



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B
- POLICY DEPARTMENT -**

STUDY

**"The question of Freedom of Movement and the impact of the "separation barrier" on it
in the territories occupied by Israël"**

Abstract:

The restrictions on movement that Israel has imposed on the Palestinian population in the Occupied Territories over the past five years are unprecedented in their scope and severity. These policies cause extensive harm to the three and a half million Palestinians in the West Bank and Gaza Strip. The European Union and its member states have legal obligations to ensure that Israel complies with human rights law and international humanitarian law. The EU/Israel Action Plan should include specific actions to ensure Palestinian freedom of movement, and ensure an effective mechanism to monitor implementation of the human rights provisions. The European Parliament can play a positive role in ensuring that the EU-Israel relationship accords with both parties legal obligations through several means: ensuring integration of a human rights approach in the review of the implementation of the Action Plan; establishment and oversight of financial instruments that include an explicit human rights approach; and initiation of factfinding missions to Israel.

Any opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

DGExPo/B/PolDep/Study/2006_13

16/06/2006

[PE N°]

EN

This note was requested by the European Parliament's subcommittee on Human Rights

This paper is published in the following languages: English

Author: Jessica Montell

Manuscript completed in June 2006

Copies can be obtained through: E-mail: asubhan@europarl.europa.eu

Brussels, European Parliament, June 2006

Table of Contents

Executive Summary	4
Background: 1967-2000	4
2000-Present: Checkpoints, Roadblocks and Forbidden Roads	5
Statistics on checkpoints and roadblocks	7
Separation Barrier	7
Gaza: One Big Prison	9
The effects of Israel's restrictions on movement	10
Legal Analysis	10
EU Role in promoting Palestinian Freedom of Movement	11
Sample Testimonies	13

Executive Summary

The restrictions on movement that Israel has imposed on the Palestinian population in the Occupied Territories over the past five years are unprecedented in their scope and severity. These policies cause extensive harm to the three and a half million Palestinians in the West Bank and Gaza Strip:

- Israel has dissected the West Bank into five different sections and makes it difficult for Palestinians to move from one to the other.
- Israel has set up dozens of checkpoints and hundreds of physical obstacles throughout the West Bank, and prohibits Palestinians from traveling on dozens of roads.
- Israel forbids Palestinians without special permits to enter the Jordan Valley and East Jerusalem, which are integral parts of the West Bank.
- The Separation Barrier, which is largely being constructed inside the territory of the West Bank, further reduces Palestinian freedom of movement, separating farmers from their lands and imprisoning communities in isolated enclaves.
- Israel forbids almost completely any travel of Palestinians between the West Bank and the Gaza Strip, as well as placing extensive restrictions on all imports and exports from the Gaza Strip.
- Israel impedes Palestinians from entering Israel and from going abroad.

These restrictions have severely affected all aspects of daily life for the entire Palestinian population. A simple action such as going to work in the nearby town, marketing farm produce, obtaining medical treatment, or visiting relatives entails lengthy bureaucratic procedures, at the end of which the army often denies the application for a movement permit.

Israel is entitled to protect itself by taking various means, including imposing certain restrictions on movement. However, the sweeping and prolonged restrictions it has imposed, and the grave harm its policies have caused to the local population in all aspects of life, constitute a flagrant breach of its legal obligations.

The European Union and its member states have legal obligations to ensure that Israel complies with human rights law and international humanitarian law. The EU/Israel Action Plan should include specific actions to ensure Palestinian freedom of movement, and ensure an effective mechanism to monitor implementation of the human rights provisions. The European Parliament can play a positive role in ensuring that the EU-Israel relationship accords with both parties legal obligations through several means: ensuring integration of a human rights approach in the review of the implementation of the Action Plan; establishment and oversight of financial instruments that include an explicit human rights approach; and initiation of factfinding missions to Israel.

Background: 1967-2000

Following the Six-Day War, in 1967, Israel's military commanders in the West Bank and Gaza Strip issued orders proclaiming these areas to be closed military areas. In 1972, general exit orders were issued. These allowed Occupied Territories residents to leave the Occupied Territories freely, enter Israel and East Jerusalem, and pass between the Gaza Strip and the West Bank. Residents of the Occupied Territories were not allowed to stay in Israel and East Jerusalem between 1 a.m. and 5 a.m.

In June 1989, for the first time, Israel restricted the general exit permits. In the Gaza Strip, Israel imposed a magnetic-card system, whereby only those with such a card were allowed to leave the Strip. The authorities did not issue magnetic cards to released prisoners, former administrative detainees, or even Palestinians who had been detained and released without charges being filed against them. In the West Bank, green, rather than orange, identity cards were issued to Palestinians whom Israel prohibited from leaving the Occupied Territories.

In January 1991, during the Gulf War, Israel changed the policy it had implemented since it first occupied the Occupied Territories, in 1967. The general exit permits of 1972 were revoked, and every resident of the Occupied Territories wanting to enter Israel had to have a personal exit permit. The effect of revocation of the general exit permit on Occupied Territories residents was not immediate. At first, Israel issued many permits for relatively long periods, and except for days in which a total closure on the Occupied Territories was imposed, most Palestinians could continue to enter Israel routinely. However, Israel's permit policy gradually became stricter. Thus, beginning in 1991, the number of residents of the Occupied Territories entering Israel and East Jerusalem steadily decreased.

