006, the government adopted the Home Front Command's protection plan that called for reinforcing 24 of the city's schools. Then after a Parents Committee of Sderot petition to the High Court of Justice in October, it was announced that protected space construction would be provided for all preschools and first through third grade classrooms in the Gaza-border region.

In May 2007, the Court ruled that the government must provide "full protection" for all classrooms by the start of the 2007-2008 school year. By mid-October, the Sderot Municipality reported work was proceeding satisfactorily on seven schools with plans to build 13 new ones by 2010.

ACRI also reported on a shortage of educational psychologists to provide counseling services to students, parents and educators because of the trauma caused by rocket landings in residential areas. A better strategy would be for Israel to stop attacking Gazans, they wouldn't respond in self-defense, and that would ensure safety on both sides. Israel ignores that option, however, chooses conflict instead, so the Ministry of Education and Sderot Municipality need bigger counseling budgets for what they should never have to deal with in the first place.

### **Migrant Worker Rights**

In October 2006, Israel enacted legislation prohibiting trafficking in persons for slavery, forced labor, prostitution, human organ sales, human reproduction, or immoral publications. Ignored were other types of trafficking, such as "binding" workers to employers and requiring onerous fees to brokers that are still common. More on that below. A victory was achieved in part, however, for 63% of those requesting it in 2007 - granting legal status to migrant workers' children who were born in Israel or have lived there since very young, use Hebrew as their primary language, and have adopted Israel as their culture.

The High Court granted another one as well on the way agricultural firms, nursing care services and other industries "bind" migrant workers to a single employer. It ruled this infringes on workers rights, must be discontinued, and gave the government six months to draft new a employment arrangement for its migrant workers. As of last October, nothing was implemented, 18 months after the Court ruling. Abuses still occur, and ACRI concludes that evidence about them paints a "bleak picture for future employment conditions for Israeli migrant workers."

Then there's the matter of brokers' fees that can be "astronomical" and a way to earn profits at workers' expense. Israel allows them even though the law forbids it. They're an oppressive burden, can cost several months wages, and they may require high interest rate loans to be able to pay them. A solution may be near, however, under an agreement between Thailand and the International Organization for Migration (IOM) regarding agricultural worker recruitment. Beginning this year, only migrant workers from countries with which Israel has bilateral brokerage fee agreements will be allowed into the country. It remains to be seen if this will work.

### **Citizenship and Residency Status**

Sovereign states are entitled to decide who can immigrate and get permanent status. But they must consider human rights, issues of family, and not exclude refugees, asylum-seekers, stateless persons or those coming under duress. Israel fails on all counts and makes things worse. It has no immigration policy for non-Jews who aren't welcome, and family member status rules are changing and becoming hardened.

In 2005, the government appointed Professor Amnon Rubinstein to head a committee to assess the immigration issue, examine relevant legislation and regulations, and propose new policies and laws. In February 2006 a report was issued, but the committee wasn't reappointed, and bureaucratic guidelines replaced policy with Population Registry civil servants in charge. An administrative black hole is the result with policies governing non-Jews stiffened.

Since 2003, the Citizenship and Entry into Israel Law (Temporary Order) denies legal status to Palestinian spouses of Israeli citizens. Israeli Arabs suffer the most as they maintain marriage and family ties with their relatives in the Territories. In May 2006, the High Court rejected petitions opposing the law and determined that it serves an essential security purpose. As a result, although the law is temporary, it's been extended several times, most recently through July 2008.

In addition, the law's scope has been expanded and now prevents family member spouses from Iran, Lebanon, Syria, Iraq, and other government-designated "enemy states" from getting status. Tougher immigration rules for non-Jews were also in a government-proposed draft bill stipulating that illegal Israeli residents must leave for a multi-year "cooling off" period before being eligible to return. The law is far-reaching on issues of family life; equality for spouses of Israeli citizens and residents; parents of Israeli minors; elderly parents; minor children of Israeli citizens and residents; indigenous Negev Bedouins with no formalized status; asylum-seekers; women victimized by trafficking; and many others.

