

## **IV. Recent Developments and Conclusions**

### **Recent Developments from March 1991 to May 1993**

After the Gulf War curfew, the Palestinian population of the Occupied Territories remained seriously at risk. Although the international events that prompted the curfew are now well past, the internal conditions that defined the nature and severity of the curfew remain. As this report goes to press, economic conditions have worsened, largely because of strict new restrictions on movement and on employment inside the pre-1967 borders of Israel imposed on Palestinians as a result of a closure on March 30, 1993. This closure, of indefinite duration, bans entry of Palestinians into Israel and East Jerusalem

Meanwhile, army violence continues. In 1992, 112 Palestinians were shot dead by Israeli security forces. In 1991, 94 Palestinians were shot dead by Israeli security forces by use of excessive and unjustifiable force.<sup>147</sup> In the first five months of 1993, 106 Palestinians were killed by Israeli gunfire. Interrogations continue to involve intimidation, physical and psychological violence, threats of deportation and long detention without a proper trial.

Israeli authorities did not end their obstruction of the health care system in the Occupied Territories when they lifted the long Gulf War curfew. They continued to require passes for entry into Jerusalem, impeding access to the major Palestinian hospitals. Local authorities sometimes refused to issue such passes; occasionally they demanded unfair tax payments or placed other conditions on issuing a pass.<sup>148</sup>

---

<sup>147</sup>PHRIC, Fact Sheet, June 1993.

<sup>148</sup>PHR telephone interview with AIPPHR, August 1992.

During the period immediately after the curfew -- from late February 1991 until July 1991 -- the authorities obstructed movement most intensively. Augusta Victoria Hospital in East Jerusalem, the largest referral hospital for refugees, stated that in the third week of March 1991, only 9 out of 40 regular weekly out-patients had been able to reach the hospital's clinic.<sup>149</sup> Subsequently, patient visits increased slowly, but have never returned to pre-curfew levels.

Hard-pressed Palestinian health personnel took on an onerous new responsibility: insuring patients' access to health institutions. Dr. Rustum al-Nammari of Maqassed Hospital reported in May 1991 that he still had to visit the West Bank and Gaza to check up on patients, select those who needed hospitalization, apply for passes, and arrange for their transportation to Jerusalem.<sup>150</sup> Authorities continued to refuse passes to staff of hospitals and health organizations. For many weeks after the curfew, several staff members of the Central Committee of Red Crescent Societies, with headquarters in the East Jerusalem suburb of Beit Hanina, had to travel to work in the car of the Committee's director, Muhammad Awartani, since he was the only staff member possessing a pass. Authorities had also imprisoned ten of the society's staff of 28 --without trial-- as of late April 1991.<sup>151</sup>

Even the simplest meeting or equipment repair faced the possibility of official obstruction. In May 1991, more than two months after the curfew, the Child Development Center in Gaza

---

<sup>149</sup>MAP-Canada, "Occupied Territories: Damage Report," March 26, 1991.

<sup>150</sup>PHR interview with Rustum al-Nammari, M.D., East Jerusalem, May 5, 1991.

<sup>151</sup>PHR interview with Muhammad Awartani, M.D., Beit Hanina, April 27, 1991.

City told PHR it had been trying for three days to get a pass to take a vital electroencephalogram (EEG) unit to Jerusalem for repair. Before the war, the procedure would have taken a few hours at most.<sup>152</sup>

In 1993, the current closure has kept Palestinians from travelling to Israel or East Jerusalem for specialized medical care. Delays and high refusal rates for permits have kept many Palestinians from reaching hospitals for needed medical care. Applicants generally have to wait from at least three hours up to 24 hours to receive passes. When received, most passes are valid only for short periods of time. In 1993 a patient, an elderly man from Ramallah, reportedly died before he could be rushed to the only hospital that services refugees. His relatives spent 3 days trying to get him a permit.<sup>153</sup>

Specialized hospitals and outpatient treatment care facilities (maternity, ophthalmic, refugee facilities, emergency, CT Scan) are inaccessible to West Bank and Gaza residents under closure. West Bank residents constitute 80% of all patients. In Jerusalem, 80% of all workers are from the West Bank.<sup>154</sup>

In 1993, delays at checkpoints delay medical care for women during labor and endanger the lives of the mother and baby. Two women reportedly delivered at checkpoints after being delayed by soldiers entering Jerusalem.

