

NORWEGIAN UNIVERSITY OF LIFE SCIENCES



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Responsibility to Express

**A study of local and international organizations working on human rights
in the Israel-Palestine situation**

Noragric

The Department of International Environment and Development Studies,
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Declaration:

I, Lene Espelund, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Date: 10 May 2012

Signature:

Abstract:

The study “Responsibility to express” seeks to answer the question “*How can local and international organizations contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict?*” The objectives are: “*To emphasize how the organizations work to progressively implement or achieve the selected human rights and how they choose what to focus upon*”; “*To examine what could be achieved with human rights work*”; and “*To analyze how freedom of expression plays a role for local and international organizations working on human rights*”. Participants interviewed and observed are the Israeli organizations Machsom Watch, Breaking the Silence and Amnesty International Israel; the Palestinian Human Rights Monitoring Group and the Middle East Non-Violence and Democracy; and the Temporary International Presence in Hebron, the UN Office of the High Commissioner on Human Rights, and Ecumenical Accompaniment Programme in Palestine and Israel. The field work was conducted in Jerusalem August-October 2010, and in Hebron September-December 2011. The organizations focus on the military occupation; the separation barrier, military checkpoints and permit system; demolition of Palestinian houses and building of Israeli settlements; and the use of violence and arrests. The organizations work on collecting and providing information by observing, documenting and reporting on the issues they focus on. Israeli organizations focus on the Israeli policies in the territory, and Palestinian organizations focus on internal issues in the Palestinian society and the occupation. The international organizations work on human rights violations related to the military occupation and the behaviour of the Israeli and Palestinian governments. The organizations meet internal challenges within the organizations, and external challenges related to the society and political situation. The goals of the Israeli organizations are to provide information and contribute to debate about the occupation. The goals of the Palestinian organizations are to focus on human rights internally in the Palestinian society and the Israeli occupation. The local organizations aim to influence the civil society, while the international organizations aim to influence the behaviour of the Israeli and Palestinian governments in addition to the grass root level. All organizations aim to influence both locally and internationally. Freedom of expression is important organizations working on human rights and the responsibility to express is the motivation behind observing, documenting and reporting on the situation. This study shows that local and international organizations work to provide information, knowledge and experiences to create awareness locally and internationally to contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict.

Acknowledgments:

I am very grateful to all the participants for their willingness to share knowledge, experiences and dedication by spending time with me and participate in the research. I admire these people for their engagement with human rights work and the situation in Israel-Palestine. This project has not been possible without your contributions. I am very thankful to my advisor, Bill Derman, for always being there, and for answering questions and giving advises I did not always understand but knew that I should listen to and I have done my best to follow. Thank you for not giving up on me. After my first visit in the Middle East in 2007, there was so much I would like to understand and experience and it became a part of my life. The last years there haven't been many days without thinking, reading, writing and talking about the Israel-Palestine situation. Thanks to the Freedom of Expression Foundation in Oslo for allowing me a stipend to do research in Jerusalem. Thanks to the Norwegian Church Aid for accepting me as a participant in the EAPPI program. Thanks to the Norwegian Trade Union College for providing academic and personal freedom for me to spend time in the Middle East. This project has been a journey of experiences, impressions and reflections. Thanks to my family and friends who have showed support and interest on the way! With gratitude and respect for all people who have been involved and have contributed with thoughts, words and actions – no one mentioned, no one forgotten. All mistakes are solely my responsibility.

Preface:

Unfortunately, it was paradise?

The Middle East – this area is famous and notorious and so often in the spotlight. There is so much to believe, think and say. There are many realities, important stories, contradictory opinions and strong emotions. It is a journey through holy land and occupied territory. The Holy Land is boiling and bleeding, and the passion for the land has captured people in violence and oppression. Jerusalem and Hebron are cities that are united in name, but divided in the hearts and minds of the peoples. When rocks and land in Jerusalem and Hebron become holier than people, then don't these places lose their holiness? It is possible to share in a way that protects human lives and preserves the holiness, but there is a lack of willingness to respect each other's ties to the land. This land is magical and tragic at the same time. There is fear, suspicion and hatred – and faith, love and hope.

An eyewitness gets knowledge and impressions about events through its own impressions and senses – to see, hear, smell, experience and feel. By observing, documenting and reporting, eyewitnesses can provide testimonies with words and pictures of what one has experienced, with a promise of telling its own truth – which is a part of writing the history. It shouldn't be possible to say that it didn't happen. When I'm here, I don't know what to believe – I think everything but know nothing. For my own conscience, I know that I was here...

“The Middle East has become a useless case in my opinion, which I consider as paradise.”

Lene Espelund

Jerusalem, April 2012

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1 Introduction

The study “**Responsibility to express**” is an analysis of local and international organizations working on human rights in the Israel-Palestine situation. The research question is: “**How can local and international organizations contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict?**” The data collection and analysis are focused on three research objectives: (1) “To emphasize how the organizations work to progressively implement or achieve the selected human rights and how they choose what to focus upon.” (2) “To examine what could be achieved with human rights work.” (3) “To analyze how freedom of expression plays a role for local and international organizations working on human rights.” Research methods used are interviews and participant observation. The respondents are the Israeli organizations Machsom Watch, Breaking the Silence, and Amnesty International Israel; the Palestinian organizations, the Palestinian Human Rights Monitoring Group and the Middle East Non-Violence and Democracy; and the international organizations the Temporary International Presence in Hebron (TIPH), the UN Office of the High Commissioner on Human Rights in the occupied Palestinian territory (OHCHR), and the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI). The field work was conducted in August-October 2010 and September-December 2011.

The structure of the thesis is first to present the study area, the Israel-Palestine situation and Jerusalem and Hebron where the research was conducted. The research methods of interviewing and participant observation are presented. The literature review presents the literature used in this study. Then the organizations and persons involved are introduced based on information from the interviews and documents about the organizations. The results chapter defines human rights and human rights violations, and presents the results of the interviews and observations according to the research questions. The analysis chapter discusses the results and information of interviews, observations and literature. The issues the organizations focus on in their work are the military occupation; the separation barrier, military checkpoints and permit system; demolition of Palestinian houses and building of Israeli settlements; and the use of violence, detentions and arrests. These issues are connected to human rights and discusses if and how human rights are violated. The relations between freedom of expression and human rights work and its importance for organizations doing this work are discussed. The conclusion summarizes the text and answers the research questions.

2 Literature review

***Achieving Human Rights*; Richard Falk, 2009:**

This book covers democratic global governance, ‘the power of rights and the rights of power’, orientalism and international law, global democracy, international criminal law, the Holocaust and international human rights, and human rights after 9/11. Chapter 2 about democratic global governance and chapter 3 on orientalism and international law are relevant for the research and analysis in this study. Chapter 6 which discusses the Holocaust and the emergence of international human rights is interesting when analyzing the human rights situation in Israel and Palestine. To discuss the connection between the Holocaust and international human rights is relevant when analyzing the human rights situation. The Holocaust is very important in many ways for the state of Israel, but human rights is looked upon as a very sensitive and difficult issue, and Israel receives a lot of criticism for the human rights situation in the occupied territories from the international community and the United Nations. Chapter 10 and 11 cover the rule of law looking into counter-terrorist justifications and humanitarian intervention. The chapter “Human rights after 9/11” is relevant when analyzing the human rights situation in Israel. The 9/11 has influenced the work and situation of human rights in Israel especially concerning the situation in the occupied territories. To merge the 9/11 challenge as a threat to security with the many pre-existing issues of unresolved resistance and self-determination struggles going on around the world is to denigrate indiscriminately the character of anti-state movements, and to authorize oppressive of governments to rely on suppressive violence seems useful in defending the status quo.

***Bosettere på hellig grunn ("Settlers on Holy Land")*; Hanne E. Røislien, 2006:**

This book about the Israeli settlers in the West Bank covers the settlers and settlements in the occupied territory. The first chapter is ‘Israel is writing the map; why there are Jewish settlers in East Jerusalem and the West Bank’. The second is ‘Settlers on payment; about secular settlements’, the third is ‘Exile; about the Jewish nationalists of the West Bank’. The fourth chapter is ‘Volunteering with God; conversation with a rabbi’, and the fifth is ‘Messiah’s foot soldiers; about cars, settlements, God and Arabs’. The sixth chapter is ‘Bloody reality; about weapons, hating Arabs, and de extreme settlers view on themselves’, the seventh is ‘Jerusalem protectors; about settlers in Jerusalem’s Old City and their fight for the nation’s honor’. The eight chapter is ‘Hilltop youths; about a new generation settlers, about children, violence and

an angry Israeli peace activists’, and the ninth chapter is ‘Hebron; about civil disobedience, how a settlement is created and a holy city that loses its holiness’. This book is about Jewish settlers in the West Bank; men and women, old and young, religious and non-religious, nationalists, idealists, and people who most of all want a cheap place to live. What settlers have in common is that they live on occupied land. This book is about a group of people that by their choice of place to live have contributed to changing the map of the Middle East, and making friends or enemies all over the world. This book explains why these people choose to live in a place where they are hated by their Palestinian neighbors, despised by other Israelis, and heavily criticized in the international community. The settlers are not a marginal group; today the settlers are dominating the map over the West Bank and East-Jerusalem and dominate the daily lives of 2.5 millions of Palestinians. The writer presents her own experiences and reflections from a period of eleven years travelling in Israel and the Palestinian territory. In this book, the Israeli settlers’ voices are heard and the stories and world views are presented.

Drømmen om Israel ("The dream of Israel"); Nils A. Butenschøn, 2006:

This book came in Norway in 2006. The part four of the book is called ‘What kind of state?’ The first chapter is ‘the State of Israel’ looking into the establishment and Israel and a nation state, the second chapter is ‘A Jewish state?’ and looks into the state of Israel as a theocracy, Jewish law against Israeli law, Jewish identity and nation, the state of Israel and the Jewish culture, the political face of Judaism in the state of Israel, and the third chapter is ‘A state for Jews?’ and looks into the state of Israel as a new Israeli nation, a sovereign and independent state, and Zionist ideology in Israeli law. The fourth chapter is called ‘A racist state?’ and looks into if Israel is a racist state. The book discusses the connection between the Jewish problem in Europe and the Palestine-problem in the Middle East, how Zionism is an answer to anti-Semitism, and what kind of nationalism Zionism is. The book discusses the causes of the establishment of the state of Israel as a Jewish national state; how is its relations to Judaism, to Jews outside the state and to the Palestinians, and discusses how the Zionist ideas contributed to the claims for a state for Jews in the land of Palestine, and the relationship between these visions and the state of Israel is today. The first edition came in 1984, and the second in 2006, when it created discussion because of the conflict in the Middle East in 2006.

Human Rights; Michael Freeman, 2002:

The book 'Human Rights – An Interdisciplinary approach' gives a basic and broad introduction and understanding of the human rights field. The chapter 1 'Thinking about Human Rights' covers different thoughts about human rights as a concept, the social science approach to human rights, and the link between politics in human rights law in the social science way of thinking, understanding and using human rights. This chapter was relevant for my study because my research on human rights is in the field of development studies, and it was interesting to think about human rights in social sciences and not only in law. The chapter 3 about the period after 1945 'the new age of rights' covers the UN and human rights in a UN context with the Universal Declaration of Human Rights and how human rights have developed in theory and practice before and after the cold war. For my study this chapter was relevant because it approach human rights as the regime international human rights law developed with the establishment of the United Nations and theoretical and practical aspects of implementation of human rights. The chapter 4 on the role of social science looks into different fields of study such as political science, anthropology and international relations and the approach on human rights. This chapter was useful to develop my understanding of human rights and social sciences and to discover where to relate this study. I have background from political science and interest in human rights it was inspiring to read the chapter to see how to understand the relation between politics and law in human rights, and be able to discuss this connection which is relevant in the Israel-Palestine situation. The chapter 7 discusses the politics of human rights and looks into the role of NGOs in human rights, the national politics of human rights and NGOs in world politics. The conclusion in chapter 9 is reflecting the history of human rights, the objections to human rights, and problems of intervention. This book puts human rights in an academic context and was informative for researching organizations working on human rights issues.

Human Rights and Development; Peter Uvin, 2004:

This book introduces human rights debates of relevance to the development background and human rights in the practice of development; it discusses political conditionality with the history and difficulties conditionality, positive support with the practice and tools of positive support, and the relation between positive support and governance; and the rights-based approach to development. The first chapter covers human rights as a complement to development work. The text refers to the UNDP Human Development Report which describes the practical implications of 'promoting rights in development' which is to launch

independent national assessments of human rights, align national laws with international human rights standards, promote human rights norms, and strengthen a network of human rights organizations. Chapter 6 about the human rights-based approach to development is particularly relevant for this study. The human rights-based approach is based on that boundaries between human rights and development disappear, human rights is a constitutive part of development and social change is rights-based and economically grounded. Human rights cannot be separated from economic and social improvement, and the process is as important as the aims and results. Deprivation and poverty is more than low income; lack of access to health and education, vulnerability, social inferiority, powerlessness and humiliation. The human rights-based approach is connected to the Vienna Conference statements saying that all human rights are indivisible (cannot take one type of rights without the other), interdependent (one set of rights needs the other to be realized), and inter-related (all human rights relate to each other). Amartya Sen states that there are mutual links between freedom and development. The text discusses the vision of a rights-based approach as a framework for analysis and human rights as a process and political matter. The text discusses practical implications of a rights-based approach to development explaining the human rights machinery, capacity building, advocacy, and rule of law. This book states that international development actors need to engage in advocacy. For many development NGOs the human rights-based approach is attention to advocacy. A human rights approach implies looking at causes and policies, and advocacy is to speak out and to pressure for change; advocacy and campaigning are defining international human rights movement and seen as synonymous with human rights work. This is interesting in relation to that human rights work in the Israel-Palestine situation is much about information and advocacy.

Israel/Palestine. The Black Book; Reporters without Borders (ed.), 2002:

This book came in English translation in 2003. The book covers texts that are taken from documents produced by international human rights groups and edited by the international organization Reporters sans Frontières. This book redresses that human rights violations often go unreported in times of war. In Israel and the Occupied Territories there is an ongoing conflict that has killed many thousands and human rights abuses are common but the stories seldom reach the outside world. It provides an authoritative account of human rights violations that have taken place on both sides of the conflict since the start of the second Intifada in September 2000. These texts offer as objective an account as possible of the degradations that both Israelis and Palestinians have suffered. The reports are taken from

groups including Amnesty International, the Palestinian Centre for Human Rights, the Palestinian Human Rights Monitoring Group, Human Rights Watch, the Public Committee Against Torture in Israel, B'Tselem and Reporters sans Frontières. This book brings these abuses to public attention and is an important historical document, and shows what is going on in Israel and Palestine that will be of interest to politicians, NGOs, students and activists.

One state, Two states. Resolving the Israel/Palestine conflict; Benny Morris, 2009:

This book covers ‘the reemergence of one-statism’, ‘the history of one-state and two-state solutions’, and ‘where to?’ The chapter ‘the history of one-state and two-state solutions’ is the main part of the book and consists of different parts; first about the land covering the history of the area, the second is about the Jews and history of Zionism, the third binationalism, and the fourth is about two-statism. Chapter five, six and seven are about the Arabs, binationalism and partition. The eighth, ninth, tenth and eleventh chapter cover the 1960s, PLO and a two-state solution, the year 2000 and the second intifada.

Social Research Methods; Alan Bryman, 2008:

This book has been the main literature on research methods. Chapter 1 “Social research strategies”, chapter 2 on research designs, chapter 3 about research questions, chapter 4 on literature review, chapter 5 on ethics and politics in social research have been relevant for planning, developing and implementing the research project. Chapter 16 about qualitative research, chapter 17 on ethnography and participant observation, chapter 18 “Interviewing in qualitative research, chapter 20 on language in qualitative research, chapter 21 about documents as sources of data, and chapter 22 on qualitative data analysis have been very useful information about methodology, data collection and analysis of the material.

The Absence of Peace - Understanding the Israeli-Palestinian Conflict; Nicholas Guyatt:

This book from 2001 covers the topics greater Israel, Oslo, peacemaking and politics, life under Oslo, Jerusalem, the ‘permanent status’ of Palestine, and alternatives to Oslo. The first chapter covers Zionism and the creation of Israel, 1967 and its aftermath, the settlements, settlements and Israeli public opinion, the intifada, and the road to Oslo. The second chapter covers the declaration of principles, Rabin and Netanyahu’s relations to Oslo. The third chapter covers Israel in search of the ‘doves’, the Palestinians and Oslo, and the international community. The fourth chapter covers the permit system, detention and torture, land confiscation and house demolition, environmental and economic exploitation, and Gaza. The

fifth chapter covers building Jerusalem, town planning, quality of life, permits and the 'quiet deportation', from settlements to suburbs, and sympathy and symbolism. Chapter six consists of the Oslo process, Palestine after the permanent status, and final solutions. Chapter seven covers the two-state solution, the one-state solution, and prospects for the future.

The Clash of Civilizations and the Remaking of World Order; Samuel P. Huntington:

This book came in 2002, based on an article with the title "The Clash of Civilizations?" from 1993 published in the journal Foreign Affairs. This article created more discussion than anything they had published, according to the journal's editor. In the article, Huntington posed the question whether conflicts between civilizations would dominate the future of world politics. In this book, he gives the answer, showing not only how clashes between civilizations are the greatest threat to world peace but also how an international order based on civilizations is the best safeguard against war. Since September 11, his thesis has seemed even more prescient and acute. "The Clash of Civilizations and the Remaking of World Order" is recognized as a classic study of international relations.

The Globalization of World Politics 4 e; John Baylis, Steve Smith, Patricia Owens, 2008:

This introduction to international relations came in 2008. Chapter 29 'Human Rights' covers rights in general, the liberal account of human rights, 1948 and the modern agenda, political and economic rights, and universalism challenged. This chapter explains the international human rights regime and examines problems associated with universal human rights, and starts with the liberal position on human rights and the politics of human rights protection as it developed since 1945. The chapter gives an overview over the history behind the concept of human rights as it is today, introduces the human rights declarations and conventions and discusses the post-1945 development of the human rights regime. The text relates political and economic rights and looks into the different generations of human rights tradition, and looks at development, poverty, freedom and the right of self-determination. The text discusses the aspect of universalism in human rights; 'the universal spread of best practice in human rights matters is in the interest of all people' and the challenges this thought meets in theory and practice, for example the Vienna Declaration on Human Rights which stated that 'the significance of national and regional particularities and various historical, cultural and religious backgrounds'. This text explains and discusses the international human rights regime. The book is important for understanding historical issues, the role of human rights in world politics after 1945, and challenges connected to human rights in the world today.

