



UNITED NATIONS

Office for the Coordination of Humanitarian Affairs  
occupied Palestinian territory

# THE MONTHLY HUMANITARIAN MONITOR

AUGUST 2011



Farmer overlooks his trees from area cleared for Barrier construction, Al-Walajah, September 2011

## August Overview

August witnessed a serious escalation of violence that highlighted, once again, the significant vulnerability of Palestinian civilians in the Gaza Strip, as well as of the civilian population of southern Israel. This month, 30 Palestinians, including 24 civilians were killed, and 103 others, including 89 civilians, were injured in the Gaza Strip. In southern Israel, one Israeli civilian was killed and seven other injured by rockets fired from Gaza. In addition, seven civilians killed and 30 injured in a series of attacks launched from Egypt by unknown perpetrators. This was one of the most significant escalations of violence in the occupied Palestinian territory (oPt) since the end of Israel’s “Cast Lead” military offensive in January 2009.

Alongside the lack of warning systems or shelters, a key factor shaping the vulnerability of Palestinian civilians in the Gaza Strip is the inability to flee to safer

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locations when violence escalates. International human rights law stipulates that everyone has the right to freedom of movement, to freely choose their place of residence within their own country, and the right to freely leave their own country.<sup>1</sup> These rights continue to be severely impeded, not only with regard to the majority of Gazans, but to also to many Palestinians living in the West Bank as well.

It is estimated that approximately 35,000 Palestinians living in the West Bank are Gaza ID holders, who have been unable to change their address in the Israeli-controlled population registry to reflect residency in the West Bank. If caught by the Israeli authorities, these people are at-risk of criminal prosecution and forcible transfer to Gaza. As such, they are unable to freely move within the West Bank, or travel abroad. This month, the Israeli authorities indicated that the records of approximately 2,000 such residents have been updated to reflect their current West Bank addresses, out of 5,000 such updates pledged in a package of measures announced in February 2011.

As a whole, Gaza's population continues to be denied access to the West Bank, and this affects a range of rights, including their right to exercise religious freedom. For the 12<sup>th</sup> consecutive year, the entire population of Gaza is denied access to Holy Sites in East Jerusalem during Ramadan. In addition, more than 40 percent of people within the West Bank were also prohibited. Only men above 50 and women above 45 years of age, and boys and girls under 12, were allowed to pass without permits; men between the ages of 45 and 50, and women between 30 and 45 were eligible for special permits that needed to be applied for in advance.

The largest obstacle obstructing movement in the West Bank remains the Barrier, 85 percent of which runs inside the occupied territory. This month, the Israeli High Court of Justice rejected an appeal by residents of Al Walajah village, south-west of Jerusalem, to change the proposed route of the Barrier. Once complete, the Barrier will surround the village and separate it from hundreds of dunums

of agricultural land, as well as from East Jerusalem. The court rejected the appeal on grounds that the expected harm to the residents is proportional to the security value of the approved route.

The range of restrictions on Palestinian movement was highlighted by the findings of OCHA's annual report on movement and access within the West Bank, released this month. According to the report there has been no significant improvement in Palestinian freedom of movement or access to land over the past year. Over 522 obstacles remain within the West Bank hampering Palestinian access to services and livelihoods, particularly in rural areas located in the Jordan Valley and between the Barrier and the Green Line, as well as in East Jerusalem. Some 200,000 people from 70 villages are forced to use detours that are between two to five times longer than the direct route to their closest city. These findings, alongside the developments outlined above make clear the need for immediate actions that improve Palestinian movement and access throughout the oPt.

## **Sharp increase in Israeli-Palestinian armed hostilities**

### *Civilians continue to bear the brunt of conflict-related violence*

Civilians in Gaza and southern Israel continue to bear the brunt Israeli-Palestinian conflict-related violence. During August, armed hostilities in Gaza claimed the lives of 28 Palestinians, 57 percent of whom were civilians, and left 101 others<sup>2</sup> injured (89 percent civilians). In addition, one Israeli civilian was killed, and 14 other Israeli civilians were injured as a direct consequence of Israeli-Palestinian conflict.<sup>3</sup>

Hostilities had been taking place on an intermittent basis since the beginning of July 2011. Between 1 and 17 August, armed confrontations and Israeli military restrictions near the Israeli-Gazan border and in Gaza sea areas resulted in the death of three Palestinians (one child), and the injury of eleven others, as well as the injury of an Israeli civilian in the Israeli town of Ashkelon.

