

Curfew

Curfew is a general restriction on residents' freedom of movement, forbidding them to leave their homes. During the Intifada, curfew has been widely used to "calm things down" following clashes, or to prevent them, to search for those suspected of hostile activity, or to execute arrests and prevent riots while the houses of suspected attackers were being destroyed.¹ Curfew has also been occasionally used during tax collection campaigns.

Many areas have been under protracted general curfew during the Intifada. In January, 1988, all refugee camps in the Gaza Strip (over 300,000 people) were under curfew for two weeks. In February, 1988, Kabatiya township was under curfew for over 40 days, following the murder of a suspected collaborator. In 1989, curfew was declared on the same township 4 times (28 days total) and 5 times in 1990 (19 days total). Since May, 1988, a night curfew (between 8:00 p.m. and 4:00 a.m.) has been in effect in the Gaza Strip.

Even considering the long curfews in the past, the curfew in effect in the occupied territories since the outbreak of the war, so far 4 weeks in length, is the longest continuous general curfew since 1967.

The authority to declare a curfew is established in two orders: Section 89 of the Order Concerning Defense Regulations (Judea and Samaria) (No. 378), 1970, and regulation 124 of the Emergency (Defence) Regulations, 1945. These regulations are general and do not specify a time limit. Section 89 states that:

A military commander is authorized to demand that any individual inside the area designated by the order remain inside a residence during those hours stated in the order.

Although international law does not explicitly mention the use of curfew, the Hague Convention of 1907 enables the occupying authority to take appropriate measures "to ensure public order and security."

According to a Supreme Court ruling, curfew may be used solely as a preventive measure; use of curfew as a punitive measure is unacceptable. Curfew is intended for security purposes, but along with the duty of an occupying power to ensure security is the duty to see to and maintain the welfare of civilians.

The accumulating ramifications of prolonged curfew on the health, livelihood, and

¹ For more on curfew see B'Tselem, Collective Punishment in the West Bank and Gaza Strip, November, 1990.

welfare of residents of the territories, calls into question Israel's fulfillment of this responsibility. The authorities' announcement that they are aware of the hardships to residents of the territories caused by the curfew and closure, is not consistent with the tax collection campaign conducted during the last month.

In Deheishe, tax collectors were aided by the army to ensure tax collection during the curfew. In Jenin and Tulkarm, residents were requested to pay advances on their 1991 taxes.

During the first weeks of the curfew on the West Bank, residents were ordered to remain in their homes, except for once every 3-4 days when they were allowed out for supplies. In Gaza, the curfew was lifted for two hours once a week, but only women were permitted to leave their homes. In certain areas, there were even fewer breaks in the curfew, and in some, curfew had been declared before the war. Deheishe refugee camp has been under curfew almost continuously from the beginning of December 1990, and the Nur Shams refugee camp, Tulkarm District, has been under curfew since the beginning of January.

Human rights organizations (**B'Tselem**, the Association for Civil Rights in Israel, and Hotline: Center for the Defense of the Individual) turned to the Defence Minister, as well as to a number of Knesset members, requesting that they do everything within their power to lift the curfew. Subsequent to the request of Knesset members, the Coordinator of Activities in the Territories, Shmuel Goren, announced that beginning February 3, a policy of "gradual lifting of the curfew" would take effect. Since then, the curfew has been lifted in most areas in the West Bank for more hours than previously, usually between 8:00 a.m. and 4:00 p.m. In the Gaza Strip, a complete curfew was maintained until the beginning of the fourth week of the war, and lifted only for a few hours once or twice a week. For three weeks only women and children were allowed to leave their homes during the curfew, and only then were men also allowed to leave their homes for the first time.

The hours when the curfew is lifted vary from place to place, and from day to day. Now and then, residents are notified of cities and villages where "incidents have taken place," on account of which the curfew will not be lifted the following day. For example, on February 9, 1991, an announcement was made in Beit Jala, Deheishe, Khader, and el-Duha Neighborhood in Bethlehem, that the curfew would not be lifted the following day due to disturbances.

The curfew has now been in effect for over one month. The policy of gradual lifting is unclear, nor is it evident when the curfew will end. Although in most areas of the West Bank the curfew has been lifted for 8 hours per day, in Gaza it has been lifted rotationally, such that in each area it is lifted only on every third day.

Closure

Even during the hours when curfew is lifted, exiting from the territories is prohibited to persons without special passes. The only people who enjoy absolute freedom of movement, with the exception of army personnel, are the Israeli citizens who live in the territories.

Closure also applies to each individual area of residence, meaning that the Palestinians are forbidden to pass from one area to another within the territories. As a result, many villagers are prevented from travelling to a nearby city to shop, go to the bank, and the like. Many people are therefore unable to get to work, or to visit relatives.