The Palestine–Israeli Conflict; Dan Cohn-Sherbok and Dawoud El-Alami, 2006:

This book came in 2006. The concept of this book is that it is written by two authors, one Israeli professor and one Palestinian professor, and the book is divided in two parts; one Israeli and one Palestinian. The first part is the Jewish perspective, which consists of ‘the Zionist movement’, ‘beyond first world war’, ‘the Jewish state’, ‘the Six-Day war and its aftermath’, ‘the road to peace’, and ‘before and after September 11’. The Palestinian perspective consists of ‘the origins of modern Palestine’, ‘Palestinians, Jews and the British’, ‘towards the establishment of a Jewish state’, ‘Arabs and Jews’, ‘towards liberation’, and ‘the wall’. In the last chapter, the two authors comment on and debate each other’s texts.

The Shift. Israel-Palestine from border struggle to ethnic conflict; Menachem Klein, 2010:

This book from 2010 consists of five chapters; ‘Historical and Theoretical Background’, ‘A Complete Israeli Victory?’, ‘The Settlement-Security Symbiosis’, ‘The Israeli Control System’, and ‘The Changing Pattern of the Conflict’. The first chapter covers the new phase in the old conflict, and the control systems, ethnocracy and apartheid. The second chapter covers the Palestinian Authority’s financial and operational dependency. The third chapter covers the development and cost of the settlements, settlement expansion after 2000, Jerusalem in focus, institutional collaboration, the social profile, and the IDF’s dilemma. The fourth chapter covers the principles, the controlling of movement, Palestinian groups, and methods of rule. The fifth chapter asks ‘back to 1948?’ and covers colonial practices in the service of an ethno-security regime, and asks ‘from a two-state solution to a one-state problem’. This book is interesting and relevant for this study because the book is quite new and includes statistical facts and numbers and especially the focus on settlements and the control system are interesting which is relevant in an analysis of the human rights situation.

The United Nations and Changing World Politics; Thomas Weiss et al., 2007:

This book about international relations and the UN came in 2007. Chapter 5 covers the United Nations, human rights, and humanitarian affairs and looks into theory, rights and basic norms in the UN. Chapter 6 ‘The United Nations and Applying Human Rights Standards’ covers the security council, the general assembly, international criminal court, office of the secretary-general, the high commissioner for human rights, the commission on human rights, the human rights council, and rights and development. Chapter 7, ‘Change, the United Nations and Human Rights’, looks into *raisons d’etat*, nonstate actors, and theories of change.

The Humanitarian Impact on Palestinians of Israeli Settlements and other Infrastructure in the West Bank; The UN Office of the Coordination of Humanitarian Affairs in the occupied Palestinian territory, 2007:

This report by the UN OCHA is from 2007 and examines the humanitarian impact on Palestinians from the construction of settlements and other Israeli infrastructure in the West Bank. The report demonstrates how roads linking settlements to Israel, in conjunction with the system of checkpoints and roadblocks, have fragmented Palestinian communities from each other. OCHA and World Bank reports the last years have underlined the fact that freedom of movement for Palestinians is crucial to improving humanitarian conditions and reviving socio-economic life in the West Bank.

http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_Intro.pdf

The Impact of the Barrier on Health; UN OCHA and WHO (West Bank and Gaza), 2010:

This report was issued in 2010. The report summarizes the main findings while outlining developments since the last report on the barrier. OCHA has been monitoring and reporting on the humanitarian impact of the separation barrier on Palestinian communities in the West Bank since 2003. This report focuses on the impact of the Barrier on health, in particular access to the specialized medical facilities only available in East Jerusalem.

http://www.ochaopt.org/documents/ocha_opt_special_focus_july_2010_english.pdf

West Bank – Movement and Access; United Nations Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory, 2010:

This report from 2010 provides data and analysis on the main trends concerning the system of internal movement and access restrictions in the West Bank between April 2009 and March 2010. Measures implemented by the Israeli authorities reduced the travel time between most urban centers thus improving access to services and livelihood. However, no significant improvement took place in the access of Palestinians to land and communities behind the Barrier, including East Jerusalem. The Israeli settlements constitute the single major factor configuring the system of movement and access restrictions in the West Bank.

http://www.ochaopt.org/documents/ocha_opt_movement_access_2010_06_16_english.pdf

3 Study area

The Middle East and the Israeli-Palestinian conflict

After World War I, the Ottoman Empire was defeated by the British Empire and partitioned into separate nations, initially under British and French Mandates. In the 20th century, The Middle East became important because of oil, and it was an area of ideological struggle during the Cold War. The Middle East is the center of Judaism, Christianity, and Islam, and the region is economically, politically and religiously sensitive. At the United Nations, the documents about the Middle East are concerned with the Arab–Israeli conflict, in particular the Israeli–Palestinian conflict. The Middle East is home to several ethnic groups and both Palestinians and Israelis are people originating in the region. The Jews have been spread throughout Europe and the Middle East. The Jewish immigration to Palestine began in 1882 as a result of Zionism in Europe. The Balfour Declaration opened for an establishment of a Jewish state in Palestine. In the following decades, there was conflict between the Palestinians who lived there and Jewish settlers who claimed land. Jewish militant groups used weapons against the British administration and the Palestinians, and Arab forces interfered in the conflict on the Palestinian side. Jewish immigration continued after the Second World War. The British government withdrew from the mandate and handed it over to the United Nations.

In 1947, the UN recommended that Palestine should be divided in two parts – one for Jews and one for Arabs. This was accepted by the Jews, while the Palestinians did not support the establishment of a Jewish state in Palestine. In 1948, the Jewish nationalist movement and Zionist leadership established the State of Israel. Europe's bad conscience made the establishment of the state easier. Egypt, Iraq, Jordan, Lebanon and Syria went to war with Israel in 1948, and when the war ended in 1949, Israel controlled a land area that was 21% larger than the UN partition plan had proposed; Egypt took Gaza and Jordan annexed the West Bank. In the Six Day War in June 1967, Israel expanded its land by capturing Gaza and the Sinai desert from Egypt, the West Bank with East Jerusalem from Jordan and the Golan Heights from Syria. 700 000 Palestinians were displaced in the territories taken over by Israel and collected in refugee camps in Gaza and the West Bank and in Jordan, Syria and Lebanon. About one million Palestinians in the occupied West Bank and Gaza came under Israeli rule. The Palestine Liberation Organization (PLO) was formed in 1964, led by Yasser Arafat. The demand for statehood was reinforced in 1987 when the first intifada (uprising in Arabic)

broke out in Gaza and the West Bank. In 1994, Palestinian self-government was established as a result of the Oslo Accords. The Oslo-agreement was an interim agreement that would be the foundation for a peace agreement. Israel and the PLO agreed that a Palestinian state should be created during a five-year period and in the meantime, the Palestinian Authority should have autonomy in certain areas. The Palestinian Authority should control the A-areas, the major cities in the West Bank. In B-areas, the PA has civilian control while Israel retains military control. In the C-area, 59% of the West Bank, Israel remains in control. The Israeli Prime Minister Yitzhak Rabin was assassinated by a Jewish extremist in 1995. Rabin's successor Benjamin Netanyahu was far less willing to compromise. Meanwhile, Palestinian factions started suicide attacks against civilian targets in Israel. The second Intifada started in September 2000; Palestinians committed suicide attacks and the Israeli army re-occupied West Bank and Gaza. During the 2000s, the situation gradually deteriorated with violence and failed negotiations. Israel started building the separation barrier and expanded settlements in the West Bank and East Jerusalem. The separation barrier has been condemned by the UN and the International Court of Justice, and the settlements are illegal under international law. After 2007, Fatah controls the West Bank, while Hamas is in power in Gaza. During the 2000s, several negotiations didn't lead to a solution. In 2005, Prime Minister Ariel Sharon withdrew the Israeli army and the settlers from Gaza, but Israel retained in control. Hamas and militant groups in Gaza responded by firing rockets into southern Israel. In December 2008, the fragile cease-fire ended and Israel started an extensive military attack on Gaza. Israel has fought several wars, the borders are still controversial. On the other side, the Palestinian Authority works on a state-building project to become an independent state.

Jerusalem is historically important, and has great significance for Judaism, Christianity and Islam. The Western part of Jerusalem is a part of Israel, while East Jerusalem is recognized by most countries as part of the occupied Palestinian territory. Jerusalem is the heart of the conflict, and the Old Town is the most controversial square kilometer in history with holy places such as the Jewish Wailing Wall, the Holy Sepulchre, and the Dome of the Rock.

Hebron is the largest city in the West Bank; about 600 000 Palestinians and about 500 Israeli settlers in the old city. The Patriarch's cave in the Old City is a sacred to both Jews and Muslims. In the Oslo-agreement, Hebron city was divided in two parts, one under Palestinian Authority and the other part under Israeli military control.

4 Methodology

Research objectives

This is a study of human rights work and freedom of expression in the Israel-Palestine situation, with the title **“Responsibility to express”**. The research question is: **“How can local and international organizations contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict?”** I want to explore and discuss how local and international organizations work on human rights issues in the Israel-Palestine situation, and how human rights work can contribute to the improvement of human rights in this conflict. I want to discover what local and international organizations focusing on human rights want to achieve, who they want to influence and which goals they aim to achieve. I also focus on how the freedom of expression is related to human rights work. This study is focused on three research objectives: **“To emphasize how the organizations work to progressively implement or achieve the selected human rights and how they choose what to focus upon”**; **“To examine what could be achieved with human rights work”** including goals, influence, challenges, successes and results; and **“To analyze how freedom of expression plays a role, and its importance, for organizations working on human rights”**.

Research design and research methods

The research design of this project is cross-sectional which entails a collection of data on several cases at a single point in time in order to collect information related to variables. Cross-sectional design can be used to examine relationships between variables but not reveal a causal relationship; the variables are examined to detect patterns of associations when several cases are examined to encounter variation in the variables (Bryman 2008: 44). This study discovers and discusses the work by local and international organizations focusing on human rights issues human rights in the Israel-Palestine situation. The research includes interviews and participant observation with local Israeli and Palestinian organizations and international organizations working in this area. The field work took place in Jerusalem, Tel Aviv, Bethlehem and Hebron between August 21 and October 23 in 2010. The research also includes participation with the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) in Hebron from 11 September to 7 December in 2011.

Qualitative research methods during the field work

Semi-structured interview

Semi-structured interview as source of information can be a social interaction which is structured by both the researcher and the informant. The researcher has a list of topics and questions that should be covered, but the interview can be like a conversation with a balance between non-structure and structure. The researcher doesn't ask identical questions to all participants, the questions don't necessarily come in the same order for each interview and the conversation can go freely. There are different ways of asking questions; leading and non-leading questions. The non-leading questions are relatively open and encourage the informant to talk about a particular topic, but they don't have to give a specific data or a yes/no-answer. The interviewer using non-leading should be an active listener and needs to be aware of how the interview is developing, structure it when needed, and clarify if something is unclear (Hammersley and Atkinson 1996: 178). When conducting interviews, I had an interview guide with questions and topics that I wanted to cover during the conversation, questions were asked with a quite similar wording but the order of the questions and topics varied. The process is flexible and the emphasis is on how the participant understands and frames the issues, and the respondent is free in how to replay and what he views as important in explaining and understanding (Bryman 2008: 438).

The context of the interview was formal in the way that the meetings were arranged with time and place and it was only the informant and me participating in the conversation. I had the interview guide with topics and questions to talk about, notebook and pen, and my recorder.

I wanted the interview to be a structured but free conversation. My main role was to be an active listener, and to bring up new questions and topics when relevant. I marked the questions they answered in the interview guide and I organized the other topics to ask them in a logical order. The interviews were like a conversation more than a question-and-answer situation. I wanted to cover all the questions I had prepared and related issues that came up during the conversation. For this reason I didn't ask the questions the same way or in the same order to all the respondents. Sometimes the respondent commented that the question was too wide and I reframed the question to narrow it. I used more direct or specific questions when I wanted to clarify something that they had already said, if I was confused or if I wanted to highlight certain opinions and statements. Sometimes the participant asked me questions

about my perspectives and experiences and I engaged in the conversation. Non-verbal communication like eye contact, body language and verbal response are important to participate in the conversation. I let the informant take small pauses when needed, either silent or I contributed verbally by repeating what they had already said, asking follow-up questions or introducing new issues. When asking questions, I used open and non-leading questions. I wanted to get as much information as possible and the informant should feel free to say what he or she wanted. I recorded all the interviews so I could focus on my role as an active listener, thinking about what the person was saying and responding with relevant follow-up questions or prepare the next topic I wanted to introduce. The context of the interview was informal because I wanted to create a setting which was relaxed and comfortable to make it easier to talk. The informants also contributed to a friendly environment. Some of the meetings took place at public places such as restaurants and some meetings were at the person's office. Israel and the West Bank are geographically small and it is relatively easy to travel around, but it is a low intensity-conflict where the security situation must be taken into consideration when travelling around and meeting people. It is important to meet the person with respect and interest and I used my personal and professional background and experience in the area to connect with people. When introducing me and the research it was important for me that the respondents understood that I was interested understanding their perspectives and personal aspects of their engagement. I recorded all the interviews and they were transcribed afterwards. Recording and transcribing is a good way to listen to and read the interviews several times, and to ensure the validity referring to facts, information and perspectives, and quote correctly. All the interviews were conducted in English. I did one interview with each organization, during the period 21 August – 23 October 2010.

Participant observation

Participant observation is a structured research methods strategy aimed to gain close familiarity with a group of individuals through involvement with people in their natural environment. Participant observation is usually undertaken over an extended period of time. The access to a social setting that is relevant to the research problem can be either open or relatively closed (Bryman 2008: 403). Participant observation entails extended involvement of the researcher in the social life of those that are studied. This is a method where the researcher is immersed in a social setting, makes regular observations of the behavior of members of that setting, listen to and engages in conversations and interviews informants on

issues that are not directly amenable to observation (Bryman 2008: 402). With an overt role, the researcher needs to negotiate access to make people's lives objects of study. Participant-as-observer is a role where members of the social setting are aware of the researcher's status as a researcher and the researcher interacts with people in their daily lives and the researcher relies on informants for understanding issues. The researcher obtains detailed information with observation and interaction; details can be observed and interpreted and the researcher can discover discrepancies between what participants say should happen and what actually does happen (Bryman 2008: 410). Information is collected by being present at events and participating in activities, observing and documenting, talking to people in informal conversations or interviews for specific purposes. Field notes are important sources of information and are written based on observations and need to specify facts of what is observed and heard, and include summaries of events and the researcher's reflections.

I participated in the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) 11 September – 7 December 2011. I used the 'participant-as-observer' method as an Ecumenical Accompanier in Hebron participating in activities and interacting with people for three months. The research method for collecting information was an 'open role in a public setting'. My role as a researcher was known amongst the people involved. Participant observation involves a range of methods for data collection, such as informal interviews, direct observation, participation in the life of the group and individuals, discussions, analyses of personal documents, results from activities, and life-histories from participants. Ecumenical Accompaniers (EAs) accompany people who are affected by the conflict, and provide protective presence in vulnerable communities, show solidarity with church communities, and cooperate with local and international organizations, and participate in peaceful activities against the occupation. Ecumenical Accompaniers are wearing distinctive vests to make sure that the accompaniers are recognized in the society. All places and activities I took part in are accessible without being a participant in the EAPPI, but because the role as observers and the program is well-known it was easier to be present at activities and communicate with people. In Hebron, the tasks were monitoring at military checkpoints, providing protective presence Palestinians who are threatened by Israeli settlers and/or soldiers, documenting house demolitions, participating in peaceful activities against the occupation and cooperating with local and international organizations. I wrote field notes with key words and facts, people's statements, and personal reflections after observation and

participation in activities and conversations. EAs write reports on human rights violations and other incidents that are taking place, these are sent to UN-organizations. The EAPPI uses local contacts as sources of information, and cooperates with local Palestinian and Israeli organizations and international organizations such as the Temporary International Presence in Hebron, the High Commissioner on Human Rights and the International Committee of the Red Cross. EAs observe, document and report, and do advocacy work and communicate through media and network to spread information about the situation.

Finding participants

To find participants, I used a non-probability form of sampling participants; the method of purposive sampling. The goal of purposive sampling is to select units that have a direct reference to the research objectives and sample in a strategic way so that the research participants are relevant to the research questions. There should be a variety in the resulting sample, the participants differ from each other, and the researcher needs to be clear about the criteria for being included. The units of the sample are selected because of their relevance to understand a social phenomenon. The selection of informants doesn't need to be representative, the goal is to collect information and document perspectives from persons that have relevant information and are willing to share that information (Bryman 2008: 415).

I have been interested in the Israel-Palestine situation since my first visit in Jerusalem in 2007. I have done research to learn about the history, the political situation, the societies and cultures in the region to understand different aspects of the reality in this very complex situation and provide empirical experiences with theoretical information. I read books and articles, watch movies and documentaries and read newspapers and websites. As a teacher in international politics and history, I am giving lectures on the Middle East and the Israel-Palestine situation. I have attended several seminars in Norway concerning topics related to human rights, freedom of expression, and the Israel-Palestine situation. The last years I have been travelling there several times and I have experienced many situations and met a wide range of people in Israel and the Palestinian territory; people in refugee camps, shop owners, taxi drivers, activists and academics in many local and international NGOs and UN-organizations, professors and students at universities, local and international journalists, politicians and diplomats, and soldiers and officers. When collecting data it is an important decision how to choose the participants of interviews and observation. When developing the

research project, I found people and organizations that I knew from before and discovered new organizations and persons from reading books, local newspapers and websites and talking to people in my network. When I arrived in Jerusalem, I contacted the organizations, institutions and persons, presenting me and the research project and asking for a meeting. The organizations I conducted interviews and participant observation with are:

Machsom Watch - Women against Occupation & for Human Rights: I had heard about this organization observing at military checkpoints during previous visits. The word 'machsom' in Hebrew means 'checkpoint'. I did interview with member Roni Hammerman in her home in Jerusalem 31 August, and observation at checkpoints 3 September and 12 September 2010.

Amnesty International Israel: With Machsom Watch, I met a woman from Amnesty International Germany who recommended contacting Vered Cohen-Barzilay, communication officer in Amnesty Israel. I met her at the office in Tel Aviv, 13 October 2010.

