

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1) Please provide information on the Balata refugee camp, its residents and their capacity to subsist, including the prevailing economic conditions in the camp, sources of income, unemployment, access to services, and access to medical treatment inside and outside the camp.**
- 2) Please provide information on the activities of militant organisations, particularly Hamas, inside Balata; and whether there is any evidence of forced recruitment or undue pressure being placed on young males to join these organizations.**
- 3) Please provide information on the extent of the Israeli Defence Force's (IDF) operations within the camp since 2005 and the treatment residents have been or are likely to be subjected to as a consequence.**
- 4) Please provide information on restrictions on freedom of movement on residents of Balata, and advise whether residents, particularly males under the age of 35, are able to leave the camp for work or other purposes and the treatment they are likely to be subjected to by IDF personnel at checkpoints.**

RESPONSE

Please provide detailed information on the following:

- 1) Please provide information on the Balata refugee camp, its residents and their capacity to subsist, including the prevailing economic conditions in the camp, sources of income, unemployment, access to services, and access to medical treatment inside and outside the camp.**

Balata Refugee Camp

The website of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides the following basic information on Balata Refugee Camp in Nablus:

Balata is the largest West Bank camp with a registered refugee population of 21,445. The camp was established in 1950 on 252 dunums of land within the municipal boundaries of Nablus.

The first West Bank group to defend refugee rights – the Refugee Committee to Defend Refugee Rights – was established in Balata in early 1994. The camp was very active during the *intifadah* (1987-1993). Many refugees were killed and injured, and numerous shelters were demolished by the Israeli army.

The camp committee is one of the most active committees in the area with three of its members on the Palestinian Legislative Council. The youth activities centre and the women's programme centre organize many activities including cultural events.

Nablus Municipality supplies the camp with electricity and water, but there are serious sewerage network problems, and the roads and alleys are badly in need of repair ('Balata Refugee Camp' (undated) UNRWA website <http://www.un.org/unrwa/refugees/westbank/balata.html> – Accessed 25 July 2008 – Attachment 1).

An information page on the UNRWA website lists the registered refugee population of Balata as 22,855 persons as at 31 December 2006 ('West Bank Refugee Camp Profiles' (Undated) UNRWA website <http://www.un.org/unrwa/refugees/westbank.html> – Accessed 25 July 2008 – Attachment 2).

A 2006 report published on the International Solidarity Movement website described Balata as "basically a cramped suburb of Nablus" (Healy, Harrison 2006, 'Invasion of Balata', International Solidarity Movement website, 1 March <http://www.palsolidarity.org/main/2006/03/01/invasion-of-balata/> – Accessed 28 July 2008 – Attachment 3).

An article published by the *New York Times* in 2002 characterised the populations of the refugee camps of Nablus as being socially isolated from the rest of the city, and focused on the role of the refugee camps as centres of Palestinian militancy in the first and second *intifadas*:

Once ad hoc assemblies of tents, these camps have hardened into poverty-stricken warrens of cinder-block homes. The camps have been around so long that there are now two Askars -- Old Askar and New Askar. Nablus also has two other refugee camps, Balata and Al Ein.

The camps' disorienting, cramped alleyways are a poor man's version of the antique stone maze that is Nablus's central casbah, or market. The relationship between the established families of the old commercial city and the relatively recent arrivals from the farming villages in what became Israel has remained strained. There is little intermarriage. In the city of Nablus, people still say they can spot refugees by their accents, clothes and aggressive manner.

... The refugee camps were the cradle, or caldron, of the first intifada in the late 1980's, and also of this one. Through the intifada, the refugees asserted themselves in Palestinian society, shouldering aside established elites.

“It was a social and class struggle,” said Sa'id Kan'an, the director of the Center for Palestine Research and Studies in Nablus. “The refugees felt like second-class citizens. During the intifada, they got the opportunity to prove themselves.”

Most militants came from the camps, he said. “They harassed the citizens here; there's a lot of friction.” (Bennet, James 2002, ‘In Nablus, Strife Dims Dreams and Daily Life’, *New York Times*, 29 December
<http://query.nytimes.com/gst/fullpage.html?res=9A05E2DE173FF93AA15751C1A9649C8B63&sec=&spon=&pagewanted=all#> – Accessed 28 July 2008 – Attachment 4).

A news report published in the *Middle East Times* in January 2008 identified Balata camp in particular as a significant locus of resistance activity during the first and second *intifadas*:

During the first intifada in the late 1980s, Balata was the first community in the West Bank to engage in resistance activity, and it also played a leading role during the second intifada from 2000 onwards.

The depths of despair seemed to be reflected in the narrow alleyways clogged with garbage, the remains of tattered Palestinian flags and pictures of martyrs flapped from telephone wires and balconies overlooking the muddy streets below, while dilapidated cars negotiated paths through crowds of pedestrians (Frykberg, Mel 2008, ‘Death, despair in West Bank camp’, *Middle East Times*, 22 January
http://www.metimes.com/International/2008/01/22/death_despair_in_west_bank_camp/3607/ – Accessed 31 July 2008 – Attachment 5).

Provision of Services in Balata Camp

A page on the UNRWA website provides a general summary of the activities of UNRWA in Palestinian refugee camps:

UNRWA's responsibility in the camps is limited to providing services and administering its installations. The Agency does not own, administer or police the camps as this is the responsibility of the host authorities. UNRWA has a camp services office in each camp, which the residents visit to update their records or to raise issues relating to Agency services with the Camp Services Officer (CSO). The CSO, in turn, refers refugee concerns and petitions to the UNRWA administration in the area in which the camp is located.

...Socio-economic conditions in the camps are generally poor with a high population density, cramped living conditions and inadequate basic infrastructure such as roads and sewers (‘Where Do The Refugees Live?’ (Undated), UNRWA website
<http://www.un.org/unrwa/refugees/wheredo.html> – Accessed 25 July 2008 – Attachment 6).

An International Crisis Group report from 2004 identified the service delivery role played by refugee camp “service committees”, comparing them to Palestinian municipal councils. The report made particular reference to the service committee in Balata camp:

In Nablus's Balata refugee camp, the local service committee provides rent to inhabitants of demolished homes, purchases medicines at a discount from wholesalers and distributes them for free, and takes responsibility for the costs associated with funerals of camp residents killed

during the conflict (International Crisis Group 2004, *Palestinian Refugees and the Politics of Peacemaking*, Middle East Report No. 22, 5 February, p.13 – Attachment 7).

The Ma'an new agency reported on 29 March 2008 that the popular committee in Balata camp had organized a protest against a recent reduction in UNRWA services to the camp:

The Popular Committee of Balata refugee camp, near the city of Nablus, announced that it is shutting down shops run by UNRWA, the UN's agency for Palestinian refugees, for two hours on Saturday.

The shutdown is intended to protest what it views as inadequate aid to needy families in the camp. Refugees in Balata are accusing UNRWA of cutting back vital assistance programs.

...Thousands of families in the camp rely on emergency food aid from UNRWA ('Balata refugee camp committee forces UNRWA shops to close in protest', 2008, Ma'an News Agency website, 29 March
<http://www.maannews.net/en/index.php?opr=ShowDetails&ID=28547> – Accessed 31 July 2008 – Attachment 8).

A report on food security in the occupied Palestinian territory published in May 2008 referred to a suspension of the UNRWA emergency food distribution program in the West Bank from October 2007 to April 2008:

Food and other humanitarian aid is significantly contributing to food security in the WBGS. Food assistance and other income transfers represent a key survival factor for the poorest households in the WBGS. However, some poor households seem to be excluded from most poor formal assistance schemes

...Underfunding and operational constraints are not only an issue for UNRWA and WFP, but also for Palestinian food aid providers. The Ministry of Social Affairs (MoSA) and local and non-governmental organizations (NGOs) that carry out food aid, cash transfers and employment generation schemes in the WBGS reported decreased funding in 2007 and an ensuing reduced caseload. It is also important to note that UNRWA was unable to carry out emergency food distributions in the WB for about seven months (from October 2007 to April 2008), as a result of lengthy negotiations between the Agency and the West Bank Camp Popular Committees. Over 90,000 refugee families (corresponding to about 500,000 people), who used to rely on UNRWA's emergency food aid in the past, were directly affected by the suspension of the programme ('Joint Rapid Food Security Survey in the Occupied Palestinian Territory' 2008, UNRWA website, May
http://www.un.org/unrwa/publications/pubs08/RapidAssesmentReport_May08.pdf – Accessed 25 July 2008 – Attachment 9).

Nablus Region

Information was not located to demonstrate that residents of Balata Camp are currently cut off from the broader city of Nablus by permanent checkpoints or other obstacles, although reports were located to indicate that at times, movement within Balata and the city of Nablus may be restricted or prevented by curfews, IDF operations and mobile checkpoints. Information was located to indicate that residents of Balata refugee camp may be affected by the system of movement restrictions applicable to the broader city of Nablus. For further details on this issue see Question 4 of this response.

Previous MRT *Research Response PSE32583* of 26 November 2007 referred to extensive source material on Nablus, including a 2007 report by the UN Office for the Coordination of

Human Affairs (OCHA), which provides a basic summary of the recent economic and political situation in the city, and of the effects of the checkpoint system which restricts the movement of people and goods into and out of Nablus:

Nablus city, the economic and service centre of the northern West Bank, has a population of more than 130,000 people and serves as a regional hub for an estimated 350,000 people in the governorate. Nablus is a market and manufacturing centre, a focus for services, an educational centre – home to the large An Najah University – and the location of important medical facilities. Nablus has 13 health centres and six hospitals including the major referral hospitals of Rafida and Al Watani. Access into and out of Nablus is, therefore, essential.

...Nablus is encircled by 14 Israeli settlements and 26 outposts... The settlements are connected to each other by a series of roads used primarily by settlers that stretch around the city and across Nablus governorate.

These roads are in turn linked to ten checkpoints, including seven encircling Nablus city. All Palestinians going in and out of Nablus are required to cross these checkpoints. In April 2007, only 10% of Nablus buses (22 out of 220) and 7% of Nablus taxis (150 out of 2,250) had permits to access and use the checkpoints around Nablus city. Only 50 private Palestinian cars were permitted to use the checkpoints.

In addition, more than 70 obstacles installed by the IDF block the road junctions and physically prevent Palestinian traffic from reaching the roads used primarily by settlers. Palestinian vehicles also need a permit to travel on these roads. Palestinians caught without a permit can be fined or prosecuted.