The new policy created a situation in which the Occupied Territories were divided into three areas, with passage between them requiring a permit from the Israeli authorities: the Gaza Strip, the West Bank, and East Jerusalem. Movement within the West Bank was also limited, insofar as the main road between the southern and northern areas of the West Bank passes through Jerusalem, into which entry was prohibited.

Revocation of the general exit permit in 1991 marked the beginning of the permanent closure policy, which reached its apex two years later. In March 1993, following the killing of nine Israeli civilians and six security forces' personnel by Palestinian residents of the Occupied Territories, Israel imposed an overall closure on the Occupied Territories "until further notice." To enforce the closure, Israel set up checkpoints along the Green Line separating Israel and the West Bank, between the West Bank and East Jerusalem, and within the Occupied Territories. Approvals were granted sparingly and according to criteria unknown to Palestinians.

The Oslo Accords and the geo-political changes that followed had almost no effect on these restrictions. The severity of the closure changed depending on the circumstances. For example, after Palestinian violence against Israelis, the authorities imposed a total closure, during which no exit permits were granted, except in exceptional cases. A total closure was also often imposed on the Occupied Territories during Israeli holidays. At times, Israel also imposed an internal closure on specific towns or villages in the West Bank.

2000-Present: Checkpoints, Roadblocks and Forbidden Roads

With the outbreak of the al-Aqsa intifada in September 2000, Israel imposed a comprehensive closure on the Occupied Territories, and for a few months prohibited almost completely Palestinians from entering Israel and from traveling between the West Bank and the Gaza Strip. Israel then allowed a limited number of workers from the Occupied Territories to return to work in Israel, and enabled, with severe restrictions, Palestinians to enter Israel for medical treatment, trade, and other needs. Following acts of violence and during Israeli holidays, Israel has placed a comprehensive closure on the Occupied Territories and cancelled entry permits

For the past six years, Israel restrictions on Palestinian movement extend far beyond travel between the West Bank and Israel; the bulk of the restrictions are imposed on Palestinian travel *inside* the West Bank. A system of dozens of staffed checkpoints and hundreds of physical obstacles regulates all Palestinian movement. The severity of the restrictions on persons wanting to cross the staffed checkpoints differs from checkpoint to checkpoint and from time to time:

- At almost all the checkpoints, people have to show their identity cards, and soldiers often search the vehicles and the passengers' belongings;
- At some checkpoints, Israel prevents men of a certain age group, usually 16-35, from crossing. This restriction is especially common at the checkpoints in Nablus District;
- From time to time, Israel places a sweeping restriction prohibiting residents of a particular district from crossing staffed checkpoints by foot, or, alternatively, from crossing by vehicle. Restrictions of this kind are common in the Jenin and Nablus districts;
- At certain checkpoints, vehicles are allowed to cross only if they have special permits, which are generally given only to public-transportation vehicles and commercial vehicles;
- At some checkpoints, Israel has a fixed practice of completely prohibiting the crossing of Palestinian vehicles, regardless of the circumstances.

In addition, Israel blocks access to main roads with various physical obstacles. Dirt piles, concrete blocks, iron gates, and trenches are placed on the access roads connecting Palestinian towns to the main roads. As a result, Palestinians cannot reach the main roads, and are forced to travel on alternate routes. Unlike the staffed checkpoints, where an exception can be made in a humanitarian emergency, even an ambulance cannot pass the physical obstacles.

The checkpoints and physical obstacles divide the West Bank into five separate areas, with movement from one to the other severely restricted, and sometimes impossible. The five areas are the North (Jenin, Nablus, and Tulkarm districts), the Center (Salfit, Qalqiliya, and Ramallah districts, and the Jericho enclave), the South (Bethlehem and Hebron districts), the Jordan Valley and the northern part of the Dead Sea (except for the Jericho enclave), and East Jerusalem.

This system also enables Israel to designate use of some of the roads in the West Bank for the primary or exclusive use of Israelis, mainly settlers living in the West Bank. The prohibition on Palestinian use of certain roads is not set forth in military legislation or in any official document. In response to B'Tselem's inquiry on this point, the IDF Spokesperson's Office responded that the restrictions are based on "oral orders" issued by soldiers.

This lack of transparency adds a dimension of uncertainty to the policy and makes it difficult to criticize it and challenge its legality.¹

Israel prohibits Palestinian vehicles even from crossing certain roads, which also restricts access to roads that they are not prohibited from using. As a result, travelers in Palestinian vehicles have to get out, cross the road by foot, and find alternate transportation on the other side.

Statistics on checkpoints and roadblocks

Permanent Staffed Checkpoints: The Israeli military currently maintains 27 permanent staffed checkpoints inside the territory of the West Bank. This figure does not include an additional 26 checkpoints that are the last checkpoint between the West Bank and the sovereign territory of the State of Israel. Some of these checkpoints are situated on the Green Line, and some are gates in the Separation Barrier.

Temporarily-manned checkpoints: In addition to the permanent checkpoints, the military operates 16 occasional checkpoints, which are generally open for Palestinians to cross without being checked. Sometimes security forces are present, and some have a watchtower.

