

whose water lines had been destroyed – has risen by 80% over this period, due to the increased cost of transportation.¹

Over the last few years, the military's policy has created isolated, besieged areas whose residents are blocked in with practically no one coming or going. The Gaza Strip is a sealed area, with hardly any entry or exit permitted. The construction of the Separation Wall has compounded the difficulties in those West Bank areas that are now locked in behind high prison walls and barbed wire. The gates are controlled by the army, which has failed to comply with its commitment to maintain regular opening and closing hours.

The right of Palestinians to leave the Territories is limited as well. Without permits, which are given sparingly, Palestinians are not allowed into Israel. At the same time, the policy concerning passage to Jordan has changed several times in 2003, preventing the

departure of many Palestinians. Until recently, Palestinians were not required to carry any special permit in order to go through roadblocks in the Territories, which were only intended for general supervision and for enforcing the siege. Recently, the military started demanding special permits in order to let people through roadblocks within the West Bank and through the gates of the Separation Wall. This demand intensifies army control over the lives of Palestinian residents and makes the difficulty of daily life under the occupation even greater. Now the Palestinians need permits from the District Coordination Office (DCO) to return to their homes, which makes the very existence of a personal life contingent on special permits. The roadblocks, permit system and gates have splintered the land into isolated areas, systematically tearing apart the social structure and the fabric of the Palestinian community in the Territories.

The Separation Wall and the Seam Zone

The wall that is now being built and the set of barriers on either side do not overlap with the Green Line. In order to create a de facto annexation of Jewish settlements, the alignment of the wall veers eastward from the Green Line to include the settlement blocs; however, it also disconnects hundreds of thousands of Palestinians from areas where they live and from the land on which they make their living. The winding path of the wall and the confiscations of land for its construction are changing the lives of hundreds of thousands of Palestinians. Those living east of the wall are unable

to access their fields and water wells to its west; those living between the Green Line and the wall are in effect caged in on their land and can go to other cities in the West Bank, see doctors, go to school, go to the market or visit relatives only if they pass through the gates in the wall, using special permits. The complexity of life by the wall, the constant monitoring by the authorities and the enclaving of villages are liable to cause the Palestinian population to abandon its land, leading to a de facto annexation of the territory between the wall and the Green Line to Israel.

The wall changes the reality in the occupied territory. In order to build the wall, the IDF confiscated 28,000 dunam (around 6,900 acres) of Palestinian land, and enclaved 845,000 dunam (around 210,000 acres), or 15.1% of the West Bank, between the wall and the Green Line. The number of residents living along the wall whose lives will be adversely affected by it is estimated at 875,600, or 38% of the Palestinian population of the West Bank.² But the wall does more than separate a multitude of Palestinians from their land, lock them behind fences and walls and deprive them of their source of income; it also creates a discriminatory regime that confers rights upon Jews and Israeli citizens and denies these rights from Palestinian residents.

In the beginning of October 2003, the Military Commander of the West Bank declared the area between the wall and the Green Line, also referred to as the seam zone area, to be a closed military area, indefinitely off limits. This status has different implications for different individuals. The Palestinian residents of the seam line area, who were born and raised in this place, and who wish to work there or visit their relatives – need a special permit to pass through the gates. Israelis – Israeli citizens and anyone entitled to such citizenship under Israel's Law of Return, do not need any such permits and are free to come and go as they please. This means that it is a closed military zone only for Palestinians, who need permits to live in their homes and farm their land. The orders defining the rights in the seam line area also make provisions for special cases. The distinction between Israelis and Palestinians is not the only one: tourists, Palestinians who work in Jewish settlements and Palestinians who

hold permits to enter Israel are also entitled to come and go as they please.



A petition filed by HaMoked with the High Court of Justice against the route of the wall and against the permit regime that goes hand-in-hand with it held:

“Thus, Palestinians who have been living for generations on their land, which has become the “seam zone”, who till the soil by the sweat of their brow, who had children and raised them there – have to go to the offices of the Civil Administration and fill out a form and ask for a permit to stay on their land and in their homes, and there is the fear that if one of them is found to have a security history, he will be denied the possibility of continuing to live on his land, and here we have the beginning of a process of a crawling transfer with security pretexts. Tourists, on the other hand, arriving from around the world, possibly setting foot on Middle Eastern soil for the first time, get an automatic permit, are not required to stand in line during the opening hours of the Civil Administration, their right to stay on the inhabitants' land is clear to the Fifth Respondent. And finally there are the hewers of wood and the drawers of water of the settlers, those Palestinians who are exploited by the robbers of their land for a pittance, who, according to the best tradition of racially segregating regimes which enable the servants to reach their masters, are also not barred from entering, lest the settlers be left without anyone to clean their toilets.”³

The petition, filed on November 6, 2003, does not challenge the construction of the wall. The Israeli government has the

¹ B'Tselem: www.btselem.org.

² According to B'Tselem: www.btselem.org.