Under these conditions, it is impossible for the Nablus economy to function normally. Unemployment in Nablus governorate increased by 44.5 percent between 1999 and 2006 (18.2 to 26.3%). Many businesses, no longer accessible by customers and traders, have been forced to relocate to smaller towns and villages. These new centres, however, cannot substitute for the large urban markets in terms of the volume of customers and levels of trade. There are also persistent difficulties for patients reaching hospitals and students reaching schools and universities (UN Office for the Coordination of Human Affairs 2007, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, UN Office for the Coordination of Human Affairs – occupied Palestinian territories website, July, p.90

http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_full.pdf – Accessed 26 November 2007 – Attachment 10; MRT Research and Information 2007, *Research Response PSE32583*, 26 November – Attachment 11).

Reports were located which identified the deleterious effect of both movement restrictions, and Israeli Defense Force (IDF) operations in Nablus, on access to basic services including utilities, humanitarian aid, education, and healthcare. A report published on the UN Integrated Regional Information Networks (IRIN) website in February 2007 indicated that movement restrictions imposed on Nablus had compromised the ability of aid agencies to deliver services to refugee populations in the city:

Israeli moves to control movement in and out of the city of Nablus are thwarting humanitarian aid efforts and damaging the local economy, according to aid agencies and local residents.

...Liz Sime, from the international humanitarian organisation CARE International, said that, “[our] teams lose up to two hours each time they try to exit Nablus, raising costs at an unreasonable rate”.

She added that her organisation, which runs medicine delivery programmes, would like the Israeli army to open special routes for the transport of humanitarian aid.

The UN agency for Palestine refugees (UNRWA) said it was experiencing the same problems as it tries to deliver food and medical aid to more than 42,000 refugees.

There have also been reports that local doctors, social workers and school inspectors working with refugee populations in the Nablus area have not been able to see as many of their patients and clients due to the roadblocks and checkpoints ('OPT: Israeli lock-down cripples Nablus economy' 2007, UN Integrated Regional Information Networks website, 5 February <http://www.irinnews.org/Report.aspx?ReportId=69930> – Accessed 26 November 2007 – Attachment 12).

A January 2008 article published on the International Solidarity Movement website (on which the ISM is described as “a Palestinian-led movement committed to resisting the Israeli occupation of Palestinian land using nonviolent, direct-action methods and principles”) reported that IDF personnel had obstructed, and in several cases, fired on, Palestinian medical personnel attempting to access civilians injured during IDF operations in the city.

Early yesterday morning the Israeli Army invaded the city of Nablus, injuring at least 54 civilians, killing one man, arresting 15 people, and detaining over 50 medical workers.

...Medical workers were specifically targeted, with 56 detained and at least 8 injured. One of the medics was released this morning, while others continue to be held at the Huwarra checkpoint. The Army fired live ammunition on the windshield of a Palestinian Red Crescent Society (PRCS) vehicle and threw a tear gas bomb into another medical vehicle. During the day yesterday, ambulances were denied entry to roads near the Old City and City Center of Nablus, preventing medical personnel from being able respond to injured civilians. The Army also occupied Rafidia hospital, in violation of international law. Ma'an News reports that medic Ahmad Jibril received a rubber bullet to his back, while medics Diya' Balbisi and Tariq As-Sabuh were both wounded by Israeli gunfire ('Israeli army invades Nablus, targets medical workers' 2008, International Solidarity Movement website, 2 January <http://www.palsolidarity.org/main/2008/01/04/israeli-army-invades-nablus-targets-medical-workers/> – Accessed 29 July 2008 – Attachment 13).

A press release published by the Palestinian Medical Relief Society in February 2007 describes the effect of an IDF imposed curfew on the availability of health and education services in Nablus:

The invasion began in the early hours of this morning, February 25, when more than 60 Israeli armored vehicles and bulldozers invaded the city, placing an estimated 50,000 people under curfew and closing the main entrance to the city.

The Israeli military also took over local television and radio stations, ordering people to remain indoors and warning residents that the curfew would remain in effect for several days.

The area around two major hospitals, Al-Watani and Rafidia government hospitals, was declared a closed military zone. Currently, dozens of military jeeps are surrounding both hospitals, blocking their entrances and prohibiting patients from entering or exiting the hospitals.

As such, patients and people with disabilities have been denied access to health and rehabilitation facilities. The Palestinian Medical Relief Society (PMRS) is operating Farah rehabilitation centre in Nablus which is located nearby the besieged Al-Watani Hospital. The

centre has been unable to receive patients referred to the centre by health workers and other medical facilities. Just four out of sixteen patients in need of medical and rehabilitation care have been unable to reach the centre and receive treatment. The rest were unable to do so due to the presence of military jeeps obstructing movement in the area.

In addition, school and university classes have been suspended for an indefinite period of time because of the curfew, denying tens of thousands of students access to their places of study ('Israeli Invasion of Nablus Blocks Access to Healthcare and Education Services' 2007, Palestinian Medical Relief Society website, 25 February <http://www.pmrps.ps/last/etemplate.php?id=186> – Accessed 31 July 2008 – Attachment 14).

A report published on the International Solidarity Movement website in November 2006 described an interruption to electricity services in Balata refugee camp caused by the explosion of a car by the IDF:

Then at 1:30am this morning, a much larger force of soldiers invaded Balata in a numerous jeeps, humvees and tanks and laid virtual siege to the camp. The Israeli army occupied a Palestinian house to set up sniper positions, blindfolding the family and forcing them to huddle in one room. ...at around 4:30am there was a series of explosions followed by a much larger blast as the Israeli army blew up a car on the main street of Balata. The massive explosion knocked out electricity to the entire refugee camp, blew out windows of the neighboring houses, and started a fire that threatened the nearest house. The paramedics called in the Nablus fire department but the Israeli military would not allow any fire trucks to enter the camp

By 5:30am the Israeli soldiers left Balata camp without arresting anyone. Palestinian paramedics and firemen immediately entered the camp to put out the fire and attend to the civilian casualties. Once the fire was extinguished and the wounded evacuated, electricity crews began to fix the electrical wiring to restore power as quickly as possible to the beleaguered citizens of Balata ('Just another night in Balata' 2006, International Solidarity Movement website, 3 November <http://www.palsolidarity.org/main/2006/11/03/balata-03-11-06/> – Accessed 28 July 2008 – Attachment 15).

A 2004 report by an activist in Balata, published on the Electronic Intifada website, noted that a strike by UN workers during a period of regular IDF operations had disrupted educational and sanitation services in Balata:

Balata camp is home to 27,000 internal refugees and a major United Nations relief effort. Unfortunately, UN workers have been on strike for seven weeks. No school, no garbage collection, no medical relief. While in Balata in November we were witness to military incursions on a nearly daily basis. On several mornings international activists and Palestinians met armoured jeeps and APCs at the entrance to the camp, blocking them to the point of being pushed along the narrow street by the vehicles.

Soldiers attempt to enter the camp from alleys and side roads hoping to draw out resistance fighters into clashes in streets crowded with children who are not in school. Sound bombs, tear gas and live ammunition are used to quell the opposition; although it became clear to me after only a day in Balata that every incursion and every shot fired adds to the resistance (Feakins, Tom 2004, 'With the ISM in Balata refugee camp', Electronic Intifada website, 15 December <http://electronicintifada.net/v2/article3435.shtml> – Accessed 28 July 2008 – Attachment 16).

2) Please provide information on the activities of militant organisations, particularly Hamas, inside Balata; and whether there is any evidence of forced recruitment or undue pressure being placed on young males to join these organizations.

Hamas: Activities in Balata and Nablus

A report published by the International Crisis Group in January 2006 noted that in December 2005, Hamas (*Harakat al-Muqawama al-Islamiyya*) had won local elections in Nablus, which had previously been considered a Fatah-dominated city:

In the penultimate round of local elections in December 2005, the most significant to date because of the many cities included, Hamas handily won Fatah's traditional Nablus bastion and also captured Jenin and El Bireh. By the end of the year, it was entrenched not only in its Gaza strongholds but all across the West Bank, in full or joint control of each of the largest towns that had voted except Ramallah. Its councillors had won control of a combined population equal to that under Fatah's leadership, with the difference that Islamist victories occurred in the politically more important urban regions, while Fatah maintained control in comparatively marginal rural areas (International Crisis Group 2006, *Enter Hamas: the Challenges of Political Integration*, Middle East Report no.49, 8 January, p.8 – Attachment 17).

A subsequent International Crisis Group paper from August 2007 reported that in the wake of the Hamas takeover of the Gaza strip in June 2007, Fatah had taken measures to restrict Hamas operations in the West Bank, including Nablus:

During the first half of June 2007, renewed clashes in the occupied Palestinian territories between the Islamic Resistance Movement (Hamas) and the Palestinian National Liberation Movement (Fatah) became a struggle for control of the Gaza Strip. Within less than a week, well-organised, well-armed, highly motivated Islamist forces overran Palestinian Authority (PA) security installations and key Fatah centres, culminating on 14 June with assaults on PA security headquarters and occupation of the Gaza City presidential compound. That evening, President Mahmoud Abbas dismissed the national unity government which took office in March, declared a state of emergency and appointed an "emergency government", led by outgoing Finance Minister Salam Fayyad. These developments sealed the fate of the February 2007 Mecca power-sharing agreement, crafted to prevent precisely such an outcome.

... With Gaza almost literally out of reach, Fatah sought to bolster its position in the West Bank. Militants immediately engaged in reprisals, arresting Hamas activists, shutting down Hamas-affiliated institutions and threatening Hamas municipal councillors to keep them from working. In Nablus, Hamas-run institutions were ransacked, including offices, bookstores and charity organizations (International Crisis Group 2007, *After Gaza*, Middle East Report no.68, 2 August, pp 1, 16 – Attachment 18).

An International Crisis Group report published on 17 July 2008 provides a discussion of the extent to which Hamas' ability to operate in the West Bank has been restricted by the recent Fatah crackdown:

Immediately following Hamas's June 2007 takeover in Gaza, PA security forces, with the help of Fatah militias, undertook a wide-ranging offensive in the West Bank. The Al-Aqsa Martyrs' Brigades turned in Hamas members and sympathisers and physically removed Hamas officials from government positions. "Militias of the Hamas movement" and the "Executive Force" – a formidable policing organisation in Gaza seen as a potential threat in the West Bank – were outlawed, and the security forces pursued a campaign against armed Hamas elements. They dismantled cells of the Qassam Brigades, though the group was never

specifically designated as a target. Security services purged their ranks of suspected Islamists – especially in General Intelligence and Preventive Security – and jailed many.