On April 10, 1993, 26 handicapped children (aged 3-13) from the West Bank and Gaza Strip reportedly couldn't go back to

---

<sup>152</sup>PHR interview with Geraldine Shawwa, executive coordinator of the Child Development Center, Gaza City, May 2, 1991.

<sup>153</sup>UPMRC, "Prolonged Military Siege Threatens the Health of a Nation," June 7, 1993.

<sup>154</sup>PHRIC, "From the Field, The Collective Punishment of Closure," March/April 1993.

the Princess Basma Institute for Rehabilitation of the Handicapped after their vacation because they had not been granted passes.

As of May 1993, the Civil Administration had not granted permits to all doctors. Those who received permits can only work from 5:00 a.m. to 7:00 p.m. Jerusalem hospitals are unable to provide evening emergency care or adequate round-the-clock care.

In Gaza, hospitals and UNRWA centers are experiencing problems in receiving permits for patients requiring medical treatment in hospitals outside the Strip. No medical personnel are allowed to accompany patients in ambulances.

Though the long Gulf War curfew ended in late February 1991, local curfews extended the crisis in many communities to seven or eight continuous weeks -- even more in some cases. During February, authorities imposed curfews on 99 localities, for a total of 604 curfew days, including a round-the-clock curfew of 27 days in Awarta neighborhood of Nablus.<sup>155</sup>

The West Bank town of Anabta, where authorities had first imposed a round-the-clock curfew on December 28, 1990 endured over three weeks' additional curfew-- through March 23, 1991. Altogether, Anabta's 7,000 residents endured 74 straight days of curfew, with only five short breaks. The Association of Israeli-Palestinians Physicians for Human Rights reported that authorities kept the town's two private clinics closed during this period and that they rejected requests by doctors, who make regular visits to Anabta, for permission to enter the town. Only the government clinic remained open: with one nurse and no doctor.<sup>156</sup>

---

<sup>155</sup>PHRIC, "Update: March 1991," 31.

<sup>156</sup>AIPPHR, Curfew in the Town of Anabta, 2. The doctors who requested curfew passes are: Yasser Hourani from Baq'a al-Sharquiya, who is the director of the Red Crescent clinic in Anabta; and a gynecologist and a pediatrician from Tulkarm, who normally come to the

Later in 1991, punitive and prolonged curfews continued. In October, authorities imposed curfews on 59 localities for a total of 194 curfew days, including a 12-day curfew in Hebron and an 11-day curfew in Nablus -- two of the territories' largest cities. Balata Camp, a frequent target, endured nine curfew days that month. December 1991 also saw many curfews: 35 localities for 182 curfew days, among them Ramallah for two full weeks and Balata Camp for eight days.

The situation in 1992 was scarcely better. In that year, 808 curfews were imposed.<sup>157</sup> In November 1992, the entire Gaza Strip, except Gaza Town, remained under nightly curfew from 7 p.m. to 4 a.m. Gaza Town was restricted from 9 p.m. to 4 a.m. Passes for movement of patients and medical personnel into Jerusalem continue to be an obstruction to health care, as do restrictions on movement out of Gaza. Since March 29, 1993, curfews have been imposed on various areas of the Gaza Strip.<sup>158</sup> As of April 1993, nightly curfews in Gaza remained from 9 p.m. to 4 a.m.<sup>159</sup> Because Jerusalem sits astride the major north-south roads in the West Bank, the pass system effectively cuts the West Bank in two, obstructing even the movement of patients and health workers who are not going to Jerusalem.

The military government has also retained the subjective and unpredictable system of control at checkpoints and has refused to comply with the High Court ruling on movement of patients and medical personnel. Authorities issued a lengthy, legalistic

---

Red Crescent once a week. Local doctors were also not given curfew passes, according to the AIPPHR.

<sup>157</sup>See PHRIC, Press Release, "13 Months," December 8, 1992.

<sup>158</sup>PHRIC, "From the Field," March/April 1993.

