



BRIEFING

Israel/Palestine

FIFTY YEARS OF OCCUPATION

Fifty years of human rights violations

**AMNESTY
INTERNATIONAL**



Israel's settlement industry makes millions out of Palestinian suffering. Amnesty is calling on states to ban settlement goods and stop companies operating on stolen land.

amnesty.org.uk/settlementgoods

Contents

How the occupation began	1
Stolen land	2
50 years of human rights violations	5
International law and international responsibility	8

*Israel/Palestine: Fifty years of occupation,
Fifty years of human rights violations*

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Cover photo: Israeli forces watch Palestinians gather at
the Al Aqsa mosque compound, East Jerusalem © AI

IN BRIEF

Since Israel occupied the West Bank of the River Jordan 50 years ago, during the 1967 'Six-Day War', more than 100,000 hectares of Palestinian land have been appropriated for use by ever-expanding – and illegal – Israeli settlements, which were condemned by the United Nations in 2016 as 'a flagrant violation of international law'.

To make way for the 600,000-plus settlers who now live on occupied land, 50,000 Palestinian homes and structures have been demolished.

Thanks to favourable subsidies and tax breaks from Israel, farms and light industry established by settlers on occupied lands are highly profitable. In 2015, the Israeli ministry of economy estimated the worth of settlement exports to the EU each year to be between US\$200m and £300m (£154m-£230m).

While the settlers prosper, Palestinians deprived of land, water and infrastructure struggle to survive. Israeli consumption of water is at least four times that of Palestinians across the occupied territories (OPT). Unemployment in the OPT was 27 per cent in 2016, compared to 12 per cent in 1999.

Meanwhile Palestinians suffer constant human rights abuses. Nearly five million of them face daily restrictions on their movements. Thousands of military orders have been made by Israel imposing repressive measures. While up to 99 per cent of cases heard by Israeli military courts against Palestinians in the West Bank end in conviction, there has been not one criminal investigation into more than 1,000 complaints of torture perpetrated by Israeli forces. And so on, with apparently no end in sight.

Amnesty International wants governments to stop enabling the economy that keeps these illegal settlements growing and fuels the suffering of Palestinians. The issue is not just about Israel taking Palestinian land and resources illegally. Governments around the world are letting goods produced in these settlements into their markets, and are allowing companies in their countries to operate in settlements. All of this helps the illegal settlements profit and expand.

Amnesty is calling on governments, including our own, to ban Israeli settlement goods from entering our markets, and to stop companies based in our country operating in settlements or trading in their goods – by doing this they can help put an end to the violations suffered by Palestinians living under Israel's brutal and suffocating occupation.

This briefing describes the settlement policy and the numerous human rights violations that have resulted from it. And it sets out the action the international community needs to take in order to put pressure on Israel to change.



HOW THE OCCUPATION BEGAN

In June 1967, Israel's armed forces inflicted humiliating defeats on their Arab neighbours in the conflict that came to be known as the Six-Day War. In May that year Egypt's populist dictator President Gamal Abdel Nasser had put his country on a war footing and ramped up anti-Israel rhetoric. He sent troops into Egypt's Sinai peninsula, bordering southern Israel, and ordered United Nations peacekeeping forces out. Egyptian warships were sent into the Gulf of Aqaba. The Straits of Tiran, Israel's only access to the Red Sea and the Indian Ocean, was closed to Israeli shipping.

On the morning of 5 June, in a surprise attack, Israeli jets destroyed most of the Egyptian air force – more than 300 planes – on the ground. Israeli forces quickly drove Egyptian troops out of Sinai east of the Suez Canal, inflicting thousands of casualties, and took control of the Straits of Tiran. Jordan's King Hussein attempted to support Nasser by shelling Israeli towns, including Tel Aviv and West Jerusalem. Two days later Jordan was defeated, with Israel

occupying the West Bank of the River Jordan, until then under Jordanian control, and all of Jerusalem. (Jordan had 'annexed' the West Bank in 1950, but this was not recognised by the international community. It renounced its claim in 1988, saying the land should be part of a future Palestinian state.) After another two days Syria, too, was defeated, with the Israelis in control of the strategic Golan Heights overlooking northern Israel.

By 10 June the war was over. Israel was in occupation of the Sinai Peninsula, the Gaza Strip, all of Jerusalem, the Golan Heights and most of the West Bank. Hundreds of thousands of Palestinians and Syrian Arabs added to the region's already acute refugee problem. Soon afterwards Israel began the controversial policy that was meant to cement its security but has, for 50 years, proved a barrier to peace and caused acute suffering to its victims – that of building illegal settlements on occupied Palestinian land.

