



FACT FINDING MISSION TO GAZA AND THE WEST BANK

MAY
2009

A report by the Britain-Palestine All Party Parliamentary Group



Britain-Palestine
All Party Parliamentary Group

THE DELEGATION

The delegation from the Britain-Palestine All Party Parliamentary Group (BPAPPG) visited Gaza and the West Bank from 14th to 20th February 2009 primarily to view the impact of Israeli military operations in Gaza from 27th December 2008 to 18th January 2009.¹ The delegation was led by Richard Burden MP, Chair of the BPAPPG and included Tony Lloyd MP, Ed Davey MP, Sarah Teather MP, Andy Slaughter MP, Martin Linton MP, Sara Apps (Office of Martin Linton) and Duncan Sinclair (Office of Richard Burden). Graham Bambrough (CAABU²) was also a member of the delegation and coordinated the visit. The delegation was sponsored by Welfare Association.³

The delegation held a range of meetings with officials, diplomats, organisations and individuals and visited Ashkelon, Gaza and the West Bank. The officials and institutions they met included Palestinian Prime Minister, Salam Fayyad, Raffiq Hussein (Chief of Staff to Palestinian President Mahmoud Abbas), United Nations Relief and Works Agency (UNRWA), United Nations Office for the Co-ordination of Humanitarian Affairs (UN OCHA) and the British Consul General in East Jerusalem. The delegation requested a meeting with Israel's Ministry of Foreign Affairs, but this did not meet with a positive response. The NGOs, civil society groups and individuals who the delegation met included: Welfare Association, the Qattan Centre for the Child, Palestinian human rights groups (Al-Haq and Palestinian Centre for Human Rights), Palestinian business people, medical staff, teachers, academics, politicians, UK and Palestinian journalists, and other residents of Ashkelon, Gaza and the West Bank.

The Britain-Palestine All Party Parliamentary Group wishes to thank CAABU and the Welfare Association for their assistance with this visit. Thanks also to all those international, Palestinian and Israeli groups and individuals whose help to the delegation was invaluable in meetings, in providing personal testimonies and in organising visits within Palestine and Israel.

*Cover photo (l-r): Richard Burden MP, Sarah Teather MP, Martin Linton MP, Andy Slaughter MP, Tony Lloyd MP and Ed Davey MP.

*Back cover photo: Separation Wall, East Jerusalem.



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¹ Israeli military operations in Gaza during this period named by Israel as 'Operation Cast Lead.'

² CAABU (Council for the Advancement of Arab-British Understanding) provides Secretariat services for the Britain-Palestine All Party Parliamentary Group. For more information on CAABU, visit www.caabu.org.

³ Welfare Association (WA-UK) is a British registered charity (Reg. number 1020238) with humanitarian and development projects in Palestine and Lebanon. WA helped to fund this All Party Delegation. For more information on Welfare Association, visit www.welfareassociation.org.uk.

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EXECUTIVE SUMMARY

The delegation from the Britain-Palestine All Party Parliamentary Group (BPAPPG) visited Gaza and the West Bank from 14th to 20th February 2009. They witnessed the widespread destruction of civilian areas in Gaza and met with many families who had lost members and were trying to care for those who had sustained horrific injuries in desperate conditions. They talked with a number of school, hospital and NGO directors to learn about their experiences during the bombardment and visited some of the worst affected areas of Gaza, including Beit Hanoun, Beit Lahiya and Izbit Abed Rabbo. They visited schools and hospitals damaged during the war, and projects managed by local and international NGOs.

The reality of the situation was stark. As well as the physical destruction, people – and in particular the children – were psychologically traumatised. The overriding impression was that the Israeli attack on Gaza had displayed a serious disregard of the impact of its actions on civilians. Subsequent testimonies emerged from Israeli soldiers regarding very loose rules of engagement in this regard. The delegation also heard repeated allegations that incendiary white phosphorous had been used illegally, endangering and maiming civilians, and they saw for themselves evidence indicating that this was the case. They also saw evidence of widespread destruction of schools, hospitals and other civilian infrastructure.

In addition to dealing with the immediate aftermath of the military campaign, the people of Gaza are continuing to live with a prolonged blockade by Israel which has decimated the economy in recent years and reduced them to high reliance on humanitarian relief. Already in March 2008, UK charities reported that about 80 percent of Gaza's population was dependent on food aid. The situation has deteriorated further, with the restriction of humanitarian goods and medical supplies entering Gaza causing further hardship.

The delegation spent an evening and night in Ashkelon in southern Israel. They were shown a number of sites which, although now repaired or in the process of repair, had been hit by Palestinian rockets in recent months. They were told of residents' fear of rocket attacks from Gaza.

The delegation also visited the West Bank, to assess the impact of ongoing settlement expansion. They saw the expansion of Israeli settlement activity inside East Jerusalem and met with Palestinian families being evicted from their homes. They visited Ma'ale Adumim,

one of the largest settlements in the West Bank, near East Jerusalem. They were familiarised with the nearby E1 Plan which would effectively cut off the northern part of the West Bank from the southern part through the construction and expansion of settlements. The delegation witnessed the impact of road blocks, segregated road systems and the Separation Wall, all restricting the movement of Palestinian residents of the West Bank. The complete freeze of settlement activity is one of Israel's primary obligations under the Road Map and this was upheld at the Annapolis Conference in November 2007. However, this has not taken place; on the contrary settlements have continued to expand apace, rendering the achievement of a viable and contiguous Palestinian state ever more difficult. The regime of closures that impede internal movement in the West Bank continues. The effect of the more than 600 obstacles to movement – of goods and people – continues to paralyse the Palestinian economy in the West Bank and prevent the economic development promoted by Tony Blair in his capacity as the Special Envoy of the Quartet.