Breaking the Silence: I have met the organization on earlier visits and seen it on documentaries. I participated on a guided tour to South Hebron Hills, 15. September 2010.

MENVD; Middle East Non-Violence and Democracy: I read about the institution when preparing the field work and I thought it would be interesting to get to know the organization. I knew Adel Rashed at the Al Quds University from before and he is board member of MENVD. I interviewed him at Jerusalem Hotel in East Jerusalem, 30 September 2010.

PHRMG; Palestinian Human Rights Monitoring Group: I found the Palestinian Human Rights Monitoring Group on a list of NGOs in Palestine, and I read about them and decided to contact the director. Director Bassem Eid was very positive to participate, and we had a meeting at Ambassador Hotel in East Jerusalem, 20 September 2010.

TIPH; Temporary International Presence in the city of Hebron: During previous visits in the area, I had visited Hebron and met with the TIPH. I contacted one man working there, he told me to send my questions on email and he would arrange a meeting. I was allowed to record the interviews but I had to promise that the information was only for the master thesis since information from their reports is confidential. I did an interview with the senior legal officer, Stefan Waespi from Switzerland, at the headquarters of the TIPH in Hebron, 26 August 2010.

OHCHR; Office of the High Commissioner on Human Rights: I was very interested in meeting with the OHCHR in the occupied Palestinian territory because of their importance and international mandate to work on human rights. A man working for UNRWA gave contact details to the head of office at OHCHR in the oPt. I met Matthias Behnke from Denmark at Ambassador Hotel in East Jerusalem, 11 October 2010.

EAPPI – Ecumenical Accompaniment Programme in Palestine and Israel: During the field work in autumn 2010, I got familiar with the EAPPI-program. I got more information about the mission and work of EAPPI and really wanted to be a part of the program at some point. I applied to the Norwegian Church Aid to participate in the EAPPI program and was approved. From September 11 to December 7 in 2011, I was an Ecumenical Accompanier in Hebron.

Additionally, I conducted interviews with Mahdi Abdul-Hadi, director of the Palestinian Academic Society for the Study of International Affairs in Jerusalem, 28 August 2010. I participated in a demonstration against house evictions in Sheikh Jarrah, East Jerusalem, 4 September 2010. I had a meeting with the Right to Education Campaign at the Birzeit University in Ramallah, 8 September. 28 September 2010, I had meeting with Minister Counselor Vebjørn Dysvik at the Royal Norwegian Embassy to Israel in Tel Aviv, and I had a meeting with the Norwegian Representative Office to the Palestinian Authority in Al Ram, 4 October 2010. I participated on a guided tour with the Israeli Committee against House Demolitions in Jerusalem, 4 October 2010. I conducted interviews with the Peace Research Institute of the Middle East, 23 September at the West Bank office in Beit Jala, Bethlehem, and the Israeli office at the Kibbutzim College of Education in Tel Aviv, 18 October 2010. In November 2010, I went to Geneva to meet Kevin Turner, Human Rights Officer at the Middle East and North Africa Section in the UN OHCHR.

Registration of data

I recorded the interviews on a digital recorder. I wanted to cover all details in the conversation and didn't trust my ability to make detailed notes. I assumed the interview would be better if I could have eye contact with the respondents and be an active listener. I had the interview guide and I wrote reflections and comments during the conversation to structure the interview and prepare the next question. I wrote field notes from the participant observation with time, place, actors, activities, observations, thoughts and reflections during the activity or as soon as possible afterwards. Field notes are important to place the data descriptively and analytically.

Research ethics

Research ethics is important to take into consideration in social research when it comes to doing field work and data collection. Ethical considerations involve being aware of how to treat the people, who we conduct research with and which activities to engage in or not. Aspects to reflect on are whether there is being done harm to participants, whether there is lack of informed consent, whether there is being done an invasion of privacy, and if there is involvement of deception (Bryman 2008: 118). It is important to show respect for the participants and take into consideration that people are working on sensitive issues. It was important for me interact with Israelis, Palestinians and internationals. I asked for permission from the participants to record the interviews, and they all approved. All respondents approved that I could use their real names in the thesis.

Analyzing the data material

The data analysis is based on the strategy 'constant comparative method' by Glaser and Strauss (1976) (Hammersley and Atkinson 1998: 241). The social world and its categories are built up and constituted through interaction; the world is constituted as people talk it, write it and argue it (Potter 1996: 98; in Bryman 2008: 20). Ontological consideration is based on constructionism saying that social phenomena are social constructions (Bryman 2008: 21). The data analysis is an integrated part of the research process; the analysis is a part of the researcher's thoughts and ideas and starts with the field work when formulating research questions, and analytical notes and comments, and continues to writing the report in the end. There is an interactive process between analysis, research strategy and data collection, and the aims to form descriptions and find explanations. Before the field work, I developed the interview guide; prepared questions and topics that I wanted to ask during the conversations. These steps are a part of the process of analyzing the data material because it influences what information is collected. I listened to the recorded interviews several times and when they were written I printed them and read them several times. The information from participant observation is based on field notes. Data from different sources is verbal descriptions; field notes, transcription of interviews, recorded files, movies and documents. I read the interviews and field notes to find connections across the data and find what would be relevant and interesting to elaborate in the discussion. To analyze the data material, facts and information were divided in categories to identify strategies for interaction. I made categories by dividing the information in different categories related to the chosen questions and topics and then I

relate the answers from the participants into these categories by systematically relating the interviewees' answers, information in each interview, to the same research objective, questions and related topics. In the constant comparative method, the process is to explore the data within each category and note differences and similarities between the respondents' answers with the goal of understanding the data, find importance in categories and explore relations to other categories in the analysis, which give new perspectives and knowledge.

The aim is to explore and see how the material looks in relation to what was expected, in the literature and theories, and if it is possible to find variation between different perspectives, opinions and actions. The information from the interviews with the local and international organizations and the information from the participant observations are presented differently because the data material appeared differently. Related to the question "How do the organizations work and what kind of activities are they conducting?", I found statements of each respondent. The respondents are given voice in the same order; first the three Israeli organizations, then the two Palestinian organizations and the international organizations. I compared the categories of information to find similarities and differences between what the respondents' answers, comments and statements. Information is presented in original order under each objective. I discuss the content of the answers from the participants in the different categories to find relations, structures and associations. The patterns of variations are discovered already when listening to the interviews and reading the field notes and comments after observations, and also thoughts about how it can be explained appear during this process. I wanted to see the relationship of similarities and differences between the interviewees to analyze the content of the material I had collected. I found additional information in literature to support the information from the interviews. For example, when I discovered that the organizations focus on the separation barrier and checkpoints, it is relevant to provide more information about these policies and research that have been done on the issues from other actors. I connect theoretical aspects and personal reflections to analyze the content of the data material with the aim of finding explanations to why someone is saying one thing and others something else to the same question, and see the pattern of association between the different variables, the questions and topics of the categories, and the different respondents. Based on the information, I found articles in the Universal Declaration of Human Rights related to each topic and discuss if and how the issues the organizations focus on are human rights violations.

5 Introduction of the local and international organizations

5.1 Machsom Watch – Women against Occupation and for Human Rights ¹

Machsom Watch was established in 2001. The Israeli organization consists of female peace activists against the Israeli occupation of the territories and the “systematic repression of the Palestinian nation”. Machsom Watch calls for “Palestinian freedom of movement within their own territory” and for an “end to the occupation that destroys Palestinian society and inflicts grievous harm on Israeli society” (www.machsomwatch.org/en/about-us). Machsom Watch observes at army checkpoints on roads in the West Bank, the Jordan Valley and along the Separation Fence. The women stand at checkpoints observing the behavior of soldiers and Palestinians (www.machsomwatch.org/en/daily-reports/checkpoints). Machsom Watch observes in military courts where Palestinian citizens living in the West Bank are subject to military laws. These proceedings are normal for the Palestinians in the occupied territories but are unknown to the Israeli public (www.machsomwatch.org/en/daily-reports/military-courts).

Roni Hammermann is a retired librarian, previously working in the central library for social sciences at the Hebrew University in Jerusalem. She has been a member of Machsom Watch since the beginning. *“I joined this organization because I always was involved in human rights issues, and I grew up in a very political home”*, she says. During the first intifada, from 1987 to 1993, they were a group of women working on the issue of minors who were arrested and put in prison. The first intifada was *“the stone throwing intifada, and many children were arrested on their way from school because they were throwing stones. They were taken and brought to the police prison and very often their parents had no idea where they were, they didn’t bother to call the parents, so we were trying to get information about this and visit them”*, she explains. Some of the youths were only 12-13 years and they didn’t know what to do and how to behave. The women went to the courts and tried to get Palestinian lawyers to take up the cases. The organization Machsom Watch was established in 2001. Roni tells that they read *“very puzzling and worrying reports about human rights violations at the checkpoints. We had no idea what these checkpoints are, and where they are, and why they*

¹ Interview with Roni Hammermann in her home in Jerusalem, 31 August 2010

are. So we decided just to go there and see what is going on and when I heard about this group of people, women, and I joined them. And slowly, slowly we found out what we had to know about the checkpoints and it is a long learning process. Still after ten years we don't know everything. We really have studied it... And still the army can surprise us, they are saying some regulations and orders that we haven't heard yet about. We are still in a learning process, and we are still going". Machsom Watch has grown during its ten years existence. "We were about ten women at the beginning. Now, we are about 250 women all over the country", Roni tells. The organization is non-profit and every woman in Machsom Watch does it voluntarily. "Everybody ask us; who is your leader, and we say we don't have a leader, every woman is in the same way responsible." Roni thinks that "it is very difficult to work like this, but I think basically it is good". The organization has a grass root system and they are exchanging functions and the members "are an equal part and are in the same way responsible". Freedom of speech is important in the organization; "if a reporter comes to the checkpoint he can turn to anyone of us, every woman is in title to be interviewed and to say whatever she wants." The women have different political perspectives, but all members have to be "against the occupation and against the checkpoints", Roni Hammermann says.

5.2 Amnesty International, Israel ²

Amnesty International is a worldwide movement with offices in 80 countries and campaigns in many more. The vision is for every person to enjoy all the rights of the Universal Declaration of Human Rights and other international human rights standards. Amnesty is independent of governments, economic interests and religions. The organization is funded by membership and public donations (<http://www.amnesty.org/en/who-we-are>). The Israeli section of Amnesty was established in 1964. The activities focus on protecting human rights, taking action in support of victims of human rights violations and promoting awareness of human rights in the Israeli society. The Israeli section is conducting campaigns on rights of the African refugees in Israel and housing rights for the Palestinian community within Israel and campaigns internationally for human rights violations. The activists engage in order to influence and impact decision makers, and the methods include letter writing, peaceful demonstrations and lobbying (<http://www.amnesty.org.il/?CategoryID=153&ArticleID=351>).

² Interview with Vered Cohen-Barzilay at Amnesty International Israel's office in Tel Aviv, 13 October 2010

Vered Cohen-Barzilay is the spokesperson in the media and communication department of Amnesty International's section in Israel. The Israeli section is one of the oldest sections, about 45 years old. *"The Israel section started as a group of people, lawyers, but I think that the section really became a section ten years ago. Before that it was a couple of people working together but it wasn't so serious, so we have late development, just now we are starting to act like a section"*, Vered explains. Amnesty in Israel has about 400 members today. *"It is a low number. The only time we had more was, we had I think 800 members, during Oslo talks. And then it just got less and less, and every time Amnesty is launching a new report, we have less people"*, Vered says. There are twelve people employed right now and some volunteers. *"Seventy percent of our annual budget is coming from the Amnesty International movement. Until now, because of our situation it is hard for us to rise funding, people don't want to give us money"*, the spokesperson tells. They have had a *"very difficult time the last two years in terms of the media, because it counts down to the media in the public, we wake up almost every day to a headline, very bad headlines"*, she says and explains that *"they quoted something that the secretary general said and twisted his words"*. The reason for Vered to get engaged in Amnesty International is a long and personal story. Her father came from Iraq and her mother from Turkey and together they established a family in Israel. Her father was a soldier and had many memories from the first Lebanon war. Vered grew up in what she calls a 'rightwing and very patriotic' family. Vered served in the intelligence in the army. *"My task was to question people, not Palestinians, but Israeli soldiers, to reveal if they were traitors or so"* and she tells that they *"have this rule in the army that you are a liar until you are proved otherwise"*. Vered reflects on her service in the army, *"I didn't realize how much power I had"* and *"it was interesting because I heard a lot of stories, but I didn't think about that I actually took away their liberty"*. *"In the army you don't ask questions"*, Vered says, but she started to do that. *"I started to think about how much you do in the name of security. So I left the army. And as I said, I was very successful in the army; I got a letter of excellence because I did a very good job..."* she says, *"terrible"*, I can hear her mumbling. Then she worked as a journalist and reporter for 13 years. She covered suicide bombings, court cases, and cases about illegal immigrants – before 2000 a lot of Palestinians came to Israel to find jobs. *"I was all day with the police covering suicide bombings, murders and other cases, or spent the days in the court – then you start to see unfairness against Palestinians and the Sephardic. I started to ask a lot of questions ..."* Vered tells. *"I covered a lot of suicide bombings and it is a terrible sight so it gets to you. If*

you want to be a very good journalist you need to be the first one at the sight and be there all the time. Professionally I was at the top of the world, but mentally I was not so good”, she says. “As a reporter I always had to find a new angle, in the beginning one incidence was an incidence, after a while you almost don’t cover the small ones because you get used to it. And after some years you have to find a new way of covering the incidents”, she explains. There was one incidence in Haifa that made her start reflecting. “You see the people that are dead or injured but you don’t think about them as people”, she says. “I wanted to be a journalist because I wanted to report about the evils in the world, but that wasn’t what I was doing, I was messing with myself”, she says. She realized that she had a post traumatic stress syndrome, and she left her job as a TV-journalist. She became a mother and started to write about health issues. “And then a woman from Italy called me and asked if I wanted to write a book with her, about suicide bombings done by women”, she tells. There was a suicide bombing committed by a girl from Deheishe refugee camp in Bethlehem at a cafe in Jerusalem. “This young girl from Bethlehem that did the bombing in Jerusalem, she wanted to be a journalist and she was a top student in her class, and then something happened so she felt she needed to save her country; her cousin was shot by Israeli soldiers. She was under curfew for a long time and she was very messed in her head, and she felt that she had to do something for her people’s honour. This wasn’t the enemy picture that we knew...” she says. “I have always known that the Palestinians were our enemies and that they were bad people”, she says. The turning point was the second Lebanon war. The Italian writer became a close friend and “she always reflected the other side to me, she had a different view because she lived in Italy”. Vered she told her story to the director of Amnesty, she became the spokesperson and has been in Amnesty for four years. The personal costs are heavy. “My family didn’t support my choice. The only one that supported me was the Italian writer, and she said that this could be a way for me to liberate myself. Even my husband didn’t support me at the beginning; we had a lot of harsh arguments. And I lost a lot of friends when I did this, suddenly I became a traitor”, she says. Being member of Amnesty is not easy in Israel. “I am born in Tel Aviv in a patriotic and rightwing family, I had a good job, I had all the opportunities, I was in the intelligence in the army and worked with the Shin Bet for a while. And now just a couple of months ago they wrote about me on the front page of a big newspaper here that me and my friends were traitors, that I am acting to hurt Israel and that I justify strikes in the army and that I am a Holocaust denier. It was too much for me”, Vered Cohen-Barzilay in Amnesty Israel says.

5.3 Breaking the Silence³

Breaking the Silence was founded in 2004, and started with a group of soldiers who served in the Israeli army during the second intifada. The members of the organization are soldiers and veteran combatants who work to raise awareness and expose the Israeli public and international visitors to the reality in the occupied territories. Breaking the Silence wants to stimulate public debate about the price paid for young soldiers who control a civilian population in their daily life (<http://www.breakingthesilence.org.il/about/organization>).

Ayal K. is project manager in Breaking the Silence and guide on the tour to Hebron and the South Hebron Hills. In 2002, soldiers who served in the Nahal Brigade in Hebron took the initiative to establish the organization. Ayal explains how the organization started: *“The soldiers started to think about what they were doing, and they realized that it didn't connect with what they had been taught to do; they saw the moral question about how to act as soldiers in connection with the question of security. And they started an act.”* The soldiers collected photos and made a photo exhibition in Tel Aviv and in the Israeli parliament. *“Then they asked themselves ‘why bring Hebron to Tel Aviv when you can bring Tel Aviv to Hebron?’.* And then the soldiers, and former soldiers, started to give guided tours for people into Hebron. In the beginning the organization didn't talk to foreigners, only to people inside Israel, but soon they realized that they were ‘keeping the silence, not breaking the silence’, and they extended the business of the organization”, he explains. Breaking the Silence has about 700 members, men and women, and *“all kind of political perspectives are represented as well as social backgrounds and religious views”*. The organization collects testimonies of soldiers. *“Soldiers don't think that what they do is something unusual and they also think that everybody know about it already. Many soldiers giving their testimony to Breaking the Silence start with saying, ‘I have nothing to say, I haven't done anything special; I have heard about it but I never did’”,* Ayal says. *“There are two reasons, the first one is that they think that what they have done is normal, and second that they don't remember because such things are not something you want to remember and you forget, until you start talking about it, then you have a lot of stories.”* He says that *“the question is, how moral can an occupation be, there is a contradiction between security and morality”*. Ayal joined the army two months

³ Guided tour with Breaking the Silence and project manager Ayal, South Hebron Hills, 15 September 2010

before the second intifada and served in an elite unit from 2000 to 2003. He was trained to arrest people and used to do arrests every night. I ask why he chose to join Breaking the Silence. *“I know the people who founded the organization, and I admire them for what they did. One of the main founders and still the spirit of the organization, Yehuda Shaul, was abandoned for the act that he did. I always heard about the organization. And I chose to give a testimony to Yehuda. After a while I decided to join tours and I then I started giving tours myself.”* Ayal is now a staff member, project manager, working at the Jerusalem office. *“I am responsible for education, mostly towards the Israeli society, giving lectures and tours for pre-military academy, students, tourists and so on”,* he says. *“We give tours to the Israeli audience in Hebrew, and to foreign Jews and to all kind of international visitors in English, and we also give lectures to different groups; students, pre-military academy in Israel, tourists, journalists, and so on. So we reach both nationally and internationally. We think that it is important, especially for the Israeli society, to know how the situation is today, what it looks like and what’s going on”,* Ayal explains. I ask him *“How come people don't know? So many people serve in the army, also in the occupied territories.”* Ayal answers *“The military system functions in a way so you don't know and you don't need to know, soldiers in a camp or at a checkpoint don't even know the name of the Arab/Palestinian village next to them. You are trained to think that you are the good guy and the other one is the bad guy. As a soldier you are not aware of the green line, you have never seen a map with the green line”.* Ayal explains that *“the members do not have a common ground of political perspectives; we have been in the army, given testimonies from army service and work in the mandate of Breaking the Silence. The mandate is to tell about the situation in the occupied territories to a national and international audience”.* The organization wants to *“tell the truth about the situation of occupation in the territories”.* *“Maybe this is as good as an occupation can be, but still we think it is important that people know how it looks like”,* Ayal in Breaking the Silence says.