Above: Palestinians pass through an Israeli army checkpoint near Nablus, June 2007. Getting to work, school or hospital is a constant struggle. © GettyImages

'The worst thing is the sense of being a stranger in your own land and feeling that not a single part of it is yours.'

– **Raja Shehadeh, Palestinian lawyer and writer**

60%
of West Bank under full Israeli control

STOLEN LAND

Building the settlements

Israel began building settlements in the Occupied Palestinian Territories (OPT) soon after the Six-Day War, despite receiving legal advice, unpublished at the time, that to do so would be illegal under international law. The first settlements were expansions of military outposts and were justified on the grounds of 'self defence'. By 1970 there were some 1200 settlers living in the West Bank, which Israel calls 'the Judea and Samaria area', and 8,600 in East Jerusalem, with smaller numbers in Sinai, Gaza and the Golan. By 1980 the number of West Bank settlers had grown to 17,400; by 2004 the figure was 234,500. Today the number of settlers stands at around 621,000, including 200,000 in East Jerusalem. All Israeli settlements in Sinai were evacuated by 1989, following the Camp David peace agreement between Israel and Egypt; those in Gaza in 2005. But the flow of settlers into the West Bank has remained remorseless.

Some are there for religious or ideological reasons – they believe that the territory has been part of Israel since Biblical times and it is their right as Jews to live there. Some, including many recent immigrants, are there because subsidised living and housing costs are considerably cheaper than in Israel. Others hope to make money by exploiting the area's agricultural and other natural resources.

Settlers' farming enterprises, producing fruit, vegetables and olive oil, and light industries such as textiles and cosmetics, service industries and some tourism, are profitable despite the logistical and security difficulties because the Israeli government gives them generous state subsidies and tax breaks not available to Palestinian enterprises. Palestinian farmers also suffer in comparison with settlers, not only because much of their land has been illegally expropriated, but because olive groves and orchards close to settlements are often destroyed or vandalised and farmers attempting to tend them are at risk of attack.

Most settlements are in the 60 per cent of the West Bank designated as Zone C by the Oslo peace accords of the 1990s and under Israeli control. (Zones B and A, each consisting of 20 per cent of the West Bank, are under joint Israel-Palestinian Authority and sole Palestinian control respectively.) The larger Zone C settlements run in an East-West chain linked by settler-only roads and are rapidly cutting the West Bank in half. Palestinians



see this as a *de facto* seizure of their land which may in future make the creation of a Palestinian state with a united, contiguous territory difficult or impossible.

The settlements are not built on untouched, virgin land. Tens of thousands of Palestinian properties have been demolished and swathes of the population displaced in order to build them. Palestinian natural resources such as water and agricultural land have been appropriated or diverted for settlement use. Around 120 settlements – some of which are sizeable towns containing up to 55,000

More than
100,000
hectares of
Palestinian land
appropriated for
settlement use



people – are ‘authorised’ by the Israeli military authorities, who still control the West Bank, while a smaller number, around 100 are ‘unauthorised’ but nevertheless tolerated. All, in the eyes of the international community, are illegal.

Sustaining the settlements

The settlement economy, which sustains the presence and the expansion of settlements, straddles the construction, agriculture, manufacturing, services and tourism sectors. This economy uses unlawfully appropriated Palestinian resources, including land, water, and minerals, which are then transformed, primarily by companies, to produce goods and products for private profit and to sustain the settlement project. Many of these goods, including manufactured products and produce, are then exported to external markets for sale. In 2015, the Israeli Ministry of Economy estimated the worth of settlement exports to the EU each year to be between US\$200m-300m (£154m-£230m).

A UN Human Rights Council report in 2012 stated that ‘business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements’. The report also raised questions about the role of the businesses that operate in settlements in sustaining the settlements and

violations against Palestinians. As a result of this report the UN High Commissioner for Human Rights has begun creating a database of businesses that have ‘directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements’. This database is expected to be published in late 2017.

In March 2017, the UN Human Rights Council adopted a resolution calling on states, among other things, to ‘distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, including not to provide Israel with any assistance to be used specifically in connection with settlements in these territories by, inter alia, regulating trade with settlements, consistent with their due diligence obligations under international law’.