The recommendations of the delegation are summed up as follows:

- The opening of all the crossing points in and out of Gaza
- An independent and impartial inquiry into allegations that war crimes and other offences against humanitarian law were committed by both sides during Israel's attack on Gaza and the firing of rockets into Israel, and the holding of all relevant parties to account
- An international embargo on arms supplies to Israel to accompany the action already being taken by the international community to prevent the supply of arms into Gaza
- Concerted action to bring about a complete settlement freeze, including a halt to the E1 Plan and a halt to the removal of residency rights of Palestinians in East Jerusalem
- The lifting of the closure regime in the West Bank
- Conditionality enforced in respect of EU-Israel agreements, with Israel's trade privileges under those agreements being suspended until it fulfils its own human rights, and other, responsibilities under those agreements
- Support for the re-forging of internal Palestinian dialogue and reconciliation
- An inclusive approach to international political engagement with all key stakeholders in the region, to achieve an effective peace process towards a sustainable two-state solution

- Regular visits to the region for EU and UK politicians to see the situation for themselves and to make appropriate recommendations to their governments.

I. THE GAZA STRIP

I.1 Introduction

From 27th December 2008 until 18th January 2009, Israel launched “Operation Cast Lead,” its most devastating and costly attack on the Gaza Strip since the war of 1967. On 19th January 2009, UN reports estimated that over 1,300 Palestinians were killed during the conflict, including 412 children. 5,300 more

“If there is a future for the people of Gaza, a chance of offering long term hope, we’ve got to help Palestinians get their ordinary life restarted.”

Tony Lloyd MP

Palestinians had been injured, of whom 1,855 were children.⁴ According to Israel, the attack on Gaza was to respond to an increase in firing of Qassam, Grad and other indiscriminate rockets into southern Israel by Palestinian militant groups in Gaza, including Hamas. This was following the breakdown of a ceasefire that had more or less held for the second half of 2008. Each side has its own narrative about whether Israel or Hamas was responsible for the breakdown of the ceasefire and there is not room in this report to examine the competing claims in detail. The purpose of the delegation was to allow MPs to see for themselves the effects of the war, the ongoing blockade of Gaza and to make recommendations for the future.

During Operation Cast Lead, the closure of all Gaza’s crossing points with Israel and Egypt meant that 1.4 million Palestinians were sealed into the tiny Strip and left without any means of escape and with supplies cut off. They survived on existing supplies, even though these had already reduced dramatically throughout the previous 18 months of the blockade and the situation there had been highlighted by aid agencies as one of grave concern.

The delegation spent the first evening of the visit in the town of Ashkelon which lies within range of the rockets. On 20th November last year, Human Rights Watch reported that four Israeli civilians had been killed by Palestinian rockets during 2008 which also spread fear amongst the population of southern Israel.⁵ The United Nations reported that four Israeli civilians were killed during the 23 day conflict that began on 27th December, with four more critically injured, 11 moderately injured and 167 lightly injured.

I.2 Access for goods

Despite the withdrawal of Israeli troops and settlers from the Gaza Strip in September 2005, and despite the Agreement on Movement and Access brokered by the US in November 2005, the Palestinians have gained no sovereignty over Gaza’s borders, air space or territorial waters. In fact, movement and access for both goods and people have become increasingly more restricted through the Israeli-imposed blockade, in particular since June 2007 following the take-over of Gaza by Hamas, a situation that prevails to date. The UN Under-Secretary-General declared that the normal daily requirement, including commercial goods, should be a minimum of 500 truckloads.⁶ Yet in the week of the delegation’s visit, an average of just 122 trucks were entering Gaza per day, carrying only goods that Israel approves as “humanitarian.” The delivery of medical equipment, agricultural and industrial supplies, and construction goods needed for reconstruction are routinely denied entry. Welfare Association staff in Gaza explained that a water and sanitation project they are trying to restart required cement and steel bars. Israel had destroyed the cement factories in Gaza and would not let these goods in, despite the fact that this is a humanitarian project funded by the European Community Humanitarian Office.

Petrol had not been delivered through the crossing points since 2nd November 2008, further exacerbating the already severe economic stagnation of Gaza. The delegation saw Palestinians queuing with jerry-cans to purchase petrol that they were told had been smuggled in via tunnels under the Egyptian border. Goods classed as “commercial commodities,” rather than humanitarian, are proscribed by the Israelis. Items that have been denied entry include glass, concrete, plastic, certain spices, jam, tomato paste, t-shirts and pasta. Gazan exports have also been brought to a

⁴ UN OCHA (2009) *Protection of Civilians Weekly Report 9-15 January 2009*. Available from <http://domino.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/485b41bd89fbfaeb852575400054a085!OpenDocument> [accessed 22nd April, 2009].

⁵ Human Rights Watch (2008) *Letter to Hamas to Stop Rocket Attacks*, 20th November 2008. Available from <http://www.hrw.org/en/news/2008/11/20/letter-hamas-stop-rocket-attacks> [accessed 22nd April, 2009].

⁶ UN OCHA (2009) *Briefing to the Security Council on the situation in the Middle East, including the Palestinian question: Statement by John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator*, 27th January 2009. Available from http://www.ochaopt.org/documents/ocha_opt_gaza_crisis_security_briefing_2009_01_26.pdf [accessed 22 nd March, 2009].

standstill by this continuing blockade. The effects of this were obvious in December 2008 when the UN reported that in Gaza unemployment had risen to almost 50 percent, with only 23 out of 3,900 industrial enterprises currently operational and 70 percent of agricultural land in Gaza no longer irrigated, leading to its desertification.⁷

1.3 Movement of people

The flow of persons into and out of Gaza has been brought to a halt by the Israeli blockade. Palestinians are not normally permitted to leave. Where exceptions are made, for example for very serious medical cases, there is often a protracted procedure to gain permission. Gaza is surrounded on three sides by a concrete wall, and a 'seam zone' is enforced up to 1km into Gaza by Israeli snipers. Security advice issued from the United Nations stipulates that no-one should approach too close to the border with Israel. Palestinian farmers tending to their land have been fired at by Israeli border guards.

In addition, the territory is blockaded from the sea by Israeli naval patrols. The Oslo Accords of 1993 stipulated that Gaza's territorial waters stretch to a limit of twenty miles, but in January 2009 Gaza's fishermen were restricted by Israel to three nautical miles from the shore line. This removes a vital food resource, the quality of which has already been impaired by sewage dumped at sea due to the lack of spare parts to repair and maintain Palestinian sewerage infrastructure.

