

“IN THE NAME OF SECURITY”

**Israel and
the Destruction of
Palestinian Culture
&
Civil Society**

**Preliminary Report of
The National Lawyers Guild’s Emergency Delegation to the West Bank
May 16-24, 2002**

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Introduction

From May 16-24, 2002, members of the National Lawyers Guild traveled throughout the West Bank to investigate allegations of war crimes by the Israeli military against the civilian Palestinian population during its raids of the region in April 2002. Of particular concern to the Delegation were reports of summary executions, mass detentions, torture, indiscriminate killings, shelling of Palestinian homes, businesses and medical facilities, curfews, forced deportations and the denial of electricity and water supplies. While in the West Bank, the Delegation witnessed not only evidence of war crimes but also a state-sponsored campaign aimed at ridding the Palestinian people of their identity and culture. For example, Israeli Defense Forces attacked civilian ministries charged with preserving the cultural legacy of the Palestinian people. The Ministries of Culture and Education were both ransacked by the Israeli military, with records and computer files completely destroyed.¹ Under the guise of fighting terrorism, the Israeli military destroyed the very institutions that make possible a civil society, democracy, and healthy economy in a future free Palestine. Weeks after returning to the United States, the Delegation was disheartened by the worsening situation in the West Bank. Although it had initially pulled its military from the West Bank in May, 2002, the Israeli government redeployed its military into the region, and at the time of writing this report, Israel fully occupies whole regions of the West Bank, which as provided by the Oslo Agreements, are under the jurisdiction of the Palestinian Authority. The Delegation considers the most recent Israeli invasions as part of a systematic

¹ Serge Schememann, "MIDEAST TURMOIL: RAMALLAH; Palestinians Say Israeli Aim Was to Destroy Framework, From Archives to Hard Drives," *The New York Times*, April 16, 2002, A18.

strategy by the Israeli government to dismantle the infrastructure of Palestinian society, destroy the prospects for a viable Palestinian state, and erase the Palestinians' identity as a people.

During its stay, the Delegation met with members of the Palestinian and progressive-Israeli legal communities, representatives of Israeli and Palestinian NGOs, human rights and peace groups, and survivors of the recent invasions. The Delegation was received by President Yasser Arafat and other representatives of the Palestinian Authority. During our talk with President Arafat, the President emphasized the need for an immediate international response to Israeli aggression and its destruction of the remaining Palestinian institutions of public service.

This report details the Delegation's findings during its visit to the West Bank. It consists of five parts. Part I addresses how the Israeli military, in its so-called war on terror has engaged in the rampant destruction of the infrastructure of Palestinian culture and society. In fact, after touring the West Bank and observing first hand the nature of Israel's destruction of the region, the Delegation is convinced that Israel's "war on terror" is a mere pretext for the Sharon government's desire to dismantle the Palestinian Authority and undermine any possibility for Palestinian autonomy and independence. Part II documents how the Israeli military targeted civilians in cities such as Jenin and Nablus, and denied access to medical personnel. While much international attention has been devoted to the terrible events that occurred in Jenin, little attention has been given to the atrocities in Nablus. The Delegation had the opportunity to tour the devastation at Nablus, and to gather information concerning the death of civilians and the destruction of civilian institutions. Part III discusses how the rule of law is used in Israel to deny Palestinians the use of their own land, to restrict the freedoms and liberties of Palestinians, and to hold prisoners on extendable periods of administrative detention under shocking conditions. In Part IV, the report will address the treatment of detainees, in particular focusing upon the

political prisoner Marwan al-Barghouthi and the treatment of U.S. citizens detained by Israel. And finally, Part V will address the Palestinian Authority in light of international calls for its reform. Specifically the report will focus on the means by which the Palestinian Authority can make efforts to create a more democratic society. However, as the report will indicate, the Authority is severely disempowered in the climate of Israeli invasions and the military occupation of the West Bank. Its ability to engage in effective reforms is limited at best.

Part I: Israel's "War on Terror" and the Rampant Destruction of Palestinian Culture & Civil Society

In the Delegation's tour of West Bank cities, it became clear to all the members that Israel's claim to eradicate terrorism was a pretext for destroying the infrastructure of a viable Palestinian state and the culture of the Palestinian people. This fact was starkly revealed in Ramallah, where many ministries of the Palestinian Authority were sacked, despite the fact that they posed no military threat. In fact, as our findings show, the Israeli military's rampant destruction of civilian ministries attests to the Israeli government's interest in destroying the culture of a people.

As has been reported in the international press, civil ministries of the Palestinian Authority were hit mercilessly. One example is the Ministry of Education. According to reports, the education records of millions of students and exam results were completely destroyed. All records of Palestinian students since 1960 were demolished. The Finance Ministry was also sacked by the Israeli military. They removed hard disks and documents, thereby undermining the ability to pay civil servants of the Palestinian Authority. As Dr. Hanan Ashrawi, Secretary

General of MIFTAH, stated the only reason why the military would destroy such records is to destroy the collective memory of a people and deny them the use of education records to build a viable and autonomous society. ² As Ashrawi stated, Israel is “trying to destroy the fabric of our lives.”

The Delegation toured the Ministry of Culture in Ramallah. The Israeli military left no office untouched in this six-story building. Israeli soldiers littered the hallways with their feces and collected their urine in bottles that they placed in various locations throughout the building. Where they had no bottles, they would urinate in planters. Computers were destroyed and hard disks were either stolen or reformatted to erase all their contents. Housed in the ministry of Culture were two independent television stations, “al-Istiqlal” and “Amwaj”. Both stations were completely destroyed and left unable to function. The director general of “Amwaj”, Hani Arafat, stated that in the first days of the invasion, the Israeli military destroyed radio and television antennas. “Amwaj” was the most popular television station in the West Bank. Thirty percent of its broadcast programming consisted of children’s television. The remainder was devoted to cultural programs, political programs, children’s health, and stories of Palestinians imprisoned in Israel. By the time our delegation arrived in Ramallah, it became clear that television stations such as “Amwaj” will not be able to rebuild. In fact, Arafat indicated that thirty-seven employees of “Amwaj” would soon be unemployed.

According to Hanan Ashrawi, the Israeli military targeted more than simply office buildings. They destroyed electric and telephone lines and cut off water to Ramallah’s residents. For two weeks, Palestinians living in Ramallah were without water. And without electricity to

² For a detailed description of the ministries that were hit and the nature of the destruction, see, Serge Schmemmann, “Mideast Turmoil: Ramallah; Palestinians Say Israeli Aim Was to Destroy Framework, From Archives to Hard Drives,” *The New York Times*, April 16, 2002, A18; Daniel Del Castillo and Beth McMurtrie, “Turmoil and Violence on the West Bank Shuts Palestinian Universities,” *The Chronicle of Higher Education*, April 19, 2002, 41.

support refrigeration, their food spoiled. Since the city was under curfew during the invasion, residents of the city had no access to water, food, or medical supplies.