‘A flagrant violation of international law’

In December 2016 United Nations security council resolution 2334, the latest of many on this subject, declared that the settlements have ‘no validity’ and are a ‘flagrant violation of international law’. In particular, article 49 of the fourth Geneva Convention of 1949, which deals with the treatment of civilians in war, states that an ‘occupying power shall not... transfer parts of its own civilian population

Above: The Israeli settlement of Maale Adumim, February 2017
© REUTERS/Ammar Awad

An ‘occupying power shall not... transfer parts of its own civilian population into the territory it occupies’
– Article 49, fourth Geneva Convention, 1949

50,000
homes and
structures
demolished by
Israel

into the territory it occupies' – an accurate description of what Israel has done in the OPT.

Notwithstanding that strongly-worded UN resolution, since it was passed the Israeli authorities have authorised the construction of at least 6,219 further settlement homes in the occupied West Bank, including 719 in East Jerusalem.

There is not unanimity in Israel about the legality or otherwise of the settlements. In February 2017 more than 300 Jewish settlers from the illegal West Bank outpost of Amona, built in the 1990s, were evicted by security forces after Israel's Supreme Court ruled it was built on private Palestinian land.

But Israeli Prime Minister Benjamin Netanyahu quickly gave a public commitment to establish a new settlement for the evacuated residents of Amona. After the eviction there were reports that an order barring access to the land was being enforced only against Palestinians, including those who own the land, and not against settlers or other Israelis.

The fact is that *all* Israeli settlement construction in the OPT is illegal under international law and the construction of further settlements cannot be justified by a need to house residents of a previously dismantled settlement. Amnesty International is also concerned by reports suggesting that the government of US president Donald

Trump will tacitly accept settlement activity in East Jerusalem and within specific settlement blocs in the occupied West Bank. Such a position would demonstrate clear disregard for international law and UN resolution 2334 of December 2016.

Moreover, on 6 February 2017 – days after the Amona evictions – the Israeli parliament, the Knesset, passed a law allowing government seizure of private Palestinian land on which settlements have been established. In effect the law undermines the ability of Palestinian land owners to lay claim to their land if Israeli settlers are living on it, despite the fact that the settlers' presence in occupied territory is illegal under international law. The organisation Peace Now has estimated that the law will retroactively 'legalise' 53 settlements and outposts – allowing for the expropriation of approximately 80 hectares of private Palestinian land. The law also risks galvanising the confiscation of yet more private Palestinian land by providing a basis for retroactive legalisation of land grabs.

600,000+
Israeli settlers
live on occupied
Palestinian land

Unemployment
in the Occupied
Palestinian
Territories was
27% in 2016
compared to
12% in 1999

'Israel is... under an obligation to return the land, orchards, olive groves and other immovable property seized... for purposes of construction of the wall in the Occupied Palestinian Territory... All States are under an obligation not to recognise the illegal situation resulting from the construction of the wall.'
– International Court of Justice Advisory Opinion, 2004



Left: An Israeli soldier arrests a Palestinian protesting in solidarity with Palestinian prisoners in Israeli jails, near the settlement of Shavei Shamron © AP/Rex/Shutterstock



50 YEARS OF HUMAN RIGHTS VIOLATIONS

Daily life under occupation

As well as violating international law, Israel's policy of settling Jewish civilians in the OPT is discriminatory and has resulted in grave human rights violations, including the destruction of homes, forced evictions, unlawful killings, arbitrary detentions, movement restrictions, exploitation of Palestinian natural resources and collective punishment.

Israel's military rule disrupts every aspect of daily life in the OPT. It continues to affect whether, when and how Palestinians can travel to work or school, go abroad, visit their relatives, earn a living, attend a protest, access their farmland, or even access electricity or a clean water supply. It means daily humiliation, fear and oppression. People's entire lives are effectively held hostage by Israel. Israel has also adopted a complex web of military laws to crush dissent against its policies, and senior government officials have branded Israelis advocating for Palestinian rights as 'traitors'.

Settlements and their related infrastructure are a means by which Israel dominates access

to, and use of Palestinian natural resources – such as water, fertile land, stone quarries and the mineral rich Dead Sea – while denying or arbitrarily restricting Palestinians' access to, use and enjoyment of these resources.

Israel's control of and restrictions on Palestinian access to water is at a level that neither meets the Palestinian population's needs nor constitutes a fair distribution of shared water resources. The appropriation of land for the construction of illegal settlements and related infrastructure, including for economic activities used to support and sustain them, has had a devastating impact on Palestinians' rights to an adequate standard of living, to work, to housing, to health, to freedom of movement and to education and has effectively crippled the Palestinian economy.