1.4 The wounding and killing of civilians

Operation Cast Lead was marked by its high level of civilian casualties. As stated at the beginning of this report, over 1,300 Palestinians were killed during the conflict, including 412 children. The wounding and killing of large numbers of civilians appears in part to be a result of directions issued to Israeli soldiers by senior commanders.⁸ On the outskirts of Beit Hanoun, north Gaza, the delegation met Abdul Kareem and his young son, amidst the rubble of their home. The father explained how their house had been destroyed by the Israelis during the war, and whilst the family had escaped with their lives they had been unable to save any of their possessions. The pair returned to the



Sarah Teather MP with Abdul Kareem near their destroyed house, Beit Hanoun, Gaza

ruins of their home each day because they had nothing else to do.

Later in Beit Hanoun, the delegation spoke with members of the Hammad family, nine brothers who had all lost their homes during the conflict. One of the brothers had spent twenty years in Saudi Arabia saving money to build his family home. The delegation also met the Hamdan family, whose three children Haya (5), Lama (6) and Ismael (8) were killed in an air strike on Beit Hanoun. The family told how their bodies were found fifty yards apart from one another. The delegation saw evidence of the war's psychological impact on local children at the Centre for the Child, a project of the Qattan Foundation – a UK registered charity – providing free education programmes for Palestinian children up to the age of fifteen, focusing extensively on computer literacy and reading skills. Artwork drawn by the centre's pupils depicted burning homes, tanks and exploding shells.

“Hearing the story about the three children - Haya, Lama, and Ismael Hamdan - who were killed in an Israeli bombing raid, makes one even more determined to ensure that an international inquiry takes place.”

Richard Burden MP

⁷ UN OCHA (2009) *Gaza Humanitarian Situation Report, The Impact of the Blockade on the Gaza Strip, A Human Dignity Crisis*, 15 December 2008. Available from http://www.ochaopt.org/documents/ocha_opt_gaza_situation_report_2008_12_17_english.pdf [accessed 22nd March, 2009].

⁸ Arik Dubnov, a reservist, told the Jewish Chronicle; “from the briefings before going in, it was clear that the army had changed its entire mindset. Instead of getting the usual precautions on harming civilians, we were told about the need to make a very aggressive entry. We were told ‘any sign of danger open up with massive fire.’” Pfeffer, Anshel (2009) *Gaza Soldiers Speak Out, The Jewish Chronicle*, 5th March, 2009. Available from <http://www.thejc.com/articles/gaza-soldiers-speak-out> [accessed 26th March, 2009].

The delegation met with Father Manuel Musallam, Headmaster of a Roman Catholic school in Gaza. Speaking to the delegates he expressed grave concerns over the psychological damage that the war has caused to his pupils; “They don’t cry like they ought to, they don’t laugh like they ought to, they don’t study like they ought to.”

1.5 Widespread destruction of civilian areas

The United Nations estimates that more than 14,000 Palestinian homes were damaged or destroyed in the recent fighting.⁹ The town of Rafah in southern Gaza was hit particularly hard due to the location of underground tunnels under the border with Egypt. With continued Israeli military attacks in this area, the delegation was unable to visit Rafah but witnessed at first hand the widespread destruction at the northern end of the Gaza Strip. Areas near to the border with Israel were heavily targeted. The delegation visited Beit Hanoun, Beit Lahiya and Izbit Abed Rabbo to assess the devastation.

Izbit Abed Rabbo lies less than 1 km from Israel, and when the delegation visited on 16th February, not a single building in the town of 5,000 inhabitants had been left standing. The town came under continued aerial bombardment, before Israeli ground forces dynamited the homes and used bulldozers to flatten any remaining buildings. Residents told the delegation that 200 people had been killed in the town. Many of the town’s inhabitants are now living in tents near to the rubble of their former homes, with 90 percent relying on the UNRWA Food Distribution Centre nearby.



Richard Burden MP and Ed Davey MP in Izbit Abed Rabbo, Gaza

1.6 Attacks on economic infrastructure

The economy of Gaza has been crippled by Israel’s prolonged closure of the crossing points in and out of Gaza. An estimated 95 percent of private industry has been suspended since 2007 due to the lack of imported raw materials required for production.¹⁰ The inability to export has caused the industrial, commercial and agricultural sectors to collapse. The destruction of infrastructure during the military campaign has worsened the state of economic collapse. Haaretz reported that the Israeli Army destroyed 600 to 700 factories, small industries, workshops and business enterprises throughout the Gaza Strip.¹¹

“We have seen entire villages razed to the ground and families forced to sleep in tents. The only thing they own now is a sleeping mat. There is rubble everywhere... How long will these people be forced to sleep in tents?”

Sarah Teather MP

The delegation visited a destroyed industrial zone in northern Gaza, which had come under sustained attack. They spoke with Dr Yaser Alwadeya and Amr Hamad from the Palestinian Federation of Industries, who told of the destruction of a biscuit and ice-cream factory. The Alwadeya family had owned the Al Ameer ice-cream factory for 55 years. Dr Alwadeya told the delegation that his factory had not been involved in any military or terrorist activity. In fact, some of these businesses had both practiced and promoted trade with Israel. The delegation was told how the Al Ameer plant used to employ 276 people, but now employs just 28 people.¹²

⁹ UN OCHA (2009) *Field Update on Gaza from the Humanitarian Coordinator*, 19 January 2009. Available from http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report_2009_01_19_english.pdf [accessed 26th March, 2009].

¹⁰ OXFAM (2008) *The Gaza Strip: A Humanitarian Implosion*, March 2008. Available from http://www.oxfam.org.uk/resources/downloads/oxfam_gaza_lowres.pdf [accessed 26th March, 2009].

¹¹ Hass, Amira (2009) *Industrial Wastelands*, *Haaretz*, 26th February, 2009. Available from <http://www.haaretz.com/hasen/spages/1067282.html> [accessed 26th March, 2009].