5.4 Palestinian Human Rights Monitoring Group, PHRMG⁴

The Palestinian Human Rights Monitoring Group, PHRMG, was established in 1996. PHRMG was founded by a diverse group of Palestinians; ranging from human rights activists, religious leaders, newspaper editors, journalists, a union leader, to members of the Palestinian

⁴ Interview with Bassem Eid, director of PHRMG, at Ambassador Hotel in East Jerusalem, 20 September 2010

Legislative Council. The group came to existence as a response to the situation of democracy and human rights under the Palestinian Authority. Despite of the Israeli occupation of the Palestinian Territories and the need to focus on Israeli human rights abuses, it is essential in the current process of state building to ensure that the future Palestinian state will be democratic and the protection of human rights will strengthen the Palestinian Authority. The executive director Bassem Eid used to work as senior fieldworker for B'Tselem, the Israeli information center in the occupied territories. He gives interviews to international media and has earned international recognition for his publications of human rights issues as a researcher and journalist (<http://www.phrmg.org/Aboutpage.htm>).

Bassem Eid is the founder and director of the Palestinian Human Rights Monitoring Group. *“We founded the organization in December 1996 after I’d worked with the organization B’Tselem for seven and a half years. I resigned in July 96 and it took me five months to establish the new organization”,* he tells. *“We have liaisons from the Israeli society because we are based in Jerusalem, but also from the Palestinian Authority, so we are in between. Our main goals and aims used to be, in 1996, how to focus on the Palestinian Authority’s violations rather than Israel. So many organizations were dealing with the Israeli violations and less and less organizations dealing with the Palestinian”,* Bassem explains. The PHRMG has a staff of 15 people. Of these are *“five field workers who cannot come to the office, three in the West Bank and two in the Gaza strip”.* Another ten people are in and out of the office, working on specific research, *“they are travelling to Qalqilya, to Jenin, to Tulkarem, to Hebron, to other places, to do interviews, to meet with organizations”.* The organization has volunteers, *“every year we have volunteers, mainly from Italy, Germany, the UK, and the United States”.* About the financial situation he tells that *“there are some difficulties to raise funds right now for our organization. I believe that we are in the beginning of a big financial scandal, it is very difficult right now.”* *“To create a human rights organization under an Arab regime is to commit suicide. So, we faced some problems from the PA, especially from Arafat in that time. I think Arafat tried to meet some of the founders, which is among them Norway, to say ‘don’t fund this organization; this organization is causing trouble for us’. During Arafat’s period we never were funded by the Norwegian Representative Office, but after Arafat’s dead we have been funded for three years. And now with the EU, we are not getting any funding from the EU at the moment because the EU is changing their policy twice a day so it is sometimes very difficult for us to fit into their policy. And I believe that the*

international community became so frustrated from the Israeli-Palestinian conflict”, he says. “The Middle East has become a useless case in my opinion, which I consider as paradise”, Bassem Eid, director of the Palestinian Human Rights Monitoring Group says with a smile.

5.5 Middle East Nonviolence and Democracy, MEND ⁵

Middle East Nonviolence and Democracy, MEND, was established in 1998. MEND promotes active nonviolence and encourages alternatives to violence among people in Palestine. MEND’s political goal is to promote peace in the Middle East. The headquarters is in East Jerusalem with ten staff members, and there are eight regional centers and eleven community centers. MEND is registered in Israel since 1998, in the West Bank since 2004 and is becoming a regional organization (<http://www.mendonline.org/aboutus.html>). The Middle East Nonviolence and Democracy aims to be a catalyst for empowerment and social transformation and works with four organizational principles; capacity building, outreach, media, and education. MEND works holistically towards peace, towards empowering Palestinians, individually and collectively, towards raising awareness of choice and towards rekindling hope, and around a core pillar of nonviolence education. Capacity building is an essential component in working to promote democracy and nonviolence, as it helps people to fulfill their potential, and to function well together in a more participatory way. Wars affect more civilians and the justification for the work is the potential and need for nonviolence. The balance of military power is in favor of Israel and nonviolence is the only possible way for Palestinians to resist the Israeli occupation. In the context of this conflict, the vicious cycle of violence and violent reactions can be broken by a refusal and by channeling the reactions into nonviolent activities. Political activists and community leaders have expressed their dissatisfaction with the cycle of violence and its results, and requested information and training for active nonviolence. The media is essential to raise awareness in the society, both inside the country among Palestinians in times of crisis, and outside the country to show the needs and concerns of the Palestinians. A visible nonviolence movement can give hope for peace to both sides. MEND’s materials and training are coordinated with the Ministry of Education and the UNRWA. By working with the education system, future generations will have the chance to take part in creating a future (<http://www.mendonline.org/aboutus.html>).

⁵ Interview with Adel Ruished, board member of MEND, Jerusalem Hotel in East Jerusalem, 30 September 2010

Adel Ruished is a board member of the Middle East Nonviolence and Democracy. He has a master's degree in global politics from LSE in London and works as a director of governmental relations at the Al Quds University in Jerusalem. Adel has for many years been active in peaceful movements and initiatives that are *“calling for a peaceful solution to the Israeli-Palestinian cause.”* The Middle East Nonviolence and Democracy was established in 1998. *“We were calling for non-violent resistance and we criticised the suicide bombs and we received huge criticism for our criticism. And we had many meetings, joint meetings between Israelis and Palestinians”,* Adel explains who has been involved in MEND since 2000. *“MEND’s objectives are to educate students about non-violence and human rights, human security and democracy, and trying to bring these issues into schools systems and school curriculums mainly in order to start bringing up a new generation of Palestinians who are appreciating another standing and these beliefs”,* he says. *“MEND is presenting and introducing non-violence and peaceful tools which could be used by school students, by teachers, families, by everybody, as a mean against the occupation”,* Adel Ruished explains.

5.6 TIPH, Temporary International Presence in Hebron ⁶

TIPH is an international civilian observer mission stationed in the city of Hebron. The mission was called for in 1997 by the Israeli and the Palestinian authorities, to support in their efforts to improve the situation in Hebron. (http://tiph.org/en/About_TIPH/) The background was an incident in February 1994 where 29 worshippers were killed and 100 injured in the Ibrahimi Mosque/Cave of Machpela, a holy place for Jews and Muslims. The act was conducted by Baruch Goldstein, a medic in the Israeli Defence Force living in the settlement Kiryat Arba in the outskirts of Hebron. The United Nations condemned the massacre and asked for an international presence in Hebron (http://tiph.org/en/About_Hebron/1994-massacre/). The TIPH members wear uniforms, have diplomatic immunity and cannot be arrested, and their cars are marked with the red and white emblem of TIPH. (http://tiph.org/en/About_TIPH/Work_in_TIPH/) The mandate states that the mission should promote by their presence a feeling of security to the Palestinians of Hebron and to help to promote stability in the city. The Israeli and Palestinian authorities agree twice a year if they want to renew the mandate and sign an extension of the agreement. The TIPH monitors the

⁶ Interview with Stefan Waespi, senior legal officer in TIPH, at TIPH headquarters in Hebron, 26 August 2010

situation in Hebron and reports on breaches of the agreements between the Israeli and the Palestinian side, as well as violations on international humanitarian law and international recognized human rights standards. The reports are not public, but are forwarded to the Israeli Defense Forces and/or to the Palestinian Police Force with inquiries and questions, and the parties are obliged to give response or clarification with the aim to find remedies to the reported incidents. TIPH reports to the six member states Sweden, Denmark, Norway, Turkey, Italy and Switzerland, which finance the mission (http://tiph.org/en/About_TIPH/).

Stefan Waespi from Switzerland is the senior legal officer in the TIPH. *“We are observing the Oslo agreements, international humanitarian law and human rights as they occur within Hebron”*, Stefan explains. He used to work in the International Criminal Tribunal for the former Yugoslavia in the Hague for over 13 years, as a prosecutor of war crimes. *“My last case finished and I had to find a new job, and this one is perfect because it is similar to what we did in the Hague; it is about human rights and international humanitarian law”*, he says. *“For a lawyer to work here is fascinating; we are closer to what is happening on the ground, we are actually living here, we go on patrols and we see the things happening before our eyes”*, the legal officer says. *“I have been here for three months now, and I’ll be here for a year”*. The TIPH was established on background of the Oslo-agreement in 1995, and the Hebron-agreement in 1997 between Israel and the Palestinians that establishes the mandate. *“You see the role defined for TIPH and there is a memorandum of understanding”*, Stefan says. The work is based on different documents; *“the Geneva Conventions, especially those dealing with civilians and it apply to occupation as well. As you might know, the Israelis has been disputed for a long time if the Geneva Conventions are applicable, but it is a clear consensus in the international community that they are applicable here, and there is this famous wall case in the Hague by the ICJ, I think in 2004, that actually established that the Geneva Conventions do apply here so they play a big role.”* *“Other typical human rights documents like the ICCPR, that is really important for us, the covenant for protection for children’s rights, stated in 1989, it has been signed by, I think it is the most widely accepted human rights contract”*, Stefan says. The mission has six member countries. *“Switzerland has a small contingent, the lawyer is always Swedish or Swiss. The Head of Mission is always Norwegian; I think it is written in the agreement. And the Head of Operation is either Danish or Italian”*, Stefan explains. *“I think we are 70 people working here, slightly less, half of them are observers. We work in shifts, one in the morning and one in the afternoon, four patrols on*

each shift with cars. We patrol through the city, going to hotspots where we have seen that there are problems. They have hopefully a preventive role”. “Whether we can make a big difference is doubtful but at least we can try to make reports”, Stefan Waespi says.

5.7 OHCHR, Office of the UN High Commissioner for Human Rights ⁷

Since the establishment of the United Nations in 1945, promoting and encouraging respect for human rights, as stipulated in the Charter, has been a fundamental goal of the organization. The Office of the United Nations High Commissioner for Human Rights, OHCHR, leads global human rights efforts and speaks out in the face of human rights violations worldwide. OHCHR brings human rights perspective into all programs of the United Nations system, to ensure that peace and security, development, and human rights are interlinked and mutually reinforcing. At the United Nations World Summit in 2005, the role and mandate of the OHCHR was reaffirmed (www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx). OHCHR is the principal United Nations office mandated to promote and protect human rights for all. OHCHR has the headquarters in Geneva, an office in New York, and eleven country offices and seven regional offices around the world. More than 850 staff is employed. OHCHR is funded from the UN’s regular budget and voluntary contributions from member states, intergovernmental organizations, foundations and individuals. The OHCHR offers leadership, works objectively, educates and takes action to empower individuals and assists states in upholding human rights (www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx).

Matthias Behnke from Denmark is the head of office at OHCHR in the occupied Palestinian territory. OHCHR is the main UN actor in human rights work and has an independent mandate set up in 1993 after the Vienna Conference on Human Rights. *“Human rights are pretty broad. If you look at it from a UN perspective it is, in terms of conceptually and normatively, it is rooted in the international legal framework which is essentially the main human rights conventions and the universal declaration of human rights”, Matthias Behnke says. The human rights machinery is composed of different parts; “one is the UN charter which establishes the main institutions of the UN, one of these institutions is, at the time of the charter, the Commission on Human Rights which is now the Human Rights Council; that is an*

⁷ Interview with Matthias Behnke, head of office, OHCHR, Ambassador Hotel, East Jerusalem, 11 October 2010

intergovernmental body where a number of member states are voted by the General Assembly meet on a regular basis in Geneva, to discuss issues and pass resolutions, decide on certain human rights issues.” Matthias explains that “the office as such is still relatively new within the UN, and the mandate which is Assembly resolution 48/141, it is a very broad mandate, the high commissioner has a mandate to protect all human rights for all”. The office is small compared to other UN-organizations but it has developed over the years and has presences in different parts of the world to implement the mandate. Matthias explains that OHCHR in the oPt only works in the Palestinian territory and not on Israeli property; “that doesn’t mean that the office doesn’t do anything on Israel as such, but that is the global office, my office only works on the oPt”. The mandate of the High Commissioner on Human Rights in the oPt was “established just after the Oslo peace accords to build the capacity of the Palestinian authority, at that time you thought you were in a process of building a state that didn’t have the capacity, so in 1996 the office was established”. The role and mandate have developed; “the focus was on the PA, there was also focus on the building of NGOs, and of what is called national human rights institutions”, he says. The office has now a broader mandate; “after the war in Gaza last year, the office was given a mandate by the Human Rights Council of the UN, to also report, monitor and report, regularly about the human rights situation”. OHCHR in the oPt has a staff of about 20 people. “It used to be much smaller. It might still grow a bit, I hope, and the budget too”, he says. OHCHR is funded by voluntary contributions and depends on donors who are supporting the work. Much of the funding OHCHR receives is given without requirements, but states can also decide which issues they want to give money to. “We want money generally and let us decide what to use it for”, Matthias Behnke says.

5.8 EAPPI, Ecumenical Accompaniment Program in Palestine and Israel ⁸

The vision of the EAPPI is to bring internationals to the West Bank to experience life under occupation. Ecumenical Accompaniers (EAs) provide protective presence to vulnerable communities, monitor and report human rights abuses and support Palestinians and Israelis working together for peace. EAPPI seeks to provide up-to-date, reliable information on the occupation. When EAs return home, they campaign for a just and peaceful resolution to the Israeli-Palestinian conflict through an end to the occupation, respect for international law and

⁸ I participated in the EAPPI as a member of the Hebron-team, 11 September-7 December 2011

implementation of UN resolutions (www.eappi.org/index.php?id=4566). The background for the EAPPI is the call by local churches of Jerusalem, as expressed at the International Ecumenical Consultation in Geneva in August 2001. The World Council of Churches' meeting of September 2001 recommended an accompaniment programme that would include an international ecumenical presence. Since 2002, Ecumenical Accompaniers from participating countries are volunteering for three months periods working with local people.

The mission of the EAPPI is to accompany Palestinians and Israelis in their non-violent actions and to carry out advocacy efforts to end the occupation. Participants monitor and report violations of human rights and international humanitarian law, support acts of non-violent resistance alongside local Christian and Muslim Palestinians and Israeli peace activists, offer protection through non-violent presence, engage in public policy advocacy, and stand in solidarity with the churches and people struggling against the occupation. The EAPPI works on 'principled impartiality'; meaning by not taking sides in the conflict and discriminate against anyone, but not neutral in terms of principles of human rights law and international humanitarian law. The occupation is harmful to both Palestinians and Israelis. EAPPI concerns for safety and dignity of all involved. EAs stand with the oppressed and marginalized, and show solidarity with people who work non-violently to achieve peace. EAs provide protective presence, which cannot protect civilians from suicide bombings or military operations, but support local people in their own protection and stimulate interdependence. The EAPPI strives to be fair and unbiased in word and action.

6 Results of the interviews and participant observation

The results chapter defines human rights, the relationship between rights holders and duty bearers, and human rights violations, and how these issues imply in the Israel-Palestine situation. This section presents the results of the research conducted with interviews and participant observation according to the research objectives. The results make foundation for the analysis of information from the interviews and the participant observation.

6.1 Human rights and human rights law

Human rights are rights that all human beings are equally entitled to without discrimination whatever nationality, sex, national or ethnic origin, religion, language, or any other status. Universalism in human rights law means that all rights are interrelated, interdependent and indivisible (<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>). The classic theory of ‘natural rights’ is developed by John Locke, every human being has certain rights that derived from their nature, and not from their government or its laws, and the legitimacy of government rested on the respect that it accorded to these rights. The modern concept of human rights refers to the relations between governments and citizens (Freeman 2002: 7). This study approaches human rights as a legal concept and political concept. It refers to the human rights concept developed by the United Nations; the Universal Declaration of Human Rights, international human rights law and the human rights regime that followed in the UN.

The United Nations and human rights

Since the United Nations General Assembly proclaimed its Universal Declaration of Human Rights on 10 December 1948, the concept of human rights has become one of the most potent in contemporary politics (Freeman 2002: 32). ‘Human rights’ is a broad concept; human rights are norms of behavior and actions. From the UN, human rights are conceptually and normatively rooted in the international legal framework, the universal declaration and the main human rights conventions. The Universal Declaration of Human Rights is a declaration and not legally binding but it is customary international law. The declaration and the conventions are hard core law, and the soft law is resolutions stated by the General Assembly and the UN Human Rights Council. Following the Second World War, it was a process to codify international human rights law by the states. The covenant on economic and social and cultural rights and the covenant of civil and political rights were finalized in 1966 and came into work in 1976. From the normative point of view, the work of the UN is based on these treaties.⁹ Human rights were first emphasized in the Universal Declaration on Human Rights, and international human rights standards are stated in conventions, declarations and resolutions (<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>).

⁹ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

The United Nations is deeply involved on human rights issues to an extent completely unforeseen in 1945. States have created UN standards and supervisory procedures that restricted their operational sovereignty in the field of human rights. In legal theory, states are no longer free to treat even ‘their own’ citizens as they wish (Weiss et al, 2007: 223). The 1966 covenants now have the status of international law, although the declamatory status of the Universal Declaration of Human Rights by the UN General Assembly in 1948 is central because the international community attempted to define a comprehensive code for internal government of its members (Baylis et al, 2008: 513). The two international treaties – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – were opened for ratification in 1966. The Universal Declaration and the two covenants constitute the core of international human-rights law (Freeman 2002: 45). The UN human-rights regime is based on the Universal Declaration. Since 1945 the United Nations has done a lot of ‘standard-setting’, institution-building and human-rights promotion (Freeman 2002: 51). Richard Falk writes in the book “Achieving Human Rights” that the UN Conference on Human Rights and Development in 1993 gave more attention to international human rights as a global phenomenon, and led directly to the establishment of a UN High Commissioner for Human Rights that was an upgrading of the role of human rights within the UN system (Falk 2009: 167). The Universal Declaration of Human Rights set minimum standards of behavior designed to protect all persons, in the form of a non-binding ‘declaration’. Falk writes that it was approved by the majority of governments because there was no intention to implement the norms (Falk 2009: 195). The human-rights system is a set of norms and institutions that is accepted by states as binding. The regime is strong on declarations and weak on implementation and enforcement (Freeman 2002: 53). Freeman writes that ‘human rights are indivisible and interdependent’, but it is possible to respect one right without respecting all and it is possible to violate one without violating all the others. The rights are indivisible and interdependent in the sense that it does not allow the violation of some rights for the sake of others (Freeman 2002: 40). Article 29 states that everyone ‘has duties to the community in which alone the free and full development of his personality is possible’, and in ‘the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society’ (<http://www.un.org/en/documents/udhr/>).