According to the UN High Commission for Refugees (UNHCR), the number of asylum-seekers in Israel rose sharply over the past year. Most arrive through Egypt under trying conditions, bear scars of physical and mental abuse, are impoverished and desperate, have no relatives or friends in the country, and are totally dependent on aid from their host.

For its part, Israel lacks clear policy directives for dealing with the situation. Mechanisms in place are based on Ministry of Interior unpublished procedures, and inter-ministerial committee asylum determinations are made on a case-by-case basis with all deliberations kept secret. The result is the lowest percent of requests granted in the West, just 1% in 2005. It was even lower in 2006 at under 0.5%. In 2007, 350 refugees got temporary protection, 805 others were denied, and 863 are under review.

Even persons recognized as refugees aren't granted permanent Israeli status. At best, they get temporary permits for limited stays. Provisions allow bi-annual renewals if hardship conditions remain in countries of origin, but at times refugees are summarily turned away and others (including women and children) imprisoned for extended periods under very difficult conditions and without having committed an offense.

Israel is morally and legally bound to assist asylum-seekers. And it has every right to establish laws and procedures for their admittance. Yet its record is shameless as the West's least hospitable country to individuals in greatest need.



## Human Rights Violations in Occupied Palestine

June 2007 was a milestone for Palestinians. It marked 40 years under Israeli occupation, during which time their democratic rights have been denied and they've endured appalling human rights abuses – to life, liberty, security, privacy and personal safety, in or outside their homes. In addition, they have no property rights or freedom of movement, employment, or for health care and education. They're collectively punished and economically strangled. Their borders are blocked and routinely violated as are their waters and air space. They're also constricted by oppressive curfews, roadblocks, checkpoints, electric fences and separation walls, and their homes are being bulldozed and land taken for illegal settlement expansions. It gets worse.

Israeli security forces brutally harass, arrest, imprison, torture and extra-judicially assassinate anyone with impunity. Palestinians are helpless, redress is denied them, and when they resist, they're called terrorists. The toll has been horrific, it's too detailed to recount, so ACRI focused on three prominent issues: movement restrictions, conditions in Hebron that symbolize the overall situation, and life in occupied Gaza that's more repressive than ever. It then addressed conditions in Arab East Jerusalem.

Free movement is a basic human right that affects other rights: to employment, to live in dignity, to education, health, and the right to family life. Since the second Intifada began in September 2000, these freedoms have been constricted, and it's made life in the Territories impossible. They mainly affect the West Bank that's restricted by hundreds of checkpoints, roadblocks, barriers and the Separation Wall that's taken 10% of Palestinian territory through a shameless land grab on the pretext of security.

Movement restrictions have split the West Bank into six geographic units – North, Center, South, the Jordan Valley, the northern Dead Sea, and East Jerusalem. Movement is severely restricted within and between them, it's had a grave impact on normal economic life, and Palestinians are effectively prisoners in their own land.

Consider the checkpoints. They restrict movement and subject Palestinians to inordinate delays and abusive searches. They're supplemented by countless obstacles further impinging movement: concrete blocks, earth mounds, and trenches that deny direct vehicular or pedestrian passage and allow Israelis exclusive access to 311 kilometers of main West Bank roads connecting all of Israel and the Territories. Those most harmed are the elderly, sick, pregnant women and small children. So are selected population groups according to gender, age or place of residence. Males aged 16 to 30 or 35 are targeted as well as populations in cities under assault.

Then there's the "black lists" called "Police Refused" or "GSS Refused." Tens of thousands of Palestinians are on them for groundless and arbitrary reasons with no right of appeal. Their lives are disrupted, freedom denied and movements restricted inside the Territory or when attempting to leave. The Separation Wall makes things worse. It's 80% on Palestinian land, has nothing to do with security, separates Palestinians from each other, and violates their fundamental human rights:

- it separates Palestinian cities, villages, communities and families from each other;
- cuts off Palestinian farmers from their lands;

- impedes access to health facilities, educational institutions and other essential services; and it
- obstructs access to clean water sources and effectively steals them.