The Israeli military also targeted the institutions of civil society in the West Bank. In Ramallah alone, banks were hit by the military as well as the offices of various NGOs that provide services to the residents of the region. The Palestinian NGOs are an expression of identity, according to Izzat Abd al-Hadi, steering committee member for PNGO, a consortium of Palestinian NGOs. By destroying the NGOs' offices, the military attempted to destroy the foundation of Palestinian identity.

Another city that saw significant damage to its civilian infrastructure was Nablus. The Delegation met with Hon. Imad Sayyid, Chief Judge of Nablus' court. He stated that on April 11th, soldiers entered the courthouse. Nablus was under curfew at the time, so no Palestinians were in the court. According to neighbors who witnessed soldiers break into the courthouse, fourteen soldiers entered the court by exploding a side gate and breaking down doors. All rooms were entered. The soldiers put all court documents in complete disorder and disarray, and in fact shredded court papers and evidentiary documents as well. Again, what was hit was a symbol of civil society. And by destroying documents, the Israeli military sought to destroy the efficacy of the Palestinians' civilian institutions of law and order.

Closures, Check Points and the Freedom of Movement

Perhaps the most pernicious aspect of Israeli occupation is the checkpoints and road closures throughout the West Bank. The checkpoints were a daily aspect of the Delegation's trip throughout the West Bank, and are a daily struggle for Palestinians wishing to move about in the

West Bank. Employees cannot get to their jobs in areas of the West Bank, and Palestinian goods cannot be exchanged or shipped within the West Bank. Checkpoints and roadblocks not only impede a Palestinian's freedom of movement between cities in the West Bank, but they also undermine the very fabric of a viable Palestinian society. For instance, outside of Ramallah are thirty-three rural villages. The villagers of these regions come to Ramallah for their major needs such as medical treatment, food, and supplies. However with the system of checkpoints and roadblocks that prevent traffic from moving between areas, villagers are now stranded from the centers of commerce, business, and health services. Another example is the village of Hizma, outside of Jerusalem. The Delegation noticed that the road into Hizma was completely blocked by mounds of dirt piled high by bulldozers. Automobiles cannot enter into or exit from Hizma, and its villagers are effectively isolated. Sometimes, desperate to find work, Palestinians try to circumvent the checkpoints, often with fatal consequences. For example, while the Delegation toured the Dheisheh refugee camp near Bethlehem, we learned of the death of Musa Daraghma earlier that day. The morning of the Delegation's visit, Mr. Daraghma attempted to sneak around the military checkpoint near the Gilo settlement in order to find work to support his family. Because of Israeli travel restrictions, Mr. Daraghma would not otherwise have been allowed to pass through the checkpoint. When Israeli soldiers saw him attempting to get around the checkpoint, he was shot and killed on the spot.

Perhaps the most dramatic effect the checkpoints have had on Palestinian society is in the prevention of medical treatment. According to Dr. Jihad Mashal, director general of the Union of Palestinian Medical Relief Committees, in thirty-six cases of pregnant women, sixteen gave birth at a checkpoint before getting to a hospital. Because of these circumstances and the lack of proper medical care, three babies died as a result. While the Delegation was waiting at the

Qalandiya checkpoint between Ramallah and Jerusalem, we witnessed an ambulance from Jerusalem come to the checkpoint to meet an ambulance from Ramallah. The patient was transferred from the Jerusalem ambulance to the Ramallah ambulance, and then taken away. In another incident, the delegation observed an ambulance make its way through the checkpoint to enter Jerusalem. The ambulance had to wait twenty minutes before it could pass through the checkpoint.

The closures also affect the ability of families to live together. Suppose a Palestinian woman living in Jerusalem marries a man who lives in Ramallah. In order for the couple to live together, the husband must apply for reunification with the Israeli Ministry of Interior. However on March 31, 2002, the Interior Minister froze all applications for reunification. Consequently, if the couple wants to live together, the wife must renounce her Jerusalem residence and give up her right to live in the city. The Interior Minister's decision occurred after a suicide bomber, who gained entry into Jerusalem on the grounds of reunification, detonated a bomb. Consequently, the Israeli government is collectively punishing all Palestinians for the acts of an individual.

Even within Jerusalem, Palestinians are restricted from access into the old city. For example, the Delegation wanted to visit the Wailing Wall in the old city of Jerusalem. However the Israeli guards refused to allow entry to our Palestinian guide, who was born and raised in the old city of Jerusalem. The discrimination against our guide prompted the Delegation to forgo visiting the Wailing Wall.

Part II: Denial of Medical Aid & the Destruction of Civilian Sites

The Denial of Medical Aid to Residents of the Jenin Refugee Camp

The Delegation traveled with the aid of our guide, Ahmad, and driver Muhammad,³ to the Hawashin district of the Jenin refugee camp, an area that international human rights agencies such as Human Rights Watch and Amnesty International have reported was the site of massive and severe war crimes by the Israeli military against the Palestinians living in the area.⁴ The refugee camp lies outside the main city of Jenin. Here, refugees from 1948 and 1967 made new homes for themselves in the narrow and dusty alleyways of neighborhoods built of bare cinderblocks and cement.⁵ Because of the vast reporting that has already been done on the specific war crimes in the Jenin refugee camp, this Part will focus on how the Israeli government, acting through its military, denied medical aid to the victims of the Israeli invasion.⁶ Such denial is in direct violation of international humanitarian law. Article 3(2) of the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War states that in conflicts, the “wounded and sick shall be collected and cared for.” As will appear from the testimony below, the Israeli government expressly violated international humanitarian law in its invasion and occupation of Jenin, and in particular in its overt denial of medical aid to those who needed it.

³ Out of concern for security, the names of our guide and driver have been changed to protect them and their families.

⁴ Human Rights Watch, “Israel, the Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories; Jenin: IDF Military Operations,” located at <http://hrw.org/reports/2002/israel3/>; Amnesty International, “Preliminary findings of Amnesty International delegates' visit to Jenin” (April 22, 2002), located at:

<http://web.amnesty.org/802568F7005C4453/0/42AFE4733B0613F080256BA400452633?Open&Highlight=2,jenin>.

⁵ The Jenin refugee camp, as the other refugee camps in the West Bank and Gaza Strip, is under the administrative authority of UNRWA.

⁶ For a detailed report on specific victims of Israeli war crimes, see the report issued by Human Rights Watch, “Israel, the Occupied West Bank and Gaza Strip, and the Palestinian Authority Territories; Jenin: IDF Military Operations,” located at <http://hrw.org/reports/2002/israel3/>

According to Jamal al-Shati, director of the Jenin refugee camp, one hundred and fifty buildings in the camp were completely destroyed. Another seventy buildings were partially destroyed and sixty buildings were burned by missiles fired from Apache attack helicopters. In total, nearly five hundred buildings were affected by the Israeli invasion of the Jenin refugee camp. Most if not all of these buildings were residential. At the time of our meeting with Mr. al-Shati, fifty-two bodies had been found although three were unclaimed. Furthermore, eyewitnesses have testified to the death of residents of the area whose bodies have yet to be unearthed from beneath the rubble. Two hundred people were physically injured by the Israeli invasion. Furthermore, numerous residents have been taken by the Israeli military and placed in detention. However the Israeli military refuses to release the names of those detained -- a practice that Palestinian officials remarked is unusual for the military considering its prior practice of disclosure. Of significant interest was an aerial map of the Jenin refugee camp left behind by Israeli military personnel. The map was created in 1997 and provides a detailed, key-numbered layout of the Jenin refugee camp, its roads, pathways and buildings. The Hawashin district is outlined in pen on the map. The map indicates that the Israeli military targeted this specific area, and given their use of Apache helicopters, tanks and bulldozers, intended to destroy the neighborhood. The destruction of the district was no doubt by prior design rather than by accident.