Internal checkpoints in Hebron: There are 12 checkpoints in the city of Hebron at places where there is friction between settlers and Palestinians. These checkpoints are permanently staffed, and Palestinians who cross are checked. Israeli settlers move freely within the H2 area of Hebron.

Physical obstacles (concrete blocks, piles or dirt, or trenches): the number of physical obstacles often changes, depending on the political and security situation. There are currently over 400 physical obstacles blocking roads.

Forbidden Roads: Palestinian travel is restricted or entirely prohibited on 41 roads and sections of roads throughout the West Bank, including many of the main traffic arteries, covering a total of over 700 kilometers of roadway. Israelis can travel freely on these roads.

Separation Barrier

The Separation Barrier is yet another layer in Israel's restrictions on Palestinian movement. In June 2002, the government of Israel decided to erect a physical barrier to separate Israel and the West Bank in order to prevent the uncontrolled entry of Palestinians into Israel. In most areas, the barrier is comprised of an electronic fence with dirt paths, barbed-wire fences, and trenches on both sides, at an average width of 60 meters. In some areas, a wall six to eight meters high has been erected in place of the barrier system.

¹ For a detailed analysis see **Forbidden Roads: The Discriminatory West Bank Road Regime**, B'Tselem, August 2004. Available at http://www.btselem.org/English/Publications/Summaries/200408_Forbidden_Roads.asp

Although the Israeli government has modified the route several times in response to international criticism and rulings of the Israeli High Court, the majority of the Barrier is still inside the West Bank, and not along the Green Line (the border between Israel and the West Bank).

The construction of the barrier has brought new restrictions on movement for Palestinians. Tens of thousands of Palestinians have difficulty reaching their farmlands on the other side of the Barrier, and marketing their produce in other areas of the West Bank. Farming is a primary source of income in the Palestinian communities situated along the Barrier's route, an area that constitutes one of the most fertile areas in the West Bank. The harm to the farming sector is liable to have drastic economic effects on the residents – whose economic situation is already very difficult – and drive many families into poverty.

The areas between Separation Barrier and the Green Line (Israel's border) have been declared a closed military zone. Every Palestinian over the age of twelve living in these enclaves must obtain a “permanent resident permit” from the Civil Administration to enable them to continue to live in their homes. Farmers and other Palestinians who need to enter these areas must also obtain special permits.

Israel has built gates along the completed sections of the Barrier, through which permit holders are allowed to pass. However, requests of many Palestinians for permits to enter their land are rejected, either on grounds of security, or on the contention that the applicant has not provided sufficient proof of ownership of the land or family relation to the landowner. Even those with permits do not always manage to pass through the gates: when the army declares comprehensive closures on the Occupied Territories, the permits to cross the Separation Barrier are not valid. Furthermore, many residents have to travel long distances, usually along unpaved roads, to get to their gate. The difficulty and expense in gaining access to their land have turned farming into an unfeasible venture, and many residents do not exercise their right to go to their land and work their primary source of livelihood.

Perhaps the most damaging portion of the Separation Barrier is around Jerusalem, where the Barrier cuts through a dense urban area. In several areas around the city, a 6-meter high wall which runs through the heart of residential neighborhoods and down the middle of busy streets. The results are disastrous for hundreds of thousands of Palestinians:

- 220,000 Palestinians in East Jerusalem will be cut off from the rest of the West Bank.
- Some 100,000 Palestinians living in the suburbs around Jerusalem will be cut off from the city. Many of these are legal residents of Jerusalem who have left the city due to Israeli restrictions on development of Palestinian neighborhoods. Those with Jerusalem identity cards will now have to travel lengthy routes and suffer extensive delays at checkpoints to enter the city. Those without Israeli IDs will no longer have access to the jobs, schools, hospitals and other essential services they require in the city.
- Given the geographic centrality of Jerusalem, completion of the Barrier is liable to completely cut off the southern portion of the West Bank (Bethlehem and Hebron) from the north.

In setting the Barrier's route, Israeli officials almost totally ignored the severe violations of Palestinian human rights. The route was based on extraneous considerations completely unrelated to the security of Israeli citizens. The primary consideration in setting the route of the

Barrier was to build to the east of as many settlements as possible, to make it easier to annex them into Israel in the future.

Yet B'Tselem's recent research has revealed that existing settlements were not the only factor for the specific route chosen. A primary consideration in many sections of the Barrier was to place empty lands intended for future settlement expansion on the "Israeli" side of the Barrier.

In some of the cases, the plan to construct "new neighborhoods" actually constitute establishment of new settlements.

Not only were security-related reasons of secondary importance in setting the route of many portions of the Barrier, in cases when they conflicted with settlement expansion, the planners opted for expansion, even at the expense of compromised security. This desire for settlement expansion led to an increase in the violation of Palestinians' human rights.²

Gaza: One Big Prison

In August 2005, Israel removed its settlements and military forces from the Gaza Strip in the context of its Disengagement Plan. Even after disengagement, however, Israel continues to hold decisive control over important elements of Palestinian life in the Gaza Strip, including freedom of movement. Israel maintains complete control over the air and sea space of the Gaza Strip. Among other things, this control prevents operation of a seaport and airport, impeding Palestinians' ability to travel abroad.