The planned route when completed will be immense – 780 kilometers. By October last year, 409 kilometers were completed and another 72 km were being built. As of last May, there are 65 gates but Palestinians can only pass through 38 of them and only for selected hours of the day and not at all on some days. Around Jerusalem, the planned route is 171 km; half was completed by last June and another 32 km were under construction. The Wall cuts off Palestinians in East Jerusalem neighborhoods from the remaining West Bank as well as villages around Jerusalem and some Palestinian East Jerusalemites from the center of their lives and livelihoods in the city.

When completed, the Wall will create two types of Palestinian enclaves:

- villages and agricultural land on the Israeli side in what's called the "seam zone;" and
- villages and land on the Palestinian side that are blocked on three or more sides by twists in the route or the intersection of the Wall with physical roadblocks or roads forbidden to Palestinians.

The UN Committee on the Elimination of all forms of Racial Discrimination published recommendations concerning Israel in March 2007. It expressed concern that Occupied Territory movement restrictions have been "highly detrimental" and have impacted essential elements of Palestinians' lives that "gravely infringe (their) human rights...." They have no justification for security or "military exigencies." Yet they're maintained, and who'll challenge Israel to change things.

The same situation exists in Hebron, ACRI and B'Tselem jointly documented it, and last year prepared a report called: "Ghost Town." It's a disturbing story of separation, forced displacement and terror. Israel is the oppressor, Palestinians the victims, and no one seems to care. The human toll is horrific – "protracted and severe harm to Palestinians (from) some of the gravest human rights violations" against them that go unaddressed, continue unabated, and worsen.

Hebron's City Center was once a thriving commercial and residential area. Today it's a "Ghost Town" because Israel destroyed its fabric of life through a state-imposed policy of land seizures, extended curfews, harsh free movement restrictions and unaddressed violence. Combined, they terrorize Palestinians and prohibit them from driving or even walking on the area's main streets. That, in turn, makes life impossible. The consequences have been devastating with peoples' lives uprooted.

Since Gaza and the West Bank were occupied in 1967, Israel expelled tens of thousands of Palestinians overall. In Hebron alone, thousands of residents and merchants were removed or had no option but to leave the City Center because of Israel's "principle of separation" policy.

Hebron is important as the West Bank's second largest city, the largest in the territory's south, and the only Palestinian city with an Israeli settlement in its center. It's concentrated

in and around the Old City that once was the entire southern West Bank's commercial center. No longer.

For many years, Israel severely oppressed Palestinians in Hebron's center. It partitioned the city into northern and southern parts and created a long strip of land for Jewish vehicles only. In addition, in areas open to Palestinians, they're subjected to "repeated detention and humiliating inspections" any time, for any reason, and it worsened after the 1994 Baruch Goldstein massacre of Muslim worshipers in the Tomb of the Patriarchs. Israel's military commander ordered many Palestinian-owned shops closed that were the livelihoods for thousands of people. In addition, he condoned frequent settler violence as a way to remove Palestinians from their own land. It worked.

A combination of restrictions, prohibitions and deliberate harassment devastated Hebron's residents. They lost their homes, land, businesses and freedom. ACRI and B'Tselem documented it in the Old City and Casbah areas where most Israeli settlements are located and Palestinians face the harshest conditions and restrictions on their movements. As a result, they were removed or had to leave, and what was once "the vibrant heart of Hebron (is now) a ghost town."

A senior Israeli defense official explained the scheme that's pretty common knowledge today. He called it "a permanent process of dispossessing Arabs to increase Jewish territory." Distinguished Israeli historian, Ilan Pappé, calls it state-sponsored ethnic cleansing that's been ongoing since Israel became a state in 1948. B'Tselem-ACRI document the practice in Hebron's once viable City Center.

At least 1014 Palestinian housing units (41.9% of the total in the area) were vacated by their occupants. Another 659 apartments (65% of the total) were as well during the second Intifada. In addition, 1829 Palestinian businesses (76.6% of them all) were lost. Of the total, 1141 (62.4% of the total) closed after the year 2000, 440 or more by military order. ACRI and B'Tselem believe Palestinian apartment abandonments were even higher than reported because neighborhoods near settlements collapsed and housing and living costs declined dramatically there. Poor families took advantage. Unable to afford more costly housing, they left distant parts of Hebron for Old City neighborhoods where they occupied vacated houses.