The Delegation interviewed Dr. Muhammad Abu Ghali, a pediatric surgeon and director of the Government Hospital of Jenin. Dr. Abu Ghali detailed how the Israeli Defense Forces prevented him and his staff from traveling to the Jenin refugee camp to tend to the wounded and collect corpses. What follows is an outline of Dr. Abu Ghali's and his staff's efforts to provide aid to victims of the Israeli military's invasion.

On April 3, 2002, the incursion began. On the following day, the hospital was hit by eleven shells fired from tanks. The hospital sustained damage to its medical and natural gas reserves, its sewage and water pipes, and two rooms in the hospital itself. Two tanks parked in front of the hospital and prevented any ambulances from departing. The Israeli Defense Forces set up their head quarters for the Jenin incursion ten meters from the hospital, thereby controlling any and all movement to and from the hospital. This action expressly violates Article 18 of the Fourth Geneva Convention which provides that “[c]ivilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected.” The hospital was in no way committing acts harmful to the Israeli military or the Israeli government, and was entitled at all times to be protected under international law.

In the first two days of the incursion, seven Palestinians were killed, and their bodies were in the hospital morgue. The Israeli military refused permission to the hospital staff and to the families of the slain victims to bury the bodies. By April 6th, the IDF granted the hospital permission to bury the bodies in the hospital garden. The families could not bury the bodies in their family plots or local cemetery. Furthermore, hospital personnel were permitted to leave the premises of the hospital to repair the oxygen tanks that had been destroyed by Israeli tank fire. Incredibly, no one was permitted to enter the refugee camp and tend to the survivors. The Israel Army would not allow any ambulance to enter the camp to respond to the numerous calls for medical attention. The military closed the camp to any and all medical personnel.

In addition to closing the camp and restricting the movement of medical personnel, the military placed the city of Jenin under curfew. The hospital provides services to numerous patients who need specific treatment on a regular basis. For example, thirty-eight patients alone

require dialysis treatment every two days. However none of these patients could come to the hospital to receive the care they required.

On April 8th at 4 a.m., the military permitted hospital staff restricted access to the camp. However, before the medical personnel could proceed to the camp, they had to pass through a military checkpoint fashioned by the military close to the hospital. The ambulance was thoroughly checked out by the military and then permitted to depart for the camp. However the ambulance could not in fact reach the camp because of temporary roadblocks created by the military. The Israeli military creates temporary roadblocks throughout the West Bank to close streets and restrict automobile access. These roadblocks generally consist of mounds of sand, rubble, and stones, which are piled wide enough to block the street and high enough to prohibit passage over the mounds. In this instance, knowing that the ambulance could not reach the refugee camp, Israeli military granted it permission so that soldiers could use the ambulance as a shield to advance into areas of Jenin that witnessed fighting with Palestinians. Despite the fact that the ambulance was prevented from reaching the camp, Dr. Abu Ghali and his staff continued to the camp on foot and were able to bring three injured victims back to the ambulance. However, upon reaching the checkpoint, two of the three injured men were arrested by the military while the third was permitted to go to the hospital. The doctors at the hospital saved the third man's life. No information was released by the military about the condition of the other two men.

The following day, the medical staff went to the checkpoint to gain entry into the refugee camp. The military refused entry to any personnel or ambulance. In fact, upon returning to the hospital, the ambulance was destroyed by tank fire.

By April 10th, seven days after the invasion began, the hospital received numerous calls from the refugee camp pleading with the staff to send medical assistance. Dr. Abu Ghali and members of the Red Cross and the United Nations met with Israeli military commanders to persuade them to allow medical staff into the camp. The doctors were summarily refused entry. When Dr. Abu Ghali returned to his office, a sniper shot three bullets through his window. The damage from the bullets still decorates his office wall. The attack on Dr. Abu Ghali violates international humanitarian law. He was not a combatant. The Israeli military personnel were well aware of his position and responsibilities as director of the hospital and as attending physician. The attack on Dr. Abu Ghali violated Article 20 of the Fourth Geneva Convention, which guarantees protection and respect for medical personnel engaged in the operation of hospitals and the care of patients. Specifically, it provides: “Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm, and maternity cases, shall be respected and protected.”

Dr. Abu Ghali described a remarkably inhumane situation that occurred on the following day. On that day, Dr. Abu Ghali was instructed by Israeli military personnel to tend to three patients outside the hospital in the military encampment, and to take them to the hospital for treatment. One patient was shot in the stomach and thigh. A second patient had a bullet in his chest. The third patient had a bullet in his arm, which was bleeding excessively. To stop the bleeding from the arm, Israeli military personnel tied metal wire around the arm and tightened it. With the patients was an Israeli military physician known only as Dr. Yoram. Dr. Abu Ghali prepared to take the three to the hospital for immediate emergency care, but he was prevented from doing so. Rather, he was permitted only to observe the patients and determine their

injuries. Dr. Abu Ghali returned to the hospital alone at seven in the evening. Four hours later, military personnel instructed hospital staff to take the patient with the stomach wound. The other two remained with the Israeli military and were not seen or heard from again.

On April 14, the Israeli High Court ruled that medical personnel should be permitted into the Jenin refugee camp to retrieve bodies. At nine in the morning, hospital staff prepared to travel to the refugee camp. However the Israeli military did not permit the doctors and staff to even depart from the hospital to reach the nearby checkpoint until six in the evening. Because nightfall had arrived, it was unsafe for medical personnel to attempt to pull bodies from the Jenin camp. The following day, medical personnel from the hospital and the Red Cross passed through the checkpoint and entered the camp in three teams. Each team was escorted by military personnel and was instructed to obey the soldiers' orders. The first team was permitted to approach only the border of the camp to locate bodies. None were found. The second team found its first body after a half-hour of searching. However the rubble covering the body required heavy lifting equipment and they were unable to pull the body out. The Israeli military refused to provide the heavy lifting equipment, despite the High Court's order that such equipment be provided. The second body found by the second team was of a military commander of the Jenin refugee camp. Dr. Abu Ghali described the man as sitting on the rubble with two bullets fired directly into his head. He appeared to have been summarily executed. A third body was that of a fifty-eight year old woman. Earlier her husband had escaped the camp and reported to hospital staff that his wife had died of shrapnel wounds. When Dr. Abu Ghali found her body, not only did she have shrapnel wounds, but her dead body was riddled with gun shot wounds as well. It appeared that soldiers had used the dead woman's body for target practice.