<sup>159</sup>Gaza Centre for Human Rights and Law, "Escalation of Collective Punishment in the Gaza Strip," May 2, 1993.

order, with unreasonable requirements, and then failed even to issue it to soldiers in the field. No Arabic version of the order was ever produced. Israeli-Palestinian PHR is considering taking the case again to the High Court.<sup>160</sup>

The army continued to enter hospitals forcibly, without any warning -- on many occasions since the long curfew. On August 3, 1992, armed soldiers entered Rachidia Hospital in Nablus -- a government institution -- and invaded the operating room while a critically injured patient underwent surgery.<sup>161</sup> In April 1993, following a confrontation in Khan Yunis near Nasser Hospital, soldiers entered the pediatrics department and harassed patients and medical staff and broke several pieces of furniture.<sup>162</sup>

The army also continues directly to obstruct health care by closing clinics and restricting access to others. Soldiers built a barrier of cement-filled barrels in front of a Norwegian-sponsored center for the handicapped in the West Bank village of Biddu. Handicapped patients must be carried around the barricade, a difficult and even painful procedure. Repeated requests by the Union of Palestinian Medical Relief Committees, including a request in the summer of 1992, had resulted in no action to remove the barrier.<sup>163</sup>

Israeli forces have continued their dangerous use of toxic gas, including direct use against houses and public buildings. One woman died after excessive exposure to tear gas in the period

---

<sup>160</sup>PHR interviews with AIPPHR, August 1992.

<sup>161</sup>PHR interview with Rouchama Marton, M.D., August 1992.

<sup>162</sup>Gaza Centre for Rights and Law, "Escalation of Collective Punishment in Gaza Strip," May 2, 1993.

<sup>163</sup>PHR interview with Mustapha Barghouthi, M.D., August 1991.

between October 1991 and October 1992,<sup>164</sup> They have also continued to enter homes forcibly, to shoot at the residents and to humiliate them. In October 1992, border police and army used tear gas and gunfire to disperse demonstrators protesting in solidarity with Palestinian prisoners who had undertaken a hunger strike from September 27 to October 15, 1992 to protest prison conditions. Twenty-seven people were shot by live bullets, 16 by plastic-coated metal balls and 3 by rubber bullets.<sup>165</sup> On November 11, 1992, two Palestinians were killed and 17 injured as large-scale military operations were conducted in Khan Yunis refugee camp. Israeli authorities fired rockets, mortars, grenades and strafed machine gun fire into crowds gathered at a funeral for wanted Palestinians who had been killed. Israeli, Palestinian and international human rights monitors agree that overall conditions as of December 1992 have not substantially improved.<sup>166</sup>

Indeed, in 1992, Israeli forces reportedly stepped up their use of undercover units to kill Palestinians, in what appear to be summary executions. The Palestine Human Rights Information Center (PHRIC) has recently released a major report on this subject, which documents 38 deaths since October 1991 (22 of these deaths have occurred since July 1992).<sup>167</sup> The evidence indicates that undercover soldiers ambush Palestinians wanted for political activities or security offenses, shooting them repeatedly above the waist with live ammunition, without any prior attempt to warn or arrest. A total of 15 people in the Gaza Strip were killed by Israeli security forces and 713 treated for injuries as a result of tear gas inhalation, rubber bullets, plastic-coated metal balls and live rounds. At least seven of the 15 Palestinian dead were

---

<sup>164</sup>See PHRIC press release, "13 Months," December 8, 1992.

<sup>165</sup>Gaza Centre for Rights and Law, *Human Rights Situation in the Gaza Strip Deteriorates Since the Israeli Elections*, November 1992.

<sup>166</sup>PHR interviews with al-Haq, B'Tselem, AIPPHR and UPMRC.

<sup>167</sup>See PHRIC, Press Release, "13 Months," December 8, 1992.

deliberately killed in October and November 1992 after they were captured or wounded and under control of undercover soldiers.<sup>168</sup> In November 1992, Israeli security forces used anti-tank missiles to destroy homes of wanted Palestinians in Khan Yunis.<sup>169</sup> Military investigations of these killings have been perfunctory.<sup>170</sup>

Health conditions of Palestinians in Israeli prisons, a subject raised in an earlier PHR report, has become a still more urgent issue in recent months, especially because of Israeli security agents' severe ill-treatment of Palestinian prisoners. The International Committee of the Red Cross (ICRC), the sole international organization with ongoing access to Israeli prisons, normally does not issue public statements, but in 1992 it made a rare exception, prompted by continuing, serious abuses. An ICRC press release of May 21, 1992 charged the Israeli government with ignoring the ICRC's many previous complaints and called on the government "to put an immediate end to the ill-treatment inflicted during interrogation on detainees from the occupied territories."<sup>171</sup> In November 1992, the ICRC reiterated its concerns regarding ill-treatment against prisoners.<sup>172</sup>

---

<sup>168</sup>Ibid.