The violence escalated on 18 August, when a series of attacks along the Egypt-Israel border and in southern Israel claimed the lives of seven Israeli civilians, and left about 30 others (25 civilians) injured. The three gunmen who initiated the attack were also killed. While no Gaza-based armed group claimed responsibility, the Government of Israel alleged that the operation originated from Gaza, and subsequently launched a series of airstrikes targeting different areas of the Gaza Strip. As a result of Israeli air strikes, tank shelling and observation posts gunfire, 26 Palestinians were killed (15 civilians) and 89 others, including 79 civilians (23 children) were injured. The air strikes targeted rocket launching crews, military training bases, tunnels under the Gaza-Egypt border, and a number of commercial structures. In addition, the airstrikes caused damage to a number of homes and public facilities, including an UNRWA school,

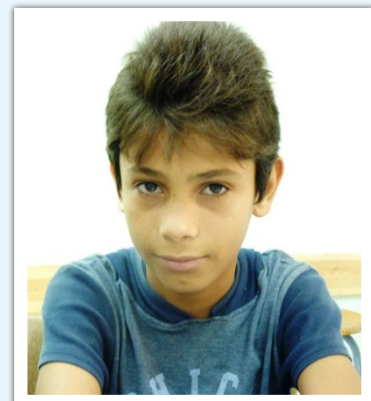
a not-yet-operational CMWU sewage pumping station, and a university campus.

Following the wave of Israeli attacks, Palestinian armed groups escalated rocket and mortar fire towards cities and communities in southern Israel, which resulted in the death of one Israeli civilian in the town of Beer Sheva, and the injury of six others, including two children. In addition, a 12-year-old Palestinian child was also killed and five others injured when a GRAD rocket fired by Palestinian armed groups fell short and hit his family home on 19 August. The same rocket also caused damage to a nearby school. *(See box herein)*

The violence finally abated on 28 August, when Palestinian armed groups in the Gaza Strip and the Israeli military reached an informal understanding to restore calm (Tahdi'a).

#### IN HIS OWN WORDS: MAHMOUD ABU SAMRAH (1998 – 2011)

The following is part of an interview with 12-year-old Mahmoud Abu Samrah. It was conducted by UNESCO on 10 August 2011, just one week before the boy was killed by a GRAD rocket launched by a Palestinian armed group. The rocket fell short of the border with Israel and hit the boy's home, killing him immediately. The boy's mother and three siblings (also children) were injured in the attack, their house destroyed, and a nearby school sustained damage.



*'I'm afraid to come to school whenever I hear loud noises. My parents force me to come to school, but I can't wait to go home because of all the noise that I hear around the school. Also there are many sites around the school that are constantly targeted. The Safina building is under constant attack. Last time they [Israeli military] struck the Safina, our house window shattered, and I could see fire coming out of the building.*

*I walk to school. I'm not afraid to walk to school because there are many kids walking with me.*

*Whenever there is an airstrike, we hide under the stairwell. One boy was accidentally injured by shrapnel that was still lying around. It hurt his eye. This was during school time. The teachers took him to the hospital and told his parents.*

*There is a lot of shrapnel from rockets and missiles that are fired by the Israelis lying around the school. I stay away from them, but I see many kids that come close to them, and some hold them and start playing, and even throw them at each other.'*

Note: The UNESCO interview was conducted at Al Qastina School,<sup>4</sup> which has repeatedly been damaged during hostilities. In addition to being hit by the Palestinian-launched GRAD rocket on 19 August, the school was heavily damaged during the Cast Lead military offensive in 2009, and was again damaged in March 2011 during Israeli air strikes targeting nearby locations.