¹² For more information, see McGirk, Tim (2009) *The Devastation of Gaza: From Factories to Ice Cream*, *TIME*, 28th January, 2009. Available from <http://www.time.com/time/world/article/0,8599,1874539,00.html> [accessed 26th March, 2009].

1.7 Attacks on hospitals and medical facilities

The delegation visited three hospitals attacked during the fighting: Al-Quds in Gaza City, Al-Awda in Jabaliya and Al-Wafa, near the border with Israel. At Al-Quds, the delegation were informed that the hospital was attacked on both 15th and 17th January, leading to the evacuation of over 500 patients by medical personnel. Babies in incubators were moved onto the street. On 17th January, a missile from an F-16 fighter jet pierced the roof of the hospital, destroying the Children's Centre on the top floor. The delegation saw that the building had sustained severe damage and large sections of the hospital are no longer operational.

The parliamentarians heard how the hospital's ambulances also came under repeated fire by Israeli forces. Hassan Latel, a paramedic from Al-Quds Hospital, was shot in the leg by an Israeli sniper while attempting to reach wounded civilians in Jabaliya. In total, 16 of the hospital's ambulances were hit during the conflict, with five of them completely destroyed. Arafat Abed Ledayen, a paramedic from Al-Awda Hospital, was killed when his ambulance was fired on by Israeli troops.

Dr Ali Hassan, Deputy Medical Director of Al-Wafa Hospital in eastern Gaza explained how the hospital came under heavy fire on 15th January for 11 hours. Its proximity to the border placed the facility on the front line of the ground offensive, resulting in



Damage within Al-Wafa Hospital

significant structural damage to the building and surrounding area. Al-Wafa is part funded by the Welfare Association, and the UK's Department for International Development (DFID) funded the garden. The damage to the building is significant. The second floor of the hospital, which caters for elderly patients, was hit by a missile and the building walls are peppered with large bullet holes. The delegation was also shown a new hospital extension building next door, which had been scheduled to open early in 2009. It was clear that it had also sustained considerable damage. The delegation was told that it had suffered a direct missile strike to the front of the building.

The delegation was told that white phosphorous had been used during Israeli military strikes at Al-Quds Hospital and at Al-Wafa Hospital (see 1.10 below).



Emergency tent site set up for homeless families on outskirts of Beit Lahiya

The delegation visited a tented refugee camp on the outskirts of Beit Lahiya. The compound was created by the United Nations for members of the local community who had lost their homes in the war. The families living in the camp sleep on the sand just a short distance from the sea. Dr Mohammad, of the Union of Medical Relief Committees which administers the camp, discussed with the delegation how the very poor conditions in the tents coupled with the cold night-time temperatures are exacerbating the ill-health of those sheltering there.

1.8 Attacks on schools

During the course of Operation Cast Lead, 240 schools were damaged or destroyed by Israeli attacks. The delegation visited the American International School in north Gaza, which had been completely destroyed during the war. Ribhi Salem, Director of the school, reported that four missiles had struck the building on 3rd January, and told the delegation that the Israeli Army had been given the building co-ordinates after they had hit it on a previous occasion. The school had opened in 2000 at a cost of \$7.2million. Two United Nations-operated schools were hit in Beit Lahiya and Gaza City, and an Israeli missile strike on the area surrounding the al-Fakhura School in Jabaliya killed at least 40 people. The UN reported that of the more than 400 schools it assessed in Gaza, over 60 percent had been partly or severely damaged. Repairing them is an urgent priority. In the meantime, the UN Children's Fund has provided 10 tents as learning centres in the hardest-hit areas.¹³



Tony Lloyd MP at the destroyed American International School in Gaza

1.9 Humanitarian situation

In December 2008, before the military campaign began, the humanitarian situation in Gaza was already dire. Over 50,000 Gazan children were malnourished, nearly half of two-year-olds in the territory were suffering from anaemia and 80 percent of children had a Vitamin A deficiency.¹⁴ As a result of fuel and electricity restrictions, Gazan hospitals were experiencing power cuts for 8 to 12 hours a day. There is currently a 60 to 70 per cent shortage reported in the diesel required for hospital power generators. As early as March 2008, a report from eight leading UK charities claimed that more than one million people, or 80 percent of Gaza's population, were dependent on food aid and that Gaza's power, water and sewerage systems had collapsed. Over 300,000 people do not have regular supplies of water and 60 tons of raw sewage is discharged into the sea every day because sewage treatment plants no longer work.¹⁵

The delegates visited Al-Mugraqa Water and Sanitation Plant, south of Gaza City, a Welfare Association project funded by the European Commission Humanitarian Office. Dr Abdul Majid Nassar, its chief engineer, confirmed that Gaza's sewerage system was woefully inadequate. There had been no real investment since 1997, and the infrastructure around Gaza City was designed to cope with the needs of 32,000 people, not the half a million it actually serves. These humanitarian projects urgently need cement and steel to be allowed into Gaza in order to be completed.

“When you see homes, schools and hospitals bombed to smithereens and meet families who have lost everything they worked for, the word disproportionate seems totally inadequate. Coming here to see for oneself and hear from eyewitnesses proves that the media were simply unable to convey the scale of the devastation.”

Ed Davey MP

¹³ UN News Centre (2009) *Security Council Renews Call for Greater Humanitarian Access to Gaza*, 13th February, 2009. Available from <http://www.un.org/apps/news/story.asp?NewsID=29904&Cr=gaza&CrI> [accessed 26th March, 2009].

¹⁴ Save the Children (2008) *Grave Threat That Gaza Violence Will Leave Thousands More Children Malnourished*, 30th December, 2009. Available from http://www.savethechildren.org.uk/en/41_7304.htm [accessed 26th March, 2009].

¹⁵ OXFAM (2008) *The Gaza Strip: A Humanitarian Implosion*, March 2008. Available from http://www.oxfam.org.uk/resources/downloads/oxfam_gaza_lowres.pdf [accessed 26th March, 2009].