Accountability in the Israeli-Palestinian situation

The modern concept of human rights refers to the relations between governments and their citizens; the relationship between duties and rights. This relationship between the duty bearer, the government, and the rights holders, the people, is accountability – the very important legal aspect of human rights. The state, represented by its government, is responsible to uphold the duties of protecting, respecting and fulfilling human rights. The people, the citizens living in the territory under control of the responsible government, can claim these human rights. Accountability relates to human rights as a part of social structures, power relations, and rule of law, and to come into effect it needs empowerment and structural change. Violators of human rights should be held accountable. Obstacles for implementing human rights are if the government is not accountable to the citizens and if local legislation not exists or not function well. A variety of organizations in the civil society focusing on human rights is beneficial to the people even without improvements in the accountability (Freeman 2002: 7).

The rights holders:

Citizens of Israel, residents of Jerusalem and residents of the Palestinian territory

There are three different categories of citizens and residents; citizens of Israel, Arab/Palestinian residents Jerusalem, and Palestinian residents of the occupied territory: The citizens of the Israeli state have blue Israeli passports. Residents of Jerusalem have blue ID-cards. Palestinian residents of West Bank or Gaza have green ID-cards. The legal situation in the West Bank is complex; there are different sets of legal provisions applicable for people living in the same area: the Israeli settlers in the West Bank are subjects to Israeli civil law, as opposed to the Palestinians who are under Israeli military law, which are not laws passed by the parliament but military orders passed by the local military commander.

“There really is a democracy for Jews in Israel; it is being limited more with time, but it is not really a democracy it is an ethnocracy, because if you are Jewish you have certain democratic rights and if you are not Jewish these rights are much less, and if you are a Palestinian resident of the occupied territories you are under a totally different legal system”
– Israeli peace activist ¹⁰

¹⁰ Statement by Israeli peace activist in the documentary movie “Israel vs. Israel”, Terje Carlsson, 2009

The duty bearers: the Israeli government and the Palestinian Authority

The State of Israel was established as an independent and sovereign state May 14 in 1948, and it became a member of the United Nations the next day. Israel has signed one of the main documents state by the United Nations; the Universal Declaration on Human Rights. This is a declaration and is not legally binding for states but it is today seen as customary law, and Israel has ratified many UN conventions. Israel is as a state the duty bearer for the Israeli citizens living inside the international recognized borders, from 1949, of the state of Israel. In addition Israel is the responsible state party for Israeli citizens that are living in territories it took control over in the 1967-war; the West Bank and the Golan Heights. According to international law, Israel is the occupying power in the West Bank and with this Israel has obligations to international recognized human rights standards, for all individuals living in territories it controls. Israel has signed the Fourth Geneva Convention concerning protection of civilians in times of war. There are many ways of defining Israel as the duty bearer in the West Bank: (1) Israel is the duty bearer for both Israelis and Palestinians in the whole territory because it is the occupying power, (2) Israel is the duty bearer only for Israeli citizens living in the West Bank, (3) Israel is the duty bearer for Israelis and Palestinians in certain areas of the West Bank which was in the Oslo process divided in different areas – A, B and C – where Israel is in control over the area C, and B, according to the Oslo agreement. In this study the definition by the United Nation will be used.

The Palestinian Authority, PA, is the duty bearer in the areas where the Palestinians are in control. The PLO, Palestinian Liberation Organization, signed a peace agreement with Israel in 1993. The Israel-PLO Declaration of Principles on Interim Self-Government Arrangements (the DOP), signed in Washington on 13 September 1993, provided for a transitional period not exceeding five years of Palestinian interim self-government in the Gaza Strip and the West Bank. Under the DOP, Israel agreed to transfer certain powers and responsibilities to the Palestinian Authority, which includes the Palestinian Legislative Council elected in January 1996, as part of the interim self-governing arrangements in the West Bank and Gaza Strip. The agreement provides that Israel will retain responsibility during the transitional period for external security and for internal security and public order of settlements and Israeli citizens. Permanent status is to be determined through direct negotiations, which resumed in September 1999. An intifada broke out in September 2000; resulting widespread violence in the West Bank and Gaza Strip, Israel's military response, and instability in the Palestinian

Authority are undermining progress toward a permanent settlement. The Oslo peace process led to the establishment of a Palestinian Authority in the West Bank and Gaza Strip, but did not lead to results in solving the final status issues; borders, settlements, status of Jerusalem and the refugee issue. The Palestinian response was a new uprising and the breakdown of the peace process. A polarization of Palestinian politics has led to severe internal conflict between Palestinian factions since the 2006 election. In September 2010 President of the Palestinian Authority Mahmoud Abbas resumed direct talks with Israel with the aim to establish a Palestinian state by the end of 2011 (<http://www.nationsonline.org/oneworld/palestine.htm>). According to the Oslo agreement, the Palestinian Authority has full responsibility within the area A of the West Bank. The Palestinian Authority is a responsible state party but Palestine is not a state and is not recognized as a member of the United Nation. The PLO has a permanent observer mission to the United Nations, which the PLO received as a part of the negotiations in the Oslo process. The Palestinian Authority has committed itself to respect and protect human rights standards and this is stated in the basic law. The Palestinian Authority is the duty bearer in area A of the West Bank. In addition there are different ways of defining the Palestinian Authority as a duty bearer in the West Bank: the Palestinian Authority is duty bearer for Palestinians in area B together with Israel because this area is under Palestinian civilian control and Israeli security control and C because Israel is in control. But the PA is not the duty bearer in area C because this area is under full control by Israel. According to international law the West Bank is under military occupation by Israel, and in that sense Israel is the responsible duty bearer for the Palestinian territory; West Bank and Gaza.

The complex political and legal reality

The Occupied Palestinian Territory (oPt) consists of the West Bank, including East Jerusalem, and the Gaza Strip. The Palestinians in the oPt are approximately four million. The population of Israel is 5 million that includes 1 million Palestinians with Israeli citizenship as well about 500 000 Israeli citizens living in settlements in the occupied Palestinian territory (<http://www.nationsonline.org/oneworld/palestine.htm>). The West Bank is the area between the Jordan River and the Green Line, the border pre 1967-war. The Oslo peace process in 1993 brought about a division of the West Bank into A, B, and C areas. Within area A, the Palestinian Authority is responsible for civilian issues and security. In 2009, Israel agreed to allow the Palestinian Authority's police to operate freely within the city limits of Bethlehem, Tulkarem, Ramallah, Jericho and Qalqilyah, except between midnight and 5 a.m. (Klein

2010: 93). The only functions under the Palestinian Authority are health and education (Bennis 2009: 90). The A-areas, the main Palestinian cities, are ‘tiny islands surrounded by roads and lands that remain under direct Israeli military occupation’. The B-areas include over 400 Palestinian villages just outside the main cities. In the area B, 23 percent of the West Bank, Israel controls the security and the PA for civilian issues. The C-area under full Israeli control and amounts almost 70 percent of the land and includes Israeli settlements, army camps and state-seized land that used to be cultivated by Palestinians (Bennis 2009: 23).

Who are the duty bearers and rights holders in the occupied territory is a multifaceted picture. Even if this could be quite clear in theory, the reality makes it more difficult because the different actors disagree about who should be responsible for who and where, and theory and practice don’t always go together. According to the United Nations, there are three duty bearers in the occupied Palestinian territory today; Israel, the Palestinian Authority and Hamas. Inside the state of Israel, the Israeli government is the duty bearer for all Israeli citizens, including the Arab-Palestinian residents. In the West Bank and the Gaza Strip, the situation is more complex. Israel is also responsible for the Israeli settlers who are living in the occupied territory. According to international law, Israel has obligations as the occupying power in the occupied Palestinian territory. In the West Bank there are two duty bearers; Israel and the Palestinian Authority. The Palestinian Authority is a duty bearer in area A because the PA is in control. In addition, the PA is partly responsible in area B, only for Palestinians. There are challenges for the PA to uphold the responsibility concerning human rights within area B because the area is controlled by Israel when it comes to security issues. Israel is the duty bearer in area C, theoretically for both Israelis and Palestinians living there, because area C is under administrative and military control. The Israeli settlers are living in area B and C. According to international law and the UN, Israel has – as the occupying power in the West Bank – obligations to human rights standards in the territory. The Palestinian Authority is the responsible state party for Palestinian residents living in area A where the PA is in control. In Gaza, the duty bearer is Hamas, according to the United Nations, because Hamas is the controlling state party on the ground. However, Israel also has obligations as the occupying power. Gaza is, according to the UN and international law, the Gaza strip is under military occupation.¹¹

¹¹ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

This way of analyzing the situation means that if Israel admits the responsibility for the Palestinian residents living in the area it controls, it is like saying that they have the same rights as the Israeli citizens. Israel is not necessarily interested in taking responsibility for the Palestinians in the West Bank because that would strengthen the argument of having a one-state solution. That Israel doesn't take responsibility for human rights of the Palestinians in the West Bank, is underlining a statement of that Israel wants the land but not the people, the policy of 'maximum land and minimum people'. Palestinians don't necessarily want that because it is undermining the claim of self-determination for Palestinians and the Palestinian Authority in the West Bank.

Human rights violations

All individuals are entitled human rights and should respect the human rights of others. Under international law, states have obligations 'to respect, to protect and to fulfill human rights'. Human rights are expressed and guaranteed by international human rights law, governments should act in certain ways or refrain from certain acts in order to promote and protect human rights and freedoms (<http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>). To respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfill means that states must take positive action to facilitate the enjoyment of basic human rights. The 1993 Vienna World Conference noted that the duty of states is to promote and protect human rights and fundamental freedoms, regardless of political, economic and cultural systems (Baylis: 2008: 517). A human rights violation occurs when a state or non-state actor violates any part of the Universal Declaration on Human Rights or other international human rights treaties or fails in the obligation to respect, protect and fulfill the rights. A human rights violation is when international recognized human rights, defined by the human rights declaration or the United Nations conventions, is obstructed or violated. A human rights violation is a right violation conducted by the duty bearer which is responsible for the rights holder's rights. The rights violation is a violation of human rights if the duty bearer failed to prevent it from happening or not taking responsibility for the violator for example by punishment. The difference between a criminal act and a human rights violation is that a criminal act is an act violating the law, and a human rights violation is a violation of international recognized human rights standards which is a result of the responsible authority's action or lack of action.

This study shows that international organizations focus on accountability in their work. The UN Office of High Commissioner on Human Rights has a mandate to protect human rights for all human beings, and the office in the occupied Palestinian territory defines that there are three duty bearers that are responsible for upholding human rights standards and the obligation to respect, protect and fulfil human rights. The duty bearer is normally the state and the rights holders are the population living in the area who can claim these rights. In the oPt today there are three duty bearers; Israel as the occupying power in West Bank and Gaza and an occupying power has an obligation to respect human rights, the second is the Palestinian Authorities who has made commitments to international human rights standards and is in control in the area A. In this study the two international organizations, the UN High Commissioner on Human Rights and the Temporary International Presence in Hebron, are working according to human rights law and international humanitarian law in their focus on protecting human rights by implementing human rights and promoting change of behavior and strengthening accountability by the responsible authorities. The OHCHR is working towards a change of behaviour and aims to influence the duty bearers in their observance of international human rights. The TIPH, Temporary International Presence in Hebron, monitors according to international recognized human rights standards and international humanitarian law in the city of Hebron. The mission reports on human rights violations in Hebron to the Israeli government and the Palestinian Authority and aims to influence their behaviour.

“While all the conflicts are different, some principles and problems remain the same, like the vulnerability of civilians. The basic rules of the human rights are designed to protect the weak and vulnerable. However, these rules are not always implemented on the ground.” – TIPH¹²

“From a principal point of view, there are no human rights that are more important than others, that were confirmed in the Vienna Declaration. So, from a principal point of view, they are all at the same level and they are all equally important, because they are interdependent and interrelated and all that. And that makes sense, from a purely substantive point of view that makes sense. Now, from an operational point of view, you obviously have to focus on some of the issues that you think are more important to address” – OHCHR in the oPt¹³

¹² Interview with Stefan Waespi, senior legal officer in TIPH, Hebron, 26 August 2010

¹³ Interview with Matthias Behnke, head of office in OHCHR in the oPt, East Jerusalem, 11 October 2010

6.2 Information from the interviews with organizations:

6.2.1 How do organizations work and which activities are they conducting?

Machsom Watch is an eyewitness on the ground. The organization is engaged in observing and reporting on incidents that they experience and get information about that takes place at the military checkpoints on roads and along the separation barrier in the occupied Palestinian territories. The women in Machsom Watch are organized in teams of two or three which are present at checkpoints in the morning and afternoon rush hours where they monitor and write reports that are published. *“We monitor there the behaviour of the soldiers; we observe what they do, how the checking is going. Sometimes we interfere when there are very bad human rights violations, but our main task is to document it. So after a shift in the morning or in the afternoon, we sit down and we write a report and the reports are then published in our website”*, Roni Hammermann explains. The military checkpoints are the main focus of their work and the members document and report on the daily routine and human rights violations. The organization publishes reports on several checkpoints almost every day. *“And this is our main purpose; we want to document the history of the intifada through the focus of the checkpoints”*, Roni says. Machsom Watch participates in media; *“we try to write to the newspaper and to participate in discussions, and radio and television”*, Roni says. It is important to document the situation because *“it shouldn’t be possible to say it didn’t happen”*. *“Whatever we write, we try to stick to what we see, to be an eyewitness, what we hear and what we see. I think it is a very important, I hope, it will be a very important document, a historical document when one day they will write it. But for the time being we are not so interested in history, but we are interested in trying to tell our people here in Israel what is really going on at the checkpoints, because they don’t know.”*¹⁴

Amnesty International in Israel focuses on housing rights for the Palestinian community in Israel and rights of African refugees, and has campaigns on human rights violations in other countries. The work includes peaceful demonstrations and activities, lobbying, and are aimed to influence decision makers (<http://www.amnesty.org.il/?CategoryID=153&ArticleID=351>). Amnesty in Israel started to work on Palestinian issues four years ago. *“I was the only one*

¹⁴ Interview with Roni Hammermann, member of Machsom Watch, Jerusalem, 31 August 2010

that was dealing with it and just in the frame of media work around it”, Vered Cohen-Barzilay, the spokesperson, says. “Until few years ago, it wasn’t allowed to work on your own country, so it wasn’t allowed to do any work on the oPt or the Palestinian Authority”, she says. “Now we are doing media work and publications, and we are opening a strategic plan. A few weeks from now, we will make a discussion about what we feel about the oPt and if we will start working on it. And it is not obvious, because the board is not very enthusiastic about it. But something has changed, people have changed their minds; before people were more afraid to deal with it because they were afraid that people would hate us, but now, there is nothing to lose.” Amnesty Israel has only 400 members and is considered to be left-wing. Vered tells that “most of the people know us not by the activities that we are doing, but because of the reports that Amnesty are launching about Israel and the oPt”.¹⁵

Breaking the Silence (BtS) was initiated in 2004, when a group of soldiers in the Israeli army chose to tell about their experiences in the territories during the second intifada. A group of soldiers who served in Hebron organized the photo exhibition “Bringing Hebron to Tel Aviv” (<http://www.breakingthesilence.org.il/exhibits>). The concept of the organization is to ‘break the silence’ of the daily reality of a military occupation. *“We are Israeli ex-combat soldier who served during the second intifada, who are today trying to work to expose the reality of occupation through our experiences and our testimonies about things that we have done and participated in. Basically, what we do are two main things; the heart of our work is that we document soldiers testimonies, video and audiotape, about their experiences in the occupied territories, we research and cross-check and we publish them; the second thing as that we try to use our personal experiences as an education tool by holding lectures and guided tours”*, the project manager tells. The organization collects testimonies from soldiers who served in the West Bank, Gaza and East Jerusalem since September 2000, and today they have over 700 testimonies. The organization holds lectures and house meetings, and has published a book (<http://www.breakingthesilence.org.il/about/organization>). Breaking the Silence conducts guided tours to Hebron, the only city with Israeli settlements inside, to explore the results of separation and military control of the city. The tour to the South Hebron Hills, a rural area in the West Bank, highlights the difficult situation with annexation of land and dispossession of the Palestinian population (<http://www.breakingthesilence.org.il/tours/1>). *“We give lectures to*

¹⁵ Interview with Vered Cohen Barzilay, communication officer in Amnesty Israel, Tel Aviv, 13 October 2010

groups; students and pre-military academies in Israel, journalists, tourists and international visitors”, the BtS-member says. Breaking the Silence reaches a national and international audience by giving tours in Hebrew and English. The purpose is to “*tell the truth about what's going on in the territories and how the reality of the occupation is on a daily basis*”.¹⁶

The Palestinian Human Rights Monitoring Group, PHRMG, is doing research, collecting information and documenting specific issues, and the field workers and researchers write reports and publish nationally and internationally. About 15 persons are employed, of these five are field workers; “*in Gaza we have two people, and we have three people in the West Bank*”, Bassem tells. The field workers are doing interviews, meetings with organizations and people that experience incidents and violations of human rights in the Palestinian territories. Some field workers are prevented from coming to the office in Jerusalem but “*we are receiving the information only via the field workers who are going to the incidents, meeting the victims, collecting evidences and sending them via email*”, the director tells. Researchers from universities abroad join in research, and PHRMG participates in seminars, do media work and publishes several reports every year. “*We are publishing several reports yearly about specific violations of human rights*”, the director says.¹⁷