Mahmoud Abu Samrah was interviewed by UNESCO on 10 August, 2011, Photo by UNESCO



The month's escalation in hostilities underscores the vulnerability of Palestinian and Israeli civilians. While the latter are covered by a developed protective infrastructure, such protection is not available to the population of Gaza, and this is reflected in the disparities in civilian casualties. This infrastructure includes an anti projectile defense system, an alarm system providing prior warning before the landing of a rocket, as well as a network of accessible bomb shelters. Regardless of the availability of such protective infrastructure, parties to the conflict are bound by the protective norms enshrined in International Humanitarian Law (IHL), including the principles of distinction and proportionality in attacks, as well as by the duty to avoid as much as possible placing military objectives in civilian areas, which expose those living in such areas to attacks by the other side.

## Israeli High Court approves route of Barrier surrounding Al-Walaja village

*Barrier to separate village from hundreds of dunums of its agricultural land*

This month, the Israeli High Court of Justice (HCJ) rejected a petition against the route of the Barrier around the Palestinian village of Al Walaja, southwest of Jerusalem, on the grounds that the harm that will be inflicted on the local residents by the Barrier would be proportional to its security contribution. As a result, hundreds of dunums of agricultural land belonging to residents will be separated from the village's residential area and located on the 'Israeli side' of the Barrier.

Access to the isolated agriculture land will be via two Barrier gates. If the regime in other sections of

### ONE FAMILY'S STORY: OVER 100 TREES DESTROYED ONE MORNING FOR BARRIER CONSTRUCTION

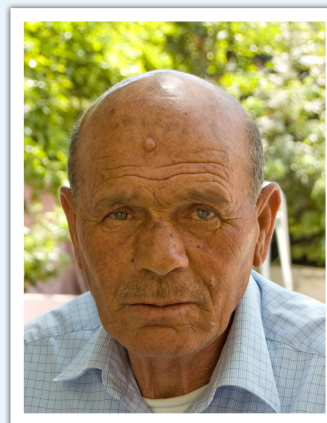
Mohammed Atrash (Abu Wajih), a 68-year-old farmer from Al Walaja, has been affected by Barrier construction activities that followed the HCJ decision this month.<sup>7</sup>

*At about 5 am on 5 September, we woke up to the sound of heavy machinery. We went down to our fields to see what was happening, but our fields were surrounded by IDF soldiers, who initially wouldn't let us through. We persisted, and they called the Israeli DCL; they finally allowed us to enter.*

*Of the 110 olive trees that we own, 60 trees were uprooted. In addition, 18 almond trees were also uprooted, as well as eight Hawthorn trees. About 27 non fruit-bearing trees (pine and oak) were also cut down.*

*They were done with uprooting the trees by mid-morning, after which they tried to make me bring a tractor to take away the uprooted trees. But the land is difficult to get to, and I couldn't comply immediately. They then began threatening me, saying that if I didn't take the trees away myself, they would be taken and re-planted inside Israel, and that I would be detained and fined. Honestly, I think the Israelis were embarrassed because there were a number of journalists watching. Finally the Israeli authorities themselves delivered the uprooted trees to a more accessible area. I don't think it's worth replanting the trees; it would probably take too many years to bear fruit. But I will replant one of the trees in our own garden as a symbol, so that my children and grandchildren never forget this day.*

*When the Wall is completed, about 20 dunums of our land will be on the other side. The land is actually in my wife's name, and we have tax documents dating back to 1927 to prove that her family has owned the land for generations. However, because she suffers from chronic ailments, including kidney failure, diabetes and blindness, she is unable to go down to the fields, and would certainly be unable to work in the fields. Once the Wall is built, I don't expect the Israelis to allow me to get to our fields. Right now, it looks like we will lose everything on the other side.'*



Mohammed Atrash, 68-year-old farmer lost more than 100 trees in Al Walaja, due to Barrier construction. Photo by OCHA

the Barrier is replicated, farmers will require visitor permits from the Israeli Civil Administration (ICA) to access their land through this gate. Given the restrictive nature of this permit and gate regime, it has resulted in a sharp reduction in access to farmland behind the Barrier in other areas of the West Bank, severely undermining agricultural livelihoods.