Forced transfer, evictions and demolitions

Over the past 50 years, Israel has forcibly evicted and displaced entire Palestinian communities and demolished tens of thousands of Palestinian homes and structures, leaving thousands homeless and causing terrible suffering and trauma. Israeli forces have also forcibly transferred many Palestinians either within the occupied territories, or into exile. Ongoing home demolitions are one of the main reasons for continuous transfer today.

4.9+ million

Palestinians face daily restrictions on their movement

'The Israeli authorities play with our emotions, they torture us and punish us.'
– 'Reham' has been denied regular permits to visit her brother, who was first arrested at the age of 12 and has been held in an Israeli jail for 15 years

Above: A woman protests as Israeli soldiers demolish houses in a Bedouin village south of Hebron. Tens of thousands of Palestinian homes and other buildings have been demolished by Israel © Getty Images

These measures allow Israel to maintain control of Palestinian land and resources, to enable illegal settlement expansion and push Palestinians out of certain areas deemed strategic, such as the fertile Jordan Valley or East Jerusalem. They are also carried out as punitive measures and amount to collective punishment.

Expropriation of natural resources

As well as controlling where Palestinians can go and who they see, Israel also controls and arbitrarily restricts their access to safe, clean water. Water consumption by Israelis is at least four times that of Palestinians living in the OPT.

Israel's restrictive allocation of water to Palestinians neither meets the Palestinian population's basic needs nor constitutes a fair distribution of shared water resources. Swimming pools, well-watered lawns and large irrigated farms in Israeli settlements on occupied land – lush green even at the height of the dry season – stand in stark contrast next to the parched and arid Palestinian villages on their doorstep, where residents struggle to have enough water to wash, take a shower, cook, clean or drink, let alone water their crops.

Restricting freedom of movement

Hundreds of Israeli military closures across the West Bank such as checkpoints, roadblocks

and settler-only roads, as well as the overall permit regime, make simple daily tasks for Palestinians who are trying to get to work, school or hospital a constant struggle. Israel claims its winding 700-km security fence/wall is there to prevent armed attacks on Israel by Palestinians. But that does not explain why 85 per cent of it is built on Palestinian land, including land deep inside the West Bank.

The fence/wall cuts off Palestinian communities from each other and rips families apart. It also deprives Palestinians from accessing essential services and separates farmers from their land and other resources, crippling the Palestinian economy. Inherently discriminatory and unjust laws also prevent many people from being able to marry, or travel within the occupied territories or into Israel to visit or live with their loved ones.

Arbitrary arrests, administrative detention and unfair trials

Since 1967, Israel's authorities have arrested hundreds of thousands of Palestinians, including women and children, under military orders, many of which criminalise a wide range of peaceful activities. At times of heightened tension and violence, men and boys in entire villages have been rounded up in mass arbitrary arrests. During the Palestinian uprising between 1987 and 1993, some 100,000 Palestinians were arrested by Israeli forces.

Zero criminal
investigations into
1,000+
torture complaints

'Everyone has a right to live in his home and no one may uproot him.'

– Israel PM Benjamin Netanyahu in a speech to Knesset about settlements

Right: Israeli border guards arrest a Palestinian youth during a demonstration outside the al Aqsa mosque compound, East Jerusalem, July 2017 © Getty Images

Below: Palestinian children walk to class in the village of Jubbet al-Dhib, near Bethlehem. Their lessons are now held in a tent. The caravans previously used as classrooms had no construction permit and were confiscated by Israeli troops in August 2017. © PA





Israeli authorities also have arbitrarily detained tens of thousands of Palestinians, including prisoners of conscience, holding them indefinitely in administrative detention without charge or trial.

Israel's 50-year-old policy of detaining Palestinians from the occupied territories in prisons inside Israel violates international law. Palestinian prisoners also face restrictions on family visits, access to education and medical care, amongst others.

Israel has also set up military courts which do not ensure basic fair trial guarantees to prosecute Palestinians. Virtually all cases brought before the military courts end in convictions. Most convictions are the result of plea bargains as Palestinians defendants know that the entire system is so unfair that they will be convicted and given a longer sentence if they go to trial. By contrast, Israeli settlers in the OPT are prosecuted before Israeli civilian courts in Israel and enjoy greater legal protections under Israeli civilian law.

To this day, torture is not criminalised in Israeli law, paving the way for Palestinian prisoners to be tortured and otherwise ill-treated while in Israeli custody.

The toll of violence

Israeli forces have a long record of using excessive and often lethal force against Palestinian men, women, and children. Such violence serves as retaliation against protesters and helps stifle dissent. Thousands have been killed and many more injured. The authorities' failure to conduct thorough, impartial and independent investigations to break the cycle of impunity has enabled these violations to continue over half a century.

