

# Israeli Oppression in Hebron - A Case History of Separation, Forced Displacement and Terror

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Global Research, January 25, 2008  
25 January 2008

Theme: [Crimes against Humanity](#)  
In-depth Report: [PALESTINE](#)

B'Tselem is the independent Israeli Information Center for Human Rights in the Occupied (Palestinian) Territories (OPT) based in Jerusalem with a well-deserved reputation for accuracy and integrity. It was founded in 1989 to “document and educate the Israeli public, policymakers (and concerned people everywhere) about human rights violations in the (OPT), combat the phenomenon of denial prevalent among the Israeli public (and elsewhere), and create a human rights culture in Israel” to convince government officials to respect human rights and comply with international law.

Its human rights work is wide-ranging, carefully researched, and thoroughly cross-checked with relevant documents and other official government sources. It also relies on additional information from Israeli, Palestinian, and other human rights organizations. From them, B'Tselem publishes scores of reports, some quite comprehensive in scope. One of them was 107 pages in length and prepared in May, 2007. It's titled: “Ghost Town – Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron.” It recently came out in print form and is available on request.

This article summarizes its findings. They're from a joint effort between B'Tselem and the Association for Civil Rights in Israel (ACRI), Israel's leading human and civil rights organization and the only one addressing all rights and liberties issues. ACRI was founded in 1972, is independent and nonpartisan, and leads the struggle for these issues in Israel and the OPT through litigation, legal advocacy, education, and public outreach. ACRI believes 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 by state authorities.

Hebron is a notable example. The study findings below present a case history of what Palestinians under Israeli occupation have endured for decades from a state-imposed policy of separation, forced displacement and terror. They show how Israel is colonizing Palestine incrementally through new and expanding settlements on illegally seized land. The human toll is horrific – “protracted and severe harm to Palestinians (from) some of the gravest human rights violations” against them that go unaddressed in the mainstream and continue unabated.

Hebron's City Center is a case study example. It 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 restrictions on free movement 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 for them. The consequences have been devastating with peoples' lives uprooted. The material below reviews the evidence B'Tselem and ACRI revealed in their study. Consider the consequences.

Since the territories were occupied in 1967, Israel expelled tens of thousands of Palestinians throughout the OPT. In Hebron alone, thousands of residents and merchants were removed or had no other option than 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 got worse 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 livelihood 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. B'Tselem-ACRI document it in detail in the Old City and Casbah areas where most Israeli settlements are located and where Palestinians the face 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's 1948 creation. B'Tselem-ACRI document the practice in Hebron's once viable City Center.

### **Israeli Settlements in Hebron**

They began on Passover Eve, 1968 when a group of Israeli civilians rented a Hebron hotel room for two days and wouldn't leave. Cabinet ministers supported them, and the Israeli Defense Forces (IDF) gave them weapons and trained them in their use. Six months later, the Hebron and Gush Etzion Ministerial Committee officially approved establishing a Jewish neighborhood in the city, and it was all downhill from there.

In March 1970, the Knesset established the Qiryat settlement that in a few years had hundreds of Jewish-only housing units. The big settlement push came 10 years later in 1980 when the government built a yeshiva (Orthodox school) structure in the City Center by adding a floor to the Beit Hadassah settlement for the purpose. More activity came in 1984 when Jewish families established a settlement in the Palestinian Tel Rumeida neighborhood. From then on, others grew to where a few hundred Jews now live in a number of Old City locations, mainly in or around what used to be the city's commercial area.

After Baruch Goldstein massacred 29 Palestinians and wounded over a hundred others in 1994, Israel adopted an official separation policy in the area. First, it was around the Tomb of the Patriarchs and later elsewhere in the City Center. In the 1995 interim agreement both sides signed, the parties agreed to leave the city under IDF control. Then in 1997, the Protocol Concerning the Redeployment in Hebron was signed. It divided the city in two:

— H-1 is comprised of 18 square kilometers and controlled by the Palestinian Authority (PA); it's where most city residents (about 115,000) live; and

— H-2 has 4.3 square kilometers with around 35,000 Palestinians who are controlled by the IDF with the PA only having civil powers over them. H-2 includes the Old City, the commercial center and all Israeli settlement points.