Overall, the affects were devastating - job loss, poor nutrition, rising poverty, growing family tensions from prolonged confinement, severe harm to education, welfare and health systems, and a mass exodus away from areas near settlements resulting in lost homes and businesses. To this day, nothing has changed, there's no sign it will any time soon, and things, in fact, got worse.

Israeli security forces protect settlers who freely attack Palestinians with impunity. Offenses include physical assaults and beatings (at times with clubs), stone throwing, and hurling refuse, sand, water, chlorine, and empty bottles. Settlers freely loot Palestinian shops and commit acts of vandalism against them and other owner property. Killings also occur as well as attempts to run over people with vehicles, chop down fruit trees, poison water wells, break into homes, and pour hot liquids on Palestinian faces. IDF forces are positioned everywhere in the area. They witness everything and ignore it.

Soldiers also commit violence and use excessive force as do police. In addition, they engage in arbitrary house searches at all hours of the day and night, seize houses, harass, detain randomly and conduct humiliating searches and harsh treatment overall. These actions

violate international and Israeli administrative and constitutional law. They persist nonetheless.

In Gaza it's even worse. Life there was never easy under occupation, but conditions worsened markedly after Hamas' surprise January 2006 electoral victory. Israel refused to recognize it. So did the US and the West. All outside aid was cut off, an economic embargo and sanctions were imposed, and the legitimate government was isolated. Stepped up repression followed along with repeated IDF incursions, attacks and arrests. Gazans have been imprisoned in their own land and traumatized for months. No one outside Palestine cares or offers much aid, and things continue to deteriorate.

Hamas is isolated, assaulted and called a "hostile entity." Then on September 19, 2007 sanctions were tightened, electricity and fuel was reduced and so were supplies of food, medicines and other essential items. Tighter border crossing restrictions were also imposed on an area already devastated by years of repression.

Its industrial production is down 90%, and its agricultural output is half its pre-2007 level. In addition, nearly all construction stopped, and unemployment and poverty exceed 80%. Shops then ran out of everything because Israel allows in only nine basic materials, their availability is spotty, and some essentials are banned, like certain medicines, and others restricted like fruit, milk and other dairy products. Before June 2007, 9000 commodities could be imported. Today, it's only 20, people don't get enough food, and the situation is desperate.

Then there's the matter of power without which Gaza shuts down. The Strip needs 230 - 250 daily megawatts of electricity. Its only power plant supplies around 30% of it, but people in central Gaza and Gaza city are totally dependent on what can't be supplied if industrial diesel fuel the plant depends on is cut off. The result is critically ill people are endangered, hospitals can't function, bread and other baked goods can't be produced without electricity to power ovens, food is already in short supply, so is fresh water, and sanitation conditions are disastrous.

The situation may now worsen following Israel's High Court January 30, 2008 decision in which it upheld government sanctions on Gaza and its right to restrict fuel and electricity. Here's what's planned on top of already imposed cuts. Starting February 7, further reductions will be made incrementally according to a plan submitted to the Court - 5% on three of ten lines supplying electricity to Gaza for a total of 1.5 megawatts through around February 21. An additional 25 megawatts have already been cut because of diesel fuel reductions to Gaza's sole power plant. The result is rolling blackouts, hospitals in crisis, and sewage treatment plants, water pumps and other vital services can't operate. Transportation is also disrupted. The situation is critical, Israel won't address it, these punitive measures violate international law, and the world community is dismissive.

Egypt, however, may provide belated relief. On March 21, the pro-government Al-Ahram newspaper reported that Cairo is expected to build a power line to supply about 150 megawatts of electricity to the Strip and become its main supplier. A senior Egyptian electricity ministry official apparently confirmed it by indicating the Islamic Development Bank agreed to finance the project that will link El-Arish in Sinai with Gaza.

In addition, an Egyptian oil minister issued "urgent" directives for his country to provide natural gas to the Territory and help develop offshore Palestinian gas fields that British Gas

Group (BG) estimate hold 1.3 trillion cubic meters in proved reserves worth nearly \$4 billion. For its part, Israel wants to cut all ties with Gaza and apparently finds the new arrangement acceptable or at least won't prevent it. However, it remains for it to be implemented, Gaza remains under siege, and conditions on the ground are at crisis levels.