Palestinians can now travel between Gaza and Egypt without Israeli interference, through the Rafah border crossing. However, this crossing is only open to those people registered in the Palestinian population registry who hold Palestinian identity cards. All foreigners must enter Gaza through border crossings under Israeli control. Israel continues to control the population registry, and therefore controls family unification between Gazans and their spouses who are foreign residents.

Israel maintains complete control of the movement of people and goods between the Gaza Strip and the West Bank. Israel almost completely prohibits Palestinians from traveling between the West Bank and Gaza. Ongoing control of movement between the two areas is decisive in light of their mutual dependence: indeed, the two areas have functioned over the years as one territorial unit. The dependence is conspicuous in a number of key areas, such as public administration, health services, higher education, and trade. Also, most Gazans have close family and social ties with persons living in the West Bank, and vice versa.

Perhaps the most devastating aspect of Israeli control in Gaza concerns imports and exports: Israel continues to exercise complete control over the movement of goods into and out of the Gaza Strip. The main cargo crossing – the Karni crossing – has been closed repeatedly over the past months, paralyzing the Gaza Strip economy and causing a shortage of basic goods, including food and medicines.

² For more detail, see **Under the Guise of Security: Routing the Separation Barrier to Enable the Expansion of Israeli Settlements in the West Bank**, Joint Report of B'Tselem and Bimkom: Planners for Planning Rights, December 2005.

The effects of Israel's restrictions on movement

Israel's policy greatly affects all areas of life for Palestinians and makes it impossible for them to live a normal life. In the West Bank, simple actions, such as shopping, visiting relatives, and going to classes at the university, have become a complicated, and at times impossible, task. This policy also impedes Palestinians' access to medical care. Village residents, who constitute about one half of the population of the Occupied Territories, suffer the most from this lack of access because most medical services are provided at hospitals and clinics in the cities.

The sweeping restrictions on freedom of movement that Israel has imposed since the outbreak of the al-Aqsa intifada are the principal cause of deterioration of the Palestinian economy and the unprecedented increase in unemployment and poverty in the Occupied Territories.

The Israeli siege on Palestinian towns and villages in the Occupied Territories since the beginning of the al-Aqsa intifada has greatly hampered economic life in the Occupied Territories. The siege causes economic problems in two primary ways: residents have difficulty getting to work sites that are not near their homes, and suppliers and merchants have trouble transporting merchandise from place to place.

Closing the commercial crossing points along the West Bank's and Gaza Strip's borders with Israel, Jordan, and Egypt in response to Palestinian attacks gravely damages Palestinian import and export trade. It also paralyzes many manufacturing processes that depend on imported materials. These effects are especially burdensome because of the Palestinian economy's great dependence on foreign trade, which comprises some eighty percent of gross domestic product. The closing of the crossing points also harms the internal trade between the West Bank and the Gaza Strip.

The comprehensive closure that Israel imposed on the Occupied Territories at the beginning of the al-Aqsa intifada caused tens of thousands of Palestinians to lose their jobs in Israel. Before the intifada, 110,000 Palestinians worked in Israel and the settlements, comprising twenty-two percent of the Palestinian workforce in the Occupied Territories. The number of Palestinians entering Israel to work has varied from time to time, depending on the amount of permits that Israel grants and the degree that the closure is enforced. But this number is very small in comparison to the number of Palestinians who were employed in Israel prior to the intifada.

As a result of Israel's restrictions on freedom of movement, as well as other factors, the Palestinian economy has severely deteriorated compared to 2000. Today, over 30% of the Palestinian labor force is unemployed.³ Some 44% of the Palestinian population lives below the poverty level (\$2.1 per person per day).⁴

Legal Analysis

³ Palestinian Central Bureau of Statistics, Labour Force Survey, First Quarter 2006.

⁴ The World Bank Group, West Bank and Gaza Update, April 2006.

Israel has the legal right to determine who enters its own territory. However, international human rights law requires Israel to respect the right of residents of the Occupied Territories to move about freely within the Occupied Territories. This right is recognized in Article 13 of the Universal Declaration of Human Rights, and in Article 12 of the International Covenant on Civil and Political Rights. Furthermore, international humanitarian law requires Israel, in its capacity as the occupier, to ensure the safety and well-being of the local residents, and to maintain, as far as possible, normal living conditions.

Freedom of movement is important because it is a prerequisite to the exercise of other rights, such as those set forth in the International Covenant on Economic, Social and Cultural Rights, among them the right to work (Article 6),

the right to an adequate standard of living (Article 11), the right to health (Article 12), the right to education (Article 13), and the right to protection of family life (Article 10).

Furthermore, Israel's policy constitutes blatant discrimination based on national origin, in that the restrictions on movement apply only to Palestinians. Not only are Israeli settlers not subjected to the same restrictions, the Israeli military has even explicitly admitted that some of the restrictions on Palestinians are intended to ensure the free movement of Jewish settlers in the West Bank. Thus, Israel's policy violates the right to equality, which is incorporated in several human rights conventions to which Israel is party.

Even those restrictions that are justified as necessary to prevent attacks inside Israel, and not in the settlements, are still illegal because they are sweeping and disproportionate. Israel's restrictions on Palestinian movement have a semblance of collective punishment, which is forbidden under international humanitarian law.