The Middle East Nonviolence and Democracy, MEND, organizes meetings and activities focusing on human rights, human security, nonviolence and democracy, and is working in the Palestinian society “*using these understandings and beliefs for educating and raising awareness in the Palestinian society as a whole*”, Adel Ruished tells. MEND arranged joint Israeli-Palestinian meetings between teachers, but after 2000 “*it wasn't to the extent it was supposed to be*”. MEND is currently working on the project ‘Voices for Community Action’ with the Catholic Relief Services, supported by US Aid. “*The main idea of this project is to bring students from all over the West Bank and offer them education and training in human rights, non-violence, human security, and in addition training them in scout's activities.*” Sixty Palestinian students participate and twelve of them will be “*ambassadors of community actions*” who will bring internal issues which they think need to be solved. Adel tells that “*they will get some funds and then they will start working on implementing this project in*

¹⁶ Guided tour with Breaking the Silence to the South Hebron Hills, 15 September 2010

¹⁷ Interview with Bassem Eid, director of PHRMG, in East Jerusalem 20 September 2010

their own societies, and later on there will an evaluation phase to see what kind of impact they managed to do and what kind of solutions they offered for solving one of the main issues they were bothering about in their own local society". MEND has a manual in human security for practical training on non-violence and human rights in schools in the West Bank, dealing with internal issues and issues related to the occupation. Adel hopes that the new generation will *"absorb these beliefs in a way that it will impact their approach to solve their issues"*.¹⁸

TIPH, Temporary International Presence in Hebron, is an international civilian observer mission that is observing and reporting on incidents that are taking place within their area of responsibility and according to the mandate that defines the purpose of the mission. TIPH is monitoring on international human rights, and is also present to have a preventive role. Reporting is a cornerstone of TIPH's work. The mission's observers go on patrols, report on incidents they witness during their shift and hear from inhabitants. The reports are forwarded to the responsible Israeli or the Palestinian authority with inquiries and questions. TIPH writes reports that give an overview and analyses the current situation, negative trends and positive efforts, and they provide recommendations to the authorities. The parties give responses to the content of the reports, and the aim is to find remedies and solutions to the reported problems. Since 1997, TIPH has served as a witness and archive of events taking place in Hebron (<http://tiph.org/en/Observing + Reporting/>). TIPH has *"observers who go on patrols and then they come back with reports, if they observe an incident within our mandate, both in terms of our responsibility the city of Hebron which is not a just normal criminal act, but a human rights violation and on international humanitarian law and the Hebron agreement"*, the senior legal advisor, Stefan Waespi says. Israel and the Palestinian Authority are the direct parties that can make things happen, and the six member states can use diplomatic pressure. TIPH patrols make a report if they observe something serious, for example if *"children are put into prison without their parents being informed or mistreated by the army"*. *"And we meet three times a week, the lawyer and other members of TIPH, and discuss these reports and we decide if these are serious enough to inform the parties, the Israeli or the Palestinian side"*, he explains. TIPH meets Israeli military commanders to explain their role when new soldiers come to the city. TIPH is also teaching human rights and international humanitarian law at the Hebron University and al Quds University. TIPH cooperates with NGOs, the ICRC,

¹⁸ Interview with Adel Ruished, board member of MEND, East Jerusalem, 30 September 2010

UN-organizations, and local organizations. *“If we hear something outside our mandate we tell it to someone who can do something”*, Stefan says, *“we have fairly regular contact and we read their reports”*. The mission also has programs on community relations; pottery courses for women, theatre for children, and programs against drugs. During Ramadan, TIPH sells flour at lower prices to shops in H2, the Israeli controlled part, which means that bread is cheaper and people are encouraged to shop in the old city of Hebron. The mandate is to observe human rights but the agreement says that TIPH should provide ‘a sense of security’ and ‘contribute to economic wellbeing’. The legal adviser says *“there is a lot to do and there is a lot of potential, it is really up to you what you do”*.¹⁹

OHCHR, the UN Office of the High Commissioner on Human Rights, has a broad mandate of protecting and promoting human rights for all. The mandate of the Office of the High Commissioner is to *‘protect all human rights for all’*, Matthias Behnke explains, who is the head of office at the OHCHR in the Palestinian territories, *“we have presences in different parts of the world where we work to implement that mandate”*. Matthias explains that OHCHR is doing advocacy work, and capacity building, has a coordinating role in human rights work, and reports on specific human rights issues. He says that *“something can be very public advocacy, something can be quiet engagement and something can be working to change the behaviour through capacity building.”* When they are reporting it is important to *“find out what are the issues in terms of these standards that are set, to verify the facts, to look at what are the facts, analyze them according to that framework and then report on them”*. To report on issues can be done in different contexts, *“you can report publicly, and you can also report more quietly with various means. You can work on changing the behaviour of the duty bearer in terms of public advocacy or quiet diplomacy, collective actions by UN actors, or with NGOs or so on”*. OHCHR is coordinating all the human rights work in the area by international NGOs, national NGOs, and UN agencies. Matthias says; *“we do what we can based on the resources we have, that are not huge, and the will of the participants to try to come up with, both looking at insuring the division of labour, non overlap, joint efforts on advocacy, joint operational coordination in terms of who goes where and who does what, or come in advocacy positions”*. The aim is to ensure that the duty bearers confirm to human rights standards. The work requires engagement with the state

¹⁹ Interview with Stefan Waespi, senior legal officer in TIPH, Hebron, 26 August 2010

parties. *“A duty bearer is normally the state, which has the obligation or duty to protect rights, and the rights holders are the individuals that have been given these rights and can claim the rights”*. The Israeli-Palestinian situation is unique and complex reality when it comes to the legal aspects of human rights. In the oPt today there are in reality three duty bearers; the Israeli government, the Palestinian Authority and Hamas. *“Israel as the occupying power in West Bank and Gaza”*, Matthias says and comments that *“there are discussions about Gaza but it is considered from the UN that also Gaza is under an occupying power”*, so *“Israel is a duty bearer and has certain obligations under international human rights law because it is an occupying power”*. The second is the PA in the West Bank, *“the Palestinian Authorities who has quasi state roles, but not a legal status as a state, but they have made commitments to human rights, international human rights standards, it is in the basic law”*, he says, and *“they are given control in the area A in the oPt”*. In Gaza there is a *“de facto duty bearer which is Hamas, that isn’t recognized in a broader context politically”*, but they did win the elections, and *“on the ground they are certainly in control so they have a duty bearer role”*, Matthias explains. OHCHR works towards all three duty bearers. Matthias says that the PA doesn’t have a legal standing but the PA is preparing for statehood, so there is work done in terms of standards, behaviour and capacity. *“In Gaza the situation is a bit more complex because it is politically very sensitive.” “Israel is an important engagement – that is sometimes difficult”*, he says, *“the engagement with Israel hasn’t been as developed as it should be and that is something that we are working on developing”*. *“Human rights work – especially human rights work – done by the UN is multifaceted”*, Matthias Behnke says.²⁰

6.2.2 Which human rights issues are the organizations focusing on?

Machsom Watch is focusing on the Israeli separation policy and control regime in the occupied Palestinian territory; the separation barrier, the military checkpoints and the permit system, and the freedom of movement which is obstructed because of these policies. Machsom Watch focuses on the situation in the Jordan Valley and the South Hebron Hills where the army causes demolition of homes and dispossession of the Bedouins living there. The organization reports on human rights violations if and when they occur at the military

²⁰ Interview with Matthias Behnke, head of office at the OHCHR, East Jerusalem, 11 October 2010

checkpoints on roads and along the separation barrier. The organization often reports on violations on children rights, especially the right to education, and the right to health care, the right to have a job and livelihood and the freedom to exercise religion. The checkpoints and permit system are limiting the freedom to move within its own territory. *“It is a basic democratic freedom and it is what we are dealing with. And it is so many ways of obstructing this freedom of movement; there are physical ways, there are barriers, checkpoints and gates and the wall of course, but there are also the bureaucratic and administrative ways and the permit system, and all together they work on a complete control of the population”*, she explains. *“And now they have the electronic cards and also the Palestinians have to put their hands in order to identify them. I mean, if this is not control, and already now they have all kind of information on these cards on this person”*, Roni says. Children’s right to education is implicated because a child cannot go without his original birth certificate. *“So, if a child forgets his birth certificate at home, it happens with children - then this child cannot go to school. So the right of education is infringed”*. Other right obstructed is *“the right to health care; if a person needs medical treatment and he hasn’t a permit, this right is violated”*. *“A basic right of a human being is to be able to make a living, to earn to life, if you cannot go freely to Israel, the only place to find work, there is very little in the occupied territories, you also violate the basic right of a person to make her or his living. It is really like a tree with its branches out into the whole society. It is violating quite a number of basic human rights”*, Roni explains. *“It’s a complete control over the population”*, she says. *“They can’t see human beings in the Palestinians as a matter of fact. They see potential terrorists in them, they don’t see human beings”*. But *“not every soldier thinks like this, but once you are in the army, you are brain washed”*, she says. *“I have two children and I saw what they are trying to put into their heads throughout the years. My children grew up in a liberal house, but once they come to the army then they have courses on how a woman can transport explosives, here and here and here. So pregnant women are not pregnant, they are potential carriers of bombs. So in the end they believe it, it is easier to believe it than to fight it in yourself.”* *“It is a group mentality; you are stronger because you all think the same way”*, Roni says. *“When we tell the soldiers; we try to support human rights for the Palestinians – they answer, but what about my human rights?”* she says. Roni doesn’t blame the soldiers because *“you can have any courses in human rights; what they see is what the government does - it is not implementing these human rights”*. Machsom Watch focuses on the Jordan valley where the army declares firing zones in areas where Bedouins live. Israel makes *“the lives of the people*

*living there a hell”, Roni states. “They try to get the people out, because the Jordan valley is supposed to be Israeli”, Roni says. The water veins are closed and the Palestinians have to buy water while they sit on ruined water veins. “They take water from these veins and direct it to the settlements. There is such a contrast between the places with the settlers, green and everything is growing and blooming, swimming pools, whatever you want, and then the complete bareness of the earth where Palestinians live”, Roni says.*²¹

Amnesty International Israel is focusing on protecting human rights, takes action in support of victims of human rights violations and promotes awareness of human rights in the Israeli society. Amnesty Israel is working on housing rights of Palestinians inside Israel, African refugees in Israel, and educational programs focusing on international issues such as violence against women and an international campaign on death penalty. Amnesty raises knowledge and awareness about human rights in Israel. Human rights is controversial in Israel. *“When you are saying human rights in Israel, it is like you are cursing them. We are very much dealing with, we are in the situation in order to explain to them what human rights are”, Vered Cohen-Barzilay says. “I have heard so many times in my life that ‘we are very much in favour of human rights, except Palestinians’ rights’. They really don’t understand the meaning of human rights. The dehumanizing is so strong that they don’t really see”. Amnesty is not a political organization but “you cannot pull the politics out of what you are saying. We are not talking in terms of politics but people do refer what we are saying as it was politics, because it is in a way linked”, Vered says. Amnesty does not have an opinion on the Israel-Palestine situation. “We are part of a movement, all the documents and all the things that I am saying are things that the movement would say, I would never say anything on my own. Everything is very accurate and legalised”, she says. “So we are not against or in favour of occupation, because the High Chair never speaks about occupation; they do speak about that you need to treat the people under the occupation human, so this is what we are saying”, Vered says.*²²

²¹ Interview with Machsom Watch in Jerusalem, 31 August 2010

²² Interview with Amnesty International Israel in Tel Aviv, 13 October 2010

Breaking the Silence focuses on exposing the daily reality of the military occupation in the territory and the situation where young Israeli soldiers doing their mandatory service are controlling the civilian Palestinian population. The organization uses the members' personal experiences from the Israeli army as an educational tool to inform about the situation in the occupied territory and the military actions since September 2000. *"We are telling the story of a military occupation through the eye of an occupier"*, a member says. The organization is exposing results of separation and military control over the population in the occupied territory, and focuses on the relationship between civilians and the Israeli army, and the Israeli settlers in the West Bank (<http://www.breakingthesilence.org.il/about/organization>). *"I think that the story behind Breaking the Silence is that once you don't come with a very clear political demand and political say that is what you need to do – suddenly it is all about if this is going on or not, and everybody that served in the occupied territories knows that this is what is going on"*, a member of Breaking the Silence says. *"I fired grenades every night for four months in Hebron, into Palestinian civilian neighborhoods, where people live. I used Palestinians as human shields. The list of all the bad things that I did will take us hours."* The procedure of using human shields is very common, he tells, *"you use Palestinians as human shields, for different reasons; you see a suspicious bag, might be a bomb, it might be garbage, and you grab one random Palestinian in the street to pick it up. You come to arrest someone and use what we call the 'neighbor procedure' where you put in front of your patrol the neighbor when you approach the house. And when kids are throwing stones at you, you just grab a Palestinian to walk with you and no stone will be thrown at you."* *"The military concept is that if the Palestinians get the feeling that you are everywhere, they will be afraid to attack. You make your presence felt."* *"For a civilian it sounds awful, but for me as a combat soldier it is like drinking a coffee. You can't be there and see Palestinians as equal human beings to you"*. The former officer has many stories: *"Almost every night in Hebron, I bumped into family's house at and tore apart the place. It is a random house, not a house that you have intelligence on. You bump inside the house, wake up the family, get the men in one side and the women in the other side, you search and you leave, throw some stun grenades, make some noise, knock on some doors, run to the other corner, and wake up another house. When they wake up they will know that the army was there. 24 hours a day, 7 days a week, 10 years – every patrol in Hebron does that"*, the former IDF-officer says.²³

²³ Guided tour with Breaking the Silence to the South Hebron Hills, 15 September 2010

The Palestinian Human Right Monitoring Group, PHRMG, focuses on research on specific phenomenon in the society that could be representing human rights violations in Palestine. The director Bassem Eid tells that they have just finished a research about the impact of the wall on the Palestinian environment. The main focus is internal issues in the Palestinian society and accountability by the Palestinian Authority. PHRMG gives attention to the issue of violence; torture in prisons, killings, and unfair trials and capital punishment when people have been sentenced to death. Two months ago they started researching *“issues of torture in the Palestinian Authority, in Gaza and in the West Bank”* that *“has become a very wide phenomenon, especially the last years after the split between Gaza and the West Bank”*, Bassem says, *“then both sides will be upset, and Israel for sure will be happy”*. He says that they focus on the issue of political interests and people being *“kept in jail for nothing, with no investigation, no charges, no fair trials”*. *“The high court giving decisions to release legally the political prisoners but the executive committee refused to implement such kind of a high court decisions”*, Bassem says. *“We are also documenting all kind of killings, not only by the Israel, but also by the Palestinian, because you know, amongst the Palestinian you have different categories of killings; you have the family disputes, you have collaborators, you have honor killings, and you have so many other things”*, he explains, *“unfortunately, since the Hamas took over the Gaza strip in 2007, I think that the internal killings have a very high number right now”*. *“Sometimes I am asking myself what is the Palestinian ministry of justice doing in his office, what he is doing, keeping silent about violating decisions of the High Court. But I think that everything that is running here is more from the political point of view rather than the humanitarian point of view”*. Bassem says that *“they know that if they will obey the high court decision to release a Hamas guy, Israel will be upset. We don’t want any misunderstanding with Israel so let us violate the decisions of our own High Court and in the meantime we keep Israel so satisfied. I think that the politics now is suffering, especially those affiliated with the opposition parties”*, the director says.²⁴

MEND, Middle East Nonviolence and Democracy, is focusing on human rights, human security, democracy and non-violent conflict resolution. The organization focuses and works on internal issues in the Palestinian society. The aims of the work are *“to try to build a social coherent society which can concern for each other and care for each other, and work hand in*

²⁴ Interview with Bassem Eid, Palestinian Human Rights Monitoring Group, East Jerusalem, 20 September 2010

hand in order to build the basis for the future Palestinian state, and be able to face any kind of external forces”, the board member Adel Ruished tells. MEND is educating and raising awareness about human rights, human security and non-violence. “In order to feed them with these understandings and beliefs from the beginning because it is very much helpful if you manage to get a new generation who are absorbing these beliefs in a way that it will completely impact their way of reaction and their approach to how to solve their issues, the way how to deal with daily life issues in their own local societies, which helps also in order to minimize the number of fights and problems that are solved now in a violent way”, Adel says. If people are trained in nonviolent conflict resolution and human rights the society will be “united towards facing internal and external problems”, he says. “We will see if it works. But we still believe in what we are doing and we will continue despite the challenges”, he says. Adel says “from the beginning we worked on the same issues while many people were criticising us, but we believed, thanks God, and eventually everybody is talking about it”.²⁵

TIPH, Temporary International Presence in Hebron monitors according to internationally recognized human rights standards and international humanitarian law, and reports on violations on human rights if and when they occur within the area of responsibility, the city of Hebron. The TIPH reports on violations on the right to education, the right to have medical treatment, the right to have a job and economic livelihood, the right to exercise religion, the right to a fair trial, children’s rights, and acts of violence, arrests and detentions, and issues related to the settlers. TIPH focuses on accountability by both the Israeli government and the Palestinian Authority. TIPH bases the work on the declaration on human rights and conventions stated by the UN, and the agreement between the Israel and the Palestinian authority that establishes the mandate. *“We are here to our mandate and to fulfil our role, giving a sense of security to the Palestinians” and “monitoring human rights, to both sides”, the senior legal adviser Stefan Waespi says. He explains a situation where the muezzin was prevented from calling the prayers by the Israeli soldiers which is a violation on the right to exercise your religion. “Especially in a very conservative city such as Hebron the prayer calling is very important. And to prevent him from doing that for whatever reason, it might be valid reasons, legal valid reasons or legitimate reasons, is very sensitive. In this case the*