1.10 Use of white phosphorus

There is evidence that white phosphorus (WP) was used by Israeli forces across Gaza. Amnesty International monitored many WP 155mm artillery carrier shells throughout Gaza with markings of M825 A1 – a US-made munition. These are the same markings of the 155mm white phosphorus shells photographed in Israeli Army stockpiles.¹⁶

International law states that WP can be used as a smokescreen. Claims are currently under investigation that the Israeli Army deployed it illegally as a weapon, and in areas of dense civilian population, causing severe burn wounds. The delegation were shown remnants of what was believed to be WP. In the garden of Al-Wafa Hospital, small craters have been burned in the ground; and on the paved area between the garden and the hospital building, children poked with sticks at small piles of what seemed like shrapnel that began to smolder on impact.

The delegation visited the Gaza Music School in Gaza City, another Qattan Foundation project. It is situated next to Al-Quds Hospital and was bombed by an Israeli fighter jet on 17th January. The Director of the school told the delegation that the ferocious fire that engulfed the five storey building after being hit was attributed to the presence of WP.

1.11 Accountability

During the war, Israel was accused by a variety of organisations and bodies of breaching international humanitarian law. Amnesty International reported that some of Israel's military tactics, such as the use of human shields and the deployment of WP as a weapon, constituted "*prima facie* evidence of war crimes,"¹⁷ whilst the International Committee of the Red Cross accused Israel of preventing medics from gaining access to the wounded. Israeli soldiers themselves recently testified that they deliberately killed Palestinian civilians under permissive rules of engagement and intentionally destroyed their property, giving examples of women, children and elderly civilians they deliberately targeted.¹⁸

British Foreign Secretary David Miliband called for an investigation into "extremely serious allegations about the conduct of both sides during this conflict," but did not specify what form any investigation should take.¹⁹



Andy Slaughter MP and Ed Davey MP in the destroyed Gaza Music School

This was echoed by United Nations Secretary-General Ban Ki-moon, who called for a "full investigation" through proper judiciary systems into the bombing of UNRWA's headquarters.²⁰



Martin Linton MP and Andy Slaughter MP at the damaged UN warehouse, UNRWA headquarters, Gaza City

Ribhi Salem, Director of the American International School, said he feared that his pupils would grow up "with no faith in the concept of the rule of law."

¹⁶ Amnesty International (2009) *Fuelling Conflict: Foreign Arms Supplies to Israel/Gaza*. Available <http://www.amnesty.org/en/library/asset/MDE15/012/2009/en/3301b5c0-189b-4ba2-9bca-68e116fd590f/mde150122009en.pdf> [accessed 26th March, 2009].

¹⁷ *Ibid.*

¹⁸ Harel, Amos (2009) IDF killed civilians in Gaza under loose rules of engagement, *Haaretz*, 19th March, 2009.

¹⁹ House of Commons Debates (2009) *Oral Answers to Questions – Defence: Gaza*, 12th January, 2009. Available from <http://www.theyworkforyou.com/debates/?id=2009-01-12a.21.0&m=1416#g31.0> [accessed 26th March, 2009].

²⁰ Ki-moon, Ban (2009) *Press Conference by Secretary-General Ban Ki-moon*, 10th February, 2009. Available from <http://www.un.org/News/Press/docs/2009/sgsm12092.doc.htm> [accessed 26th March, 2009].

2. THE WEST BANK

The delegation spent three days in the West Bank to assess the effects of the ongoing Israeli occupation, mainly with regard to continued settlement expansion, construction of the Separation Wall, confiscation of Palestinian land and destruction of property. All Israeli settlement activity in occupied Palestinian land is illegal under international law. Furthermore, it is in direct contravention of Israel's obligations under the Road Map, which were upheld at the Annapolis Conference in November 2007. The stated policy of the international community and the UK Government is in line with international law.

2.1 Settlement expansion

At present there are 149 settlements in the West Bank, plus over 100 outposts (make-shift dwellings that create facts on the ground as a precursor to a new settlement or an extension to an existing one). Under Israeli law, these outposts are declared illegal, whereas settlements in general are not deemed as illegal (as mentioned, settlements are illegal under international law). The settler population numbers nearly 500,000.²¹ Under the terms of the Road Map, Israel was obliged to freeze settlement expansion and dismantle the outposts.²² However, since Annapolis there has been an increase in settlement activity, with 1,223 new settlement units constructed. Currently, settlements, outposts, nature reserves, green zones (in which Palestinians are not permitted to live) and military zones take up 40 percent of the Palestinian territory of the West Bank.²³

“In the West Bank you see bulldozers everywhere, building new houses in the Israeli settlements and demolishing houses in the Palestinian areas. The bulldozers are gradually burying all hope of a two-state solution, because nothing is more certain to ratchet up the level of hatred for the occupation of the West Bank than the continued building of settlements.”

Martin Linton MP

2.2 Ma'ale Adumim settlement and the EI Plan

The delegation was taken by Palestinian human rights organisation Al-Haq to see the Israeli settlement of Ma'ale Adumim on the eastern outskirts of East Jerusalem, the largest settlement in the West Bank. Established in 1975, it houses more than 30,000 Israeli settlers and is geographically larger than Tel Aviv.²⁴ Ma'ale Adumim was designed to be part of a block of settlements extending eastwards from Jerusalem city limits as far as the outskirts of Jericho.

To the west of Ma'ale Adumim lies a large area that Israel has designated for a huge development known as the EI Plan. A police station has already been constructed, heralding the planned construction of a new settlement, which Israel often claims is not a new settlement but rather accommodates the legitimate “natural growth” of Ma'ale Adumim. The international community, including the USA, disagrees with this assertion and has repeatedly condemned the plan. Nevertheless, preparations for construction and inhabitation are pushing ahead apace. The fulfilment of the EI Plan would not only further isolate Palestinian East Jerusalem from the rest of the West Bank but also severely restrict the natural growth of four surrounding Palestinian villages. Together, Ma'ale Adumim and the EI block would sever the north of the West Bank from the southern part, and seriously impede movement between the two.²⁵ Israel has on many occasions committed to freezing settlement expansion, apart from natural growth. However, the settlement growth rate is currently 5.5 percent, three times the population growth of Israel proper, due partly to migration into the settlements. The Israeli government has so far spent US\$50 million on infrastructure for the area, such as the police station and a settler-use only road. If complete the site will be home to over 100,000 Israelis.