Nablus and the Destruction of Civilian Infrastructure

Nablus, a West Bank city north of Jerusalem, was severely hit by the Israeli military during its raids into the West Bank in April 2002. Of significant importance is the fact that unlike Jenin, there were no Palestinian militants fighting against the Israeli military in Nablus. During the invasions of April 2002, there were no violent acts directed against the Israeli military. Nonetheless, the Israeli military destroyed aspects of the civilian infrastructure of Nablus, as well as significant cultural icons of the city.

The local hospital, mosques, and churches all suffered hits. Ambulances were also attacked. The Delegation also witnessed damage to a local girl's school. Israeli soldiers entered the Nablus courthouse where they spent at least four hours there, destroying rooms and documents. The attack on these municipal institutions constitutes a violation of international law related to the protection of persons and institutions in occupied territory. Article 53 of the Fourth Geneva Convention provides: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations." Nablus was under curfew at the time of the invasion, and residents were neither at their places of business nor in their schools. The attack was directed at the basic institutions of society. Israel's attack on these institutions was not mandated by military necessity. Rather, the attack on these institutions of

the Palestinian civilian infrastructure was an example of how the Israeli government is using its war on terrorism to undermine the viability of Palestinian self-rule and autonomy.

Aside from the civilian infrastructure, the city suffered the loss of cultural icons. In the city center, the orthodox St. Dimitrios Church was hit by bombs. The priest inside was warned by the Israeli military that the church would be hit, and was given ten minutes to evacuate. Across from the Church were two multi-story soap factories with other small shops in the buildings. The buildings were completely destroyed and reduced to little more than rubble. Nablus is famous in the region for its soap factories. They are hundreds of years old and form a cultural and economic backbone of Nablus.⁷ Their destruction meant the loss of a cultural icon. Furthermore, by destroying two of the twenty soap factories, and partially destroying other soap factories, the Israeli military ended over one-tenth of Nablus' income from soap--a vital segment of the economic well being of the city.

Nablus' residents also witnessed tragic events of civilian casualties. On the eighth day of the invasion, Ahmad Asali died of a heart attack in his home. The following day, his son Abd al-Nasir attempted to bury his father in the garden of their home. However when Israeli military saw Abd al-Nasir attempting to bury his father, they shot him. Abd al-Nasir was killed on the spot, his body lying on top of his father's.

In the nearby Askar refugee camp, the delegation visited with a family whose house had been occupied by the Israeli military. To avoid gunfire from Palestinian gunmen, Israeli soldiers would often occupy a home, and blow up a wall shared by two homes. The Israeli soldiers could advance up a street while protected by the walls of homes internally destroyed along the way.

⁷ On the history of Nablus' soap industry, and the historical significance of the buildings destroyed, see Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700-1900* (Berkeley and Los Angeles: University of California Press, 1995), 182-232.

In the meanwhile, whole homes are destroyed and families are traumatized. The Delegation visited the house of Uthman Dirbas. He was sleeping with his child on a bed when suddenly a loud explosion tore through the family's home. Next to the bed is now a hole covered by a blanket that measures well over ten feet high and six feet wide. Israeli soldiers entered the house through the now destroyed wall and took over the family's home. For twelve hours, the soldiers remained in the home while the family was forced to sit outside. The family could not enter their own home to eat or to use the bathroom.

The Delegation also met with the family of Amid Abu Sayr. On May 17, 2002, Amid and his father were preparing to leave their home to go to the mosque for the weekly Friday congregational prayer. The Israeli military, wary of any gathering of Palestinians, often dispatched numerous troops into the refugee camp on Fridays. On this particular day, Israeli tanks barreled down the street in front of Amid's home and began shooting. There were no demonstrations going on at the time. Rather, residents reported that the tank simply shot at the ground. Some of the bullets ricocheted and hit the metal door connecting Amid's home to the street. Upon hearing the tank fire, Amid's father turned to protect Amid from the gunfire and in the process sustained injuries from shrapnel. Thinking that Amid was safe, the father put Amid down in order to tend to his wounds. However Amid was badly hit. Amid died later that day from cardio-respiratory arrest due to a bullet injury to the chest. He also sustained heart, lung, and liver injury. Amid was seven years old.

Part III: Apartheid, Colonialism, & the Abuse of the Rule of Law

The Delegation finds that Israel utilizes the law and various legal procedures, such as licensing and zoning, in order to perpetuate its colonialist regime in the West Bank and Gaza Strip, while it creates an apartheid-like atmosphere within Israel itself. Where the liberal conception of the rule of law is understood to be a guarantee of rights and fair treatment under the law, Israel consistently utilizes its monopoly over the law and legal enforcement to disempower Palestinians and to disregard their basic rights.

The use of the rule of law to support the Israeli government's occupation of the West Bank and Gaza Strip prior to the most recent intifada is well documented.⁸ But perhaps one of the greatest challenges to Palestinian autonomy in the region arises out of the legal framework created by the Oslo Agreements in the mid-1990s. Often considered the basis for a future peace between Israelis and Palestinians, the Oslo Agreements have shown themselves to strip Palestinians of any real authority and autonomy in the region.

The Delegation met with two members of the Palestinian Authority's Negotiations Affairs Department, Michael Tarazi and Diana Buttu. Both Tarazi and Buttu illustrated the challenges to the Palestinian Authority's effectiveness in exercising sovereignty and autonomy in the West Bank. Pursuant to the Oslo Agreements, the West Bank is divided into three areas, Areas A, B, and C. Area A is under the civil and security administration of the Palestinian Authority and constitutes 18% of the West Bank. Area B is under Palestinian civil authority and Israeli military authority. Area B constitutes 25% of the West Bank and incorporates those

⁸ On the role of the Israeli Supreme Court prior the al-Aqsa Intifada in perpetuating the occupation by placating the Israeli government's colonialist policies, see David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (Albany: State University of New York Press, 2002).

Palestinians not living in Area A. Area C is under full Israeli control. The regions that constitute Areas A and B are populated predominately by Palestinians. However these regions are not contiguous. Furthermore, with the recent events of the Aqsa Intifada, Palestinians are restricted from traveling between one Palestinian region and another.⁹ The different Palestinian regions are cut off from each other, like separate cantons or bantustans. Because of the division of the West Bank into these three areas, the Palestinian Authority does not have full autonomy in the region. Furthermore, with the closures put in place by the Israeli military, the Palestinian Authority does not have access to the various areas under its authority. Consequently, the effectiveness of the Palestinian Authority's ability to administer these areas is considerably weakened. The closures also forestall any possibility of fair and free elections, given that candidates cannot travel throughout the West Bank or access the Gaza Strip for campaigning purposes. The ability to hold elections, the efficacy of administrative mechanisms, and the free exchange of goods and services with the region controlled by the Palestinian Authority is severely undermined by the very nature of the Palestinian Authority and the stranglehold placed upon Palestinians by Israeli military control of access to and from different regions of the West Bank. The same legal regime that created the Palestinian Authority and set the groundwork for a peace between both peoples is used by the Israeli government to undermine the Palestinian Authority, inhibit economic growth, and fundamentally disempower the Palestinian people. As will be shown below, Israel violates Palestinian authority as it sees fit.