...Between the declaration of the state of emergency on 14 June and 30 September 2007, Palestinian security forces arrested approximately 1,500 Hamas members and suspected sympathisers. The pace of the anti- Hamas campaign has since slackened. While estimates vary and numbers fluctuate, a Palestinian human rights organisation calculated in early June 2008 that the PA held some 112 Hamas prisoners.

Some Israeli officials believe much of this is illusory and that Hamas could quickly take over the West Bank were the Israeli army (IDF) to withdraw. A close adviser to the defence minister described the PA as “under chapter eleven – bankrupt. They lost Gaza, and the only reason they are holding on to the West Bank is our presence”. Even some PA officials – while defending their accomplishments – admit that Israeli preventive actions are important in stopping attacks on Israelis. Palestinian security officials, while far more sanguine about their capacity to retain control, acknowledge Hamas’s remaining potential, arms caches and a hierarchical organisation that would allow for the rapid remobilisation of fighters (International Crisis Group 2008, *Ruling Palestine 2: The West Bank Model*, Middle East Report No. 79, 17 July, pp. 4-5 (Attachment 19).

Recent reports were located to suggest that Hamas has maintained some presence in Nablus, where their operations have been the subject of Israeli Defense Force attention in 2008:

- A news article published by Haaretz.com on 15 July 2008 reported on recent IDF actions against a variety of Nablus institutions identified as being connected to Hamas, including a refugee aid organization in Balata (‘Palestinians: IDF arrests three Hamas officials in Nablus raid’ 2008, *Haaretz.com*, 15 July <http://www.haaretz.com/hasen/spages/1002293.html> – Accessed 31 July 2008 – Attachment 20).
- A news article published by the *Middle East Times* on 9 July 2008 reported on an IDF raid on the Hamas-controlled mayor’s office in Nablus, noting that the mayor had been in Israeli custody for more than a year (‘Israeli troops raid Nablus mayor’s office’ 2008, *Middle East Times*, 9 July http://www.metimes.com/Politics/2008/07/09/israeli_troops_raid_nablus_mayors_office/afp/ – Accessed 31 July 2008 – Attachment 21).
- An article published on the Haaretz.com website in April 2008 reported on an attack on the Fatah-affiliated governor of Nablus in Balata refugee camp. The article indicated that the identity of the attackers had not been confirmed, but described the camp as a “stronghold” of Hamas (‘Palestinian governor of Nablus attacked on visit to Balata camp’ 2008, *Haaretz.com*, 13 April <http://www.haaretz.com/hasen/spages/974431.html> – Accessed 31 July 2008 – Attachment 22).

Al Aqsa Martyrs Brigades

An International Crisis Group report from 2004 characterised Nablus, and in particular, Balata Refugee Camp and the old quarter of the city, as being a stronghold of the Fatah (*Harakat al-Tahrir al-Watani al-Filastini*) movement:

Nablus and Jenin are, relative to other cities, characterised by the dominance of armed groups. Nablus has traditionally been the main stronghold of the Fatah movement in the occupied

territories. Its Old City (*qasaba*) and the Balata refugee camp in particular continue to be dominated by it to the point of virtual hegemony. An important consequence is that the multiple centres of power within the movement reflect broader divisions within the city's leadership and society. Factional political conflict/within Nablus, therefore, tends to express itself within Fatah and the PA rather than between these and other factions like Hamas. (International Crisis Group 2004, *Who Governs the West Bank? Palestinian Administration Under Israeli Occupation*, Middle East Report no.32, 28 September, p.9 – Attachment 23).

A Human Rights Watch report from 2002 identified Balata refugee camp as the birthplace of the Fatah-affiliated Al-Aqsa Martyrs Brigades (*Kata'ib Shuhada' al-Aqsa*), a militant group which came into existence in 2001/2002 in the context of the Second Intifada:

The al-Aqsa Martyrs' Brigades emerged following the outbreak of Israeli- Palestinian clashes in September 2000 and consists of local clusters of armed activists, most of whom are apparently affiliated with Fatah. The impetus for the formation of the al-Aqsa Brigades came from militants residing in the Balata refugee camp, near Nablus, in late 2000 or early 2001. (Human Rights Watch 2002, 'Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians, Human Rights Watch website, p.77 <http://www.hrw.org/reports/2002/isrl-pa/ISRAELPA1002.pdf> – Accessed 6 November 2002 – Attachment 24).

An International Crisis Group report from 2004 provides a discussion of the activities of the Al-Aqsa Martyrs Brigades in the West Bank, contrasting the overt presence of militants in West Bank cities from 2000 to 2002, with a shift to more clandestine operations from 2002 onwards. The report notes that this shift was accompanied by an increase in involvement of militants in civil affairs and criminal activities:

A key issue is changes that have occurred in the militias' circumstances since September 2000. From their formation in late 2000 until early 2002, they experienced few real constraints within the comparatively safe havens of Area A. Although prominent commanders were at constant risk of assassination by the Israeli air force (and many were in fact killed), the militias enjoyed virtually unrestricted freedom within the cities. They routinely organised public displays of strength; roamed the streets at will, weapons in hand; were constantly available to the media; and made few efforts to conceal their identities.

...This changed significantly in mid-2002. Between the end of Israel's Operation Defensive Shield (March- May 2002, when West Bank cities were re-occupied in full) and the launching of the Road Map diplomatic initiative in mid-2003, Palestinian security forces functioned haphazardly at best, while the militias – which also suffered severe blows – were driven deep underground. Nevertheless, the militias operated more effectively under such circumstances than formal forces that were compelled to disarm. During this period elements associated with militias began to play a more active role in "regulating" security and civil affairs, mediating and prosecuting internal conflicts (whether their own or those of their sponsors), operating extortion rackets (*khawat*) and the like, while complaints about disorder and "the chaos of weapons" became much more widespread (International Crisis Group 2004, *Who Governs the West Bank? Palestinian Administration Under Israeli Occupation*, Middle East Report no.32, 28 September, pp. 23, 24 – Attachment 23).

The same report from 2004 noted that the Al-Aqsa Martyrs Brigades have lacked a unified command structure, and indicated that IDF movement restrictions have contributed to the fragmentation of the organization into smaller, localized units:

Unlike, for example, the Martyr Izz-al-Din al- Qassam Brigades of Hamas, the Al-Aqsa Brigades, by virtue of design and circumstance, have never formed a coherent, disciplined military organisation led by a unified command implementing guidelines and decisions of a

political leadership. Rather, they are led and organised locally, and receive funding, political patronage, and other assistance from a variety of local, national and often foreign sources – much like Fatah itself. This has resulted in a number of phenomena:

- Even within a single city, the Al-Aqsa Brigades are not necessarily unified. In Nablus, for example, there are separate and competing *kata'ib* in the *qasabah* (whose emblem is crossed swords) and Balata refugee camp (whose emblem is crossed Kalashnikovs). Even within the *qasaba*, there are separate militias (sometimes with different names) associated with different quarters and competing commanders.¹⁹¹ Similar divisions can be found in Bethlehem, Ramallah, and elsewhere, and not only within the city, but also between the city and its rural hinterland (some militias incorporate elements from both).
- Over time, and as a result of the combination of Israeli closures and counter-insurgency, this network has become increasingly fragmented, atomised, and localised. According to a prominent Fatah activist from Balata refugee camp, “There is no single *kata'ib* leadership, not even within a single governorate, but they could, under particular circumstances, make common cause with each other” (International Crisis Group 2004, *Who Governs the West Bank? Palestinian Administration Under Israeli Occupation*, Middle East Report no.32, 28 September, pp. 24-25 – Attachment 23).

A news report published in November 2007 by the *Washington Post* noted that during the Second Intifada, Palestinian militants in Nablus and Balata had robbed and blackmailed local Palestinian civilians:

During the second Palestinian uprising, which erupted in 2000, Nablus and Balata became increasingly lawless, and some gunmen involved in fighting Israeli soldiers also blackmailed and robbed local residents (Daraghmeh, Ali 2007, ‘Palestinian Police Seal Refugee Camp’, *Washington Post*, 6 November <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/05/AR2007110500908.html> – Accessed 28 July 2008 – Attachment 25).

An International Crisis Group report published in July 2008 provides provides a discussion of recent efforts made by the Fatah-controlled Palestinian Authority in the West Bank to disband the Al-Aqsa Martyrs Brigades from mid-2007:

In accordance with Abbas’s “one gun, one law, one authority” electoral slogan, the PA set out to remove the Al-Aqsa Martyrs’ Brigades (AMB) and their weapons from the streets. Although there have been occasional exceptions, especially early on, the goal was accomplished surprisingly quickly, a result of both government co-optation and the militants’ acquiescence. The PA’s approach from the start was relatively consensual. While Abbas officially banned the Brigades at the end of June, ten days after issuing a similar decree on the Executive Force and Hamas militias, the government handled Fatah-affiliated militants mainly through individual, cooperative arrangements. Notably, many officials insisted that the PA’s program did not entail permanent disavowal of armed resistance but rather an insistence on central control.

...Opinions differ as to the AMB’s continued existence and operational capability. Some former fighters assert that, dissolution decree notwithstanding, their units’ basic structure remains intact, their relations with the security services amicable, and, should negotiations with Israel fail, they retain the right and ability to resume armed operations. But others take a different view, challenging the notion that the Brigades remain a relevant organisation. Zakaria Zubeida, one of their best-known leaders, said, “there is no such thing today as the

Al-Aqsa Brigades. The fighters are in PA or Israeli jails, back to civilian life or dead”. As he put it, he chose to lay down his weapons because the political leadership had failed to devise a coherent strategy, without which armed action becomes armed action for its own sake...

...The demobilisation process has been varied. In some instances, militants approached the government to negotiate an end to their armed activities; in others the PA took the initiative. In most cases, the government dispatched a delegation, including security chiefs, to cities and refugee camps. At large meetings, the chiefs appealed to the militants’ civic and national duty and exhaustion, promising them a dignified life in return for laying down their weapons. The delegations argued that President Abbas had decided to pursue negotiations, that chaos in Gaza had facilitated Hamas’s takeover, and the same could occur in the West Bank. They also offered to help the militants normalise their lives, disrupted by years on the run. This included rebuilding houses destroyed by the IDF, paying for their children’s education and finding them work.