The division notwithstanding, Article 9 of the Hebron redeployment agreement commits both sides "to the unity of the city" and the smooth movement of its residents. It never worked well, but after the second intifada erupted in September, 2000 everything changed for the worst. Henceforth, the IDF expanded limited separation to the entire area containing Israeli settlements. This entailed unprecedented restrictions on Palestinian movement that included a continuous curfew and closure of main streets to residents.

It also led to a sharp rise in violence on both sides, but mostly against Palestinians, the majority of whom are innocent victims. At the same time, the distinction between H-1 and H-2 blurred, and the commitment to free movement and unity of the city was abandoned. In April, 2002 during Operation Defensive Shield, the IDF invaded and took positions in H-1. The PA relinquished control, and it led to the loss of Hebron's City Center commercial, cultural and social areas with the city becoming a ghost town.

### **Palestinian Abandonment of the City Center**

Hebron's City Center once thrived as a commercial hub serving city residents and merchants as well as the entire southern West Bank. Now it's gone, most shops have closed, and Palestinian businesses have moved elsewhere or no longer exist.

In preparing their report, B'Tselem-ACRI surveyed over 1000 structures in areas in or next to where settlements are situated as well as others adjacent to roads for exclusive settler and Israeli security forces use. Most structures are in H-2, and the survey covered the following:

- structures in the Casbah;
- the area near the Tomb of the Patriarchs;
- the Tel Rumeida neighborhood;
- around the Avraham Avinu, Beit Romano and Tel Rumeida points;
- along (the main) a-Shuhada Street;
- on the lower part of the Abu Sneineh neighborhood near a-Sahia compound;
- along settler-only roads in and out of the City Center and Qiryat Arba settlement;
- around the Givat Haavot settlement; and

— between and adjacent to Qiryat Arba and Givat Haharsina in the North.

Two small H-1 areas are also included: the southeast Baba-Zawiya neighborhood and the Qarnatini Road, adjacent to the Avraham Avinu settlement. Data was collected door-to-door to document all residential dwellings to determine if they were occupied or abandoned. The same procedure was followed for all business establishments, and the results were shocking, but no surprise.

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. B'Tselem-ACRI 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.

B'Tselem-ACRI documented areas hit, and one was the a-Shuhada Street area, the heart of the City Center that was closed in part to Palestinian traffic and commerce after the 1994 massacre. After it happened, 304 shops and warehouses closed, 218 or more by military edict, and not a single shop is now open for business. In addition, the IDF seized a bus station for use as an army base, and non-commercial activities were affected as well. Important services moved or ceased to function including the Ministry of Supply, Information, the Waqf, the Farmers and Women's Association, and other formerly functioning area operations. Medical centers also closed, and Palestinians paid dearly with more to follow.

### **Restrictions on Palestinian Movement and Business Closings**

After the 1994 massacre, Israel imposed a curfew on Hebron residents, restricted their movements, but conditions became far worse after September, 2000. At first, the curfew applied to all of H-2 and on certain neighborhoods in its center with Palestinians unable to leave their homes for three months except for a few hours a week to buy food and other basics. At times, H-1 was also affected but never Hebron settlers.

In the intifada's first three years, H-2 residents were under curfew restrictions for over 377 days, including a 182 day non-stop period with spotty breaks to restock essentials. In addition, on more than 500 days, H-2 was under curfews that lasted from a few hours to entire days. Along with other restrictions covered below, they made life unbearable, and that was the whole idea behind them. Israelis claimed that harsh measures were to let Jewish settlers conduct their daily lives securely. In fact, they were collective punishment by being randomly imposed or for reasons unrelated to security.

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.

One hardship was crucial for City Center residents needing medical treatment. They couldn't get it because it wasn't accessible under curfew. As a result, medical clinics and centers

closed and residents couldn't travel to where they were open. Most affected were the sick, pregnant women, the elderly and anyone needing emergency care. They were stuck and at times gravely harmed.

Even under dire need, anyone outside their homes during curfew for any reason risked being shot as the IDF had a policy to fire on them with impunity. The Association for Civil Rights petitioned the High Court of Justice to end curfews in January, 2003 claiming the practice was illegal and caused severe harm when in place for long periods. The court rejected the plea on July 9, 2003 but agreed the measure is drastic and that military commanders should consider that before imposing them. That happened in 2004 when the IDF ended the practice for long periods, but by then the damage was done. Many Palestinians were gone so they were unnecessary. In 2004 and 2005, H-2 and H-1 were under curfew restrictions for only a few days at a time, and by 2006 they no longer were used on a regular basis.