²¹ B'Tselem (2009) *Land Expropriation and Settlements: Statistics*. Available from <http://www.btselem.org/english/Settlements/Statistics.asp> [accessed 26th March, 2009].

²² U.S. Department of State (2003) *A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict*, 20th April, 2003. Available from <http://www.un.org/media/main/roadmap122002.pdf> [accessed 26 th March, 2009].

²³ UN OCHA (2007) *Occupied Palestinian Territory: Consolidated Appeal 2008*, Available

from <http://ochaonline.un.org/cap2005/webpage.asp?Page=1629> [accessed 26th March, 2009].

²⁴ Krouzman, Roni (1999) 21st Century Palestine: Towards a “Swiss Cheese” State? *Middle East Report*, 213, 38-40.

²⁵ European Union Mission (2005) Report on East Jerusalem, *Palestine-Israel Journal of Politics, Economics and Culture*, 12(2&3), 155-164.

2.3 Confiscation of Palestinian properties and the colonisation of East Jerusalem

In 1967, the total area of land classed as East Jerusalem represented just 6.5 km². Following the illegal annexation of East Jerusalem by Israel, the boundaries were expanded to cover 72 km². Even though the colonisation of occupied land is illegal under international law, there are now 193,000 settlers and 64,000 Israeli housing units in East Jerusalem. The result is that today there are more Jewish residents in Palestinian East Jerusalem than Palestinian residents.²⁶ The settlements around East Jerusalem were constructed to help protect Israel's unilaterally determined new borders after the 1967 War, separating East Jerusalem from the rest of the West Bank, severing Palestinian communities, and prohibiting the natural growth of East Jerusalem.

Settlement expansion is also associated with the confiscation of Palestinian land and the destruction of Arab homes to make way for newly constructed buildings. The delegation saw evidence of property confiscation in East Jerusalem. They met Umm Kamel who had been evicted from her home on 9th November 2008 in the Shaikh Jarrah neighbourhood just down from the American Colony Hotel in one direction and the British Consulate in the other. The eviction of her family was to make way for settlers who claimed the house via Ottoman title deeds dating back to 1880. Since the eviction, her family has been living in a tent near to their confiscated property. Her husband died in hospital shortly after the eviction, and Umm Kamel faces repeated eviction attempts from her temporary shelter by the Israeli authorities.²⁷

2.4 The Separation Wall

Since 2003, Israel has been erecting a Separation Wall, part fence, part 8-metre high concrete wall, between the West Bank and Israel, but snaking eastward into and around large swathes of Palestinian land and, significantly, many of the settlements in an attempt to annex them into Israel proper. The International Court of Justice in 2004 issued an Opinion declaring the construction of much of the wall/fence on Palestinian land unlawful. The proposed route is 715km in length, three times longer than the Green Line (the 1949 armistice line between the West Bank

and Israel), and at some points up to 22 km from the Green Line.²⁸ Approximately nine percent of the West Bank will find itself on the 'wrong' side of the barrier once it is complete, dislocating it from the rest of the West Bank. Near East Jerusalem, the Wall follows the municipal boundary (the line determined by Israel in 1967), except where it excludes certain densely populated Palestinian areas, such as Kafr Aqab's 20,000 Jerusalem ID holders, 30,000 in Shu'afat Refugee Camp, more than 50,000 in Raam, and 30,000 in Qalandiya Refugee Camp.²⁹

An estimated 200,000 to 250,000 Palestinians in East Jerusalem (10 percent of the total population of the West Bank) are separated from the rest of the West Bank by the Wall.³⁰ Those Palestinians with West Bank identity cards who find themselves on the west side of the Wall do not receive the same rights and entitlements as those with Jerusalem identity cards, such as Israeli healthcare and education. Yet they have also lost their free access to the rest of the West Bank, on top of the existing restrictions on movement once within the West Bank. As a result, many Palestinians have difficulty accessing healthcare and education due to the closure regime surrounding the Wall in the East Jerusalem area.

The delegation visited the Palestinian village of Nahlin, west of Ramallah, where they saw land that will soon be cleared to make way for the Wall's construction. The route of the Wall will leave more Palestinian land to the western side of the Wall. This will effectively link that territory with an Israeli settlements bloc which crosses the border between Israel and the West Bank and includes the Israeli towns of Mod'in and Mod'in Elit. We were told that the construction will result in the razing of olive groves that are essential to the livelihood of Nahlin's inhabitants.

²⁶ Halper, Jeff (2000) The 94 Percent Solution: A Matrix of Control, *Middle East Report*, 216, 14-19. Available from http://www.merip.org/mer/mer216/216_halper.html [accessed 26th March, 2009].

²⁷ For more information, see Bahl, Michael (2008) Elderly Palestinian Couple Evicted from East Jerusalem Home Despite U.S. Protest, *Haaretz*, 9th November, 2008. Available from <http://www.haaretz.com/hasen/spages/1035683.html> [accessed 26th March, 2009].