The government also agreed to overlook small crimes – a significant inducement given that many had been conducting criminal activity in the name of resistance – though not more serious ones such as extortion and murder. Perhaps most important, the PA has tried to protect some men wanted by Israel through a series of amnesty understandings (International Crisis Group 2008, *Ruling Palestine 2: The West Bank Model*, Middle East Report No. 79, 17 July, pp. 6-7 – Attachment 19).

The same report also provided details on the campaign launched by the Palestinian Authority in November 2007 to improve security in Nablus, noting that Palestinian Security forces had employed a cautious approach to dealing with Al-Aqsa Martyrs Brigades members:

In November 2007, the government began an intense security campaign in Nablus, arguably the West Bank’s most chaotic city. Its goal was to visibly assert the government’s presence, impress the public and bolster security forces’ morale. In doing so, Fayyad ignored the more cautious recommendations of the U.S. security coordinator (USSC), General Keith Dayton, who had advised the PA to spend 2007 on training and equipment procurement, followed by a January 2008 deployment in Jericho. The campaign was expanded to Jenin in May 2008. The result is that the cities which once stood as archetypes of security dysfunction have come to exemplify progress against criminality.

The PA mobilised and deployed some 300 National Security Forces personnel to back the Nablus police. As with the Jenin campaign, Nablus security forces first targeted unregistered or stolen cars in response to local complaints that they constituted the biggest annoyance. Often driven at excessive speeds, lacking insurance and used to commit crimes, the cars typified the reigning lack of accountability. Similarly, the public display of weapons in streets or at weddings gradually was curbed. Security forces sought to regulate the use of urban space, removing unlicensed sidewalk vendors, smoothing traffic flow, tidying up store- front displays and quieting loudspeakers in the marketplace. The government also moved against criminal gangs engaged in murder, extortion and large-scale theft. In Nablus, the government focused on community policing and public order rather than on AMB militants guilty of serious crimes who refused to surrender and, on occasion, publicly displayed weapons. It preferred a consensual route even when confronted with noncompliance and in any event lacked proper counterinsurgency capacity. p.8 International Crisis Group 2008, *Ruling Palestine 2: The West Bank Model*, Middle East Report No. 79, 17 July, p. 8 – Attachment 19).

News articles were located which reported on a gun battle between Palestinian Authority security forces and Al Aqsa Martyrs Brigade members in Balata Refugee Camp in November 2007. An article published on the *Washington Post* website on 6 November 2007 reported

that the firefight had lasted for more than twelve hours, and that 8 civilians had been wounded. The article also quoted statements by Nablus Governor Jamal Mohsein indicating that Palestinian security forces would maintain a presence in Balata refugee camp:

For several years police had not dared patrol the four refugee camps in and around the city of Nablus or the old downtown market district, where armed militants held sway, but Nablus governor Jamal Mohsein said Tuesday that those days were now over.

“We shall post police in all the camps and in the Old City,” he said. “In the future, nobody will be able to say that the police cannot go here or there”(Daraghmeh, Ali 2007, ‘Palestinian Police Seal Refugee Camp’ , *Washington Post*, 6 November <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/05/AR2007110500908.html> – Accessed 28 July 2008 – Attachment 25).

Another article on the same incident, published in the *Jerusalem Post*, reported that the gun battle in Balata developed from attempts by Palestinian Authority security forces to arrest an Al-Aqsa militant, and suggested a reluctance on the part of the Palestinian Authority to engage militants in the camp:

Gen. Diab al-Ali, the PA security commander of the Nablus area, admitted that Monday’s clashes were not the result of a decision to crack down on unruly members of the Aksa Brigades. He said the armed clashes began after policemen “mistakenly” detained the brother of a Fatah gunman from Balata.

...Balata, the largest refugee camp in the West Bank, has always been considered a hard nut to crack. Several attempts by former PA chairman Yasser Arafat to deploy policemen inside the camp were thwarted by Fatah gunmen, who are esteemed by many camp residents as heroes.

As such, Abbas can’t afford a major confrontation with gunmen from his own faction, especially not when many of them are being pursued by Israel. A crackdown on the Aksa Martyrs Brigades in the West Bank on the eve of the Annapolis conference will only undermine Abbas’s power and depict him as a pawn in the hands of Israel and the US.

That’s why Abbas’s instructions to his security commanders in Nablus were to do their utmost to avoid a confrontation with the gunmen inside the refugee camp and to try to resolve the crisis peacefully (Toameh, K.A. 2007, ‘Analysis: Nablus clashes pose new threat to Abbas’s authority’, *Jerusalem Post*, 6 November <http://www.jpost.com/servlet/Satellite?cid=1192380743984&pagename=JPost/JPArticle/Sho> wFull – Accessed 22 November 2007 – Attachment 26).

It is worth noting a *Reuters* article which reported that Nablus Mayor Jamal al-Mouhsen was attacked while traveling by car in Balata Refugee camp in April 2008. The article reported that the mayor denied the attack was committed by Fatah or Al-Aqsa militants, attributing it instead to Islamic Jihad:

Palestinian gunmen attacked and destroyed the car of a close aide of Palestinian President Mahmoud Abbas on Sunday and Nablus security officials blamed Islamic Jihad.

The gunmen shot at the car of Nablus governor Jamal al-Mouhsen when he travelled in the Balata refugee camp in the city. He was not hurt, although one of his bodyguards was lightly wounded.

A Palestinian force extricated Mouhsen and his entourage from a house in which they sought

refuge in the Balata camp, but the attackers later set about the governor's car and burned it.

Mouhsen spoke to reporters after returning to his office following the attack and said the gunmen who shot at him were not members of his own Fatah organisation or from the al-Aqsa Martyrs Brigades, which is a Fatah offshoot ('Palestinian gunmen attack Abbas aide in West Bank' 2008, *Reuters*, 13 April

<http://www.reuters.com/article/featuredCrisis/idUSL13337852> – Accessed 28 July 2008 – Attachment 27).

Forced Recruitment – Hamas and Al-Aqsa

Reports were located which dealt with the recruitment practices of Hamas and the Al Aqsa Martyrs Brigades. No information was located in the sources consulted to establish that either organisation currently employs forced recruitment.

A UK Home Office Operational Guidance Note published in June 2007 deals with the question of forced recruitment by militant groups in the occupied Palestinian Territories. This report notes that Hamas' military wing, the Izz al-Din al-Qassam Brigade, "is believed to have more than 1,000 active members and thousands of supporters and sympathizers", and with regard to the recruitment of suicide bombers, states that "Hamas recruits its suicide bombers by targeting deeply religious young men, although some bombers have been older". The report arrives at the following general conclusion on the question of forced recruitment by Palestinian militant groups:

There are a number of armed Palestinian groups operating in Gaza and West Bank that support and carry out politically-motivated violent acts. Ideologies are based on nationalist, religious or left wing beliefs, or a combination thereof. There is no evidence of individuals being coerced into membership of any group (UK Home Office 2007, *Operational Guidance Note: Israel, Gaza and the West Bank*, UK Home Office website, June, pp. 15-16 – Attachment 28).

In January 2008, *Jane's World Insurgency and Terrorism* published background papers on both Hamas and the Al –Aqsa Martyrs Brigades. The *Jane's* report on Hamas does not mention forced recruitment. The report provides the following assessment of Hamas recruitment and personnel:

Hamas is a typical popular movement, based on a relatively small nucleus of leading activists, who occupy various positions in the movement's religious and social institutions and circles of supporters at varied levels of involvement.

... Hamas continues to take a far harder line against Israel than Fatah and this, along with its reputation for discipline, has won it increasing support.

... The Izz Al-Din Al-Qassam Brigades operate predominantly out of Gaza with a minor presence in the West Bank ('Hamas' 2008, *Jane's World Insurgency And Terrorism*, 21 January – Attachment 56).

Similarly, the *Jane's* report on the Al-Aqsa Martyrs Brigades makes no mention of forced recruitment. The report provides the following summary of Al-Aqsa recruitment practices:

The core membership of the Al-Aqsa Martyrs Brigades has traditionally been made up of former and active duty Palestinian security service officers; around 30 per cent according to internal AMB estimates. There is now a younger generation of recruits, aged around 18 to 20, which includes Palestinians who were affected by the Intifada in the late 1980s, but were too

young at the time to become actively involved.

...The AMB operate principally in the West Bank with a slightly smaller presence in Gaza. Nablus is the group's main stronghold with a few hundred cadres, leaders, activists and supporters. It is also the main AMB recruiting base ('Al-Aqsa Martyrs Brigades (AMB)' 2008, *Jane's World Insurgency And Terrorism*, 21 January – Attachment 57).

A recent research response published by the Immigration and Refugee Board of Canada on 15 February 2008 reported that no information had been found to demonstrate the practice of forced recruitment by Hamas or Fatah, or any other organisation in the West Bank. The research response does note correspondence from the Palestinian Human Rights Monitoring Group (PHRMG) indicating that "political groups may 'try to convince' students to join their specific movement" (Immigration and Refugee Board of Canada 2008, *PSE102762.E – Palestinian Territory: Occupied: Forced recruitment by Hamas, Fatah or any other organization in the West Bank; in particular whether forced recruitment by these groups occurs in universities; the consequences for individuals who refuse to join these groups*, 15 February, Immigration and Refugee Board of Canada website http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451729 – Accessed 4 August 2008 – Attachment 29).

3) Please provide information on the extent of the Israeli Defence Force's (IDF) operations within the camp since 2005 and the treatment residents have been or are likely to be subjected to as a consequence.

IDF Operations in Balata and Nablus

Reports were located to indicate that Balata refugee camp, and Nablus city, have been the site of frequent and significant military operations by the Israeli Defence Forces since 2002. A *New York Times* article from March 2002 reported that IDF raids in Balata in February 2002 marked the first occasion on which IDF ground troops had entered the camp:

Israeli troops for the first time battled their way into this congested camp and into another camp, in Jenin, today, killing at least 11 Palestinians and losing one soldier in some of the fiercest fighting of the 17-month conflict.

...Although Israel has bombed targets in refugee camps before, the raids marked the first time ground troops had invaded such camps. The soldiers did not make it far into Balata or the Jenin camp, and encountered heavy resistance in both.