³ High Court Petition 9961/03, **HaMoked – Center for the Defence of the Individual v. the Government of Israel et al.**, paragraph 85.

full right to take measures defending its borders. However, the construction of a wall inside the West Bank, east of the Green Line, conflicts with both domestic and international law and is detrimental to the lives of hundreds of thousands of people. The construction of the wall is causing a major alteration in the Occupied Territory. Israel is building inside the occupied territory a concrete wall that in some places is eight meters (26 feet) high. It is using farmland as its construction site, blocking access to fields and water wells and partitioning villages. These changes violate international law, which provides that the occupying power may not implement any substantive changes in the occupied territory. In order to build the wall and enforce its desired regime, the military administration created a series of discriminatory and humiliating regulations, as described above. These regulations violate the basic values of the State of Israel and the Basic Law: Human Dignity and Liberty. But the wall is not only illegal – it is also immoral, since it has dire consequences for the civilian Palestinian population whose daily routine is now at the mercy of the military commander, who can stop people from returning to their homes and farming their land.

In the meantime, the debate about the legality of the wall has transcended the borders of Israel and will also be addressed by an international forum. On December 8, 2003, the U.N. Secretary-General asked the International Court of Justice in The Hague for an advisory opinion on the legal consequences arising from the construction of the wall. The main arguments made at the U.N. Assembly meeting are, in essence, similar to those submitted to the HCJ. These arguments address the material changes

that the wall creates in the occupied territory and the humanitarian implications that it will have for the population living in the area.

In the course of February 2004, sessions were held about the wall both in the HCJ and at the ICJ. As of the time this report was compiled, neither had published its conclusions.

Palestinians are stranded every day by the wall, at the gates on their way to their farmland, water wells and urban centers in the West Bank. In December 2003, the Association for Civil Rights in Israel (ACRI) filed a petition asking the Court to instruct the IDF to keep the wall gates open around the clock.⁴ These passageways had been built in the wall in order to enable eligible Palestinians to pass through, but in reality the passage permits are used to pressure applicants and as another mechanism with which to monitor and humiliate the population. Soldiers are supposed to open the gates as ordered, but in reality the gates are opened at irregular hours and for very short intervals. Even Palestinians who have the necessary permits might be detained by the gates for many hours, subjected to the soldiers' arbitrary decisions, delayed and humiliated.

The village of Jayyus near Qalqiliya has a population of 3,100, 90% of which makes its living by farming. The construction of the wall left the entire village, except for one family of eight, on the east side of the wall, cut off from more than 80% of its farmland and from its water sources. In order to get to the village farmland, which comprises 7,000 dunams (around 1,730 acres) of olives, cereal, citrus fruit and vegetables and six water wells, residents

must obtain special permits and use the one of the Jayyus gates. Between August and December 2003, HaMoked's hotline dealt with 122 cases in which people were stranded on the wrong side of these gates.

An example is the sequence of events in just four days in December:

On December 7th, at 1:10 PM, a man called HaMoked's hotline asking to have the Jayyus gate opened for people who were waiting on either side for the military patrol, which was to arrive at 12:30 PM and open it. A few phone calls later, HaMoked found out that because of alerts, the gate would not be opened. Nevertheless, at 1:25 PM a military force came to the gate and let through those who were still waiting. At 5 PM that day a man called and informed HaMoked that the gate had not been opened at 4:30 PM

as it was supposed to, and that some 50 people are therefore unable to go home. The following day, one of the farmers got stuck on the east side of the wall, because he was a couple of minutes late. The gate was still open when he got there but the soldiers would not let him through. On December 9th, the gate was not opened at midday, and farmers waited there for more than three hours in hope that soldiers passing by would open it for them. At 4 PM the last of the farmers left the gate and returned to their homes, without farming their land. The next day, around 40 farmers were stuck on the west side of the wall on their way back to Jayyus. Only an hour and a half after the time when the gate was scheduled to be opened, did the military patrol arrive and let them pass. **(Cases E3382, E3388, E3390, E3396, E3408)**

Roadblocks

The large numbers of roadblocks, the endless friction between civilians and soldiers and the practically limitless power in the soldiers' hands, have turned abuse, beatings and humiliation to a routine. In many cases, intervention at the roadblocks is urgent – which is why HaMoked's Emergency Human Rights Hotline was created. In 2003, HaMoked's hotline handled around 2,000 calls from roadsides and roadblocks, and tried to resolve the various problems as fast as possible, by contacting the relevant people at the Civil Administration and the local military headquarters. While in most cases HaMoked's communications with

the Civil Administrations and the District Coordination Offices (DCOs) yielded results, the process generally took too long. HaMoked also followed up on cases at the callers' requests, even after the complainants were allowed through and saw that it was investigated and that those responsible were tried. HaMoked also followed up on cases where authorities failed to assist altogether.

⁴ HCJ Petition 11344/03, *Salim et al. v. IDF Commander in the West Bank*.