East Jerusalem is also victimized by neglect and discrimination even though Israel granted its Palestinian population "permanent resident" status after its 1967 occupation. International law is clear, and Israeli law as well obligates the government to treat the population equitably and afford them all services and rights Israelis get, aside from the right to vote in national elections.

Israel refuses and for the past four decades has systematically neglected Palestinian Arabs as part of a discriminatory policy to drive them from the city and secure a Jewish majority in it. As a result, East Jerusalem residents suffer severe distress, conditions continue worsening, and life for them is an unending cycle of poverty, neglect, shortages and repression. In 2003, Central Bureau of Statistics data showed 64% of Palestinians in the city lived in poverty compared to 24% of Jewish families. It was even worse for children – 76% of Palestinians compared to 38% of Jews.

Other examples of abuse and neglect are also common:

- Palestinians aren't allowed building permits for new construction; in rare instances when they're allowed, permit fees are too high to be affordable for nearly everyone;
- their lands continue to be expropriated for new Jewish neighborhoods and settlements;
- in contrast, Jewish areas get generous construction and infrastructure investment;
- desperate Palestinians resort to their own devices, erect homes on their own land, yet live in fear of frequent demolitions that are patently illegal;
- East Jerusalem sanitation facilities are sorely lacking; sewage and drainage infrastructure is grossly inadequate, antiquated and poorly maintained; the result is frequent sewer flooding and harmful sanitary conditions that are exacerbated during bad weather; in addition, trash goes uncollected and piles up in streets;
- infrastructure is in disrepair, public parks and recreational facilities don't exist, the postal service barely functions, and most Arab neighborhoods get no fresh water;
- educational facilities are lacking; a severe classroom shortage exists, and only half of the city's children are enrolled in municipal schools that are overcrowded, poorly equipped and unsafe;
- the toll on Palestinians is horrific in many ways: family relationships are damaged; violence in them is common; school dropouts are high; jobs are scarce; crime and drug use rises; and health and nutritional problems are severe; in spite of overwhelming needs, welfare services are inadequate, near collapse and one consequence is thousands of children and youths are in acute distress and at high risk;
- police and security force brutality exacerbates the hardships; harassment is

common and so is unrestrained violence; Palestinians are terrorized, harmed, frequently killed, and no one outside the Territories seems to notice or care.

## **The Right to Privacy**

Israel has no formal constitution. It relies instead on 11 Basic Laws. Section 7 (D) states that “there shall be no violation of the confidentiality of conversation.” Authorities ignore it, and data show police wiretapping abuses are common, thus violating the right to privacy.

By law, police must formally request a court order to wiretap. Rarely are they refused, and in 2007 a Knesset committee investigated the issue. In November 2007, a new bill was drafted concerning the transfer of data from communications companies to the police for use in criminal investigations. It provides wide latitude, and ACRI calls the potential for privacy violations enormous and possibly unprecedented. Protests were lodged against the original bill, and they led to important changes toning down the initial language.

Privacy issues also affect job applicants and employees, can be abusive, and individuals get no choice - accept them, or else. They:

- demand job applicants sign a complete waiver of medical confidentiality;
- allow employer surveillance of telephone conversations and e-mail correspondence;
- mandate compulsory polygraphs for applicants and employees; and
- use video cameras for workplace monitoring.

## **Criminal Justice**

The right to counsel is essential for anyone charged with a crime. Israel’s Public Defender’s Law (1995) stipulates that detainees and defendants unable to afford help are entitled to state-funded representation, but only for crimes with prison terms of five or more years. This was amended in December 2006 to prohibit prison sentences for unrepresented defendants.

Israel’s legal system also establishes the right to a fair trial and other safeguards. Yet, erosion began in 2007 under a temporary Knesset January 2007 law infringing on detainees rights: they can be denied face-to-face contact with an attorney; prevented from meeting with family members; denied the right to be present at hearings on their charges; interrogated without counsel; and unreasonably cut off from the outside world that creates a feeling of isolation.