In 1994 and after September, 2000, a large network of 101 staffed checkpoints and physical barriers enforced movement restrictions in H-2. They prevent H-1 located Palestinians from entering H-2 by car and restrict them by foot. Even to reach their homes, residents on the other side of a checkpoint have to register with the IDF. Still, movement can entail long delays, and at times they're kept out anyway.

Emergency and rescue services are also hampered as ambulances can't enter H-2 unless arrangements are made in advance with Israeli authorities. When needs arise, there isn't enough time so persons, if able, must go by foot to where vehicles are allowed. Hebron Municipality vehicles also are prohibited from the City Center without prior approval so quick repairs of electricity, telephone, water and sewage problems are impossible, and families at times are without essential services for days as a consequence. The same problem affects schools as well, and three of them on a-Shuhada Street lost a large percent of students because movement restrictions, checkpoints and other harassments deter them.

For most of the intifada, restrictions were made verbally, not by official orders, and often were unrelated to security. It wasn't until late 2005 that the military commander issued formal orders for "protective spaces" following a petition to the High Court of Justice. But it hardly matters as the IDF maintains strict restrictions in the City Center, even if not covered by official orders, and admits the practice exceeds its authority. Residents whose rights are infringed are helpless to object or gain relief.

It's because settlers have power, and a senior army officer admitted "military commanders are a tool in (their) hands." After the intifada began, Hebron settlement heads gave IDF their demands that included closing streets to Palestinian pedestrian and vehicular traffic. The military complied "to Judaize" the center of Hebron and make it "free of Arabs."

Restrictions imposed also prevent residents from returning to homes they left, and High Court petitions for redress were denied because Israel contends security requires separation. It means Palestinian free movement is impaired and peoples' lives destroyed to satisfy outrageous settler demands.

Palestinian commerce in the City Center was also affected. The Casbah area once thrived as one of the West Bank's most important business districts. Now, most shops are closed - in some cases by IDF directive but overall because free movement was banned, customers

can't access the area, and business owners lost their livelihoods as a result. They simply closed up and left and in some cases were prevented from taking their merchandise with them. They lost everything.

The entire Old City was affected with a total of 1829 (76.6% of the total surveyed) Palestinian businesses shuttered. Since September, 2000 (the onset of the second intifada), 1141 closed (62.4% of the above total), 440 by IDF edict. Shop owners trying to recoup and reopen their shops couldn't because free movement restrictions were too harsh and unprecedented.

Things then got even worse and remain so. The IDF protects Israeli settlers who freely attack Palestinians with impunity. Offenses include physical assaults and beatings (at times with clubs), stone throwing, and hurling of refuse, sand, water, chlorine, and empty bottles. Settlers also 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, fruit trees chopped down, water wells poisoned, home break-ins, and hot liquids poured on Palestinian faces. IDF forces are positioned everywhere in the area. They witness settler acts and do nothing to stop them.

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, house seizures, harassment, and random detentions and humiliating searches and treatment overall. These actions violate international and Israeli administrative and constitutional law. They persist nonetheless. More on this below.

B'Tselem-ACRI's study reviewed major events since the 1994 Tomb of the Patriarchs massacre:

- after it happened in 1994, the main City Center a-Shuhada Street was closed to Palestinian vehicles from Gross Square to the Beit Hadassah settlement; Palestinian shops were forbidden to open;

- after the 1997 Hebron Protocol, a-Shuhada Street reopened to Palestinian vehicles but shops remain closed;

- in 1998, a-Shuhada Street again was closed to Palestinian vehicles;

- after September, 2000, a continuous three month curfew was imposed on Palestinian residents; a-Shuhada Street was closed and roads to settlement points were as well to Palestinian vehicles;

- in 2001, a-Shuhada Street was again closed to Palestinian pedestrians with rare exceptions; other Old City areas were also closed to Palestinian movement; settlers destroyed an improvised market, and the army prohibited it from reopening; over 100 a-Shuhada Street shops closed; nine Israeli families squatted in the closed wholesale market with no IDF effort to remove them;

- in 2002, under Operation Defensive Shield and Operation Determined Path, a near-continuous 240 day curfew was imposed and other City Center areas were closed to Palestinian vehicles and pedestrian traffic; checkpoints and physical obstructions were established to harass and prevent free movement;



- in 2003, Shalala compound shop operating prohibitions were cancelled except for ones near the Beit Hadassah settlement;
- in 2004, part of a-Sahla Street was reopened to Palestinian pedestrians;
- in 2006, nine squatter Israeli families left the closed wholesale market; a few months later they returned; no IDF attempt was made to remove them; and
- in 2007, the western section on the Shalala H-2 compound was opened to Palestinian vehicles.