Negotiations between Israel and the Palestinians have consistently resulted in an effort by Israel to impede the development of a viable Palestinian state. Instead of relying on international instruments, such as Security Council Resolutions 242 and 338 requiring Israel to withdraw to its

⁹ Amira Hass, "Israel forces internal movement permits on Palestinians," *Ha'aretz*, May 19, 2002, 1.

pre-1967 borders, Israel seeks to maintain sovereignty over parts of the West Bank to ensure its continued control over the region. It is often argued that the Palestinians failed to capitalize on the Camp David negotiations when then-Prime Minister Ehud Barak offered President Arafat almost all of the West Bank. However the offer was contingent on Israel maintaining control of over 9% of the West Bank. Tarazi and Buttu analogized the deal to a prison. Arguably, 95% of a prison is reserved for prisoners: cells, cafeterias, gymnasiums, etc. However the remaining 5% constitutes the basis by which guards maintain effective control over the prison. In the same way, for Israel to claim 9% of the West Bank constituted an effort by the government to maintain control over the region, and thereby stymie the efficacy of a Palestinian state. The Israeli plan divided the West Bank into four separate areas. To pass from one region to the other would require passing through Israeli sovereign territory. Consequently, the movement of Palestinian people and Palestinian goods would be subject to Israeli control. The proposed Palestinian state would itself be disconnected from its own people and sovereign territory. Because Palestinians want a viable state, any such compromise was unacceptable.

Since the beginning of the Aqsa Intifada in September 2000, the Israeli government has initiated new measures to further debilitate and diminish Palestinian claims to liberty, freedom, and dignity. For instance, Military Order 1500 prevents attorneys from access to their clients, who are detained by the Israeli government, for eighteen days. Furthermore, pursuant to the Order, the eighteen-day period is renewable upon petition. Another example involves administrative detention. Relying on the British law of administrative detention that applied to the Palestine region during the British mandate in 1945, Israel detains Palestinians without legal process or conviction for unspecified periods of time. The law was originally intended to punish political leaders; it is now being widely applied to detain Palestinians in the name of fighting

terrorism. A third example involves Israel's closures of the West Bank and Gaza Strip. The system by which Israel restricts Palestinian movement had been limited to Palestinian entry into Israel. Since the beginning of the Aqsa Intifada, Palestinians living in the Gaza Strip or in the West Bank not only cannot enter Israel, but also cannot move within the West Bank. In recent months, the Israeli government's Civil Administration, the body overseeing the Occupied Territories, has instituted a system by which Palestinians are required to obtain special permits from the Civil Administration to travel from town to town in the West Bank.¹⁰ Effectively, this system contributes to the cantonization of the West Bank and undermines Palestinians' right to freedom of movement. As Amira Hass has indicated, the controls would "further damage economic activity in the territories, which has already been hard hit by the army's curfew policy, and could be a fatal blow to private businesses. It was also damaging to the [Palestinian Authority] and to development plans for the West Bank."¹¹

One of the more pernicious ways in which Israel uses law and licensing requirements concerns the demolition of Palestinian homes. Jeff Halper, an anthropologist and the founder of the Israel Committee against House Demolitions, provided the Delegation's members with a brief discussion of how Israel utilizes the rule of law to undermine Palestinian rights to their own land, and to disempower them in their own homes. According to Halper, Israel never had any intention of dismantling its occupation of the West Bank and Gaza Strip. The Oslo accords were not based on Palestinian self-rule or self-determination. Rather they were based on continued and improved security for the State of Israel and its citizens, both in Israel and in the Occupied Territories. After Oslo, the number of Jewish settlers in the Occupied Territories doubled. The settlements, combined with Israeli legal restrictions upon Palestinians' rights to build on their

¹⁰ Amira Hass, "Israel forces internal movement permits on Palestinians," *Ha'aretz*, May 19, 2002, 1.

¹¹ Hass, "Israel forces internal movement permits on Palestinians," 3.

own land, have created what Halper calls the “Matrix of Control”. If one considers the entire region of Israel, the Gaza Strip and the West Bank as a unified whole, the center of this fictitious nation lies in the West Bank between Nablus and Hebron. According to Halper, it is not surprising that by observing settlement patterns and the ways in which roads have been constructed by the Israeli government, one notices how the West Bank has been carved up to create a system of Palestinian cantonments that are cut off from each other. On the other hand, each cantonment is connected to Israel via newly build roads controlled by the Israeli military, used by Israeli settlers, and prohibited to Palestinian travelers.

The Matrix of Control is a system that is founded upon law and licensing that restricts Palestinian movement and construction, while allowing for Israeli settlers to claim more land of the Occupied Territories. For example, since the al-Aqsa Intifada began, for the first time since Israel took control of the West Bank, the Israeli civil administration requires that Palestinians have permits to travel between West Bank towns. By imposing a system of permits, the Israeli government effectively blocks the free movement of Palestinians within what would otherwise be a Palestinian state. Goods and merchandise cannot move freely throughout the West Bank, thereby undermining the existence and continuation of a viable Palestinian market.

Zoning laws are another mechanism by which the Israeli government restricts Palestinian rights. East Jerusalem is the declared capital of a Palestinian state. It is populated predominantly by Palestinians. However 54% of East Jerusalem is zoned by the Israeli government for “green areas”. Because of this zoning restriction, no building or construction is permitted in these areas. If a Palestinian builds on his land despite the zoning ordinance, his building will be demolished. No notice is provided to the owner. Rather, notice of demolition is simply posted somewhere on the building, and demolition occurs whether or not the Palestinian owner in fact received notice.

While such practice is lawful under Israeli law, it effectively denies notice and fair warning to the Palestinian property owner. According to Halper, the zoning ordinances and house demolitions effectively limit Palestinians to small residential islands in East Jerusalem. On the other hand, if land zoned for green area is desired for building an Israeli settlement, then the zoning ordinance will usually be changed, Halper reports. The Israeli government is in total control of its zoning laws, and thereby utilizes its power to control land use and development. Currently, the number of Israeli settlers in the West Bank is estimated at 200,000. There are another 200,000 settlers in East Jerusalem, and 6000 in the Gaza Strip. Or in other words, 406,000 settlers have moved across the 1967 borders.¹² In doing so, they participate in the Israeli occupation of a free Palestine. Their very presence undermines negotiations for a free Palestine.¹³

Another aspect of the Matrix of Control involves Palestinian labor in Jerusalem. A Palestinian living in the West Bank cannot apply for a permit to enter Jerusalem for the purpose of his employment. Instead, his employer applies for the permit. This legal scenario forces Palestinian employees into a relationship of dependence upon their employers. As Halper stated, the resulting relationship can easily become one of indentured servitude. Also, pursuant to such permits, a Palestinian is allowed to remain in Jerusalem from 9 a.m. to 5 p.m. If an employer decides to keep his Palestinian employees after 5 p.m., the employees are left with a difficult decision. Should they risk their job or risk their permit?

¹² Jeff Halper, "Autonomy or Independence, Bantustan or State: Dismantling the Matrix of Control," (Jerusalem: Israeli Committee Against House Demolitions, 2002), 3.