The construction of the Separation Barrier inside the West Bank is also a violation of international humanitarian law. This is particularly the case to the extent that the route is dictated by settlements and settlement expansion. The settlements that Israel established in the Occupied Territories are illegal and breach international humanitarian law. Therefore, an act intended to perpetuate the settlements is by definition, a breach of international law. Although protecting the settlers is a legitimate objective, achieving it by running the Separation Barrier along a route that perpetuates the settlements or involves expressly forbidden acts, such as destruction of private property, is illegal. The severity of the action is aggravated insofar as the primary goal in setting the Barrier's route - expanding settlements and protecting the economic interests of Israeli real-estate developers - is itself illegal.

EU Role in promoting Palestinian Freedom of Movement

As High Contracting Parties to the Geneva Conventions, the member states of the European Union are obligated to ensure that Israel respects these Conventions. The European Union as a whole is obligated to respect and promote respect for human rights in third countries in its external relations and in its Common Foreign and Security Policy. These obligations are anchored in the Treaty establishing the European Community and the Treaty on European Union.

Furthermore, Article 2 of the EU-Israel Association Agreement provides that "*relations between the Parties, as well as all the provisions of this Agreement itself, shall be based on respect for*

human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.”

The EU-Israel Action Plan, which entered into force in March 2005 makes only a brief mention of human rights issues, including the issue of freedom of movement. In contrast to the Action Plan for Jordan or Morocco, for example, there is no specific action item for human rights. Instead under the heading "**Shared values**," there is a sub-heading entitled "**Democracy, human rights and fundamental freedoms**" which includes the following action:

- Work together to promote the shared values of democracy, rule of law and respect for human rights and international humanitarian law.

Freedom of movement is specifically addressed under the heading, "Situation in the Middle East:"

While recognising Israel's right of self-defence, the importance of adherence to international law, and the need to preserve the perspective of a viable comprehensive settlement, minimising the impact of security and counter-terrorism measures on the civilian population, facilitate the secure and safe movement of civilians and goods, safeguarding, to the maximum possible, property, institutions and infrastructure.

In the case of both of these articles, the wording is of a general nature, with little substantive content. There are no benchmarks and no timetable for implementation, making assessment of performance difficult.

Furthermore, the rubric of "Shared values" only conveys a partial picture. Whereas within its own borders Israel is a liberal democracy similar to its European counterparts, it has also maintained a military occupation of the West Bank and Gaza Strip for 39 years. Under international humanitarian law, Israel bears clear duties as an occupying power. The implementation of the Action Plan for Israel under the European Neighbourhood Policy (ENP) should be based on a clear acknowledgement of these duties.

It is unfortunate that no subcommittee on human rights was established within the framework of the Association Agreement. The June 7 meeting of the informal EU-Israel Working Group on Human Rights is a welcome first step in holding a dialogue between the EU and Israel with a clear human rights based approach. However, establishment of a formal human rights subcommittee would enable regular meetings in which to assess and discuss progress on promoting human rights.

In keeping with the principle of human rights mainstreaming, the EU should make it clear to Israel that all the cooperation and measures taken under the ENP must be implemented by both sides in accordance with the requirements of international human rights and humanitarian law. Also the EU should give priority to ensuring that the human rights-related items currently listed in the Action Plan are translated into concrete actions and programmes within the set timeframe.

Specifically regarding freedom of movement, the Action Plan should include the following items:

- Remove permanent checkpoints and other physical obstacles restricting Palestinian movement inside the West Bank;

- Cancel the discriminatory regulations regarding road use in the West Bank such that all civilians have equal access to the roadways;
- Cancel the order prohibiting Palestinians from entering the Jordan Valley without special permits;
- Reroute the Separation Barrier such that it is not constructed inside the territory of the West Bank;
- Ensure that the Gaza Strip has uninterrupted ability to import and export goods;
- Enable Palestinians to travel freely between the West Bank and Gaza Strip;

The Action Plan calls for a first review of its implementation within 2 years, i.e. before March 2007. The mechanism for such a review – or the benchmarks for evaluation – have not been established. There is no clear role for the European Parliament in such a review.

However, the EUP could play a role in ensuring that basic human rights standards are an essential part of this review. A Parliamentary mission to Israel, in order to dialogue with Israeli colleagues and to obtain a firsthand impression of the human rights situation, might facilitate such a review.

The EU should establish a public review mechanism with a clear calendar and measurable benchmarks that will enable it to assess how its agreements with third countries and ENP Action Plans are being implemented and applied with regard to respect for human rights. When carrying out periodic human rights reviews of the implementation of the EU-Israel Association Agreement and the ENP Action Plan for Israel, relevant civil society organisations should be consulted.

Financial instruments intended to advance EU external relations should also include a human rights approach. If the European Neighbourhood and Partnership Instrument (ENPI) is to be the sole instrument operating with regard to Israel, the ENPI must include an explicit human rights component. Parliament could also consider creation of a seventh instrument – a human rights instrument – or the continuation of the European Initiative for Democracy and Human Rights.