The Israeli government said the goal of today's raids had been to deny Palestinian militants havens to manufacture explosives and plan attacks. But Palestinian militants called the Israeli attacks a provocative escalation and promised reprisals, particularly for the attack on Balata, a stronghold of Yasir Arafat's Fatah faction (Bennet, James 2002 'Israeli Troops Raid Arab Camps, Killing 11 in West Bank Fighting', *New York Times*, 1 March <http://query.nytimes.com/gst/fullpage.html?res=9407E3DD1031F932A35750C0A9649C8B63&sec=&spon=&pagewanted=all> – Accessed 28 July 2008 – Attachment 30).

An International Crisis Group report from 2004 indicated that from mid 2003, the IDF had not constantly occupied West Bank cities, but rather had conducted regular incursions:

Since mid-2003, Israel has only rarely occupied West Bank cities for prolonged periods. Rather, it has launched continuous, daily (and nightly) incursions into each of them. These tend to be concentrated on particular districts, neighbourhoods, or even buildings and have

become so routine they are habitually ignored by residents not directly affected. Their purpose varies. Sometimes the army comes in to arrest fugitives or assassinate militants; on other occasions, soldiers search or demolish the homes of militants. Routinely, the military also enters Area A or no apparent identifiable purpose other than “to remind Palestinians who’s boss” and “that Israel’s soldiers can enter whenever and wherever they want”. According to residents of Nablus’s Balata refugee camp, the West Bank’s largest, “they’re always here, it’s like they never left”(International Crisis Group 2004, *Who Governs the West Bank? Palestinian Administration Under Israeli Occupation*, Middle East Report no.32, 28 September, p. 5 – Attachment 23).

Reports were located on continuing IDF operations in Balata and Nablus from 2005 to 2008. A *New York Times* article published in April 2005 described an IDF operation in Balata that month:

In Nablus, the Israeli soldiers entered the Balata refugee camp to arrest a member of the Al Aksa Martyrs Brigades, who was planning such attacks, the Israeli military said. Israel identified the man as Ibrahim Hashash, while Palestinians gave his name as Ibrahim Isneiri.

Israeli military officials said the man was responsible for several shooting attacks against Israeli civilians and attempted suicide bombings and that his activities were being directed by the Lebanese guerrilla group Hezbollah (Myre, Greg 2005, ‘Arab Slain by Israeli Troops; Abbas Calls It Truce Violation’, *New York Times*, 15 April <http://www.nytimes.com/2005/04/15/international/middleeast/15mideast.html> – Accessed 28 July 2008 – Attachment 31).

Another article published in the *New York Times* in October 2005 reported on IDF operations in Balata during which Al Aqsa gunmen and a teenager were killed:

Early Friday, the army shot and killed two Aksa gunmen in the Balata refugee camp near Nablus during an arrest raid. Later, a Palestinian teenager, Udai Tantawi, was killed as he threw stones, Palestinian officials said; the army said it had been returning fire (Erlanger, Stephen 2005, ‘Israel Kills 2 in Arrest Raid; Hamas Gains in Elections’ *New York Times*, 1 October <http://www.nytimes.com/2005/10/01/international/middleeast/01mideast.html> – Accessed 28 July 2008 – Attachment 32).

The US Department of State report on human rights practices in Israel and the occupied territories during 2006 provides the following general summary of IDF operations in Palestinian populations centres:

The IDF conducted numerous military incursions into Palestinian population centers in response to Palestinian mortar and antitank fire from the centers. These actions often resulted in civilian casualties. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where they believed Palestinian gunfire originated. Palestinian gunmen fired upon Israeli forces and booby-trapped homes and apartment buildings. In response throughout the year, the IDF usually raided and often destroyed these buildings and raided other locations allegedly harboring militants. In February the IDF launched a large-scale military operation into the city of Nablus and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)-run Balata refugee camp; five Palestinians were killed and more than 24 injured. During this operation the IDF and Border Police entered an UNRWA-run girls’ school in Balata Camp and used it for three days as a detention center and firing position, causing extensive damage. UNRWA staff sought compensation and assurances of nonrepetition of similar conduct from the Israeli government; however, the government had not responded as

of year's end (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – Israel and the occupied territories*, 6 March, Section 1.g – Attachment 33).

A report published by OCHA in July 2007 indicated that the IDF had conducted “almost nightly search and arrest campaigns” in Nablus, including its local refugee camps:

Nablus is considered a centre of militant activity by the IDF and has been the focus of large scale military operations. The IDF conducts almost nightly search and arrest campaigns into Nablus and surrounding villages, in addition to its three refugee camps. Between June 2005 and April 2007, for example, the IDF conducted over 1,000 search and arrest campaigns in Nablus governorate – an average of more than 10 each week (UN Office for the Coordination of Human Affairs 2007, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, UN Office for the Coordination of Human Affairs – occupied Palestinian territories website, July, p. 90
http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_full.pdf – Accessed 26 November 2007 – Attachment 10).

As noted above in response to Question 2 of this response, an International Crisis Group paper published in July 2008 noted that Palestinian Authority security forces began patrolling in Nablus in November 2007. The same paper also indicated that while Palestinian Authority security forces patrol during the day, the IDF are responsible for security in Nablus from midnight to 6am, and also reserve the right to conduct additional daytime operations:

The end result has been an awkward, de facto division of labour: even in the cities where Palestinians ostensibly exercise security control – Nablus and Jenin – they only patrol by day, then cede the streets to Israeli operations between midnight and six in the morning. The situation has led some Palestinians to sarcastically evoke a “part-time occupation”. In some instances, Israeli forces enter these and other West Bank cities during daylight hours as well.

Palestinian security personnel complain that nightly curfews interfere with their work, since criminals can move and the situation on the ground changes. But their real grievance with the incursions relates to damage to their credibility. When Israel orders a Palestinian security commander off the street, “it is humiliating and completely undermines our authority”. What is a professional problem for security personnel translates into a political problem for Abbas and Fayyad, as each incursion portrays the PA as powerless to protect its citizens from external assault. That said, the raids also augment PA control, since they chase militants into its security forces’ arms (International Crisis Group 2008, *Ruling Palestine 2: The West Bank Model*, Middle East Report No. 79, 17 July, p. 13 – Attachment 19).

A recent report published in the *Middle East Times* on 24 July 2008 indicated that Israeli Defense Minister Ehud Barak had agreed to scale down IDF operations in Nablus after PA President Mahmoud Abbas threatened to withdraw PA security forces from the city:

The Israeli army will reduce its operations in the West Bank city of Nablus, an official said Thursday after Palestinian president Mahmud Abbas threatened to pull forces out of the flashpoint city.

Defence Minister Ehud Barak has told Palestinian prime minister Salam Fayyad that Israel will restrict its activities in Nablus to the “necessary minimum” in order not to undermine efforts to establish an effective Palestinian police force in the city, the senior defence official told AFP.

...Abbas threatened earlier this week to withdraw his forces from the occupied West Bank city unless Israel halted military raids there.

...The army reserves the right to operate anywhere in the occupied West Bank and carries out near nightly operations in Nablus that the Palestinians say have undermined their security efforts and political credibility ('Israel to scale down ops in flashpoint Palestinian city' 2008, *Middle East Times*, 24 July http://www.metimes.com/Politics/2008/07/24/israel_to_scale_down_ops_in_flashpoint_palestinian_city/afp/ – Accessed 31 July 2008 – Attachment 34).

Impact of IDF Operations: Civilian Casualties

Definitive statistics on the number of casualties caused by IDF operations in Balata since 2005 were not located. A report published by the UN Office for the Coordination of Human Affairs (OCHA) in June 2008 provided statistics on casualties caused in Nablus governorate by direct conflict incidents in the occupied Palestinian territories. It is important to note that the report uses a definition of direct conflict casualties which goes beyond IDF military operations:

“casualties resulting directly from the conflict and occupation of the oPt. These include casualties caused in military operations, artillery shelling, search and arrest campaigns, demonstrations, targeted killing, settler violence, Palestinian attacks on Israelis etc” ('OHCA-oPt Protection of Civilians Summary data tables: Reports to the end of June 2008' 2008, UN Office for the Coordination of Human Affairs – occupied Palestinian territories website, June http://www.ochaopt.org/documents/PoC_tables_June_08.pdf – Accessed 4 August 2008 – Attachment 35).

The report indicated that in 2005, 19 Palestinians were killed in Nablus governorate as a result of direct conflict related incidents. The figure for 2006 was 57 persons; for 2007, 21 persons, and for the first six months of June 2008, 9 persons. The same report also provided figures on injuries sustained in the same circumstance in Nablus, noting 126 injuries in 2005, 486 in 2006, 168 in 2007, and 62 in the first six months of 2008 ('OHCA-oPt Protection of Civilians Summary data tables: Reports to the end of June 2008' 2008, UN Office for the Coordination of Human Affairs – occupied Palestinian territories website, June http://www.ochaopt.org/documents/PoC_tables_June_08.pdf – Accessed 4 August 2008 – Attachment 35).

Numerous reports from varied sources were located on specific incidents of civilian casualties resulting directly from IDF operations in Balata refugee camp and Nablus. A news article published in the *Washington Post* on 23 February 2006 reported that IDF personnel had killed two civilians during a military operation in the Balata Refugee Camp:

Israeli soldiers killed three Palestinian gunmen and two civilians in heavy fighting Thursday in the West Bank city of Nablus, Palestinian hospital officials and the Israeli military said. Two Israeli soldiers and 22 Palestinians were wounded in the gun battles, which unfolded in stages throughout the day.

The clashes were some of the most intense since Israel and a dozen armed Palestinian groups agreed a year ago to abide by a cease-fire. They reflect intensifying Israeli military operations in the West Bank in recent days, particularly in the volatile north.

The fighting Thursday occurred in the Balata refugee camp on the city's edge, witnesses and Israeli military officials said. The military has been operating for several days in the camp, a stronghold of the most potent Palestinian armed groups.

...Physicians for Human Rights-Israel, an independent group based in Tel Aviv, said three medical workers in the Balata camp were injured in the clashes.

In a statement, the group called Israeli gunfire “indiscriminate” and said that medical workers were “placed between stone throwers and Israeli soldiers in what seems to be the use of the ‘human shield’ tactic,” which Israel’s high court recently ruled was illegal.

The Israeli military “completely” denied that soldiers fired indiscriminately into a crowd (Wilson, Scott 2006, ‘Five Killed as Heavy Fighting Breaks Out in West Bank’, *Washington Post*, 24 February <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/23/AR2006022301569.html> – Accessed 28 July 2008 – Attachment 36).