These harsh measures took their toll on residents with unemployment and poverty rising sharply. In 2002, the International Committee of the Red Cross reacted with a food distribution program for 2000 households that increased to 2500 families in 2004. In 2005, the Palestinian National Economic Ministry reported average Palestinian household monthly income in H-2 at only \$150.

The figure is likely lower today, but in Gaza under siege, it's much lower. Unemployment is around 80%, World Bank data show 80% of Gazan households live on less than \$75 a month, it's far too little to survive, and prior to the present crisis, 85% of the Territory's population relied mainly on humanitarian aid to survive. It may be everyone now with fuel and electricity cut, strict border closures enforced, conditions becoming desperate, Israel relenting for a day, and the International Red Cross warning of a crisis threatening 1.5 million people.

### **Refraining from Protecting Palestinians and their Property from Violent Settlers**

Since the first settlements were established in Hebron's City Center, Palestinians have been victimized by countless violent acts that range from vandalism to killings. Police and the army afford no protection and instead are part of the scheme to make residents' life so intolerable they'll voluntarily leave the area. Many have and others follow.

Oppression continues for those who remain, however, and Israeli Attorney General, Menachem Mazuz, acknowledges the problem but does nothing to address it. He recently said "Enforcement of the law (to protect Palestinians) in the Territories is not only unsatisfactory, it is poor." Even Prime Minister Ehud Olmert admitted a reported Tel Rumeida assault was "not the first time" this happened, and official Israeli entities like the Karp and Shamgar Commissions sharply criticized Israeli authorities for failing to enforce the law and protect the rights of OPT residents, especially in Hebron.

Israeli authorities have known of the problem for years, yet it persists and is quietly condoned. Ian Christianson, head of the international observer force in Hebron (TIPH), was quoted saying "settlers go out almost every night and harm whoever lives near them, break windows and cause damage...." Many attacks are carried out by minors and for a reason. Under Israeli law that applies in the OPT, persons under age 12 aren't held criminally liable. Settlers know this and exploit the loophole by using their children to throw stones, break walls and commit other violent acts they can get away with. Violence is commonplace throughout the Territories in spite of IDF presence, and when children commit it they're immune from the law affecting adults that exists but isn't enforced.

High Israeli officials like former Defense Minister Amir Peretz shamelessly claimed that soldiers can't protect residents because they don't have enforcement powers. In fact,

they're obligated to enforce the law on everyone, including violent settlers, under section 78 of the Order Regarding Defense Regulations. It empowers the army to arrest, without warrant authority, anyone (Palestinian or Jew) who violates the Order that covers the following acts: assault, throwing objects and intentionally destroying property.

The Procedure for Enforcing Law and Order on Israeli Offenders in the West Bank states: security forces must "take every action necessary to prevent harm to life, person, or property (and) to detain and arrest suspects who might flee from the scene." Section 6(3) of the Procedure states that the IDF must enforce the law until police arrive and take over.

Unfortunately, the Hebron Police Department has an appalling record. Instead of enforcing the law, it acts with "abominable helplessness" to show its contempt for residents while supporting settlers. It doesn't investigate violent incidents against Palestinians and ignores them when their officers are on the scene. A Yesh Din human rights organization study showed that 90% of police investigations were closed without charges being filed. This lets settlers break the law and get away with it. The IDF and police support them by refusing to uphold the law for everyone.

### **Harm to Palestinians by Soldiers and Police Officers**

Soldiers and police also break the law routinely and often. Throughout occupied Palestine and in Hebron City Center, every night is Kristallnacht, and so are days. It makes life for residents intolerable because any time for any reason they're subject to daily house searches and seizures, random detainments and humiliating treatment and harassment along with security force-committed violence that ranges from slapping and kicking to bloody beatings and killings. They serve no purpose except to harass and punish, break the law, and persist at all hours of the day and night.

Beatings severe enough to kill are commonplace in Hebron, and over the years human rights organizations documented them. Many incidents take place near settler points where security is intense and settler demands are paramount. They include:

- smashing a victim's head with a blunt instrument or against a wall;
- hitting victims with rifle butts and clubs;
- kicking them in the head and other parts of the body;
- flinging them to the ground;
- twisting arms and legs forcefully enough to cause injury;
- stone-throwing and more that at times includes willful damage to property.