Movement to and from the territories is stipulated by two separate orders:

The Military Order Concerning Closure of the Territories (West Bank area) (No. 34), 1967, issued when the IDF occupied the West Bank and Gaza Strip in that year, declares the West Bank a closed area. In the order it is stated that "The West bank is hereby declared a closed zone." A similar order was issued for the Gaza Strip.

The right of individuals to pass between Israel and the territories is stipulated by general permit, which distinguishes between Palestinians from the territories and Israelis. With the outbreak of war in the Persian Gulf, permission for Palestinian residents to leave the area has been temporarily suspended. Regarding Israeli residents, an order has been issued according to which they may enter and exit the territories.

Entrance to the territories from Israel is arranged by another order: Those who possess special permits may enter the Gaza Strip from Israel, as may those travelling to Gush Katif. There is no legal way to prevent entrance to the West Bank except if the military commander declares a certain area as closed.

On February 10, 1991, Palestinians were for the first time given renewed permission to travel to their places of work inside Israel. The authorities allowed only a number of those Palestinians officially registered at the Israeli Labor Exchange to come to work inside the green line in spite of the curfew and the closure of the territories. Only those workers whose presence was requested by their employers and who were transported in their employer's car were allowed to go to work in Israel. This indicates that the motive for renewal of permits is not to alleviate conditions for the residents of the territories who were unable to attend work in Israel because of the curfew. Rather, the main motive was to aid Israeli employers in need of laborers.

Subsistence and the Economy¹

The curfew has altogether paralyzed economic activity in the territories. The Palestinians' livelihood, which had already suffered setbacks in recent months, has been severely damaged, and for many has been stunted entirely. The damage is immediate, cumulative, and, in some cases, long-term. Workers employed in Israel may lose their jobs. Farmers prevented from planting, harvesting their crops or picking fruit will lose an entire season's produce. Factories that failed to deliver merchandise on schedule will lose contracts and clients.

A. Loss of Income - An Overview

The following table estimates the losses inflicted on Palestinian laborers (employed in Israel or inside the territories), to service workers, and to the self-employed, as a result of the curfew.

Loss of income - January 17th - February 10th, 1991

Type of Workers	No. of Workers	Average \$Monthly Wages	Direct Losses	Total Losses \$Million \$Million
WB &GS Workers in Israel:	100,000	500	41.5	41.5*
Workers in WB &GS	47,500	300	11.875	23.750**
Service Job Employees in WB &GS:	56,500	600	2.825	2.825***
Independent Workers WB &GS:	100,000	750	62.5	62.5
Total	304,000		118.700	130.575

The minimal average of daily losses during this curfew is estimated at \$5.2 million, taking into consideration that we did not include in this calculation the surplus value brought in by type 4 workers.

¹ The data in this chapter are based on a report written by economist Samir Huleileh.

* Calculated according to the average wage and number of workers, taking into consideration the part-time and seasonal nature of this work.

** The total damages here are twice the sum of direct damages to workers' salaries, based on the fact that workers produce an added value of 100%.

*** The damages in this sector were calculated at 10% , since a number of educational institutions and health services, in addition to local authorities, received income from their services which covered part of their employees' wages.

B. Sectoral Losses

1. Industry

The industrial sector in the territories employs approximately 30,000 workers, 20,000 of whom are in the West Bank and 10,000 in the Gaza Strip. During the curfew, 30 food and pharmaceutical factories were permitted to continue operating. All other factories were shut down. Even when the curfew is lifted for longer periods, factories face acute difficulties. The credit system has broken down, and the cash flow of most factories is so severely constrained that many factories cannot even resume production. Many factories export to Jordan, Israel, and Europe (via Israel). These exports have almost completely ceased. Between January 17 and February 10, 1991, there was a 95% drop in production.

2. Agriculture

Some 40,000 farmers and agricultural laborers earn their livelihood from agriculture in the territories. Several additional thousands rely on agriculture as their secondary source of income. In the 1989/90 fiscal year, agriculture constituted 35% of the territories' Gross Domestic Product (GDP).

The curfew has severely interfered with the harvesting of field crops, plowing and sowing of fields (especially crucial after the prolonged drought), harvesting of citrus fruit, and routine maintenance such as spraying with pesticides, and irrigation (particularly in greenhouses).

Livestock farmers have been facing difficulties in obtaining feed, caring for their animals and taking them to pasture.

Agricultural exports have been severely damaged as a result of the almost complete closure of crossing points between Israel and Jordan, and by the lowered quality of produce resulting from the inability to apply pesticides or begin the harvest on schedule. The sharp reduction in consumption in the territories has also severely hurt farmers, especially those owning goats and sheep. In the fourth week of the war, consumption declined: meat and mutton by 80%, poultry by 40%, and fresh vegetables by 70%.

