

BACKGROUND: THE WALL AND THE INCREASED LOSS OF FREEDOM OF MOVEMENT OF PALESTINIANS



The Wall that Israel is building has severely exacerbated the fragmentation of life and society created by the closure system imposed by Israel following the outbreak of hostilities in September 2000. Freedoms that citizens of Western democracies take for granted – going downtown, going to school, changing residence, visiting relatives – are denied to Palestinians. The construction of the Wall simply deepens a painful wound inflicted on Palestinian citizens, and on their society as a whole. The references below present a sampling of third-party witnesses to the collective punishment Palestinians suffer – due directly to the Israeli Wall – in the loss of freedom of movement.

United Nations General Assembly, “*Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/13,*” November 24, 2003, paragraph 23

“The Barrier, in both completed and planned sections, appears likely to deepen the fragmentation of the West Bank created by the closure system Israel imposed after the outbreak of hostilities in September/October 2000. The main component of the closure system is a series of checkpoints and blockades that severely restrict the movement of Palestinian people and goods, causing serious socio-economic harm. Recent reports by the World Bank and the United Nations show that construction has dramatically increased such damage in communities along its route, primarily through the loss of, or severely limited access to, land, jobs and markets.”

UN General Assembly Official Records, 58th Session, “*Report of the Human Rights Committee,*” October 24, 2003, paragraph 19

“While again acknowledging the seriousness of the [Israel’s] security concerns, which have prompted recent restrictions on the right to freedom of movement, for example through imposition of curfews or establishment of an inordinate number of roadblocks, the Committee is concerned that the construction of the “Seam Zone”, by means of a fence and, in part, of a wall, beyond the Green Line imposes additional and unjustifiably severe restrictions on the right to freedom of movement of, in particular, Palestinians within the Occupied Territories. The “Seam Zone” has adverse repercussions on nearly all walks of Palestinian life; in particular, the wide-ranging restrictions on freedom of movement disrupt access to health care, including emergency medical services, and access to water. The Committee considers that these restrictions are incompatible with article 12 of the [ICCPR] Covenant.”

UN Commission on Human Rights, Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, “*Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine,*” September 8, 2003, paragraph 17

“Checkpoints, closures and curfews are words that fail to capture the full enormity of what is happening today in the West Bank and Gaza. A checkpoint is not simply a military outpost on a highway that checks the documents of pedestrians and traffic that seek to proceed along the road. Every day thousands of Palestinians must pass through these checkpoints in order to travel from home to work, to reach schools and hospitals and to visit friends and family. Every day Palestinians are compelled to waste hours passing through these checkpoints. Frequently, Palestinians are obliged to leave their vehicles at one checkpoint and to walk along dusty roads to another checkpoint to take a taxi to their destination. Accounts of rudeness, humiliation and brutality at the checkpoints are legion. Ambulances are often delayed and women give birth to children at checkpoints. Checkpoints are not so much a security measure for ensuring that would-be suicide bombers do not enter Israel, but rather the institutionalization of the humiliation of the Palestinian people. Similarly, a curfew is not simply a restriction on leaving one’s home. It is the imprisonment of the people within their own homes. Unable to go to work, to buy food, to go to school, to visit hospitals or to bury their dead, they are confined within the walls of their

own homes while the IDF patrols their streets. Statistics of checkpoints and curfews cannot accurately portray the obscurity of the situation.”

UN Office for the Coordination of Humanitarian Affairs, “*Preliminary Analysis of the Humanitarian Implications of Latest Barrier Projections*,” July 31, 2004

“People who live in either enclaves or closed areas have been required to pass through gates in the Barrier to reach markets, schools, hospitals and maintain family connections in the remaining areas of the West Bank. Although Israel introduced some changes to the operation of the gates, access for Palestinians in these areas is restricted.

“UN staff have observed 53 gates in the constructed Barrier. Of these 15 are accessible to Palestinians with the correct permit. Six further gates have official IDF opening hours, but in practice are rarely used by residents. As yet, Israeli Government has not released publicly available information on what access gates will be made available through the projected path of the Barrier.”

Palestine, Executive Summary of Written Statement to the International Court of Justice, “*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,” January 30, 2004, paragraph 18

“In October 2003, a series of Israeli military orders established a "Closed Zone" of several kilometres between the Green Line and the Wall and introduced an onerous permit system for Palestinian residents living in and workers accessing this area. Many have been denied permits and most permits are granted for only limited periods of time. Gates along the Wall are closed most of the time, or open only for short fifteen-minute periods and at the discretion of Israeli soldiers. The opening times fluctuate, and procedures are applied haphazardly. Israeli measures and practices are forcing Palestinian residents to reconsider the viability of remaining in areas where freedom of movement does not exist or where permits are not granted to landowners and/or laborers and the ability to pursue a livelihood is thus severely restricted. This situation has already caused displacement among the Palestinian civilian population.”

UN Commission on Human Rights, Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, “*Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine*,” February 27, 2004, paragraph 16

“The Wall may be crossed at checkpoints only. These checkpoints are infrequent - only 31 in the first 180 kilometres - and most open for limited periods of the day only. Consequently, farmers generally have to travel great distances to reach their lands adjacent to their homes, but across the Wall. Schoolchildren likewise have to travel considerable distances to reach school. Checkpoints are staffed in an intimidating manner: those crossing the barrier are carefully searched, at gunpoint. The situation is aggravated by the arbitrary manner in which gate crossings are opened. During October 2003 gates were closed for several weeks because of Jewish holidays. Moreover, gates are not regularly opened at the scheduled time or kept open for the scheduled period of time.”

B'Tselem, “*Behind the Barrier: Human Rights Violations as a Result of Israel’s Separation Barrier*,” April 2003, pp. 13-14

“Past experience indicates that the restriction on movement of Palestinians is an integral part of Israeli policy in the Occupied Territories. These restrictions are not only imposed for security reasons. They are also used to accomplish objectives that are forbidden by international law and are based on extraneous considerations. For instance, Israel has often imposed collective restrictions on movement to punish the population in a particular location for an attack against Israeli civilians or soldiers that is attributed to a resident or residents of that community. Israel also routinely restricts the movement of Palestinians, in part because it is the easiest and cheapest means available at times such as Israeli holidays and election day. This experience raises the fear that the crossing points along the barrier will be closed for prolonged periods and the passage of Palestinians may be completely prohibited.”