Part of the built up area of Al Walaja (population approx. 2000) was unilaterally annexed by Israel into the Jerusalem Municipality in 1967. However, the large majority of its residents hold West Bank IDs (rather than Jerusalem IDs), and their main service centers are located within the Bethlehem governorate. Therefore, most of those living in the section included within the Jerusalem municipality are considered by the Israeli authorities as illegal residents within the State of Israel. As such, they are at continuous risk of forced transfer, as well as harassment and arbitrary arrest.<sup>5</sup> Beginning in 1989, Al Walaja's residents attempted to remedy their precarious situation by requesting that the Israeli authorities either exclude Al Walaja from the Jerusalem Municipal boundary, or grant residents Jerusalem IDs (i.e. legal residency in Jerusalem). These efforts were unsuccessful.

Moreover, because of the proximity of the Barrier's route to the built-up area of the village, most requests for building permits submitted in recent years to the Jerusalem Municipality have been rejected.<sup>6</sup> As a result, a number of structures were built in recent years without permits and targeted with demolition orders.

## **2,000 Palestinians, registered as Gazans, recognized by Israel as West Bank residents**

*Tens of thousands of others at-risk of displacement due to lack of secure legal status*

This month, the Israeli authorities informed the Civil Affairs Committee (CAC) of the Palestinian Authority (PA) that they have updated the addresses of 1,956

Palestinians, who are living in the West Bank but were registered in the Israeli-controlled population registry of the oPt as residents of Gaza.<sup>8</sup> This step comes in the context of a package of measures agreed between Israel and the Office of the Quartet Representative in February 2011, according to which Israel would update the address of 5,000 Palestinians in this situation. As of the end of August 2011, a total of 2,254 records in the population registry had been updated, less than half the commitment made in the package.

According to data produced by the Israeli Coordinator of Government Activities in the Territories (COGAT), by June 2010 there were nearly 35,000 Palestinians registered as Gazans living in the West Bank.<sup>9</sup> Those in this situation are considered by the Israeli authorities as "illegal aliens" who can be subject to criminal prosecution and/or forcibly transferred to Gaza, for the sole fact of being present in the West Bank without having their address updated or possessing a special permit. According to COGAT, between the beginning of 2008 and June 2010, 85 Palestinians were forcibly transferred from their homes in the West Bank on these grounds.<sup>10</sup> In March 2010, two new military orders issued earlier by the Israeli military came into force expanding the ability of the military to prosecute and transfer Palestinians from their homes in the West Bank.<sup>11</sup>

Under the 1995 Interim Agreement between Israel and the PLO, the PA should have the power to update the address of people already registered in the population registry, at its discretion (provided that it informs the Israeli authorities). In practice, however, Israel has retained exclusive control of these changes, as concerns residents of Gaza, and, following the beginning of the second Intifada in 2000, Israel stopped the regular processing of requests to change address, with exceptions admitted in narrowly defined "humanitarian cases" or as part of political gestures.

Gazans residing in the West Bank, however, are only one group of Palestinians affected by the lack