In June 2007, the Office of the Public Defender published a report on detention and incarceration conditions in Israeli police internment facilities. As in previous years, it was alarming and indicated basic human rights violations, some extreme. An Israeli Bar Association March 2007 report reached the same conclusions:

- severe overcrowding and highly restrictive living space in two-thirds of detention facilities examined; some cells were only two square meters or less;



- larger cells held up to 10 prisoners;
- sanitary and hygiene conditions were poor as well as ventilation; some cells lacked windows;
- wall peeling and crumbling from dampness and mold were common;
- prisons had filthy and foul-smelling toilets and showers as well as infestations of cockroaches, rats and other vermin;
- lighting was poor and prisoners often sat in dark, suffocating, fetid cells; the wings of one prison were described as unsuitable for human habitation; and
- complaints were common about violence at the hands of guards and wardens; collective punishment was also inflicted and overall treatment was degrading, humiliating and invasive.

Police brutality is a major issue, just as it is in the US. The authorities have great power and too often abuse it with impunity. Complaints often are unaddressed. The problem is systemic, it's within the Police Service, and specifically in the Police Investigations Department of the Ministry of Justice (PID).

PID was established in 1992 and mandated to investigate complaints against police in cases of excessive force. However, investigations are rare, and seldom ever are there prosecutions, regardless of the complaint's severity and almost never against senior officers with authority. The lack of effort assures continued brutality because officers know they can get away with it.

### **The Destabilization of Democracy**

The Israeli Democracy Institute (IDI) surveyed Israeli citizens, published its "Democracy Index" in June 2007, and included some disturbing findings in it. Its survey showed:

- less than half of respondents believe public speakers have the right to criticize the government;
- only 54% favor freedom of religion and a bare 50% feel Arabs and Jews should have equal rights;
- 87% rate Jewish-Arab relations poor or very poor;
- 78% oppose having Arab parties or ministers join Israel's government;
- 43% believe Arabs aren't intelligent;
- 55% feel the government should encourage Arab emigration; and
- 75% think Arabs favor violence.

Overall, the results showed democratic values eroding since the IDI 2003 survey. It doesn't happen in a vacuum. It's part of the cultural environment: from the home, within families, at school, through the media and other social contexts from which attitudes develop. It's also gotten from the law, the way Israeli courts interpret it, particularly the High Court of Justice, and subsequent legislative efforts to bypass Court rulings and trample on human rights. The

problem is pervasive and worsening as Israel becomes a very hostile place, much like America. And it doesn't just affect Israeli Arabs who get no justice.

ACRI cites the role of Daniel Friedman since he became Israel's Justice Minister in February 2007. He's since proposed a number of initiatives and "reforms" that threaten to undermine the legal system and High Court in particular. One proposal was to change how justices are chosen in a way that would curtail their independence and politicize the entire process. In August, he then prepared a draft bill to limit public petitioner rights to the High Court, especially for human rights organizations.

ACRI ends its lengthy and disturbing report as follows: History shows that "parliaments tend to violate human rights in times of crisis. It is precisely at these moments, however, that (it's vital) to preserve the judiciary's role in the system of checks and balances." Israel claims to be a democracy. It has an odd way of showing it, and when it comes to its Arab citizens, it's nowhere in sight.

*Global Research Associate Stephen Lendman lives in Chicago and can be reached at [lendmanstephen@sbcglobal.net](mailto:lendmanstephen@sbcglobal.net).*

*Also visit his blog site at [sjlendman.blogspot.com](http://sjlendman.blogspot.com) and listen to The Global Research News Hour on [RepublicBroadcasting.org](http://RepublicBroadcasting.org) Mondays from 11AM to 1PM US Central time for cutting-edge discussions on world and national topics with distinguished guests.*

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### About the author:

Stephen Lendman lives in Chicago. He can be reached at [lendmanstephen@sbcglobal.net](mailto:lendmanstephen@sbcglobal.net). His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III." <http://www.claritypress.com/LendmanIII.html> Visit his blog site at [sjlendman.blogspot.com](http://sjlendman.blogspot.com). Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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