Consider the hypocrisy. Israeli authorities condemn these actions, but the military and police commit them in the name of "security." As a result, many violent acts aren't investigated, and when they are they're usually whitewashed. Since the second intifada began, the Military Police Investigations Unit undertook 427 investigations through early 2007 against soldiers in the West Bank. Of these, only 35 led to indictments, and since most incidents involved more than one soldier, over 92% of the time those involved were cleared of any offense.



As for police-committed violence, 82% of cases submitted to the Department for the Investigation of Police (DIP) resulted in no indictment indicating further whitewashing. Military and civilian authorities pay little attention to Israeli offenses. As a result, security forces get the message that these acts are allowed so it's no surprise they continue, and they involve more than violence.

A systematic pattern of abuse and harassment is part of daily life in the Territories, and in Hebron's City Center it's intense. Unjustifiably seizing Palestinian houses occur, and at the time of the study, security forces held at least 35 residential dwellings. Typically, here's what happens. Soldiers or police take over a private home for a security outpost. Its inhabitants are affected, their lives are disrupted, they're excluded from occupied rooms, and can only use spaces allotted to them - in their own home.

They're also harassed, routinely searched, threatened and even beaten; soldiers or police cause damage (sometimes deliberately); they play loud music; scatter refuse and even urinate where they want. In some cases, the abuse goes on for years making normal life impossible. Early last year, this writer saw a chilling documentary on this practice. It showed soldiers abusing families and how traumatized they were from the experience.

The pattern of harassment also includes searching homes and shops, random detentions, and demanding identity cards from passersby on any pretext. Even when lawful, privacy and dignity are severely interfered with, and it can happen any time for any reason. In Hebron, it's routine, especially for Palestinians living near settlement points. In those areas, nearly every home has been searched more than once by either the IDF or police at any hour. It's done in one of three ways:

- pinpoint searches because of a concrete suspicion;
- extensive searches for mapping purposes; and
- routine searches in areas arbitrarily chosen to "manifest a presence" or just to harass.

In Hebron's City Center, delays and harassment are common daily practices because Israeli settlements are there. Security forces are everywhere, their patrols are frequent, and dozens of annoying checkpoints and permanent positions have been set up for control. For Palestinians in the area or who have to go there, it's nightmarish. They must pass through checkpoints and army positions, and have to show identity cards whenever they do. Even so, delays are frequent and can last for hours at times. Everyone is affected - the sick and elderly, anyone on the street including where they live, shoppers, children going to school and back home, or anyone else for any reason.

In the US, the Bill of Rights Third and Fourth Amendments ban these practices. The Third Amendment states: "No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law." The Fourth Amendment prohibits unreasonable searches and seizures and specifically says: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Despite these protections, the post-9/11 environment scrapped the law and desecrated the

Constitution. It came through congressional legislation and presidential executive and other decrees that seriously eroded Fourth and other Bill of Rights freedoms. They're effectively gutted, so no one in America is secure and may suffer the same abuses Palestinians now do. It's affected many thousands of people in ways unimaginable but now happen routinely and repressively.

### **Israel's Policy in Hebron from the Legal Perspective**

Israel bases its Hebron City Center policy on the "principle of separation" that seriously violates the rights of all Palestinians affected "in every aspect of their lives." It contradicts international humanitarian law, international human rights law, and also Israeli administrative and constitutional law as they apply to an occupying power. In short, the policy is unjustified and outrageous, but it persists nonetheless.

International humanitarian law covers two main points for an occupier:

- to ensure its legitimate security concerns; and
- to guarantee the essential needs of the occupied civilian population as covered under Article 27 of the Fourth Geneva Convention. It states these people "shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof...." This fundamental obligation relates to peoples' right to life, liberty, personal safety, freedom of movement and other sacrosanct human rights.

They're also codified in international human rights law and Israeli administrative and constitutional law that's binding on an occupier. These laws require Israel to prohibit their security forces from infringing on Palestinian rights as occupied people. They also provide for the right to be heard, the duty to act reasonably, and to abide by the principle of proportionality that requires upholding this fundamental rule: administrative body decisions are only lawful if the means used to enforce them are proportionate.