The following are examples of damages suffered by farmers:

- On January 31, 1991 Hassan Butma approached **Hotline: Center for the Defense of the Individual** on behalf of the residents of the village of Batir, who cultivate approximately 10,000 dunams of land. Batir's agricultural products include vineyards, apricots, olives and pears, as well as vegetable crops such as parsley, radishes and onions. Batir residents were not permitted to go out to their fields for 18 days. They were also prevented from caring for their livestock: goats, cows and chickens.

- The Palestine Human Rights Information Center (PHRIC) reports that the fruit of 9,000 dunams of citrus trees in the Tulkarm region has rotted after 12 days of the curfew. PHRIC estimates a resulting economic loss of NIS 180,000. The overall damage in the Tulkarm area in the first three weeks of the curfew has been estimated by PHRIC to be approximately NIS 9 million.

- As a result of difficulties encountered in marketing and exporting agricultural produce under curfew conditions, farmers have been selling their produce at a loss. Reports received by **Hotline** from the Jericho area indicate that chickens are being sold at 25% of their actual price.

- Abd al-Rahman Abu 'Aref, Chairman of the West Bank Olive Oil Marketing Committee, reported to **B'Tselem** that a contract for the export of 6,000 tons of oil was signed between the Italian Government and the Committee. Up until the imposition of the curfew, his Committee had managed to export 1,000 tons of oil. The remaining 5,000 tons have not been exported.

On the eve of the Gulf war, over 100,000 residents of the territories earned their livelihood inside the borders of Israel. Many of these individuals received wages on a daily or weekly basis. The forced unemployment brought upon them by the curfew has led to a severe cash shortage, added to which is the fact that banks are largely inaccessible. Continuation of this inactivity may result in a situation in which people are unable to purchase the most basic necessities.

It is important to note that Palestinian workers from the territories were charged the same taxes and social security payments collected from Israeli citizens over the years. Social security payments of 16% of income have been directed into what is termed the "territories fund." This fund was created to enhance the welfare of the residents. In spite of this, to the best of our knowledge neither this fund, nor any other sources - governmental or Histadrut Labor Union monies - have been used to compensate and ease the suffering of the workers forced to remain idle. *

Hundreds of Palestinians were laid off in the months preceeding the war. The "**Worker's Hotline**" is handling the petitions of 40 such workers fired without any compensation. Dozens of other cases are being processed in the courts. As a result of the curfew and the closure, these hearings have been frozen, and those same Palestinian workers are meanwhile left without money.

*See: **Information Sheet January - February 1991**, by "**Worker's Hotline**" - Protection of Workers' Rights.

Bridge Crossings To and From Jordan

The IDF prevents hundreds of Palestinians who crossed into Jordan before the Gulf war from returning to their homes in the territories. Approximately 5,000 Palestinians are presently waiting in Jordan for permission to cross over.

During normal times, some 30-40 buses cross daily from Jordan into Israeli-held territory. At present, the number of buses has decreased to one, and some of its passengers are usually forced to turn back.

Captain Nurit Hochman, assistant to the IDF Coordinator of Activities in the Territories, told **B'Tselem** on February 11, 1991, that entrance from Jordan is permitted only to religious leaders, members of the press, and "humanitarian cases." Despite this, **B'Tselem** has been contacted by residents of the territories who have been denied entry despite "humanitarian reasons."

Raika Sulieman Hashash, aged 50 (ID# 98009232), a resident of Nablus, arrived at the bridge on February 5, 1991. She presented a medical document confirming that her husband was hospitalized in al-Itihad Hospital in Nablus as a result of a heart condition. She was denied entry into the territories.

Mai Kakhawish (ID# 918730185), a resident of Nablus, and her two children, crossed into Jordan to visit her mother, who was ill. On February 8, 1991, she was denied permission to re-enter the territories, and was told she must present a re-entry permit from the military governor of the district, in addition to the permit in her possession. The Nablus civil administration refused to issue her husband such a permit.³

Education

Two weeks prior to the outbreak of war in the Persian Gulf, all schools in the territories were ordered to go on an unexpectedly early mid-year vacation, from December 31 through January 12, 1991. According to the educational program announced by the civil administration in autumn, mid-year exams were to be given in government-run schools between January 3 and January 10, 1991, and the vacation was to begin on January 12 and to continue until the 26th. The order closing the schools for vacation disrupted their normal functioning, and caused the postponement of mid-year

³ **B'Tselem** approached the Coordinator's office regarding these two cases, and we were subsequently informed that the two women would be allowed to return home. Nevertheless, as stated above, the problem still exists for thousands of other Palestinians.