An article published on the website of the International Middle East Media Center in July 2008 reported sources which claimed that 2 civilians had been wounded by IDF gunfire during raids on Balata and Askar refugee camps:

Local sources reported that the Israeli army invaded on Thursday at dawn in Balata and Askar Camps east of the northern West Bank city of Nablus, kidnapping 12 civilians and shooting two others during encounters with the Israeli troops.

Local sources reported that the Israeli army invaded the West Bank city of Nablus with a number of military vehicles and walked through the city’s neighborhoods randomly shooting intensive gun fire (Shawan, Rula 2008, ‘The Israeli army shoots 2 civilians and kidnaps 12 in Nablus city’, International Middle East Media Center website, 17 July <http://www.imemc.org/article/56051> – Accessed 29 July 2008 – Attachment 37).

Impact of IDF Operations: Use of Human Shields

The issue of the use of Palestinian civilians as human shields by IDF personnel in Balata refugee camp and Nablus was raised in a November 2007 report to the UN Human Rights Council by Martin Scheinin, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism:

Despite a decision of the Supreme Court of Israel in 2005 banning the use of human shields, the Special Rapporteur received allegations supported by videotape recordings of recent incidents in Nablus and Balata that Palestinians, including children, continue to be exposed to violence during the conduct of Israel Defense Forces operations by either forcing them to enter potentially dangerous buildings ahead of Israeli soldiers or to stand in front of military vehicles to stop the throwing of stones against those vehicles. Such unprofessional conduct may be deeply traumatizing for the individuals in question, in particular children, and has the effect of causing frustration and anger among the Palestinian people (UN Human Rights Council 2007, ‘Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Martin Scheinin: Addendum: Mission to Israel including visit to the Occupied Palestinian Territory’, UNHCR Refworld website, 16 November <http://www.unhcr.org/refworld/docid/47501e2d2.html> – Accessed 25 July 2008 – Attachment 38).

A news article published on the website of the International Middle East Media Centre reports the following instance of IDF troops using a Palestinian civilian as a human shield in Balata in April 2007:

Eyewitnesses in Balata refugee camp near Nablus reported that Israeli troops used Mahmoud Ji’arim, from the camp as a human shield on Monday morning. Ji’arim was forced to walk

with the soldiers as they went around in the camp and kidnapped five Palestinians ('Eyewitnesses: Israeli army used a young Palestinian as a human shield in Balata Refugee camp' 2007, International Middle East Media Centre website, 23 April <http://www.imemc.org/article/47943> – Accessed 29 July 2008 – Attachment 39).

Information was also located on the IDF practice of occupying civilian homes during military operations. A report published on the International Solidarity Movement website provides details of a home demolition and property damage during "Operation Northern Glory" in Balata refugee camp in February 2006:

The army declared a curfew on the refugee camp the following morning and enforced it for 64 hours, until leaving Balata in the evening of the 21st of February. An unknown number of houses were occupied and used as sniper position, while holding the families inside and restricting them to one room. In some areas of the camp house to house searches were conducted, causing property damages to varying degrees ('IWPS report on the Nablus invasion' 2006, International Solidarity Movement website, 5 March <http://www.palsolidarity.org/main/2006/03/05/human-rights-report-no-239-on-nablus-invasion/> – Accessed 28 July 2008 – Attachment 40).

Impact of IDF Operations: Damage to Property

A report published by B'Tselem in November 2004 provides the following background on the IDF policy of punitive home demolitions:

The declared purpose of the punitive house demolitions is to deter potential attackers by harming the relatives of Palestinians suspected of carrying out attacks against Israelis. Testimonies given to B'Tselem indicate that security forces occasionally use the threat of demolition to pressure relatives of wanted persons to cooperate and turn in their relatives. Israel's policy has left 3,983 Palestinians homeless since the beginning of the current intifada.

This measure does not directly harm the suspects themselves, who at the time of the demolition are not living in the house. According to B'Tselem's statistics, thirty-two percent of the suspected offenders were in detention at the time of demolition, twenty-one percent were "wanted," and forty-seven percent were dead.

In many instances, the IDF also destroyed houses adjacent to the house that was the target for demolition. These cases involved both apartments in the same building as the suspect's apartment, and adjacent buildings (Shnayderman, Ronen 2004 'Through No Fault of their Own: Punitive House Demolitions during the al-Aqsa Intifada', B'Tselem website, November, p. 8

http://www.btselem.org/report/200411_Punitive_House_Demolitions_Eng.pdf – Accessed 4 August 2008 – Attachment 41).

An article published in the *Washington Post* in February 2005 reported that the IDF had announced its intention to abandon the practice of punitive home demolitions:

Israel will abandon a decades-old policy of demolishing the homes of Palestinian suicide bombers and gunmen, accepting an army panel's assessment that the practice does not deter attacks and should be stopped, the military said Thursday.

The decision means an end to a policy that has led to the destruction of more than 1,800 Palestinian homes as punishment since Israel captured the West Bank and Gaza Strip in the 1967 Mideast war, including 675 during the past four years of fighting, the Israeli human rights group B'tselem said.

Human rights groups have condemned the demolitions as collective punishment and have demanded for years that they be halted. B'tselem says the policy violates international law.

...Punitive demolitions during the last four years have left 4,239 Palestinians homeless, most of them in the West Bank, B'tselem said. Since 2000, more than 1,000 Israelis have been killed in bombings and shootings.

The human rights group says the Israeli military has destroyed more than 4,000 Palestinian homes during the current conflict. Most were razed in operations to clear away buildings used by militants as cover for attacks or to widen security roads. Those practices were not included in Thursday's decision.

...The three-story home belonging to the family of Ala Sanakra, local leader of the violent Al Aqsa Martyrs' Brigade in the West Bank refugee camp of Balata, was demolished last fall after he recruited a 19-year-old woman from a nearby camp to blow herself up at a busy Jerusalem junction, killing herself and two Israeli policemen (Laub, Karin 2005, 'Israel to Halt Demolition of Palestinian Homes', *Washington Post*, 17 February – Attachment 42).

A subsequent report published on the International Solidarity Movement website provides details of a home demolition and property damage during "Operation Northern Glory" in Balata refugee camp in February 2006:

In the early morning, the army surrounded the house of the Hamami family in search of Ahmad Abu Ras, 28, and arrested him and another person. In an act of collective punishment they then destroyed the house ('IWPS report on the Nablus invasion' 2006, International Solidarity Movement website, 5 March
<http://www.palsolidarity.org/main/2006/03/05/human-rights-report-no-239-on-nablus-invasion/> – Accessed 28 July 2008 – Attachment 40).

Another report published on the International Solidarity Movement website provides details of damage to homes during an IDF operation in Balata Refugee camp in November 2007:

The November 7 Israeli Occupation Forces (IOF) invasion of Nablus' Balata refugee camp left one two-story home destroyed by IOF-detonated explosions and another home damaged by a grenade and random shooting. Local sources further report that several homes in the camp were also invaded and ransacked by Israeli soldiers. Witnesses report up to 40 military vehicles having entered the camp, ending the siege with the detention of 25 Palestinians.

One family in Balata awoke at 2 am to soldiers' firing from the street at the walls of their 3-story home. As with most of the homes throughout Balata, the family has suffered numerous IOF attacks over the years, evidenced by the grandmother's testimony as well as the testimony of the walls themselves. The grandmother and one granddaughter pointed out deep pocket marks on the balcony of the living room from the IOF shooting days before. Similar bullet holes, even deeper, punctured the outer cement wall of a bedroom on the same side of the house. Off that wall, the balcony's wrought iron railing was twisted, deformed from an IOF hand grenade tossed up from the road. The explosion further cut into the concrete side of the balcony ('IOF Demolishes Balata Camp Home, Renders 25 Homeless' 2007, International Solidarity Movement website 11 November
<http://www.palsolidarity.org/main/2007/11/11/iof-demolishes-balata-camp-home-renders-25-homeless/> – Accessed 28 July 2008 – Attachment 43).

Information was also located on the IDF practice of forcing passage through civilian homes in Balata refugee camp. A report published by the *New York Times* in 2002 provides details of an incident where IDF troops broke through the walls of a house in Balata:

... Three days of fighting have shattered Balata, which with 22,000 residents is the most populous camp in the West Bank.

... The army was not able to push far into the camp's twisting alleys with armored vehicles. Rather than risk walking in the open, the soldiers used saws, explosives, and hammers to open holes in walls between houses.

Ali Hamada, 47, guiding a stranger into his house, said he heard a soldier announce he was coming in. "I tried to open the door, but he said, 'I don't want to come through the door, I want to come through here,'" indicating the wall. Soldiers tore a hole in the wall. After entering, they painted black arrows on the walls of the darkened house to guide them along, apparently to a room next door. They made their way to that room, and stayed there, their guns ready.

Mr. Hamada said his family had been forced from the two upper floors onto the first floor. Almost 30 children from the extended family were huddled in two first-floor rooms. "The children are scared to death," he said (Bennet, James 2002, 'Israelis Say Arms Are Found In Search of 2 Refugee Camps', *New York Times*, 3 March <http://query.nytimes.com/gst/fullpage.html?res=9F01E3D71E31F930A35750C0A9649C8B63&sec=&spon=&pagewanted=all> – Accessed 28 July 2008 – Attachment 44).

A 2007 article by architect Eyal Weizman provides background on the IDF practice, known as 'walking through walls', of forcing passage through civilian homes:

The maneuver conducted by units of the Israeli military during the attack on the city of Nablus in April 2002 was described by its commander, Brigadier General Aviv Kochavi, as "inverse geometry," which he explained as the re-organization of the urban syntax by means of a series of micro-tactical actions. During the attack, soldiers moved within the city across hundred-meter-long "over-ground-tunnels" carved out through a dense and contiguous urban fabric. Although several thousand soldiers and hundreds of Palestinian guerrilla fighters were maneuvering simultaneously in the city, they were saturated within its fabric to the degree that most would not have been visible from an aerial perspective at any given moment. Furthermore, soldiers did not often use the streets, roads, alleys, or courtyards that constitute the syntax of the city, as well as the external doors, internal stairwells, and windows that constitute the order of buildings, but rather moved horizontally through party walls, and vertically through holes blasted in ceilings and floors. This form of movement is part of a tactics that the military refers to in metaphors it borrows from the world of aggregate animal formation as "swarming" and "infestation." Moving through domestic interiors this maneuver turns inside to outside and private domains to thoroughfares. Fighting took place within half-demolished living rooms, bedrooms and corridors of poorly built refugee homes, where the television may still be operating and a pot may still on the stove.