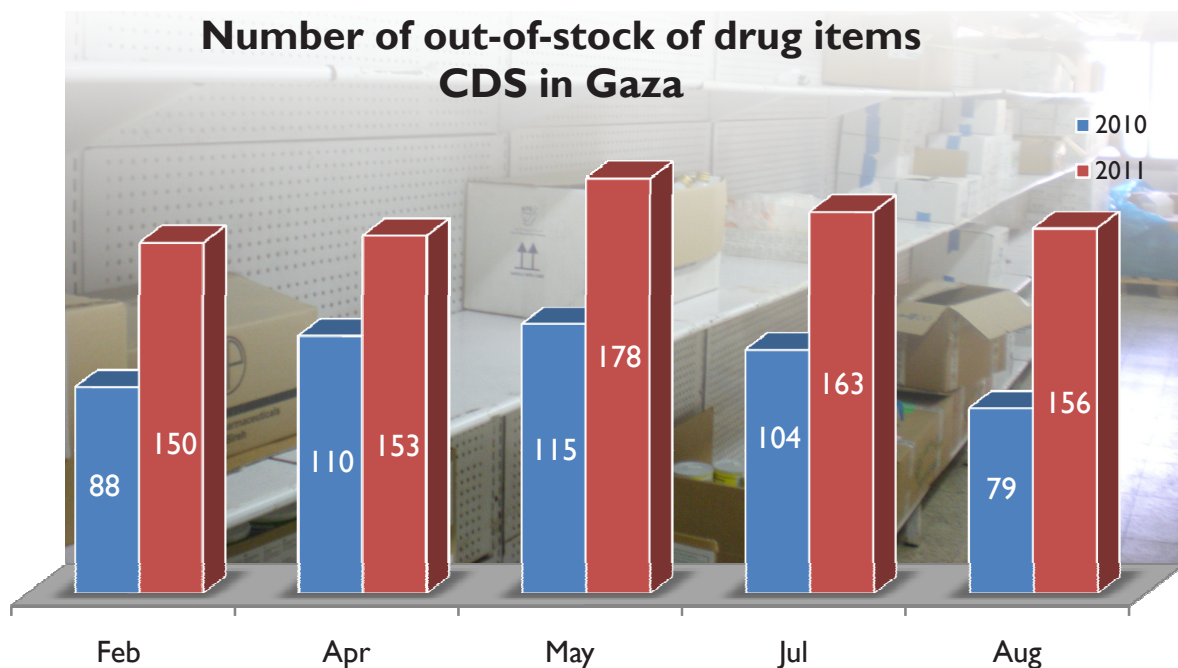
of a secure legal status. Another large category includes East Jerusalem Palestinians, particularly those who have relocated elsewhere in the oPt or abroad. Unlike Palestinians from the rest of the West Bank, East Jerusalem residents are considered 'permanent residents' of Israel and their blue ID cards entitle them to freedom of movement in Jerusalem and in Israel, as well as to participate in Israel's social security system. However, unlike citizens of Israel, in order to retain their residency rights, East Jerusalem residents are required to prove that their 'centre of life' lies within the Israeli-defined municipal boundary of the city. The status of 'permanent resident' can be cancelled if that person lives for a period of seven years or more outside of East Jerusalem or Israel, including in any other part of the West Bank or Gaza Strip, and/or if he/she obtains citizenship or residency in another country.

According to figures provided this month by the Israeli Ministry of Interior to the Israeli NGO Hamoked, in 2010, the Ministry revoked the residency of 191 East Jerusalem Palestinians (along with the return of status to 67 others), down from over 700 revocations in 2009 and more than 4,500 in 2008.

In April 2011, Hamoked and the Association for Civil Rights in Israel petitioned the High Court of Justice (HCJ), demanding a stop to the policy of revocations on grounds of prolonged residency abroad, or acquisition of foreign status, claiming that the current policy runs against key provision of international humanitarian law. The petition is currently pending.

### Gaza: concern over ongoing shortage of essential drugs and disposables<sup>12</sup>

As of the end of August, approximately one third of the items in the essential drug list (156 out of 480) and 27 percent of the medical disposable items (186 out of 700) were at "zero level" at the Central Drug Store (CDR) in the Gaza Strip. This means that stocks are depleted to less than one month's supply, whereas a three-month stock at the CDS level is considered necessary to guarantee continued health services. These shortages directly affect the delivery of health services at facilities run by the Ministry of Health (MoH), which provide 40 percent of primary health care (54 clinics) and 80 percent of hospital care services (13 hospitals). Among the main types of drug items currently at zero stock are anti-infective drugs (22 percent) and cancer drugs





(12 percent). Shortages in the latter may increase the need for referrals to outside hospitals, resulting in an increase in the MoH's expenditures for each cancer patient by some 400 percent.<sup>13</sup>

The procurement of drugs and disposables for all MoH facilities in the oPt is carried out centrally in the West Bank; the pharmaceutical suppliers deliver the medications to the CDS in Ramallah, from where they are distributed to other MoH storage or health care facilities, including to the CDS in Gaza. While the shortage of drugs is a chronic problem in Gaza, the depth of the seriousness of the shortage has increased over time: in 2006, the average of drugs at zero level was 14 percent of the list, while in 2010 it stood at 23 percent, and, so far, in 2011 it is at 33 percent.