²⁵ Interview with Adel Ruished, Middle East Nonviolence and Democracy, East Jerusalem, 30 September 2010

patrol went to the muezzin and the administration that is part of the religious organization here, and ask what happened, why aren't you allowed and how many times haven't you been allowed call, and apparently recently he wasn't allowed to go into his mosque", Stefan explains. TIPH focuses on military checkpoints and the freedom of movement. "I think there are about 100 or 120 checkpoints in Hebron, we think many of them are ridiculous, serve no other purpose than making life difficult for the inhabitants so they could easily be opened", Stefan says. He tells that "many shops are closed by the Israelis for security reasons, and ambulances are stopped" which are human rights violations the TIPH reports on. Stefan tells that "even in the Hebron agreement it says that the famous market which used to be the heart of Hebron, and of the West Bank, and it is closed and actually the international agreements say; 'open the market', so that is another thing we pay a lot of attention to." The TIPH focuses on detention issues where people have to pay bail. People in Hebron are not rich, especially since they cannot operate their shops freely, so to pay 2000 Shekels to be released from prison is a lot of money. Stefan says that they look into this; "what is the role of bail, is it corruption, does it serve some other purpose". Another focus is the Israeli settlements. Stefan tells that "there are three or four settlements inside Hebron city, and they are still expanding, and that is an issue. A chair there, an outdoor movie there, a flower garden there which has not been there yesterday, a container there, so we report that and make a report and ask the Israelis; what is happening, this is Palestinian owned ground, you are supposed to enforce law and order, you should remove the settlers and so on". TIPH reports on children rights; "the misuse of children at the checkpoints, they are blindfolded and handcuffed, their parents are not informed". He tells about physical violence: "Palestinians are attacked or held back by Israeli soldiers, could be a human rights violation, and also the role of the settlers, as you know the settlers here are ... an issue, and often they threat Palestinian families, throw stones at them, water into their houses, because sometimes they live on top of each others, Palestinian families and settler families." One problem is that the army does not control the settlers; "the occupying power is supposed to take care of law order in the territory and often they seem not to do it, and we make a report and ask the Israeli soldiers: why don't you intervene, why don't you stop". The legal situation is visible in Hebron; "it looks very discriminatory, because the Israelis who are here in the city, the settlers, are subjects to Israeli civil law, as opposed to the Palestinians who live here, they are under Israeli military rule and military law, which is usually not laws and regulations passed by the parliament, these are so called military orders passed by the local military commander. There

are different sets of legal provisions applicable for people living in the same spot". TIPH focuses on human rights related to detentions, arrests and treatment in prison by Israel, but reports also on behaviour of the PA; *"it is a fairly robust environment also for the Palestinians to their own authorities"*. *"It is just a myriad of issues"*, he says. Stefan tells that *"what we do is absolutely public; anybody can come to Hebron, we have a lot of visitors, and everybody can see it. It is obvious, you can see it all the time"*, the legal officer says.²⁶

OHCHR, the UN Office of the High Commissioner on Human Rights, focuses on respecting and protecting human rights for all. From a principal point of view all human rights are interlinked and interdependent and human rights are a part of everything the UN does. The head of office at the OHCHR in the occupied Palestinian territories, Matthias Behnke explains that *"the position of the Secretary General and the UN in general is that human rights is everywhere but in the UN is also that human rights is a part of everything that the UN does, so in theory there should be a human rights element in everything, sometimes human rights is less pronounced than it is in others, and it is something that is a process, that is an ongoing. So we work with our UN partners to do what is called mainstream human rights activities."* Matthias says that all human rights are *"at the same level and they are all equally important because they are interdependent and interrelated and all that"*. *"From a purely substantive point of view that makes sense. Now, from an operational point of view, you obviously have to focus on some of the issues that you think are more important to address, simply for operational purposes. That doesn't mean that you say that they are more important from a principal point of view"*, Matthias explains. One key issue is accountability; *"accountability is generally a problem for certain behaviours, there is no accountability or there is little accountability. It can be issues relating to the situation in the West Bank right now of arbitrary detention and treatment in detention that are some key issues. In Gaza there can be issues relating to the blockade, in terms of economic, cultural and social rights that have severe implications for instance to health situation or the education of children"*. There is a complex legal and political reality of human rights in the Israeli-Palestinian situation. The rights holders are the population who can claim the rights and the state is the duty bearer which has the obligation to respect, protect and fulfil human rights. In the occupied Palestinian territory there are three duty bearers: Israel *"as the occupying power in West Bank*

²⁶ Interview with Stefan Waespi, Temporary International Presence in Hebron, Hebron, 26 August 2010

and Gaza” because “an occupying power has an obligation to respect human rights”. The “Palestinian Authority has quasi state roles but not a legal status as a state” who has made commitments to international human rights standards. PA is not a state but still a duty bearer because they are in control in area A in the West Bank. In Gaza, Hamas is a de facto duty bearer because “on the ground they are certainly in control”, Matthias explains.²⁷

6.2.3 Which goals do the local and international organizations want to achieve, and who do they aim to influence?

Machsom Watch has a clear goal it wants to achieve; to end the occupation, “every woman in her way, but we cannot imagine that things can become acceptable without ending the occupation”, Roni Hammermann says. “Whatever is possible we will try to do, but I don’t know what will make the people awake here if not only physical suffering, which I am sad to say that this is the only thing that probably will bring around the change”, she says. The Machsom Watch wants to change the current situation, but Roni is pessimistic; “I feel that we will have another round of war and blood leading. And I am afraid that until, before the Israelis will feel on their own body the dangers of apartheid, I mean, of rejection of any kind of solution, we will not be ready to any kind of solution”. I ask if she sees a two-state solution as the way to go, and she says; “when you travel in the West Bank, you see how impossible it seems to have an organic whole piece of Palestine. But certainly, in some way it seems to me the only solution, because the other solution is apartheid, and we have already apartheid, because this is the situation today, a clear apartheid roads, there is the apartheid wall; this is only for Jews, this is not for Palestinians.” The organization aims to influence in Israel, “our main objective is to speak to the Israeli public but it is getting more and more difficult, and also I have to say the Israeli public is not interested, they don’t want to know”. Roni says. The organization is participating in seminars abroad to speak about the situation and their work, and aim to influence internationally because pressure from outside is important for “other governments will put pressure to end the occupation”, Roni says.²⁸

²⁷ Matthias Behnke, UN Office of the High Commissioner on Human Rights, Jerusalem, 11 October 2010

²⁸ Interview with Roni Hammermann, Machsom Watch, Jerusalem, 31 August 2010

Amnesty International Israel has a vision *“to become a section that will influence the situation, we want to change, I mean, at the end that is what we are trying to do. We want to make some change, some positive change, and we want to become one of the leading organizations that work on human rights”*, the spokesperson Vered Cohen-Barzilay explains. *“We are far away from this”*, she says. Vered says that *“we don’t know who we are, we are an international movement and we are a local movement, and we are working on international issues and we work locally”*. Other Israeli organizations don’t see Amnesty as a local Israeli organization. *“So we are just really a mix of what we try to be, mixed and confused identity; we don’t have a really clear identity and now we are in a process to explain to us what we are. So it is very important to ask questions. And when we will be able to answer it to ourselves it will be easy for us to achieve it”*, she says. Vered says that many organizations in Israel have given up on influencing their own society; many organizations think that the Israeli public is a lost case and the only way to achieve a change is to go outside. *“Which is true, but you cannot stop trying”*, she says. She tells about a conference about democracy she participated in where many Israeli organizations said that they want to reach the international public and work on the international media. *“This is worrying...”* she says. Vered thinks that local Israeli organizations should work on the Israeli society, and influence locally and nationally. Vered thinks that to give up the Israeli society is why the situation is getting worse; *“to lose the battle on the Israeli public that is the worst thing. I can understand the politicians, they want to gain power, so they have their interests in what they are doing, if we are talking in this terms, it is really hopeless”*. If the civil society organizations, human rights organizations, give up on the Israeli people then there is a huge gap for the politicians to do what they want. *“If we will influence the international media they will put a pressure, like if Obama would put a pressure on Bibbi, it will make a change, which make sense, I can understand”*. She thinks that they need to *“make a new branding for democracy, a new branding for human rights”*. Vered says that *“you need to make a change here, you need to work on the Israeli public, you need to work on the Israeli politicians, and you need to make the change here”*. She thinks that *“the people always make the change, it is not the politicians”* and they need to *“make a new branding for democracy, a new branding for human rights”*. Vered thinks that *“in Israel, the change will come from the inside”*.²⁹

²⁹ Interview with Vered Cohen-Barzilay, Amnesty International in Tel Aviv, 13 October 2010

The Breaking the Silence consists of former soldiers in the Israeli army, men and women representing different socio-economical backgrounds, political perspectives and religious orientations. They don't have a common ground of political opinions and perspectives on how the conflict should be solved. *"The members of the organization don't have a common ground when it comes to how the situation and how the conflict as a whole is perceived"*, Ayal in Breaking the Silence says. *"In general the idea behind Breaking the Silence is not to promote a specific solution to the conflict. There is not a political 'to do' list from our side"*, Ayal says. *"We believe that people need to be confronted with the reality. And this is what brings people to Breaking the Silence. So this is what we do"*, he says. Breaking the Silence brings the voice of former soldiers to the public, and gives Israelis and internationals access to this reality. Breaking the Silence wants to stimulate public debate about the reality where young soldiers control the civilian Palestinians population on a daily basis. The aim is the Israeli society to face the reality (<http://www.breakingthesilence.org.il/about/organization>). The members have given testimonies to the organization about their services in the Israeli army in the territories and work within the mandate which is to use their personal experiences to tell about the daily reality of a military occupation and situation in the territories. *"We do not have a solution and we don't even talk, officially, about a solution or how the day after an agreement would look like, how it should be after a peace agreement is achieved"*, he says. *"We are trying to bring the reality back home, trying to hold up a mirror in front of our society and demanding the society to take responsibility for what is done in its name. This is what is going on in our society's name, and we as a society can decide whether it is acceptable or not. The most important question, the way we see it, for a democratic society is; where are the moral boundaries as a society, where are the red lines. To what extent do you stand behind your military or when do you say; no – not in my name. We come with our stories, with our testimonies and we demand from others to say whether it is behind the red line or not"*, one member says. *"We take people to guided tours to Hebron; we conduct about 200 tours a year, to thousands of Israelis and mainly youths before the army. We try to show them a different story, a different narrative, and show them what they are going to be involved in. We want them to think. We don't tell them what to do"*, he says. Breaking the Silence reaches an international audience by publishing in English and giving tours to international visitors, and members participate in media and seminars abroad.³⁰

³⁰ Guided tour with Breaking the Silence, 15 September 2010

The Palestinian Human Rights Monitoring Group, PHRMG, aims to achieve a higher level of accountability by the responsible authority, and to achieve respect, knowledge and awareness of human rights in the society. *“I think that it is still important to continue documenting what is really going on, because I think that it is probably a very critical historical period that is passing right now between the Israelis and the Palestinians”*, the director Bassem Eid says. *“I believe this conflict will continue for the coming ten or twenty years. I don’t think that any peace will come out of it, but still, if there is no peace it doesn’t mean that we don’t need a peace education. I think that peace education is a very essential issue, very vital issue to protect our coming generations”*, he says. PHRMG does not have one specific goal to the conflict, but Bassem tells what he thinks about possible solutions; *“a two-state solution, probably... it could be, but tomorrow it couldn’t be. So imagine that the conflict could continue for another ten or twenty years, the whole of top of hills would be full of settlements and you couldn’t divide it to a two-state solution, you couldn’t. Then probably, the solution is a one-state solution”*. *“To talk about a two-state solution, I don’t think that the Israelis ever will withdraw to the 67-borders, ever, no. Probably, but we are still far away from a one-state solution, we need another twenty-thirty-forty years till it will be much more applicable than today or tomorrow”*, he says. *“Now, towards the peace process itself and the conflict, it is not the time right now to talk about it”*, Bassem says.³¹

Middle East Nonviolence and Democracy, MEND, aims to contribute to a culture of peace and a social coherent society where people care for each other and work hand in hand to build the basis for the future Palestinian state. MEND is educating about on human rights and human security, democracy and non-violence for and the whole society to believe in the same principals and be united facing any internal or external problems. Adel Ruished, board member, thinks that a society educated in human rights, human security and non-violence is a democratic society. *“I think it will be more peaceful than other societies that are not adopting these principals as an approach to deal with their daily life issues, it will be a peaceful society, and it will be ready to deal with external issues like the occupation in a better way and more peaceful way”*, he says. Adel says that *“if you want to build on these principals to have a democratic and then peaceful society and culture for peace within the society, I think it will well absorb within the Palestinian society”*. Adel thinks that the Palestinian society is an

³¹ Interview with Bassem Eid, PHRMG, in East Jerusalem, 20 September 2010

open society which can easily accept or receive what is coming from the outside whether it is good or bad. He says that MEND “*managed to make many changes during our past twenty years so I do believe that we will have another opportunity and good possibilities to achieve partly what we are hoping*”. The main idea of the project ‘Voices for community action’ is to “*bring students, school students, from all over the West Bank and offer them education and training in human rights, non-violence, human security*”, and then implement this project in the communities. MEND is developing a training manual for human security, and the goal is to “*present it to the schools all over the West Bank and maybe regionally as well, and hopefully it will be a useful tool to use it as guide for training people about non-violence, human rights and human security issues which deals with mainly internal issues in addition to issues that are related to the occupation*”. Adel thinks it is very important to document the Israeli violations against the Palestinian people and territories, and raise these issues to the international arena. He says that “*this documentation could be practical and live feedback from the daily life of the Palestinians, if it is to be used in the future or if the international human rights law is going to be active in the future in our case*”. MEND aims to “*teach people about human rights*” so they can “*find another approach where they can solve their issues non-violently by understanding the human rights of everybody*”. The last four years MEND has worked on internal issues in the Palestinian society. Adel is concerned about “*the human rights from the internal perspective, Palestinian internal issues, where people must learn more about them and get more education and learn more about human rights, this helps a lot people to help them solve their issues, for example within the family, the school, the street, the local community, when people start to respect human rights and understand that all people are equal*”. “*I think for me it is very important to deal with it in a civil way in addition to the political way*”, Adel says. MEND aims to educating young people because “*it is helpful if you manage to get a new generation who are absorbing these beliefs in a way that it will completely impact their way of reaction and their approach to how to solve their issues, the way how to deal with daily life issues in their own local societies, which helps also in order to minimize the number of fights and problems that are solved now in a violent way*”. “*We believe in something and we insist on doing it*”, and he says “*what we wanted to do was to bring our view, our voice to the world*”.³²

³² Interview with Adel Ruished in MEND, East Jerusalem, 30 September 2010

TIPH , Temporary International Presence in Hebron, has a mandate that defines the tasks of the mission; to promote by their presence a feeling of security to the Palestinians of Hebron; to help promote stability and an appropriate environment conducive to the enhancement of the well-being of the Palestinians of Hebron and their economic development; to observe the enhancement of peace and prosperity among Palestinians; to assist in the promotion and execution of projects; and to encourage economic development in Hebron (http://tiph.org/en/About_TIPH/Mandate_and_Agreements/Agreement_on_TIPH). *“I don’t think it make sense look too much a head”*, the senior legal officer Stefan Waespi says. *“We are here to our mandate and to fulfil our role, giving a sense of security to the Palestinians, monitoring human rights. We are monitoring human rights to both sides by the way”*, he says. *“It is in our name ‘temporary’ and now it has been for more than ten years”*, he says concerning the future. The agreement needs to be renewed every three months by the Israeli and the Palestinian Authority; *“so it is very temporary, either side both the Israeli and Palestinian or one of the states could stop at any time. It is stable, but, as I said, you know, could end at any time. I think it will go on for a while”*, Stefan says. *“Obviously the states that are financing us they are thinking; does it make sense paying a lot of money and put the members to a certain risk. You might know, some years ago two members were killed”*, he tells. One argument is that by doing what the mission is doing, they are actually in a way upholding the current situation; *“staying here without having much power, you actually solidify and justify the existing bad situation - that is an argument diplomats could make.”* Stefan says that *“whatever happens in Israel, the direct peace talks will have an immediate impact on Hebron.”* *“But we are here and we do our job and see what happens”*.³³

Office of the High Commissioner on Human Rights, OHCHR, is *“aimed towards looking at what the state does as a duty bearer”* and the goal of the work is *“to ensure that the duty bearers confirm to the international recognized human rights standards”*. The office of the High Commissioner on Human Rights in the oPt has a mandate to *“build the capacity of the Palestinian authority”*. Since the establishment in 1996, the role of the office has developed. The OHCHR supports NGOs, national human rights institutions and monitors and reports regularly about the human rights situation and has a capacity building and coordination role. *“We are trying to make sense, do what we can based on the resources we have, that are not*

³³ Interview with Stefan Waespi, TIPH, in Hebron 26 August 2010

huge, and the will of the participants to try to come up with, both looking at insuring the division of labour, non overlap, joint efforts on advocacy, joint operational coordination in terms of who goes where and who does what, or come in advocacy positions”, Matthias explains. The aim is “to ensure that the duty bearers confirm to these standards”. He says that “if you after two or three years you said everything is fine... You know, I don’t think that is possible. I mean, you have to set a goal to achieve certain change of behaviour, change of the situation”. It depends on the situation, the available resources, and the political context which is very complex. It is important to “have a global understanding of it and then you have to prioritize very much where you go”. The aim can be a change of legislation which means that certain practices are legally abolished, but whether and how they are implemented is different. “You can say if you manage to build the capacity of a state to do certain things, that is a goal.” The “civil and political rights”, like an “absolute prohibition of torture” where you can work towards that it will not happen “but if it hasn’t happened for two months, it doesn’t mean that it will not happen in the third”. If it happens, it is a human rights violation – if it is conducted by one of the duty bearers. Then there are the “social, economic and cultural rights, the right to education, the right to food, the right to health”. “You can pass a law that can say that there will be no torture, in theory that is nothing that prevents you from implementing that law from one day to another; you just don’t do it anymore. But, that there should be universal education for everybody is not something you can do from one day to another, so that is a longer process, to work on economic, cultural and social rights.” Matthias says that “the human rights situation will be affected quite seriously by how the peace negotiations go”. The OHCHR can raise certain issues to the peace negotiations, “there have been reports about settler violence and lack of accountability for settler violence, so we look at what is Israel actually doing to investigate and prosecute these cases”. The OHCHR works to reach the human rights standards and Israel is very important because as the occupying power it should confirm its behaviour to these norms. He says that “if you have a political solution where you have a two-state solution or whatever it is, then it will be the Palestinian authority that will be the one that has to ensure these standards”. “From an international legal point of view, the occupation is illegal”, but “there is nothing in human rights that declares how a political situation has to be, how a political situation has to be solved. But what is very clear, is that people have certain rights”. Matthias says that “if you look at all the reports that are out there, problems are identified, they are analyzed in a context of international legal framework and then recommendations are put forward in order

to address this problem and to confirm to your obligations you have to do this.” There are so many reports and the recommendations are clear, but “we cannot decide if they are implemented, the duty bearers have to do that”, he says. OHCHR aims to influence “the behaviour of the duty bearer in their observance of human rights”. “From a formal point of view as a UN-organization we deal with member states and the member states are represented by their governments but obviously the governments are represented by parties”. The OHCHR works “with parliaments, legislators, in terms of adoption of laws and human rights in state budgets, but also in terms of political parties and their agenda on human rights but that is more of an advocacy issue”. OHCHR works with the civil society in Palestine and supports Israeli organizations working in the territories. Matthias says that “they do excellent work, they work on many of the same issues that we do”. “As an office in the UN dealing with human rights, we have a very strong obligation and mandate to be very strong and fear on principals. We are the Custodians of human rights... We have to maintain and raise awareness and keep reminding people about the principals we are working on”, Matthias says.³⁴