Sample Testimonies

Palestinian mother prevented from visiting her daughter and new-born grandchild in the Jordan Valley, January 2006

Ni'meh Abu Zaharah, mother of 11

Before the intifada, my husband and I worked in the Jordan Valley picking fruit. We were paid on a day-by-day basis. We had worked there for more than a decade. Many residents of our village worked for daily wages in the Jordan Valley because our village is small and jobs aren't available. In addition to the wages, our employers also gave us some of the harvest, which meant that we saved on buying fruits and vegetables.

About three years ago, the Israeli army began to prohibit non-residents of the valley to cross the Hamra checkpoint. When they did that, we lost our source of livelihood. Our situation has deteriorated badly. My husband looked for work but couldn't find any. He borrowed money to

buy a car that he uses to transport goods to the grocery stores in the village, and to transport dairy products during the spring. But this work didn't bring in enough money, and he has been unable to repay the loan.

I don't know why the army refuses to let us go to the Jordan Valley . I think that they simply want to humiliate us. Maybe they want us to starve to death.

I have a daughter, Hiba, who is seventeen. In 2003, she married a man from Jiftlik, in the Jordan Valley. Since they got married, nobody in my family has been able to visit her, not even during the holidays, because the army doesn't let us cross the Hamra checkpoint. Even when my daughter gave birth to her first child, I did not succeed in visiting her and my grandchild to see how they were. I didn't get to see my daughter until two months after she gave birth, when she came to visit us.

About two weeks ago, she gave birth to her second child, by Caesarean section, but I can't visit her.

I went to the checkpoint and prayed to God that the soldiers would let me cross, but they didn't. I told one of the soldiers at the checkpoint that my daughter lived in Jiftlik and that she had given birth by Caesarean section, and that the only thing I wanted was to see her and make sure she was alright. I begged him to let me cross, and promised to return within an hour, but he didn't let me cross.

I told him that I would leave my ID card with him as a guaranty that I would return when he told me. He refused this offer as well. I returned home crying, I was so distressed.

Ni'meh 'Ali Abu Zahara, 45, is married, unemployed, and a resident of a-Nassariya, Nablus District. Her testimony was give to Salma Deba'i in a-Nassariya, on 22 January 2006. Border Police prevent Red Crescent from taking child to East Jerusalem for cancer treatment, assault ambulance crew, 'Anata Checkpoint, December 2005

Ahlam Nasser, paramedic

Yesterday [Tuesday, 12 December], around 9:30 A.M., I received a call to go to the hospital in Ramallah to transport nine-year-old Mujahed a-Shati to hospital in Jerusalem . We know the child because he has cancer of the blood and we have transported him several times to Augusta-Victoria Hospital , in Jerusalem , to get a blood transfusion. Bassem Sadeqah, 29, who drove the ambulance, Wafa 'Adwan, 22, a volunteer, and I started on our way, and within five minutes we were at the hospital in Ramallah. Mujahed was waiting with his mother. I don't recall her name, but I know that she is twenty-nine years old and that she has a permit to enter Jerusalem to accompany her son. She gave her ID card and the entry permit to Bassem for him to give to soldiers at the checkpoints. We placed the stretcher on which the boy was lying into the ambulance and left.

We drove via the Beit El checkpoint. The soldiers checked the ID cards and looked at the child. Bassem told the soldiers about the child's condition. They let us pass without delaying us. In

about fifteen minutes, we reached the Hizma checkpoint, where one of the soldiers motioned us to stop 10-15 meters from the checkpoint. Bassem told the soldiers that we were transporting a child who had cancer to Jerusalem for treatment. The soldier said the case wasn't an emergency, and asked if we had a permit. Bassem said that it was an emergency and that the child needed a blood transfusion as soon as possible, because the time for the transfusion had passed, and that we had to take him to the hospital immediately. Bassem showed the soldier the mother's permit and her ID card, our ID cards, and the cards showing we are Red Crescent employees. He took the documents and quickly glanced at them, gave them back, and said, "You don't have permits." He was referring to the ambulance team. "And you are forbidden to enter. You can drop off the patient and call for an Israeli ambulance to come and transport him." Bassem told the soldier: "The woman does not have enough money to pay for an Israeli ambulance." A Magen David Adom ambulance costs about NIS 300-400. The Red Crescent doesn't charge anything to transport a patient. The soldier said: "All right. If she doesn't have money to pay, there is no need for her to receive treatment in Israel." He ordered us to leave. We took our ID cards, Bassem turned the ambulance around, and we left. We were at the checkpoint for about ten minutes.

Bassem drove to the 'Anata checkpoint, arriving there at 10:18. Three cars were in front of us. After about three minutes, our turn came and a Border Policewoman asked for our ID cards and permits.

We gave them to her. She apparently intended to search us and the inside of the ambulance and let us cross, because she asked Bassem to get out and open the ambulance's rear door. Suddenly, an officer called to the Policewoman and she went over to him. The officer took the ID cards. I heard him tell her in Hebrew: "A Palestinian ambulance is not allowed to enter Israel . Call an Israeli ambulance for them to take the patient."

He told us to remove the child and put him into an Israeli ambulance. Bassem repeated what he had said at the previous checkpoint, that the patient did not have enough money for an Israeli ambulance. The officer ordered us to turn around and go back.