The MoH in Ramallah cites budgetary restrictions as the main reason for the drug shortages, as pharmaceutical suppliers become more reluctant to deliver when there is a backlog of outstanding payments. The political rift between Fatah in the West Bank and Hamas in Gaza has also affected the operations of the Palestinian Authority in terms of disrupted communication, planning and sharing of resources. However, the fact that drug shortages existed prior to the split between the two authorities points to the existence of deficiencies the supply and logistics chain.<sup>14</sup> The shortages may be partially attributed also to the increase in the number of items on the essential drug list,<sup>15</sup> at the same time as demand has increased due to a growing population and the opening of new health facilities.

Accessibility and affordability to essential drugs is a key component of the right to health of a person. For poor households, the out-of-pocket purchase of medicines is often their largest health care expense and absorbs a high percentage of household income. While the impact of drug shortages may not be detected immediately, the unavailability of essential medications in government clinics negatively affects personal and community health and well being, despite people's coping mechanisms. Patients

who cannot find their medication in the MoH may try to obtain it, or an alternative to it, from other sources, such as UNRWA clinics or NGOs, or may hoard medicines when they do find them available. UNRWA clinics have noted in 2011 that there has been a noticeable increase in the consumption of specific drugs for hypertension and diabetic patients. Other patients who cannot utilize UNRWA services might skip their drug dose or buy it from the private market.

Monthly expenditures for patients with common chronic diseases can be a substantial financial burden for poor families if they have to buy prescriptions on the private market. A diabetic patient, who requires insulin as their line of treatment, must spend NIS 200 or more every month, while patients who depend on blood sugar lowering agents will pay from NIS 40 to 120 according to the type and the dose of drug. Patients who use lipid lowering agents, usually the elderly, will pay from NIS 50-70 monthly to buy their medications. Asthmatic patients will pay NIS 24 for a common inhaler. In July, medical care in Gaza increased by 2.3 percent, and was the higher major expenditure group for Gaza households, according to the consumer price index for the month.<sup>16</sup>

## Access to East Jerusalem Holy Sites during Ramadan

*More than 60 percent of the Palestinian population denied access*

During the month of Ramadan, which ended on 30 August, most of the Muslim population in the oPt was prevented from exercising its right to freedom of worship. None of Gaza's population, and over 40 percent of the West Bank population, were allowed to the Al Aqsa Mosque in Jerusalem during the Friday prayers. Except for those holding Jerusalem IDs, only men above 50 and women above 45 years of age, and boys and girls under 12, were allowed to pass without permits; men between the ages of 45 and 50, and women between 30 and 45 were eligible for special permits that needed to be applied for

in advance. According to the Israeli authorities, approximately 340,000 people entered into East Jerusalem for Friday prayers during Ramadan.

Since the completion of the Barrier around East Jerusalem, access for permit-holders is allowed only through four of the 15 checkpoints installed along the Barrier (Qalandia, Gilo, Shufat Camp and Az Zaytoun), which can be crossed only on foot and require multiple security checks. Over the past two years, there have been improvements in the functioning of these checkpoints, due to the logistic arrangements put in place by the Israeli Civil Administration (ICA), along with the increased involvement of the Palestinian police and the Palestinian Red Crescent Society.

As was the case in the previous year, large shades to offer sun protection were installed, as well as fans

that sprinkle water, designed to lower temperatures for those queuing to enter through the checkpoint. In addition, there were two humanitarian lanes at Qalandiya checkpoint designated for the elderly and those with special needs. In some cases, however, such as at Gilo checkpoint, humanitarian lanes were poorly managed and their use was restricted to a very limited number of emergency cases.

Better logistics and additional checkpoint infrastructure resulted in a general improvement in the flow of traffic into East Jerusalem, for those with permits, to enter for Friday prayers, with one exception; on 19 August, the Israeli authorities instituted additional restrictions following attacks in southern Israel on 18 August. This resulted in significant delays at the various checkpoints, and very few people were reportedly use the humanitarian lanes.