... The tactics of "walking-through-walls" involved a conception of the city as not just the site, but as the very *medium* of warfare...(Weizman, Eyal 2007, 'Walking Through Walls', European Institute for Progressive Cultural Policies website, January <http://eipcp.net/transversal/0507/weizman/en> – Accessed 4 August 2008 – Attachment 45).

4) Please provide information on restrictions on freedom of movement on residents of Balata, and advise whether residents, particularly males under the age of 35, are able to

leave the camp for work or other purposes and the treatment they are likely to be subjected to by IDF personnel at checkpoints.

General Movement Restrictions in the West Bank

The US Department of State report on human rights practices in Israel and the Occupied Territories in 2007 provides information on internal movement restrictions in the West Bank, and states that periodic movement restrictions were placed on males from the ages of 16 to 36 in Nablus and other cities:

The PA generally did not restrict freedom of movement. The IDF restricted the movement of Palestinians, and frequently heightened these restrictions citing military necessity. These restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism and NGO activities.

...In the aftermath of terrorist attacks or during military exercises, Israeli authorities prohibited travel between some or all West Bank towns. Such “internal closures” were supplemented, during periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, by “comprehensive, external closures,” which precluded Palestinians from leaving the West Bank. The IDF imposed temporary curfews confining Palestinians to their homes during arrest operations; during the year, the West Bank was under curfew a total of 873 hours (US Department of State 2008, *Country Reports on Human Rights Practices for 2007- Israel and the Occupied Territories*, March 11, Section 2.d – Attachment 46).

The 2007 report on the Israeli Occupied Territories produced by the U.S. Committee for Refugees and Immigrants provides an overview of movement restrictions affecting refugees in the West Bank in 2006:

Authorities did not restrict refugees’ places of residence but the entire Palestinian population, including refugees, was subject to severe movement restrictions and required Israeli permits to travel between West Bank and Gaza, to enter East Jerusalem, to enter Israel, or to travel abroad. The Government could deny permits for any or no reason without meaningful appeal.

... Curfews in the West Bank, combined with about 520 checkpoints (up from 470 the year before) and the barrier and its associated regulations, cut the territory into three areas and impeded refugees from visiting families, places of work, schools, medical facilities, and farmland. The IDF deployed an average of nearly 600 mobile flying checkpoints per month (up from nearly 200 the year before) for a few hours at a time, often on key transit roads during peak travel times. Israel maintained 40 permanent, staffed checkpoints, preventing movement between Palestinian communities inside the West Bank, and another 32 checkpoints as the last inspection points between the West Bank and Israel, some of which were well inside the West Bank. Israel also put up hundreds of physical obstructions, closing off roads and preventing access to and from Palestinian communities (U.S. Committee for Refugees and Immigrants (USCRI) 2007 “Israeli Occupied Territories”, U.S. Committee for Refugees and Immigrants website <http://www.refugees.org/countryreports.aspx?id=2003> – Accessed 30 April 2008 – Attachment 47).

Movement Restrictions in Nablus and Balata

Information was located to indicate that significant restrictions are imposed by Israeli security forces on the movement of Palestinians into and out of Nablus city. A report by B’Tselem provides information on internal divisions imposed in the West Bank by road closures and checkpoints:

The restrictions on movement that Israel has imposed on Palestinians in the West Bank have split the West Bank into six major geographical units: North, Central, South, the Jordan Valley and northern Dead Sea, the enclaves resulting from the Separation Barrier, and East Jerusalem.

The North section includes the Jenin, Tulkarm, Tubas, and Nablus districts, except for the portions of these districts that lie in the Jordan Valley and in the Separation Barrier enclaves. More than 840,000 Palestinians live in this section.

...In addition to the restrictions on movement from area to area, as described above, Israel severely restricts movement *within* the areas, breaking them up into sub-areas and controlling the movement from one to the other.

...Enforcement of internal movement prohibitions in the North section separates the besieged Nablus area from the nearby villages and from the other districts in the northern West Bank – Jenin, Tubas, and Tulkarm.

...The Nablus area, which includes the city, three refugee camps, and fifteen villages, contains over 200,000 persons. It has been under siege for six years. Entry and exit is possible only via four checkpoints that surround it. Crossing the checkpoints entails stringent checks of persons, vehicles and goods in both directions. Entry of passenger vehicles is not allowed without a special permit. Physical obstructions block all the other entrances and exits to the area.

...The four checkpoints are Huwara, at the southern entrance to the city; Beit Iba, on the west; al-Badhan, on the north; and Beit Furik, on the east. Entrance via the Beit Furik checkpoint is restricted to residents of Beit Furik and Beit Dajan. Another checkpoint, 'Awarta Checkpoint, is used for goods entering the city. (B'Tselem 2007 'Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank', B'Tselem website, August, pp.31-32, 39-40 http://www.btselem.org/Report/200708_Ground_to_a_Halt_Eng.pdf – Accessed 25 July 2008 – Attachment 48).

A 2008 report published on the Monitoring Israeli Colonization Activities in the Palestinian Territories website identified Balata camp as being situated within the “besieged” area of Nablus city:

A new Israeli military order signed by the commander of the Israeli defense forces in Judea and Samaria, major General Ya'eir Neve Aloff, on the 19th of April 2007, (Order with regard to security instruction 'Judea and Samaria' number 378 of the year 1970) officially declares Nablus city and 15 other Palestinian villages around it as 'Siege Area'. The order also assigned 6 main Israeli checkpoints (crossing points) to control the ins and outs of Palestinians living in those 16 communities. The 'siege area' includes the following communities: Zuwwata, Qusin, and Nablus city, Beit Iba, Beit Wazan, 'Azmout, Al Juneid, Deir Hatab, Salem, Sarah, Askar Camp, Balata Camp, Tal, Iraq Burin, Rojeib and Kafr Qalil (Tightening the siege on Nablus city and 15 other Palestinian villages surrounding it' 2008, Monitoring Israeli Colonization Activities in the Palestinian Territories website, 1 June http://www.poica.org/editor/case_studies/view.php?recordID=1413 – Accessed 1 August 2008 – Attachment 49).

A closure map from April 2008, produced by OCHA, identifies the position of Balata Refugee camp on the south-east side of Nablus city, and pinpoints the location of the checkpoints which regulate movement from Nablus. No checkpoints are identified between Balata camp and the main populated area of Nablus city (United Nations Office for the

Coordination of Humanitarian Affairs Palestinian Territory 2008, 'West Bank Closure – Nablus', in *West Bank and Gaza Closure Maps*, United Nations Office for the Coordination of Humanitarian Affairs Palestinian Territory website, April, p.3
http://www.ochaopt.org/documents/Map_Booklets_April_2008_A3_Web.zip – Accessed 25 July 2008 – Attachment 50).

A report published by the UN Office for the Coordination of Human Affairs in June 2008 provides information on flying (or mobile) checkpoints in Nablus governorate, indicating that 220 checkpoints operated in 2005, 653 in 2006, 259 in 2007, and 124 in the first six months of 2008 ('OHCA-oPt Protection of Civilians Summary data tables: Reports to the end of June 2008' 2008, UN Office for the Coordination of Human Affairs – occupied Palestinian territories website, June http://www.ochaopt.org/documents/PoC_tables_June_08.pdf – Accessed 4 August 2008 – Attachment 35).

Movement Restrictions on Males aged 15 to 35

A 2007 report by B'Tselem details the practice of Israeli security forces of imposing periodic prohibitions on the movement in and out of Nablus of males (and in some cases females) between the ages of 15 and 35:

...One of the unique elements of the siege on Nablus is the collective prohibitions on movement. Such prohibitions have been imposed, since 2002, on Palestinians with a registered address in the Nablus area who belong to a certain age group, generally 16-35. Usually, the restrictions apply only to males, but on occasion also to females. The prohibitions on movement based on age and gender, which were initially imposed in 2002, were cancelled only in early 2004. In 2006 alone, the movement prohibitions were in force for more than nine months.

... The residents are not informed of the prohibitions on the movement of a particular group, despite the army's duty to inform them, and they learn of it only when they reach the checkpoint. To fill in this vacuum and inform the residents of the changing restrictions, Palestinian radio has fixed spots reporting the daily restrictions on movement imposed on residents of Nablus District. In most cases, however, the media itself receives the information from residents and not from Israeli defense officials.

The conditions at the siege checkpoints differ from checkpoint to checkpoint. At the two main checkpoints – Beit Iba and Huwara, the waiting time is generally very long and includes many delays caused by the soldiers.

... persons having a "risk profile" only because of age, who are thus forbidden to leave the area, need a "movement permit in area under encirclement" if they want to get out. However, obtaining the permit entails numerous difficulties: the Nablus DCO is situated outside the area under siege, so the prospective applicant needs to cross the checkpoint to get there. Generally, soldiers at the checkpoint allow only persons with a medical or other kind of certificate, proving the need for a permit, to cross. Those not allowed to cross have to find a relative, friend, or employer to file the application. As a rule, permits to cross the siege are not issued for "ordinary" needs, such as work, family visits, or studies, but only for needs that the authorities consider "humanitarian," such as medical care. The chances of obtaining the desired permit are extremely low, even for those who manage to overcome the hurdles on the way (B'Tselem 2007 'Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank', B'Tselem website, August, pp.40-42

http://www.btselem.org/Report/200708_Ground_to_a_Halt_Eng.pdf – Accessed 25 July 2008 – Attachment 48).

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) produces regular reports on movement restrictions and access in the Occupied Palestinian Territories. A recent report, covering the period from 4 September 2007 to 29 April 2008, characterized Nablus as being strictly controlled by the IDF closure regime, and provided details of recent periodic bans on the movement of males between the ages of 16 and 35 from entering or exiting Nablus:

... The city of Nablus, the neighbouring villages and the adjacent refugee camps continued to be among the areas most negatively affected by the closure regime in the northern West Bank. Movement of persons in and out of this area was tightly controlled by six IDF staffed checkpoints, where all Palestinians were strictly checked and searched. Delays of up to 90 minutes were registered at rush hours. Palestinian vehicles were not allowed to cross these checkpoints, unless they held a special permit granted by the Israeli authorities. An additional staffed checkpoint functioning as a commercial terminal controlled the movement of goods in and out of this area.