We asked him to let us make a few telephone calls to officials at the Red Crescent to coordinate things. We had not coordinated the matter because we had always crossed without a problem. He began to shout and curse at us. I don't want to repeat what he said. I told him: "Shut up and don't swear at us." He threw the documents at us, and ordered us to turn around and go back. We wanted to leave, but we delayed a bit while picking up the documents from the floor of the ambulance. In a temper, the officer opened the door next to me and ordered us to give him the documents again. We handed them over to him, and he ordered us to get out of the ambulance. When I refused, he cursed me and my mother, and spit in my face. We started to shout at him. I told him, "Watch your mouth, and don't swear or spit at me." He left and went to the checkpoint, holding the documents. He went into a small room, which was apparently the communications room.

About five minutes later, he came back to us and ordered me to get out of the ambulance. He said: "The Police will be here in a few seconds to arrest you." Two minutes passed, and then another Border Police officer came over to us. He was short and slim and was dark-skinned. I think he was in his early twenties. He knocked on the window and said politely in Arabic, "Excuse me, open the window. I want to talk to you." When I opened the window, he told me

that I was under arrest and that I was forbidden to leave the checkpoint. He ordered me to get out of the ambulance, and added that the ambulance crew could leave if they wanted. I told him I wasn't going to get out, and that the rest of the crew was staying where they were. He returned to the communications room. He had our documents. A minute later, the commander came out of the room and called to the female officer and another police officer. He, too, was short and slim, dark-skinned, and in his early twenties. He had a grey uniform on. They came over to the ambulance. The commander forcibly opened the door next to me and began to pull me out and hit me. The other two joined in, and the three of them beat me and tried to pull me out of the ambulance. Bassem and Wafa pulled me to try to prevent the Border Police from dragging me out. I was in a tough situation: the police officers were beating me and pulling me out, while my friends were pulling me into the ambulance. This went on for a few minutes until the commander left and went over to Bassem. He opened the door next to Bassem, grabbed him by the throat and began to pull him out, beating him with his hands as he did.

The commander also assaulted the volunteer, who was sitting in the middle. He punched her a few times. The two Border Police officers continued to try to pull me out and to beat me, and were swearing at me. I don't deny that we tried to repel their blows and protect ourselves. I was hit hard in the stomach, which hurt a lot, and I responded and smacked the soldier in the chest. The sick child shook in fear and cried out loudly. About seven minutes after they began to assault us, they backed off and ordered the mother and child to get out and take a taxi on the other side of the checkpoint to get to Jerusalem. The mother and child got out of the ambulance and crossed the checkpoint. I don't know what happened to them after that.

We waited for about ten minutes, and two Police vehicles pulled up along with a Border Police vehicle that had "Police" written on it, and parked on the side. The Border Police vehicle stood on the side of the road next to us, and a police officer got out. I think he was the commander. When he came over to us, he introduced himself by the name Akram. He spoke to me politely in Arabic: "We came to arrest you." He did not say why. He ordered me to get out and go with them. I said: "I am not going with you alone. I want the [ambulance] crew to come with me." He replied that, "It is forbidden for them to accompany you because they have West Bank ID cards and are not allowed to enter Israel." When I refused and insisted that they come with me, he said threateningly, "If you are going to be obstinate, we'll have to arrest you by force." I was so exhausted that I didn't want any more problems, so I did what he said. I got out of the ambulance. The crew also got out. They tried to pull me and prevent me from being arrested. The checkpoint commander, whom I mentioned previously, assaulted my colleagues, hitting them hard. He tried to take his club and hit the driver, but Commander Akram intervened and prevented him from grabbing the club.

Ultimately, I went with the Police and Commander Akram. They took me to the room at the checkpoint, closed the door, and left a policewoman there to guard me. Two minutes later, she insisted on searching me, and I agreed. She conducted the body search, during which she picked up my shirt to look under it. Then she took me out of the room, and when I got outside, I didn't see the ambulance. I think that the crew left. I was taken in the Border Police vehicle to the Russian Compound Detention Center, in Jerusalem. I sat in the back of the vehicle, with the policewoman guarding me. Three other police officers were in the jeep. They did not harm me on the way. At the Russian Compound, they put me in the criminal block, and two police officers in blue uniforms fingerprinted me and took a palm print. Then they took me to the interrogation block, where I remained until they took me to an interrogator, who spoke Arabic.

It was around 2:00 P.M. The interrogator introduced himself as Majid. I sat down and he asked me to tell him what happened. I explained, but he didn't write anything down. After about fifteen minutes passed, he left the room and returned about four minutes later. He told me: "We aren't going to open a file against you. Call somebody who works with you to come and get you." An ICRC vehicle came and took me to a-Sheikh Zi'ad Hospital, where I underwent tests and X-rays. The physicians found that I had suffered contusions to my neck, hands, face, legs, and stomach. I was treated and discharged. I left the hospital at 3:30 P.M.