The following practices are not:

- sweeping restrictions on Palestinian movements in Hebron's City Center;
- prohibiting Palestinian shops from opening in large sections of the area;
- arbitrary searches and seizures of private dwellings as well as quartering security forces in them; and
- any infringements on Palestinians' right of property; to earn a living by any work they choose; to an adequate standard of living; to adequate housing, medical care, education and other essential services; to privacy; and to a normal secure family life.

Israeli authorities consciously and willfully fail to enforce the law on their security forces and settlers. As a result, Palestinian rights are ignored and they're subjected to continued harassment and indignities in violation of international and Israeli law. It makes conditions for them intolerable, and cumulatively they're illegal and amount to "cruel, inhuman and degrading treatment."

They exist because of and at the behest of settlers' presence in the city whose rights and demands are paramount even when they violate the law. All Israeli settlements in the OPT

are illegal, and consider Article 49 of the Fourth Geneva Convention. It states: "The Occupying Power shall not deport or transfer parts of its own civilian population in the territory it occupies." This applies as well to organizing or encouraging the transfer of its own population to the occupied territory that displaces legal residents forced to move.

International law also renounces colonialism. By encouraging and financing Hebron City Center and other OPT settlements, Israel violates international law as well as UN Resolutions 465 and 476 that addressed Israel's illegal occupation of Palestine and the Syrian Golan Heights. Since the Security Council passed both resolutions in 1980, Israel flagrantly violated them and continues to build new settlements in the OPT wherever it wishes, the actions are illegal, and they displace legal residents throughout the Territories.

It's no surprise and nothing new because two nations stand out above all others as serial UN resolution and international law abusers for the past 50 years - Israel and the US. In the case of Israel, its record is appalling for flagrantly and willfully ignoring over five dozen UN resolutions condemning or censuring it for its actions against the Palestinians or other Arab people, deploring it for committing them, or demanding, calling on or urging the Jewish state to end them. Israel refuses and has never been held to account because of its powerful ally in Washington. All US administrations for the past half century allowed Israel to be lawless and get away with it.

Israel's High Court of Justice is equally culpable by ignoring international law and for its one-sided support of injustice despite occasionally ruling otherwise. International and Israeli law are clear. Yet the Court supports illegal settlements, the separation wall (seizing over 10% of West Bank land) declared illegal by the International Court of Justice at The Hague, targeted assassinations, the right of settlers to destroy Palestinian property, and Israel's right to protect settlements regardless of the cost to Palestinians.

Many Israeli actions can't be justified on any basis, yet they persist with High Court support. Israel and the Court are obligated under international law to treat all persons equally, yet they fail to do so. Consider Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 that Israel signed in 1966 and ratified in 1979. It defines "racial discrimination" as: "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin (that) nullif(ies) or impair(s) the recognition, enjoyment or exercise (equally) of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

According to the Convention, Israel governs by a de facto state policy of willful separation and discrimination. International law prohibits it and calls it "racist." In Hebron's City Center, it's especially egregious under Article 3 of the Convention that condemns racial segregation. Yet, it's Israel's official policy throughout the OPT and in Israel for its Arab citizens.

International law also bans collective punishment as Article 33 of the Fourth Geneva Convention states: "No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measure of intimidation or of terrorism are prohibited (as well as) Reprisals against protected persons and their property...." Israeli sweeping measures against Palestinians after September, 2000 constitute willful collective punishment and are thus illegal.

So is forced transfer of an occupied people, by direct or indirect means, yet Israel's declared policy and its actions displaced many thousands of OPT residents and thousands alone from

Hebron City Center that left the area a “ghost town.” This also violates the Fourth Geneva Convention under Article 49 that states: “Individual or mass forcible transfers, as well as deportation of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited (for any reason).” This prohibition applies as well to transfers within an occupied territory such as driving Hebron City Center residents out of the area in deference to its settlers.

Articles 146 and 147 go further by classifying any unlawful protected person transfers a grave Convention breach and a war crime for which responsible persons bear full responsibility.

### **Current Israeli Action to Stop A Medical Clinic’s Construction**

Not part of B’Tselem-ACRI’s study is an ongoing effort to stop Israel from demolishing a Beqa’a Valley medical clinic under construction that’s a 30 minute walk from Hebron’s City Center. It’s operated by Palestinian Relief and CARE International to provide 600 – 700 mostly women and children in the area with routine care, prenatal checkups and vaccinations one day a week.