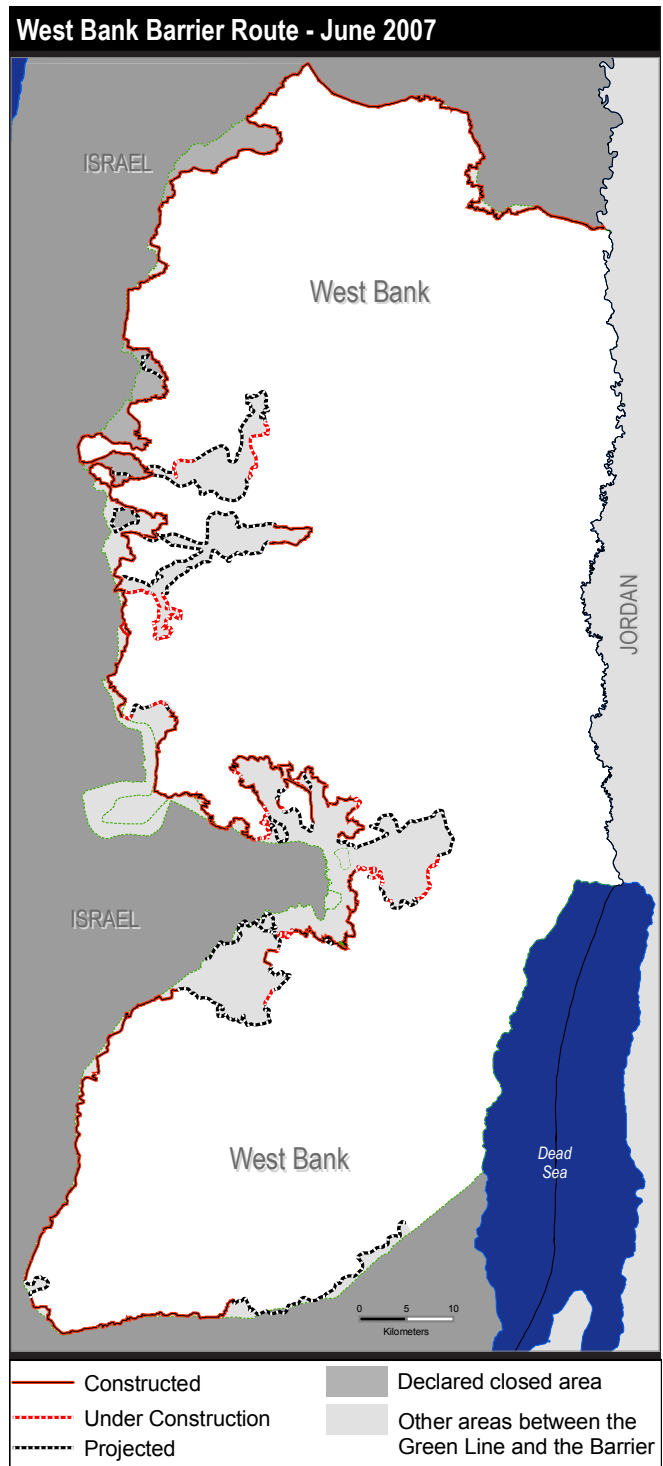
²⁸ Barsella, Anat (2007) *Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank*, B'Tselem, Jerusalem. Available from http://www.btselem.org/Download/200708_Ground_to_a_Halt_Eng.pdf [accessed 26th March, 2009].

²⁹ Kreimer, Sarah (2005) The Jerusalem Envelope Endangers Israel's Security. *Jerusalem Post*, 25 March. Available from www.ir-amim.org.il/EngArticles/SarahKreimer.html [accessed 16 June 2008].

2.5 Checkpoints and closures

In September 2008, a total of 630 obstacles to internal movement within the West Bank were recorded.³¹ Such obstacles include checkpoints, road blocks, gates, earth mounds, trenches and barriers. Access to East Jerusalem from the West Bank is controlled by 36 such obstacles. On completion of the Separation Wall, there will be 17 entry points to East Jerusalem through checkpoints, only four of which can be used by the minority of West Bank Palestinians who have special permission to enter East Jerusalem, and even then, only on foot.³²

The delegation exited Ramallah on foot through Qalandiya checkpoint. Whilst waiting to cross at Qalandiya some of the delegates spoke with local Palestinians, who complained of regular lengthy delays as well as humiliating treatment of Palestinians at the checkpoint. The delegation itself witnessed Israeli border guards apparently arbitrarily switching the channels in which Palestinians have to queue for security checks and closing without warning channels in which people were already queuing. Thousands of Palestinians need to cross through Qalandiya each day, to work in East Jerusalem, and only those with the correct Israeli-issued permits are allowed to do so.³³



Source: UN OCHA (2007)

³⁰ B'Tselem (2006) *A Wall in Jerusalem: Obstacles to Human Rights in the Holy City*. Available from www.btselem.org/download/200607_A_Wall_in_Jerusalem.pdf [accessed 27 January, 2008].

³¹ UN OCHA (2008) *OCHA Closure Update*. Available from http://www.ochaopt.org/documents/ocha_opt_closure_update_2008_09_english.pdf [accessed 26th March, 2009].

³² Dolphin, Ray (2008) *Presentation of OCHA Occupied Palestinian Territory Humanitarian Briefing*, May 2008, 14 June, East Jerusalem

³³ UN OCHA (2008) *Barrier Gates Open to Palestinians*, July 2008. Available from http://www.ochaopt.org/documents/BarrierRouteProjections_July_2008.pdf [accessed 26th March, 2009].

3. CONCLUSIONS AND RECOMMENDATIONS OF THE BRITAIN-PALESTINE ALL PARTY PARLIAMENTARY GROUP DELEGATION

One and a half million Palestinians living in Gaza are exhausted from 20 months of blockade, and traumatised by three weeks trapped in a war zone with no means of escape. The harsh and prolonged restrictions on movement and access are not justified. Together with the latest disproportionate and indiscriminate military attack launched in Operation Cast Lead, these measures constitute collective punishment of the people of Gaza and they must end.

The Israeli Government has claimed that its actions in Gaza are a legitimate response to the firing of Qassam and other rockets into southern Israel and that Operation Cast Lead was prompted by an increase in rocket attacks following the breakdown of the ceasefire towards the end of 2008. Each side has its own narrative about who was responsible for the breakdown of the ceasefire and this report is not the place to examine the competing claims in detail. Either way, we are clear that indiscriminate firing of rockets into southern Israel is unacceptable and must stop. The rocket attacks cause genuine fear and trauma amongst Israeli civilians far in excess of the relatively few physical casualties involved. Although some Palestinian groups involved claim the purpose of the rockets is to encourage ordinary Israelis to question their own Government's ongoing treatment of the Palestinians, the evidence suggests that they are more likely to achieve the opposite.