## Endnotes

1. Article 12, International Covenant on Civil and Political Rights of 1966.
2. These include three Palestinians injured by Palestinian rocket fire,
3. These figures do not include Israelis killed or injured in the incident that occurred on 18 August along the Egypt-Gaza border.
4. These interviews were part of UNESCO's Protective Education Programme – Conflict-Disaster Risk Reduction for vulnerable schools in Gaza. UNESCO interviewed teachers, students and other school staff about their experiences.
5. UNRWA, *Legal Analysis Fact Sheet on Al Walajah, May 2011*, page 2.
6. In the late 1990s, Al Walaja submitted an outline plan that would allow for existing structures, which had already been built in the village without permits, to apply for permits, and would allow for the construction of public infrastructure, including roads. However, the Israeli District Planning and Building Committee rejected the outline plan in February 2009, citing that the village and its lands are zoned as a green area, where construction is not allowed.
7. The following interview was conducted by representatives from UNRWA and OCHA on 9 September 2011.
8. Information provided by GISHA – Legal Center for Freedom of Movement. See: [http://www.gisha.org/item.asp?lang\\_id=en&p\\_id=1393](http://www.gisha.org/item.asp?lang_id=en&p_id=1393)
9. Information provided to Hamoked – Center for the Defense of the Individual, following a petition to the court under the Freedom of Information Act: See: <http://www.hamoked.org/Document.aspx?dID=Updates1038>
10. This number does not include those Palestinians that were expelled to Gaza immediately after their release from prison, nor those who travelled to Gaza on their own initiative and have since then been prevented by the Israeli authorities from returning to their homes in the West Bank. See Hamoked, *Ibid*.
11. Order regarding Prevention of Infiltration (1650) expands the definition of an “infiltrator”, which originally applied to nationals of “enemy states” who entered the West Bank illegally, to any person present in the West Bank without “a permit”. Such a person can be subject to detention, imprisonment, fines, and deportation within 72 hours of detention. Order regarding



Security Provisions (1649) establishes a new military committee tasked with reviewing appeals pending a deportation. The order stipulates that anyone held in custody shall be brought before the committee no later than eight days (four days if the person is a minor) from the date of issuance of a deportation order. The committee is also authorized to extend custody for up to 60 days (30 days in the case of minors). The order does not expressly allow for the right to appeal to a court or to access legal counsel, nor does it guarantee that a person will not be deported within 72 hours in line with the provisions of Order 1650.

12. The content of this section was provided by the World Health Organization (WHO).
13. Chemotherapy medications cost the MoH \$14 million in 2010, about 29 percent of the total pharmaceutical expenditure of \$50 million for the year, while referrals cost the MoH \$100 million, with oncology the second highest expenditure.

14. A study undertaken in 2004 in Gaza assessed the availability of 12 key drugs for treating common illnesses at MoH Primary Health Care facilities and found that only 7.7 percent of the clinics had full availability of all 12 key medications and 73.4 percent had partial availability. Of the two-thirds of physicians who reported using the Essential Medicines List for prescribing, more than half (66 percent of physicians) had problems in doing so, chiefly due to shortages of drugs at the MoH Central Drug Store.
15. WHO added 27 new items in 2011, but dropped 21 in light of new research.
16. "Socioeconomic Report, July 2011," Office of the UN Special Coordinator for the Middle East Peace Process (UNSCO).

## CONTRIBUTING AGENCIES

United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Development Fund for Women (UNIFEM), United Nations Educational Scientific and Cultural Organization (UNESCO), United Nations Food and Agricultural Organization (FAO), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Office for the High Commissioner of Human Rights (OHCHR), United Nations Population Fund (UNFPA), United Nations Relief and Works Agency

for Palestine Refugees in the Near East (UNRWA), United Nations Special Coordinator for the Middle East Peace Process (UNSCO), World Food Programme (WFP), World Health Organization (WHO), United Nations Mine Action Service (UNMAS), Al Haq, Badil, Save the Children (UK), Defence for Children International – Palestine Section (DCI-PS), Oxfam GB, Palestine Hydrology Group (PHG), Campaign for the Right to Enter, Action Against Hunger (ACF),

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