In late December 2007, Israel’s Civil Administration issued a stop work order on the clinic, residents complied, and had until January 10 to appeal. The facility is vitally needed, stop work orders usually precede demolition, and they were also issued for over 25 rebuilt homes. Unless they’re cancelled or stopped, demolition will proceed as another act of collective punishment against Palestinians helpless to stop it.

### **Bush in Palestine**

Also, apart from B’Tselem-ACRI’s report, George Bush’s Israel and Palestine visit deserves mention to highlight the plight of Hebron’s people and all Palestinians. It was Bush’s first official visit as President as part of his seven state, nine day Middle East tour that had nothing to do with peace, a two-state solution, or ending an illegal occupation and everything to do with betraying the Palestinians and confronting Iran. On January 9 and 10, Bush visited Jerusalem, Ramallah and Bethlehem in the West Bank, skipped Gaza and Hebron, and concentrated on theatrics, photo-ops and reiterated promises one more time to be broken afterwards.

Palestinians know it, and Haaretz featured their view on January 10 in an article headlined “Palestinians in Ramallah brace for visit by ‘that criminal’ Bush.” The anger is so great that Palestinian security forces dug up concrete looking for bombs around and beneath a building Bush visited for a meeting. In addition, Israel deployed 10,000 police and security staff for protection, booked the entire King David hotel in Jerusalem for his stay, cancelled tourist bookings to do it, blocked roads around the hotel causing huge traffic jams, and totally isolated the President from people he supposedly came to help. It’s no mystery why.

The visit was a follow-up to the Annapolis tragedy and travesty that was a historic first. It was the first time in memory the legitimate government of one side was excluded from peace talks, and that act doomed them. That meeting and this trip represent more pretense than peace because Palestinian sincerity isn’t matched by Israel or Washington. The Bush administration firmly supports Israel’s illegal settlements, and Israeli Prime Minister Olmert knows it. Ahead of Bush’s arrival, he said “I don’t recall another president who systematically and consistently showed the same level of commitment to Israel as George

W. Bush,” and therein lies the problem.

What can Palestinians hope from this meeting? A critical online cartoon (Al-Quds newspaper refused to publish) captures their view. It shows Bush arriving by helicopter, and the copy reads: “what denied entry!! what wall? what checkpoints? what settlements? MISSION ACCOMPLISHED. The people of Hebron understand. So do all Palestinians, including the many dozens killed by IDF incursions post-Annapolis as Israeli-instigated violence rages in the Territories....in the name of “peace” Israel and Washington won’t allow.

## **Conclusions**

B’Tselem-ACRI also understand the problem. Their report calls Israel’s “constant and grave harm to Palestinians (in Hebron’s City Center) one of the most extreme manifestations of human rights violations” it commits. By protecting settlers through a “principle of separation” policy, its actions are racist and illegal as are severe movement restrictions, oppressive curfews, security force and settler violent assaults, arbitrary searches and seizures, quartering troops in homes, mass population transfers, and unwarranted detentions and delays to collectively punish and harass.

In Hebron City Center, expulsion alone is unique in magnitude since the West Bank was occupied in 1967. Israeli policy there shows a profound disregard for Palestinian rights and a flagrant violation of international and Israeli laws. In deference to its settlers, Palestinians suffer, it’s intolerable, and at times it takes lives.

B’Tselem and ACRI insist this must end, and Palestinian rights must be protected and respected. All Israeli settlements are illegal in the Territories. International law demands they be evacuated and regarding the situation in Hebron City Center alone, B’Tselem and ACRI state “Israel has the legal and moral obligation to evacuate the Israelis who settled (there), and return them to Israel.” Until this happens, Israel is also obligated to ensure Palestinian safety so they can live normally with their civil and human rights respected and protected.

Specifically B’Tselem and ACRI urge Israel to take the following measures:

- allow Palestinians free movement in Hebron City Center and remove all checkpoints and physical barriers;
- let Palestinians return to their homes;
- rejuvenate the City Center as a commercial area the way it was before it was occupied;
- assure the IDF and police enforce the law, deter settler violence and refrain from all acts of individual or collective punishment;
- direct investigative authorities to examine and justly act on every security force and settler breach of law; and
- assure security forces prevent settlers from seizing additional buildings and areas in the city.

Above all, state authorities, security forces and settlers must obey the law and treat occupied Palestinians justly. Israel claims to be a civilized state. It’s about time it acted like

one.

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