In the same way, Israel's blockade of Gaza and its military strikes are also counter-productive. They encourage rather than discourage the spread of militancy amongst Palestinians.

Even though recent international attention has understandably focused on the situation in Gaza, one should not lose sight of the ongoing impact of Israel's occupation of the West Bank. This continues to be characterised by the expansion of illegal Israeli settlements on confiscated Palestinian land, the division of Palestinian towns and communities by the Separation Wall and yet more isolation, marginalisation and restriction caused by checkpoints, outposts, roadblocks and the ever-complicated systems of permits which are required to allow Palestinians to leave their own town.

The delegation has the following specific recommendations. We do not claim that they are comprehensive but we do believe they should be key elements in the actions being taken by the international community.

1. Open the crossings in and out of Gaza –

More pressure should be put on Israel to open the crossings into and out of Gaza. There should be unfettered access for humanitarian aid, and access also granted for materials such as cement which are vital for the repair and reconstruction of homes and infrastructure damaged and destroyed during Operation Cast Lead. Even though these needs are the most urgent, for a sustainable future access has to be about more than the flow of humanitarian relief into Gaza. The people of Gaza should be allowed to rebuild their own economy and that means allowing exports as well. There should be renewed efforts with all parties concerned to ensure the implementation of the 2005 Agreement on Movement and Access.

2. Accountability – Investigations have already commenced into allegations of breaches of international humanitarian law and of war crimes associated with recent events in Gaza and southern Israel. We welcome this but believe there should be greater clarity in the international community about the mechanisms that are to be used to ensure:

- That an international inquiry is thorough, impartial and that it has the powers to gather the evidence it needs
- That where there is evidence of war crimes or other breaches of international law, that those responsible are brought to account, whether they be Israeli or Palestinian
- The roles which international institutions such as the United Nations, the International Criminal Court and the High Contracting Parties to the Geneva Conventions will play in taking forward the above.

Israel should also be held financially accountable for the damage it caused to Gaza during Operation Cast Lead, including the destruction of internationally funded projects. In particular, the EU should create a public inventory of all EU-funded projects damaged, destroyed, delayed and/or suspended since 27th December 2008.

3. International arms embargo – The international community – including the UK – has already announced concerted efforts to intercept and prevent the supply of arms and military equipment into Gaza. This embargo should be accompanied by a prohibition on all sales of arms and military equipment

and parts to Israel until there is no longer the likelihood of Israel being involved in external aggression, internal repression or the violation of international humanitarian law.

4. Settlement expansion – The international community should continue to monitor settlements expansion, and take action to hold Israel properly to account in respect of their commitment under the Road Map to cease all settlement activity; this was upheld at the Annapolis Conference in 2007. The British government must continue to raise the issue of the illegality of these settlements and use the political levers available to it to stop their expansion (see Recommendation 6 below). Because of its strategic significance, particular action is required at this time to halt the EI Plan. Greater pressure should also be put on Israel to cease both settlement expansion and the removal of Palestinian residency rights inside East Jerusalem.

5. There should be more pressure on Israel to stop the construction of its Separation Wall on occupied land and lift the closure regime in the West Bank – The Separation Wall, and the closure regime is closely intertwined with that of the settlements and their accompanying infrastructure, such as settler-only roads, whilst restricting Palestinian movement around the West Bank. Not only are these developments illegally confiscating land but they prevent the economic development of the West Bank, including projects being promoted by Tony Blair as the Quartet's Special Envoy.

6. Enforcement of conditionality in the EU-Israel Association Agreement and in any upgrading of EU-Israel relations – The existing and proposed new agreements between the EU and Israel with regard to trade and other bilateral cooperation is an area where the EU and the British Government can and should hold Israel to full account for its actions. In the last two years, the UK Government has played an important role in persuading the EU to take a more active role to ensure that goods produced in Israel – which can benefit from trade preferences – are labelled differently from products from Israeli settlements in the West Bank which do not qualify for such preferences. The EU's agreements with Israel also carry with them human rights obligations. Israel's privileges under those agreements should be suspended unless it also implements its obligations.

7. Encourage internal Palestinian political dialogue – political developments since Hamas won the elections in 2006 have resulted in bitter internal strife, the breakdown of cohesion and the rule of law

in Palestinian society. Following Hamas' armed takeover of Gaza in 2007 and the subsequent dismissal of its Government by President Abbas, this process has led to an increased and dangerous estrangement between the West Bank and Gaza. Unfortunately, policies pursued by the Quartet following the original election of Hamas often aggravated tension between Palestinians, rather than eased them. The UK government, the EU and the international community as a whole should take active measures to promote reconciliation including support for the creation of a national unity government leading to fresh Parliamentary and Presidential elections within the year. UK and other foreign parliamentarians can play a valuable role in encouraging this process.

8. International political engagement with all stakeholders in the region – the Quartet insists that a just and sustainable solution must embody an end to violence, recognition of the right to exist of two states – Palestine and Israel, and that the parties to the conflict should accept their obligations under existing agreements. However, by refusing to talk with any Palestinian group who do not yet sign up to these things as a precondition to dialogue, the international community has missed valuable opportunities to bring key players into the peace process. It is doubtful that Israel's theoretical acceptance of the Quartet's conditions in recent years has been reflected in its actions in practice and following the recent General Election, it is as yet unclear whether the new Government of Israel even accepts the Quartet's conditions in theory. All this makes it vital that the international community adopts a more inclusive approach to dialogue on both sides and renews its efforts to promote a sustainable two-state solution. We urge the UK government to encourage the Obama administration in the USA to actively embrace that kind of new approach.

9. Delegations to the region – There is no substitute for seeing the situation in Israel and Palestine first hand. We encourage other EU and British politicians to visit the region to see for themselves the reality on the ground and to meet not only with government figures, international institutions and diplomats, but also with local organisations and local people.

“Hearing eyewitness accounts of atrocities and seeing for ourselves how whole communities had been destroyed by the war made all of us more determined to work for relief for the people of Gaza and to call to account those responsible for these terrible crimes.”

Andy Slaughter MP