¹³ Furthermore, the settlements are in express violation of international law. Article 49 of the Fourth Geneva Convention provides that "[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

A final aspect of the Matrix of Control to be considered is the Israeli government's ability to utilize the law in order to stem the tide of a growing economic market. Under the Oslo Agreements, Israel was empowered to effect closures in the interest of its security.¹⁴ As indicated above, such closures have resulted in the cantonization of the West Bank. Goods and services from one region cannot travel to another region of the West Bank. The development of Palestinian civil society and an economic market, which rely fundamentally on the freedom of movement, are inevitably undermined. As the World Bank has written, any continued aid for the development of a Palestinian economic market and civil society will be of limited impact as long as the closures remain in place. Because of the system of closures imposed by Israel, approximately fifty-percent of the Palestinian population is living below the poverty line (US \$2 per person per day). The closures prevent Palestinian workers from working in Israel and now, in light of internal West Bank closures, in the West Bank itself. The effect of Israeli closures, and the Israeli government's failure to economically support Palestinian civilians, violate international humanitarian law. Specifically, Article 39 of the Fourth Geneva Convention provides: "Protected persons who...have lost their gainful employment shall be granted the opportunity to find paid employment...Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents." Since September 2000, 70-80,000 Palestinians have lost jobs in Israel while another 60,000 jobs have been lost within the Palestinian territories as demand for goods and services collapsed and business were forced to scale down their work force. The World Bank report indicates that if the conflict

14 Allegra Pacheco, "Flouting Convention: The Oslo Agreements," in *The New Intifada: Resisting Israel's Apartheid*, ed. Roane Carey (London:Verso, 2001), 194-195.

continues, “little will remain of the private sector other than subsistence agriculture, petty trade and workshop manufacturing. Public services will break down, with trash accumulating, frequent power and water cuts, intermittent drug supplies in hospitals, and a shortage of textbooks and writing paper in schools. Notably vulnerable are the municipalities, which have received little emergency support and are in many cases in debt to Israeli utility companies. Poverty is deepening, particularly in isolated communities. Serious health and environment problems are emerging. Helplessness, deprivation, and hatred are increasing.”¹⁵

Despite the rising despair, Palestinian families are making efforts to cope with the closures, rising unemployment, and increasing poverty. In its report on the closures, the World Bank cites two studies that investigated coping strategies adopted by Palestinians in 2001. Most families reduced their expenditures, utilized personal savings, delayed bill payments or borrowed money. Women sold their jewelry, and families sold personal items and effects. Others turned to subsistence farming to provide food for their families while others simply sold or mortgaged property.¹⁶ Again, these studies were done in 2001. By the time our Delegation visited the West Bank, the intifada was well into its second year, closures had continued, and the economic situation in the West Bank had deteriorated considerably. There is serious humanitarian concern for the well-being of Palestinians now living under Israeli military control, where their movement is severely restricted and their ability to earn a living is undermined by the system of closures and curfews.

¹⁵ *Fifteen Months – Intifada, Closures and Palestinian Economic Crisis: An Assessment* (World Bank, March 2002), iv-vi.

¹⁶ *Fifteen Months*, 36.

Part IV: Political Prisoners & U.S. Detainees

Marwan al-Barghouthi

While in Ramallah, the Delegation met with Fadwa al-Barghouthi, the wife of political prisoner Marwan al-Barghouthi. Marwan al-Barghouthi is the leader of Fatah in Ramallah and is one of the most popular Palestinian leaders among his people. While he was a student at Birzeit University, al-Barghouthi was chairman of the student council. Starting out as a local leader of Palestinians, al-Barghouthi has become the spokesperson for reform in the Palestinian Authority. In fact, he has been one of the most outspoken critics of President Yasser Arafat.¹⁷

For many months al-Barghouthi was under detention, and held without charge by the Israeli government. He was arrested shortly after Israel lifted its curfew on Ramallah. Pursuant to Military Order 1500 he was held without the opportunity of meeting his attorneys. When one attorney was finally permitted to meet with al-Barghouthi after the stipulated eighteen-day period, he observed that al-Barghouthi had been seriously beaten and bruised. He was interrogated while tied to a small plastic chair that is designed to cause severe discomfort to prisoners.¹⁸ Al-Barghouthi was also sleep deprived, having only been permitted one or two hours of sleep at a time. Any and all medical treatment was denied to al-Barghouthi despite his injuries. Furthermore al-Barghouthi was threatened with injury to his family.

¹⁷ Barry Rubin, , *The Transformation of Palestinian Politics: From Revolution to State-Building* (Cambridge: Harvard University Press, 1999), 30, 33.

¹⁸ On the use of this chair by Palestinian and Israeli interrogators, see George E. Bisharat, "Peace and the Political Imperative of Legal Reform in Palestine," in *Palestine and International Law: Essays on Politics and Economics*, ed. Sanford R. Silverburg (Jefferson, North Carolina: McFarland & Company, Inc., 2002), 229.

When the Delegation met with al-Barghouthi's wife, he had not yet been charged. The Delegation further learned that investigators applied to extend al-Barghouthi's detention for another thirty days. The court granted investigators five days to prepare a request for twenty-five days of further detention. Recently the Israeli Ministry of Justice charged al-Barghouthi with murder and conspiracy.¹⁹

Al-Barghouthi is expected to reject Israel's jurisdiction over his person. The Israeli military arrested al-Barghouthi while he was in Area A of the West Bank. As noted above, Area A denotes those areas of the West Bank that are under Palestinian civil and security control. For the Israeli military to arrest al-Barghouthi in Area A was in express violation of its jurisdiction. Furthermore, al-Barghouthi maintains that he is a political leader of the Palestinian people and in the Palestinian Authority. Consequently, Israel does not have the right to try him as a common criminal. The Delegation expresses its concern at Israel's violation of al-Barghouthi's human rights and calls for the Israeli government's immediate release of al-Barghouthi.

Detained U.S. Citizens

During the Israeli incursions, the Israeli government detained numerous U.S. citizens. Three such citizens were arrested despite the fact that their work in the West Bank and Gaza Strip was humanitarian in nature. . Furthermore, U.S. citizens who entered the Church of the Nativity were also arrested for violating an Israeli imposed curfew. As reports have indicated, U.S. officials stationed in Israel were incompetent. One of the detainees reported that U.S. officials did nothing to seek the release of the Americans. They inquired about the basic

¹⁹ "Israel plans public trial for Barghouthi," *Morning Star*, July 12, 2002, 2.

comforts of the U.S. citizens, but did not advocate for them with the Israeli government or demand their immediate release.²⁰

The first case involves three citizens who traveled to the West Bank and Gaza Strip to perform a medical needs assessment. Dalell Mohammad and doctors Rushdi Cader and Riad Abdelkarim traveled under the auspices of International Medical Corps, a United States humanitarian relief agency. Israeli officials alleged that Abdelkarim and Mohammad helped to fund Hamas, a militant Palestinian group that has taken responsibility for numerous suicide bombings in Israel.