Ahlam Nabil Jamil Nasser, 27, is a paramedic and a resident of al-Bira, Ramallah District. Her testimony was given to Iyad Haddad, at the Red Crescent offices, on 13 December 2005 Restrictions on residents of a-Dab'a due to the Separation Barrier, Qalqiliya District, July 2005

'Abd a-Latif 'Odeh, farmer

My family has lived in the village of a-Dab'a for generations. The village is east of Ras 'Atiya, south of Hirbet a-Slaman, north of 'Isla and west of 'Kafr Thulth. It is approximately five kilometers from Qalqiliya and one and a half kilometers from Habla. Most of the residents of a-Dab'a are farmers. The farming industry has been severely affected by the building of the Separation Barrier. A large portion of our land was left on the north-eastern side of the fence and it is extremely difficult for us to reach it. My family owns over ninety dunams of agriculture land on which we grow olive trees.

Our house is about sixty meters away from the fence. It is on the eastern side of the barrier and our land is on the western side.

I can see our land from my house, but I can only get to it by crossing the Ras 'Atiya gate. You need a special permit to use that gate. From there, I continue on to the Habla junction, and then to the Jal'ud intersection. Then I go to Khirbet a-Salman, and then another eight kilometers by car and two kilometers by foot, because there is no paved road or dirt path to get to the land. It takes me about two hours to get to my land. If there are delays at the gate, it can take three or four hours. As a result, whenever I want to work my land, I end up spend most of my time just getting to and from it. Many farmers, including my brother, Rafik Ibrahim el-A'araj, have abandoned their fields because of the difficulties in reaching them

The Barrier has also caused problems regarding education. High school students from our village must pass through the gate to reach their schools in Habla or Qalqiliya, and frequently they have problems.

A few weeks ago, Amir 'Amar Muhammad 'Abdallah, age 18, tried to cross the gate to go take his matriculation exams. The soldiers detained him at the gate from morning until 1 PM claiming that he approached the soldier without being asked to do so.

We have only one school in the village, and it has a large teaching staff. Most of the teachers live on the other side of the barrier and need permits to get to the school. The dependence on permits disrupts the school's functioning. When the permits expire, it often takes a long time to

get them renewed. In the meantime, classes are cancelled and the children are unable to continue their lessons.

Residents of the village have to go to Habla or Qalqiliya to get medical treatment, which entails a long trip. In cases of a medical emergency, it is dangerous.

At the gate that leads to Ras 'Atiya we are not permitted to transfer merchandise and that makes life very difficult for families that own livestock and need to transfer fodder for them. The fact that merchandise can only be transferred at Checkpoint #109 (DCO Qalqiliya) [and not at the gate] makes it very costly as well. Transferring merchandise through the gate would cost about thirty shekels, but to go through the checkpoint costs approximately 200 NIS and takes much longer. Also, frequently people are denied passage at the checkpoint because their permit is only valid for the gate.

Because of the Separation Barrier, most of the grazing land has been destroyed or is inaccessible on the other side of the fence. As a result, the price of fodder has increased. My brother, Abdallah el-A'arag, age 65, owned a flock of 100 sheep. After the Barrier was built he had to sell the whole flock since he had no grazing land left and fodder was too expensive for him.

We also have problems hosting relatives and friends. Whenever people want to visit, we have to get a permit for them. Often, the requests are rejected. Even if they are granted, it usually takes more than a week to receive them. I married off my son Ibrahim two months ago. Only a quarter of the invited guests could attend.

'Abd a-Latif Ibrahim 'Odeh , age 63, married and father of 15, is a farmer and a resident of a-Dab'a village near Qalqiliya. His testimony was taken by Karim Jubran on 21 July 2005 at the witness's home. Soldiers confiscate identity card of Palestinian for remaining in the Jordan Valley without a permit, February 2006

Ra'id Sawaftah , father of five

I am a resident of Tubas. For more than a year, I have been working as a plasterer in the village 'Ein al-Baida, where I stay with my mother's brothers, who live in the village, on the days that I work there. The Israeli army demands that every Palestinian wanting to enter the Jordan Valley have a permit, so I went to the Civil Administration to get a permit, which I had to renew every three months. The permit enabled me to stay in 'Ein al-Baida for a week or two at a time to work. So far, I have received three permits, covering a total of nine months.

Last Monday [7 February] at about 6:00 P.M., I was on my way from 'Ein al-Baida to Tubas. My permit had expired, so I wanted to go home and rest and renew it. When the taxi I was in got to the Tayasir checkpoint, the soldiers detained me and took my ID card and permit. They let the taxi continue on its way. When I asked them why they had detained me, the soldiers did not want to give me an explanation. One of them told me that I was forbidden to be there. I began to speak with him in Arabic, but I saw that he could barely understand me.

The soldiers delayed me for two hours and then released me and gave me a slip of paper in place of my ID card. The slip said that my card had been confiscated because I had remained in the Jordan Valley without a permit. The soldiers ordered me to go to the DCO [District Coordination Office] in Sallem on the day noted on the paper, 10 February 2006.

The DCO is thirty-eight kilometers from my home. On the 10th , a Friday, I went to the DCO, but it was closed. This morning [Sunday, 12 February], I returned to the DCO. The soldier at the window told me that I had to go to the DCO in Tubas. I went to the DCO in Tubas, where they told me that my ID card had been forwarded to the Palestinian Ministry of the Interior in Tubas, and that I could get it the next day, which I did.

Ra'id Hassan Muhammad Sawaftah, 27, married with five children, is a laborer and a resident of Tubas. His testimony was given to 'Atef Abu a-Rob at the witness's home on 12 February 2006