... On two occasions during the reporting period, the IDF prohibited residents aged 16 to 35 of four of the six northern governorates (Jenin, Tubas, Nablus, and Tulkarm) from crossing staffed checkpoints leading southwards as well as those controlling access in and out of Nablus. During the first occurrence in September 2007, this prohibition was imposed for three days and affected both males and females. On the second occasion, in February 2008, it lasted for 25 days affecting only males ('OCHA Closure Update May 2008', 2008, United Nations Office for the Coordination of Humanitarian Affairs (OCHA) website, May <http://www.ochaopt.org/documents/UpdateMay2008.pdf> – Accessed 1 August 2008 – Attachment 51; for the previous report see 'OCHA Closure Update October 2007' 2007, United Nations Office for the Coordination of Humanitarian Affairs (OCHA) website, October <http://www.ochaopt.org/documents/ClosureUpdateOctober2007.pdf> – Accessed 1 August 2008 – Attachment 52).

Treatment of Palestinians at Checkpoints in the West Bank

A 2007 report on freedom of movement in the West Bank, produced by Israeli human rights group B'Tselem, characterised checkpoints in the West Bank as sites of regular conflict between Israeli security personnel and Palestinian civilians, and provides an extended discussion, in general terms, of the treatment of Palestinians at checkpoints:

In recent years, the checkpoints have turned into the main friction point of Palestinians and Israeli security forces. The nature of the encounter varies from checkpoint to checkpoint and from day to day. To some of the checkpoints, particularly those at major crossing points between the different sections of the West Bank, numerous Palestinians arrive daily, in an attempt to live a life as normal as possible. Nevertheless, the frequent changes in restrictions create constant uncertainty as to the possibility of crossing. In many cases, the crowded checkpoints, combined with the uncertainty as to whether they will be allowed to pass, generate much tension on both sides. The long waits and the humiliation of Palestinians by soldiers at the checkpoints add to the tension.

Testimonies given to B'Tselem and reports of other organizations indicate the existence of worrisome practices that comprise yet another level of harm to the dignity and rights of Palestinians wanting to cross the checkpoint, these in addition to the restriction on their freedom of movement. Among these practices are the degrading inspection procedures, which include the demand that males expose the upper part of their bodies in public, and detention of residents. The sight of Palestinian males – adults and youths – detained at checkpoints is extremely common in the West Bank. At many checkpoints, there are "positions" used to hold detainees, some isolated by a wire fence and some by concrete blocks or other means. The pretext for detaining them varies, as does the amount of time they are kept at the

crossing. In many cases, the residents are detained for security checks, but soldiers often detain them as punishment or to “educate” them in response for what the soldiers consider arrogance, or an attempt to bypass the checkpoint, or even for trying to talk with a soldier at the checkpoint. In doing so, the soldiers violate army directives. According to information received by B’Tselem, the detention can extend for many hours, at “positions” exposed to heat and cold, without minimal conditions, food, or drink. In many instances, the detention is accompanied by severe degradation and physical and verbal violence by soldiers at the checkpoint.

Cases of direct physical violence by soldiers against Palestinians wanting to cross the internal checkpoints have become an almost daily occurrence since the beginning of the second intifada. Despite the official censure of the violence, it appears that the army officials in charge of enforcing the law on soldiers fail to take measures to bring violent soldiers to justice so as to end the phenomenon. In January 2004, former prime minister Ariel Sharon appointed Major-General (res.) Baruch Spiegel to handle, in the Defense Ministry, the subject of “fabric of life.” One of his first tasks was to examine the effectiveness of the handling of the checkpoints and the humanitarian cases that arise at the checkpoints. The committee he headed identified many problems in the functioning of the checkpoints, among them the harm to the dignity of the Palestinians and the misconduct of soldiers in their contact with the local population; the lack of clarity and uniformity in the procedures on movement and crossing at the checkpoints; problems of behavior, discipline, ethics, and “immorality” on the part of soldiers; failure to learn lessons and lack of swift investigations, enforcement, and timely punishment; lack of personnel sufficient to provide adequate professional response, primarily at peak hours; and lack of sufficient physical infrastructure, which impairs efficiency and regular passage of people and vehicles at the checkpoint. The committee also recommended a number of potential solutions to rectify the situation at checkpoints, only some of which were implemented (B’Tselem 2007 ‘Ground to a Halt: Denial of Palestinians’ Freedom of Movement in the West Bank’, B’Tselem website, August, pp. 15-16 http://www.btselem.org/Report/200708_Ground_to_a_Halt_Eng.pdf – Accessed 25 July 2008 – Attachment 48).

A report on checkpoints published on the Occupation Magazine website in 2006 provides an example of the treatment of Palestinians attempting to cross from Nablus at the Huwarra checkpoint, south of Balata refugee camp (Zaatara Junction. Trickle of vehicles’ 2006, Occupation Magazine website, source: *Weekly Digest: Reports from Checkpoints*, 6.8.06–12.8.06, 6 August http://www.kibush.co.il/show_file.asp?num=15769 – Accessed 26 November 2007 – Attachment 53).

Curfews in Balata and Nablus

While information was not found to indicate that movement in and out of Balata refugee camp is regulated by a permanent checkpoint, reports were found of temporary curfews being imposed, and of the effective restriction during IDF operations of movement from, and within, the camp.

A report published by the UN Office for the Coordination of Human Affairs in June 2008 indicated that curfews had been imposed for a total of 243 hours in Nablus governorate during the first six months of 2008, compared to 314 hours during the entire year of 2007, 342 hours in 2006, and 379 hours in 2005 (OHCA-oPt Protection of Civilians Summary data tables: Reports to the end of June 2008’ 2008, UN Office for the Coordination of Human Affairs – occupied Palestinian territories website, June http://www.ochaopt.org/documents/PoC_tables_June_08.pdf – Accessed 4 August 2008 – Attachment 35).

A 2006 report by a volunteer with the Palestinian Medical Relief Committee described a curfew in Balata refugee camp during an IDF operation, indicating that the perimeter of the camp was surrounded by tanks:

The entire refugee camp was under curfew when I arrived on the second day of the “incursion”. The Army had instructed people not to leave their homes. All the shops were shut but people roamed the streets in open defiance of the curfew. Many people didn’t feel safe so they stayed at home, peering out of their windows. Before I had even made it to the camp 2 boys had been killed on the roof of their house by a sniper. The Israeli army frequently occupies houses in Balata (even when not involved in a full on “incursion”). They hold families hostage to prevent the houses from being attacked. During the invasion there were 5 occupied houses. Jeeps were driving up and down the street. This is all despite Nablus and Balata being Area A, meaning that after Oslo these areas were supposedly meant to be under the control of the Palestinian Authority. Still all the Israeli Army need to do is contact the Palestinian Authority and instruct their police to get out and they have to comply. Jeeps moved up and down the streets of Balata whilst tanks surrounded the perimeter (Healy, Harrison 2006, ‘Invasion of Balata’, International Solidarity Movement website, 1 March <http://www.palsolidarity.org/main/2006/03/01/invasion-of-balata/> – Accessed 28 July 2008 – Attachment 3).

A report published on the Arabic Media Internet Network website in January 2004 provides a description of the effects of a military siege of Balata refugee camp, indicating that the camp had been completely sealed off, and that deliveries of food and medicine had been denied access to the camp:

Nablus has been under siege for the last 10 days while Balata refugee camp has been under siege for the last 18 consecutive days. We have just heard that every single entrance and exit to Balata has been sealed off completely. No food or medicine is being allowed in. Medical relief teams are being obstructed and at times completely prevented from passing through. Activists from the International Solidarity Movement (ISM) were attacked while carrying out their missions to observe and bear witness on how the Israeli occupation authorities are brutalizing the Palestinian population.

... Reports from Balata indicate that a deliberate starvation campaign is being carried out by the Israeli military which has sealed off the Camp and refuses to allow food and medicine to get through every single alleyway and formal or informal entrance. A few days ago, the Israeli military shot and injured four people who were walking a funeral for an old woman who passed away. No demonstrations or political events were taking place in or around the funeral (Abdulhadi, Rabab 2004, ‘Appeal from Nablus: Lift the Siege of Nablus, Balata and Beit Foreek’, Arabic Media Internet Network website, 3 January <http://www.amin.org/look/amin/en.tpl?IdLanguage=1&IdPublication=7&NrArticle=14150&NrIssue=1&NrSection=3> – Accessed 28 July 2008 – Attachment 54).

Reports were located which indicated that in 2002, Balata refugee camp had been isolated by a temporary checkpoint which had been constructed within Nablus city. Information was not located to indicate that that this situation is still in place. An article published in the *New York Times* in December 2002 reported that the Israeli Defense Force had restricted access between the east and west sides of Nablus, using dirt mounds to block roads, and operating a temporary checkpoint to regulate traffic between the two sides of the city:

Most days, Palestinians wait for hours to leave or enter Nablus to work, study or go to the hospital. Many are halted and their identification checked inside the city limits. The army has

split Nablus in half, erecting a head-high dirt barrier on one east-west main road and partially blocking the other road.

Often, a tank is parked by the partial barrier, and soldiers search each vehicle. The army says even ambulances may be transporting weapons or wanted men (Bennet, James 2002, 'In Nablus, Strife Dims Dreams and Daily Life', *New York Times*, 29 December <http://query.nytimes.com/gst/fullpage.html?res=9A05E2DE173FF93AA15751C1A9649C8B63&sec=&spon=&pagewanted=all#> – Accessed 28 July 2008 – Attachment 4).

An article published on the Electronic Intifada website in September 2002 described Balata as having been isolated from the rest of Nablus:

'Can you go to Balata refugee camp?', I asked a taxi driver, who still tries to work in Nablus, a city under curfew, avoiding Israeli tanks when he spots them. All taxi drivers were laughing at me, when I asked about Balata refugee camp. How could I know that Israeli bulldozers destroyed the street that connects the eastern part of the city with the western part.

It is impossible to reach Balata by car. All refugees, residing in the three camps in that area, as well as the village surrounding Nablus, as well as Palestinians from other towns and villages won't be able to enter my city.

This means that no one can travel from the western part of Nablus to Ramallah or to the refugee camps or to the villages ('Nablus: "Can you go to Balata"' 2002, Electronic Intifada website, 13 September <http://electronicintifada.net/v2/article666.shtml> – Accessed 28 July 2008 – Attachment 55).

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