Cader was detained for fourteen hours and subjected to intensive interrogation for hours at a time. He was deprived of sleep and threatened by Israeli interrogators with loss of liberty and threats to his family. Mohammad was imprisoned for eight days. She was shackled and chained, but not physically mistreated. Her interrogations would last for fifteen hours, and she was denied rest during that period. According to Mohammad, the Israeli allegations against her and her fellow humanitarian aid workers were meant to “divert attention from [their] imprisonment and from international criticism of the Jewish state’s treatment of humanitarian aid workers.”²¹

Abdelkarim was detained by the Israeli government on May 5, 2002 and held for fourteen days on suspicion of aiding terrorist groups. During his detention, Abdelkarim was never presented with evidence of any crimes he committed or attempted. He was imprisoned in a cockroach-infested cell and interrogated for ten hours at a time. For one year, Abdelkarim was a member of the board of directors of the Holy Land Foundation, a charity group that was outlawed by Israel and the United States on allegations that it supported terrorism. During his

²⁰ Teresa Watanabe, “O.C. Doctor May Have Planned to Help Fund Terror, Israel Says,” *Los Angeles Times*, May 16, 2002, 6.

²¹ Watanabe, “O.C. Doctor,” 6.

detention, Abdelkarim was never asked about his affiliation with Holy Land Foundation, or any other group to which he was affiliated. Rather, as Abdelkarim has stated, the Israeli government was on a fishing expedition to “bully and intimidate nascent American relief organizations.”²²

Other U.S. citizens were arrested for entering the Church of the Nativity during the intense standoff between Israeli soldiers and Palestinian gunmen. Members of the International Solidarity Movement, which organizes non-violent protest activities in Israel against the Israeli government, snuck into the Church of the Nativity during the thirty-nine day standoff to bring food to the Palestinians inside. When the standoff ended, the foreign activists were taken into custody by the Israeli military; but as U.S. citizen and activist Kristen Schurr noted, she was never arrested or charged with any crimes.²³ Furthermore, their arrest occurred in Area A, a region of the West Bank under Palestinian civil and military control. Just as in the case of Marwan al-Barghouthi, Israeli forces did not have the authority or jurisdiction to make arrests in the region.

The United States government did little to protect its citizens detained and interrogated by the Israeli government. While government officials ensured that the detained U.S. citizens had basic necessities, their efforts to secure the release of the above detainees were limited. This contrasts with the government’s efforts to secure the release of two missionaries, Dayna Curry and Heather Mercer, held captive by the Taliban in Afghanistan in 2001.²⁴ The public outcry and government denouncement of their capture and detention by Taliban forces contrasts sharply

²² Theresa Watanabe, “Doctor Describes Detainment in Israel,” *Los Angeles Times*, May 21, 2002, 5.

²³ William Orme, “U.S. Backers of Palestinian Cause Protest Their Treatment by Israel,” *Los Angeles Times*, May 19, 2002, A10.

²⁴ Norimitsu Onishi, “A Nation Challenged. The Rescue; 8 Aid Workers’ Ordeal Ends Happily in Pakistan,” *The New York Times*, November 16, 2001, B1; Leo Standora with Richard Sisk, “2 American Women Freed from Taliban,” *Daily News*, November 15, 2001, 7.

with the limited government assistance provided to the North Americans detained by Israel. As Dalell Mohammad asked, "Is my life not as worthy?"²⁵

Part V: Reforms of the Palestinian Authority

During the Delegation's visit to the West Bank and in its meetings with Palestinian leaders, various themes of reform were heard. However upon arriving back in the United States, the Delegation has witnessed a stark turn of events. Israel has not only reinvaded the West Bank, but is in fact taking over control of various regions under the authority of the Palestinian Authority. The Palestinian Authority, as created under Oslo, is *de facto* being dismantled by the Israeli government as it reclaims territory of the West Bank, placing it under military control. Consequently, to speak of reform of the Palestinian Authority seems senseless in light of recent events.

Nonetheless, Palestinian leaders are committed to creating a civil society in a free and autonomous Palestine. The Delegation recognizes that for democracy to thrive in the Palestinian Authority, changes must be made in its governing structure. In particular, the Delegation is concerned about the dominant role played by the executive authority in the government of the Palestinian Authority. Part of the problem in governing the Palestinian Authority is that it is neither independent nor fully sovereign. "Usually countries become self-governing and formally independent at the same time. The state has clearly defined national boundaries, and...the government can rule this national territory free of outside interference while enjoying internal

²⁵ Watanabe, "OC Doctor," 6.

legitimacy.”²⁶ The Palestinian Authority, on the other hand, does not enjoy any of these incidents of state formation and national existence. Rather, the power of the Palestinian Authority waxes and wanes with the occurrence of violence and the breakdown of the peace process. “Indeed, the special paradox for the PA [is] that a determined struggle to obtain a state [has] to be waged both internally and externally while it simultaneously proves its moderation and stability.”²⁷ One of the repercussions of this paradoxical situation is that the institutions of government are themselves not only poorly defined, but lack the kind of authority and legitimacy one would expect for a nascent state. Much of this problem however stems from President Arafat’s unwillingness to cede power and authority to other branches of government. “It has become increasingly clear that the real decision-making power within the P.A. rests almost solely within the hands of Yasser Arafat and a small circle of advisors,” while other governmental organs, such as the Palestinian Legislative Committee, are largely marginalized and ineffective.²⁸ As Barry Rubin has remarked, Arafat’s refusal to delegate power has the consequence that “PA decision making stop[s] when he [is] abroad or even away from his office for a day. The democratic institutions created remained subordinate to the chief executive.”²⁹

One significant prospect for reform concerns the Basic Law passed by the Palestinian Legislative Council. At the time the Delegation traveled to the West Bank, President Arafat had failed to sign the Basic Law. Palestinians involved in the NGO community supported the Basic Law and urged that it become the controlling law for the Palestinian Authority. The Basic Law is effectively a constitution that places checks and balances on the powers of the executive

²⁶ Barry Rubin, *The Transformation of Palestinian Politics: From Revolution to State-Building* (Cambridge: Harvard University Press, 1999), 3.

²⁷ Id.

²⁸ George E. Bisharat, “Peace and the Political Imperative of Legal Reform in Palestine,” in *Palestine and International Law: Essays on Politics and Economics*, ed. Sanford R. Silverburg (Jefferson, North Carolina: McFarland & Company, Inc., 2002), 217-218.

²⁹ Id at 4.

authority, thereby ensuring greater securities for participatory democracy. It establishes the principle of separation of powers among the legislative, executive, and judicial branches of government. Furthermore, the Basic Law sets guidelines to ensure respect for human rights in Palestine, with specific prohibitions against torture, arbitrary arrest, and illegal search and seizure, and specific clauses ensuring freedom of religion, expression, association and the press.³⁰ After returning to the United States, the Delegation learned that President Arafat signed and ratified the Basic Law. ³¹ The Delegation is encouraged by this new development in Palestinian government and applauds the efforts of the President and the Palestinian Authority to ensure basic protections and safeguards for democracy in the region.