<sup>169</sup>Gaza Centre for Rights and Law, Human Rights Situation in the Gaza Strip Deteriorates Since the Israeli Elections, November 1992.

<sup>170</sup>PHRIC, *Targeting to Kill: Israel's Undercover Units*, Jerusalem, 1992.

<sup>171</sup>ICRC International Press Release, May 21, 1992. ICRC noted that its efforts over the past two years had failed to stop the violations. It mentioned its prior communique to the Israeli government on July 16, 1991 and its meeting with the Minister of Justice in October 1991.

<sup>172</sup>Agence France Press, November 10, 1992.

In the first eight months of 1992, two Palestinians have died under Israeli interrogation, including Mustafa Akkawi, 35, who died in March 1992 of a heart attack after undergoing interrogation in Shin Bet section of Hebron prison. After Mr. Akkawi appeared in military court following lengthy interrogation sessions, the judge had ordered that he be examined by a doctor. The order was disregarded by jailers and Akkawi died a few days later. PHR sent Dr. Michael Baden, Director of Forensic Sciences at the New York State Police, to perform an independent autopsy. Dr. Baden stated that Mr. Akkawi "died of a heart attack precipitated by the emotional pressure, physical exertion and freezing temperatures he was forced to withstand, along with lack of proper medical care." The body showed evidence of multiple injuries through violence during his 12 days in custody. Israeli interrogators interviewed by Dr. Baden admitted to keeping the prisoner in a tiny freezing corridor for hours, hooded and handcuffed.<sup>173</sup>

Mustafa Barakat, 23, died on August 4, 1992 in Tulkarm Detention Center, only a day after he appeared at the police station for questioning. A student in Amman, Jordan, Barakat had returned to his village in late July 1992 and planned to get married on August 8, 1992. He died of an acute attack of asthma, brought on by conditions in detention. At the request of the family, PHR sent Dr. Edward T. McDonough, Deputy Chief Medical Examiner of the State of Connecticut, to perform an independent pathological examination on August 9, 1992. His report concluded that since Barakat was previously healthy and experienced the attack or attacks after less than 36 hours of

---

<sup>173</sup>Physicians for Human Rights, Press Release, February 12, 1992, "Leading New York Forensic Pathologist States Torture Precipitated Death in Detention in Israel: Rights Group Criticizes Israeli Guidelines Allowing Physical Force"; and Al Haq, "Interim Report on Mustafa Akkawi's Torture and Death: A Response to Israeli Police Investigation Results", p. 1.

detention and interrogation, his death could have been due to severe mistreatment by the Shin Bet authorities.<sup>174</sup>

### Conclusions

Israeli authorities have repeatedly violated rights to life, to freedom from violence and degrading treatment, and to health care of Palestinians, ignoring clear responsibilities under international law. In 1991 they disregarded two important rulings of the High Court which would have broadened the right to health care of Palestinians. Similarly, with rare exceptions, they have failed to take legal action against excessive behavior by soldiers or officers. The Israeli press regularly reports such excesses, but authorities rarely undertake more than perfunctory investigations. In the rare cases that come to trial, those found guilty usually receive light sentences.

Positive conditions for change may exist nevertheless. Israel has a new government, which is engaged in talks with Palestinian representatives. Though the new government has not yet materially altered human rights conditions in the Occupied Territories, it can do so --through new policies of restraint and through negotiations leading to increased Palestinian exercise of their civil, political, social and economic rights.

A second positive condition is the increased willingness of the international community to enforce standards of human rights. PHR believes that international monitoring of the health and human rights situation should be promptly considered -- perhaps by the United Nations or under other auspices.

---

<sup>174</sup>See press release by al-Haq, PHRIC and Mandela Institute on this case, August 10, 1992. In addition, in 1992, two more Palestinians, Muhammed Breis and Hazem 'Eid, died of suicide in prison under circumstances which suggest conditions of detention as a major cause. One Palestinian, Samir Omar, a 17-year-old, died just ten days after release due to choking symptoms that were probably related to his treatment under detention. These cases have been widely reported.