Since 1987, more than 10,200 Palestinians have been killed, often in circumstances suggesting that the killings were unlawful and may amount to war crimes. In the same period, more than 1,400 Israelis have been killed by Palestinians. Of these, hundreds have been civilians killed by Palestinian armed groups in attacks that constitute crimes under international law.

Restrictions on free expression, association and assembly

An escalation of acts of intimidation by the government and attacks and threats by settlers and other non-state actors have created an increasingly dangerous environment for those who peacefully defend human rights in Israel and in the OPT. Israel routinely violates

'For decades, Israel has openly defied international law by ruthlessly pursuing its settlement expansion.'
– Philip Luther, Middle East and North Africa Director, Amnesty International

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Palestinians' rights to freedom of expression and freedom of association in the OPT and targets human rights defenders (HRDs), including by arbitrary arrest and detention, imprisonment, injury and torture. Israeli authorities also fail to protect HRDs from attacks by Israeli settlers and extreme right-wing activists, and in some cases have been complicit in such attacks.

Israel has taken steps to curtail freedom of expression inside Israel with officials using intimidation to target HRDs. Recent legislative initiatives that are apparently aimed at constricting freedom of expression have gone hand-in-hand with an ever-darkening public mood against those who criticise the Israeli government, and have increasingly come to affect Jewish Israeli critics of the Israeli government and its practices.

INTERNATIONAL LAW AND INTERNATIONAL RESPONSIBILITY

Third state responsibility

As Amnesty International has noted in the past, all parties to the Fourth Geneva Convention, are under an obligation to 'ensure respect' for the Convention. Under customary international humanitarian law, all states must not encourage violations of international humanitarian law; in fact they must exert their influence to stop such violations. Israel's establishment and continued expansion of the settlement enterprise in the OPT and the *de jure* annexation of East Jerusalem (and of the occupied Syrian Golan Heights) are themselves violations of peremptory norms of international law. (A 'peremptory norm' is an absolute, over-riding principle of international law from which no derogation is ever permitted.) Israel is also violating the peremptory norm of the prohibition against grave breaches of the Geneva Conventions.

Israel's breaches of peremptory norms give rise to third state responsibilities, including

Up to **99%**
of cases heard
by Israeli military
courts in West Bank
end in conviction

**Hundreds
of
millions**
of dollars' worth of
settlement products
exported each year

Above: A Palestinian washes
his face at a spring in
Hebron, August 2017
© EPA/Rex/Shutterstock



the obligation not to recognise an illegal situation created by these breaches, nor to assist or render aid in maintaining the illegal situation, and to actively co-operate to bring to an end the illegal situation that results from violations of peremptory norms. The obligation not to recognise as lawful the illegal situation prohibits not only explicit recognition, but extends also to actions that would imply recognition. By allowing settlement goods, which sustain settlements, into their markets, third states may be conferring implicit recognition on the illegal creation of the settlements from which these goods originate. These states are also providing assistance to the illegal settlement project and are contributing to the maintenance of the settlement economy, which helps finance the continued existence and expansion of illegal settlements.

What governments can do

It has become increasingly evident that merely condemning Israel's settlement expansion is not enough. That's why, to mark the 50 years of occupation, Amnesty International has made a call, for the first time in the organisation's history, on governments worldwide to uphold their obligations by banning settlement goods from their markets and put in place laws and regulations to stop their companies

from operating in settlements or trading in settlement goods. This is not a demand for a consumer boycott – that is a matter for individuals – but a call on governments to recognise and act on their responsibilities under international law.

Governments worldwide have the responsibility to ensure that goods grown, produced or manufactured on stolen Palestinian land do not end up on our supermarket shelves. They have to show that their verbal condemnation of Israel is more than hot air. Failure of states to do so would undermine the legal principles that they claim to uphold.

Fifty years on it's easy to feel helpless about what can be done to address decades of injustice and Israeli violations against Palestinians. Banning settlement goods and stopping companies from operating in settlements are concrete steps that governments must take to meet their international obligations and to help to end an inherently discriminatory system that has brought suffering to millions of Palestinians.

■ [amnesty.org.uk/settlementgoods](https://www.amnesty.org.uk/settlementgoods)

Average Israeli consumption of water is at least

four times

that of Palestinians across the Occupied Territories

Thousands

of military orders imposed by Israel since 1967 impose repressive measures against Palestinians

Above: Continuing expansions: diggers break the ground for a new settlement near the existing settlement of Shiloh, June 2017 © AP/Rex/Shutterstock

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