Conclusion

As U.S. citizens, the NLG delegates are deeply disturbed by the level of U.S. complicity in the subjugation of the Palestinian people. Israel's apartheid and occupation is in large part made possible by military and economic funding from the United States. As a previous National Lawyers Guild delegation to the West Bank has noted, American military equipment plays a central role in Israel's violent occupation of the West Bank.³² When the delegation toured Jenin, blast residue from missiles fired from U.S. made Apache helicopters was visible on those few buildings that were left standing. Israel's very ability to forcefully occupy the West Bank depends on its use of U.S manufactured military hardware. Helicopters, rockets, grenade

³⁰ David Schenker, *Palestinian Democracy & Governance: An Appraisal of the Legislative Council* (Washington, D.C.: The Washington Institute for Near East Policy, 2000), 25-26; Rubin, *Transformation of Palestinian Politics*, 36..

³¹ Lamia Lahoud, "Arafat signs 'constitution'," *The Jerusalem Post*, May 31, 2002, 6A.

³² "The Al-Aqsa Intifada and Israel's Apartheid: The U.S. Military and Economic Role in the Violation of Palestinian Human Rights" (New York: National Lawyers Guild, 2001), 40-44.

launchers, armored bulldozers, Hellfire air-to-ground missiles -- all are manufactured in the United States. What is not known at the time of this report is the extent to which U.S. economic assistance is being used by Israel to create for itself an infrastructure of control in Palestinian areas. For example, some members of Israeli and Palestinian NGOs suggested to the Delegation that U.S. economic assistance is channeled by Israel to construct by-pass roads in the West Bank and Gaza Strip -- roads which are part of Israel's efforts to maintain control over the region and undermine an effective and viable Palestinian state. Again, U.S. assistance is used by the Israeli government to oppress the Palestinians, violate their human rights, and undermine any possibility of a viable Palestinian state. Israel's negotiation tactics, its construction of settlements and by-pass roads, and its lethal use of force are not only overlooked by the U.S. administration, but rather implicitly endorsed by U.S. military and economic support to Israel. And all the while, Palestinian human rights are trodden upon with impunity. It is the Delegation's hope that decision-makers in the United States will revisit the government's foreign and military aid policies toward Israel and bring them in line with the United States' commitments to international law, human rights, and the rights of peoples to self-determination.

Appendix I

Delegation Members

Steven Bender
Law Professor

George Bisharat
Law Professor

Gloria Bletter
Attorney

Ellis Boal
Attorney

Buck Davis
Attorney

Anver Emon
Attorney

Debora Gerads
Law Student

Nancy Hormachea
Attorney

Emily Kunstler
Videographer

Tema Jon Okun,
Group Facilitator

Margaret Ratner Kunstler
Attorney

Thomas M. Stern
Attorney

Appendix II

Delegation Itinerary

Friday, May 17

Meeting with LAW: The Palestinian Society for the Protection of Human Rights & the Environment

Khader Shkirat, Director
Shawqi al-Issa, former Director
Dianne Luping, International Advocacy Coordinator

Saturday, May 18

Site visit to the Palestinian Authority Ministry of Culture, Ramallah, West Bank

Meetings with:

Dr. Hanan Ashrawi, Secretary General, MIFTAH: The Palestinian Initiative for the Promotion of Global Dialogue & Democracy:

Palestinian Non-Governmental Organization (PNGO)

Dr. Jihad Mashal, Director General, Union of Palestinian Medical Relief Committees
Izzat 'Abd al-Hadi, Steering Committee Member, PNGO

Fadwa Barghouthi, lawyer and wife of Marwan Barghouthi, member of Palestinian Legislative Council and Political Prisoner

Sunday May 19

Site visit to Jenin Refugee Camp, Hawashin District

Meetings with:

Dr. Mohammed I. Abu-Ghali, Director, Government Hospital of Jenin

Walid M. A. Arda and Fadel Mohammad Arda, attorneys, Jenin

Jamal al-Shati, Palestinian Legislative Council; Director of Jenin Refugee Camp

Michael Tarazi and Diana Buttu, Palestinian National Authority, Negotiations Affairs
Department

Monday May 20

Tour of Israeli Settlements in Jerusalem

Meetings with:

Jeff Halper, Israeli Committee Against House Demolition

Manal Kleibo, Women's Center for Legal Aid and Counseling

Rana Nashashibi, Palestinian Counseling Center-Jerusalem

Ashraf Saif, Jerusalem Center for Social and Economic Rights

Allegra Pacheco, lawyer

Ezekiel Lein, B'Tselem

Tuesday May 21

Site visit to Nablus and Askar Refugee Camp

Meetings with:

Hon. Imad Salim Sayyid, Chief Judge, Nablus Court

Said Uthman Darbas and family, owner of destroyed home in Askar Refugee Camp

Muhammad Abu Sayr, father of Amid Abu Sayr

Hassan Jabareen and Rina Rosenberg, ADALAH: The Legal Center for Arab Minority
Rights in Israel

Wednesday May 22

Site visit to Bethlehem and Dheisheh Refugee Camp

Meetings with:

Muhammad Lahham, Dheisheh Refugee Camp director

Dianne Luping, LAW

Thursday May 23

Meetings with:

Yasser Arafat, President, Palestinian National Authority

Maha Abu Dayyeh Shamas, Director, Women's Center for Legal Aid and Counseling

Appendix III NGO & Media Website Index*

Adalah, Legal Center for Arab and Minority Rights in Israel

<http://www.adalah.org/>

Amnesty International: Israel, the Occupied Territories, and the Palestinian Authority

http://www.amnestyusa.org/countries/israel_and_occupied_territories/

B'Tselem, The Israeli Information Center for Human Rights in the Occupied Territories

<http://www.btselem.org/>

Ha'aretz

<http://www.haaretzdaily.com/>

Human Rights Watch report: Jenin: IDF Military Operations

<http://hrw.org/reports/2002/israel3/>

Israeli Committee Against House Demolitions

<http://icahd.org>

MIFTAH, Palestinian Initiative for the Promotion of Global Dialogue and Democracy

<http://www.miftah.org>

National Lawyers Guild Emergency Human rights Mission to the West Bank

http://nlg.org/committees/International/emergency_mission.htm

Palestine Liberation Organization, Negotiations Affairs Department

<http://www.nad-plo.org/>

Palestinian Legislative Council

<http://www.pal-plc.org/english/english.html>

Palestinian National Authority

<http://www.pna.org/>

Palestinian Non-Governmental Organizations Network

<http://www.pngo.net>

Palestinian Society for the Protection of Human Rights and the Environment (LAW)

<http://lawsociety.org>

Physicians for Human Rights Forensic Team Preliminary Assessment, Jenin, April 21-23, 2002

http://www.phrusa.org/research/mneutrality/report_043002.html

United Nations Relief and Works Agency for Palestine Refugees in the Near East
<http://www.un.org/unrwa/>

Women's Center for Legal Aid and Counseling
<http://www.wclac.org>

World Bank: Fifteen Months: Intifada, Closures and Palestinian Economic Crisis:
An Assessment
<http://lnweb18.worldbank.org/mna/mena.nsf/Countries/West+Bank/67FB14AF1F54168785256B85003C5F07?OpenDocument>

* Index reflects those NGOs with whom the Delegation met or to reports cited above.