6.2.4 Which challenges do the organizations meet in their work?

Machsom Watch observes at military checkpoints in the occupied territories. Roni tells that the soldiers working at checkpoints react differently to their presence, “*they see us as mother or sister figures because we speak their language and we also tell them that we are Israelis. They are puzzled because they don’t understand what we are doing*”. It is difficult for them to act violently because they speak to them as mothers. The soldiers see “*women that think differently than them, it is not a common consensus, it makes them very insecure, some of them of course don’t want us there, and I don’t blame them*”. “*I wouldn’t like someone to stand next to me and looking at what I am doing*”, she says. Soldiers and officers try to get rid of them and tell the women that they are not allowed to cross certain lines or be at certain spots at the checkpoint. But the women say that they need to see what is going on. “*And by now we have all kind of papers that tell us that we are allowed to*”, Roni says. The main challenge in their work in the territories is the Israeli settlers. “*I can tell you, the settlers in the area of Nablus, they are horrible, they have attacked us, they take away our note books*

³⁴ Interview with Matthias Behnke, OHCHR, in East Jerusalem, 11 October 2010

and cameras, they throw water on us, they spit on us, and then really the soldiers do anything, they don't interfere. And this is a very unpleasant experience", she says. "Sometimes they come and block the road for us; they hate us more than they hate the Palestinians. And they are very aggressive, they have no problems... Like in Hebron, you never know where it will come from. (...) It can be dangerous because of the settlers. They are the masters there, they tell the army what to do and the police what to do. And the children, I have never seen so aggressive children", Roni says. "There is a conflict of interest", she says and explains that "working together with the army can help, that is true, you can help a person if you have good relations to this and this soldier, so we have the dilemma, because we want to help, but we don't want to be a part of a collaborative system". Human rights is political, Roni states. She says "you can do a humanitarian act but it is not an act that is addressing human rights". "We protest against the lack of human rights. And therefore we don't want to work together for instance with the army, because we don't want their occupation to be nicer and more polite. We want to protest against the occupation and against the checkpoints". The system is "forcing the whole population on their way to work, to hospital or to the doctor, or any kind of shopping, to cross a checkpoint and to wait for hours and to be under the threat of brutal soldiers who scream at them". Even if soldiers behave nice "it is still a checkpoint and the basic rights of a person for free movement are obstructed" Roni explains.³⁵

Amnesty International Israel meets many challenges because everything they say or publish is perceived as political statements. Vered says that "you cannot pull the politics out of what you are saying, so we are not talking in terms of politics but people do refer what we are saying as it was politics". "When you are saying human rights in Israel, it is like you are cursing them", Vered says. "I have heard so many times in my life that 'we are very much in favour of human rights, except Palestinians' rights' – they really don't understand the meaning of human rights. The dehumanizing is so strong that they don't really see", Vered says. "We need to understand that they don't understand. Even our organization in order to make a social change, we need to do a change in us first", Vered says, and "we are in the situation in order to explain to them what human rights are". Most people would say that Israel 'the only democracy in the Middle East', "if Israel one day will act according to the treaties and conventions of course we will come closer to a democracy". "People are very

³⁵ Interview with Roni Hammermann, Machsom Watch, in Jerusalem, 31 August 2010

much afraid of asking questions to themselves; they prefer to shut their eyes. And this is what I am doing, I am dedicated with the work on the book, to lecture in front of people and saying; put question mark, just put question mark, I am not claiming that I have the answers”, Vered says. She tells a story: “U2 have this collaboration with Amnesty, and during the concert during one of the songs that is called ‘Walk On’, they dedicated the song to Aung San Su Kii”. “Amnesty volunteers walked up to the stage standing in front of the stage, and I was one of them, and because of my many questions recently I wanted to feel the power of Amnesty, and I was standing in front of one hundred thousand people and looking at them, it is amazing”. “I want to be there one day; I want to say something and that people believe me”, Vered says.³⁶

Breaking the Silence experiences difficulties on the guided tours to the city of Hebron and the South Hebron Hills. Due to the Hebron settlers' violence towards the tours and the limited ability of the Hebron police to protect the tours from this violence, large tours happen rarely, and they are guaranteed protection by the security forces, is written on the organization's website (<http://www.breakingthesilence.org.il/tours/1>). The organization experience different kind of difficulties with the ability to conduct their work, especially the guided tours. There are stories about some of the guides of the tours are harassed by settlers in Hebron and that the police and soldiers don't do anything to stop it. The guided tour to the South Hebron Hills that I participated on in October was supposed to be a tour to the city of Hebron, but it was prevented by the security adviser in the police because *“the organization wasn't welcome in the city”*, the guide said, and the police and army *“couldn't guarantee the security of the tour and the participants”*. Some tours to the South Hebron Hills have recently been stopped by the police when they tried to enter an area with settler outposts and the police couldn't risk the safety of the participants because of the potential threat from the settlers in an outpost in the South Hebron Hills. The Breaking the Silence is legal and conducts the work according to all rules, but the settler outposts are not legal even according to Israeli law, but the police is preventing the organization from conducting trips to that area. Recently, some tours to Hebron have been stopped on the way or cancelled in advance. In December 2011, Breaking the Silence introduced a guided tour to the Ramallah area north of Jerusalem.³⁷

³⁶ Interview with Vered Cohen-Barzilay, Amnesty International in Tel Aviv, 13 October 2010

³⁷ Guided tour with Breaking the Silence to South Hebron Hills, 15 September 2010

Palestinian Human Rights Monitoring Group, PHRMG, experiences internal challenges in the society because working on human rights issues demands a stronger human rights culture amongst the Palestinians. *“I studied in school for twelve years, I never heard about the two words human rights or democracy”*, the director Bassem Eid says. *“Human rights is an education issue, as the peace itself can be considered as an education issue.”* Bassem thinks that the Palestinians should reform the culture, but there is a contradiction because the culture is based on Islam. Bassem says that *“sometimes I think that the human rights can be considered as something against religion; when we today say that capital punishment must be prohibited, but the capital punishment is already mentioned in the Koran, so when we are saying it should be prohibited, by the Islamist people we are considered as Godless people that we are holding the culture of the West, and then you have a problem”*. The Palestinians are suffering from the division between Fatah and Hamas. *“Abbas to sit with Ismayil Haniyeh, that is impossible, but to put Abbas with Netanyahu that is possible”*, he says. *“I think that the Palestinians should have to take a period of rest, from the second intifada, and to give more and more chance to the negotiations and the peace process.”* Bassem is not very optimistic, *“but to save lives of people, that is the most important thing”* he says.³⁸

Middle East Non-Violence and Democracy, MEND, meets external and internal challenges. Adel Ruished says that external challenges are *“the occupation”* and *“politics all over the world”*, and internal challenge such as culture, religion, internal political dispute and economic situation. *“There are a lot of challenges, but still I believe that we will continue”*, Adel says. He was engaged in organizing developing joint curriculum between Israeli and Palestinian history teachers. It was difficult to implement because of ups and downs in the political process; *“sometimes we were supposed to have meetings between Israeli and Palestinians teachers and in the last day something happened and they said ‘no we cannot meet them until this issue passes’. This was from both sides”*. During the first ten years, the organization received huge criticism and was called *“collaborators with the Israelis”*. *“But we have good projects, good number of people, and there are many people who are interested in joining our work so I do believe that we will have possibilities to achieve what we are hoping.”* *“We believe in something and we insist on doing it”*, Adel says.³⁹

³⁸ Interview with Bassem Eid, PHRMG, in East Jerusalem, 20 September 2010

³⁹ Interview with Adel Ruished, MEND, in East Jerusalem, 30 September 2010

TIPH, Temporary International Presence in the city of Hebron, has some challenges related to their work, Stefan Waespi tells. One challenge of working in the observer mission is that not much is changing, he says, *“especially not for the patrols, they go out every morning at seven o’clock or afternoon patrol until ten o’clock, talk to the same shop owners, see the same soldiers, see the same victims, and they have to be friendly, to write reports. And these shifts are long, eight hours, and it is hot, you sit in the car, and during Ramadan they are not allowed or supposed to drink in public, so it is a tough thing”*. *“So I really command my colleagues to don’t lose their enthusiasm. Not to lose that enthusiasm over time, I think that is the biggest challenge”*, the legal officer says. *“And also for me as a lawyer, you see that you can’t really change much, certainly not in a short time, you just have to believe in what you are doing and continue”*, Stefan says. The mission works on relations with the community by teaching at universities, and organizing activities for children and parents. *“We have initiatives to make people feel more comfortable with us”*, he says. TIPH meets with Israeli and Palestinian officials, and *“we are meeting with the Israeli commanders and explain our role”*. There is a risk involved, in 2002, two members were shot and killed. *“We have patrol cars that receive stones, from both sides, especially from kids”*, Stefan says.⁴⁰

OHCHR, Office of the High Commissioner on Human Rights, meets challenges but experience also many possibilities. *“Maybe the challenging part is to aim your ambitions at the right level; try to achieve something that you realistically think you can achieve. And not trying to change everything, because you can’t. Simply because of the type of organization, the type of mandate and the resources that we have. That doesn’t mean that can’t address many issues”*, the head of office at the OHCHR says. *“It is not the information that is missing, in many countries you are asking yourself, what is actually happening. I used to work in Darfur. In Darfur it was always the issue of what actually happens in that village, it was nobody there. Here, if something happens immediately there is somebody there seeing it, so information is not the problem; and that is a very good step.”* There is a massive access to information, the problem is more what to do with the information. *“One is the advocacy or the follow-up, there are so many reports in the public domain about the human rights situation, are they being followed up by the duty bearers, no, and some people would say yes, actually they are to some extent.”* *“What strikes me is that when it is all this information*

⁴⁰ Interview with Stefan Waespi, TIPH, in Hebron 26 August 2010

available in the public domain globally and it is not properly reported... The other thing is... Is it the political context that sometimes poses an impact for human rights? I don't know", he says. Matthias says that "the main frustration comes really not from the human rights situation but from the political situation, that the whole issue of the status of the... that the peace negotiations hasn't reached anywhere. And the Palestinian territories are still occupied, a lot of problems lead from that – in itself that occupation is illegal." "I think it is important to be aware of the political context when you do human rights work, because if you don't you will miss out on a lot of things." The work of the OHCHR and "the human rights situation will be affected quite seriously by how the peace negotiations go", Matthias says.⁴¹

6.2.5 What are the organizations' successes and results of the work?

Machsom Watch: Roni Hammermann sees the organization as important for the human rights situation today. *"It is very important, because we are in the field, in the front you can say, we are the only one that are really in the front between the Palestinians and the soldiers, physically. So we can report on all possible human rights violations, which you very often can't see or hear about unless you are there. So, you know, our reports are very important, because they express what is really happening", she says. "And we can see how the army is lying concerning all kind of things, which has nothing to do with reality, for instance this thing of the separating a person from its ID, it is forbidden, the army forbids it and it is happening every day, hundreds of times". The army and the media sometimes say that a checkpoint has been removed. "They say that they have dismantled it, but they have changed it, left it for a short time. But the whole infrastructure stays there so they can come back at any moment", she says. "I think that we are quiet witness of human rights violations which otherwise we wouldn't know of", Roni says. She feels that they reach out with information. Most people in Israel think that the checkpoints are a necessary evil. "I think we have contributed quite a lot to this insight, they think it is necessary, we don't think, but it is an evil phenomenon and it has to be seen as such", Roni says.⁴²*

⁴¹ Interview with Matthias Behnke, OHCHR in the oPt, East Jerusalem, 11 October 2010

⁴² Interview with Roni in Machsom Watch, Jerusalem, 31 August 2010

Amnesty International Israel: Vered Cohen-Barzilay sees possibilities to make positive change. *“We have had some successes on the issue of refugees and asylum seekers, and I think that if I stop believing that there is a possibility of achieving change I would not be here anymore, everything that I do is because, at the end of the day, I believe that there is a possibility to change”*, Vered Cohen-Barzilay says. She is convinced that it is possible to change people’s attitudes. *“I was raised as a right-wing, (...) my father voted on Lieberman, crazy people, and he said ‘we need a very strong leader’ - and on the other hand he could sit with Arab people. One day a good leader will say to my father ‘follow me’ and he will have the basis. I think that we can be able to change people like my family. My mother talks differently now than when I started my journey”*. *“It is very easy to hate. And they are afraid. They are afraid to question. People are very much afraid of asking questions to themselves, they prefer to shut their eyes”*, Vered says. *“And this is what I am doing, I am dedicated with the work on the book, to lecture in front of people and saying; put question mark, just put question mark, I am not claiming that I have the answers. I found my answer in Amnesty International, but search your own answer. And after you make your journey, maybe you will believe what you believe in now, but at least you know that you are doing it because you understand why you are doing what you are doing”*, she says. She did a lecture during the operation in Gaza when somebody said *“you are working for Amnesty, my father said that you hate us, that you are an anti-Semite”*. They started to ask questions and some students said *“we really want to meet Palestinians but we don’t know how to do it”* and *“we have criticism against politicians but we don’t have the power”*. She told them *“you are giving away power, you have the power to decide, the power to deny, and you have the power to change yourself”*. *“The power to ask questions is the power of change”*, Vered says.⁴³

Breaking the Silence: The organization reaches out with information about the occupation of the territories and the experiences they have as ex-soldier in the IDF with this reality of military occupation and control of Palestinian areas and population. The organization has recently published a book covering the period from 2000 to 2010. The members of Breaking the Silence work in the spirit of the mandate with their personal experience and contribute to the public debate and discussion in Israel and also abroad. Members participate in media and seminars. The photo exhibition has been in many countries. Testimonies from soldiers are

⁴³ Interview with Vered in Amnesty Israel, Tel Aviv, 13 October 2010

collected and published online, covering different categories such as the women's experiences in the army to the Gaza war in 2008/09. Breaking the Silence conducts hundreds of guided tours every year and they manage to expose the experiences and reality of the occupation to national and international participants. *"The question is whether we are allowed to what we do today. The question is whether separation policies implemented in the West Bank is allowed, morally. I think that once we all start to ask these questions it will probably take us on the right road"*, the former officer and member of Breaking the Silence says.⁴⁴

PHRMG, the Palestinian Human Rights Monitoring Group: Bassem Eid doesn't feel that he can see so many positive results; *"I couldn't speak about any successes right now towards the issue, but I think that it is still important to continue documenting what is really going on, because I think that it is probably a very critical historical period that is passing right now between the Israelis and the Palestinians."* He thinks that the human rights situation has changed to the worse. *"I don't see any kind of improvement, neither on the Israeli side nor on the Palestinian Authority side, and unfortunately, the human rights issue is not on the top of the agenda of the international community"*. The Israeli-Palestinian situation must be seen in connection with international events. *"I believe that what happened in the United States in September 11th 2001 caused a huge damage to the human rights arena. And we thought during the 2000 that the human rights issue would be on top of the agenda of the international community"*, Bassem says. *"Today, any violent action can be considered as terror, and this is what the international community is focusing on right now, how to fight against terror, this is how the United States after the 11th of September considered the second intifada as a terrorist action, unfortunately."* Bassem says that *"during the second Intifada the situation is becoming so violent between the Israelis and the Palestinians. I couldn't even consider the Goldstone report as a success report, unfortunately, Israel consider the situation as a kind of war, between the Palestinians and the Israelis, and, as you know, in war, the civilians are the victims, either they are Palestinians or Israelis. So, it looks like there are no limits under war, I don't think that any side is taking into his consideration the whole issue of the human rights"*. He thinks that the second intifada was a failure and sees a less violent approach amongst the Palestinians today. *"In the last ten years from the second intifada, we didn't succeed to approach any goals or achievements in the Israeli-Palestinian conflict. I*

⁴⁴ Guided tour with Ayal in Breaking the Silence, South Hebron Hills, 15 September 2010

think the opposite. The Palestinians start realizing now that with violence nothing will be approached". There has been a change in the collective mind of Palestinians; four years ago 70 percent of the Palestinians supported suicide bombings but in the West Bank today less than 10 percent are positive, Bassem says. "We lost over nine thousand people in the last ten years, and I don't think that losing lives means that you will continue sacrificing yourself, it looks like people are sacrificing themselves for nothing." "I hope that people start realizing that without a dialogue and negotiations, nothing will be achieved", the director says.⁴⁵

Middle East Nonviolence and Democracy, MEND: It was hard to bring around a belief in resisting the occupation with nonviolent means. The Palestinians are used to see the failures of the occupation and the way Israel is dealing with the Palestinian people with tanks, invasions, armed soldiers, killing, arresting, and demolishing. It wasn't easy to tell the Palestinians to come "*marching in the streets*", to demonstrate peacefully "*with the tanks and armed soldiers*", Adel Ruished says. "*But it took like around ten years for people, regular Palestinians, to start talking about it. Many people used to believe in the past that the only way to resist the occupation is by using force and killing and bombing and whatever. But today, thanks God, I think we managed to reach to a point where everybody is talking about non-violence and peaceful demonstrations, even the president and the prime minister*", Adel tells. Nonviolence was the main tool to oppose the first intifada; "*the popular demonstrations were very effective in facing the Israeli occupation*". Adel tells the main difference between the first and the second intifada was the use of violence. During the first intifada "*many people used to participate in these popular and peaceful demonstrations against the occupation, like marching in the streets*", while the second intifada was "*completely armed and it led us to God know where*", he says. "*We managed to, despite of all the criticism, to mobilize a good number of people and activists who used to believe in force as a mean and violence as a mean to solve the issues, to be good activists in non-violent movement in Palestine.*" One example of success is that they managed to convert people from being active in armed activities to be non-violence trainers. "*I told you about this guy in the al Aqsa Brigade, he used weapons against the occupation and against settlers, and we managed to convert him to be one of the peace activists, non-violent peace activists, he is now a well trained trainer for non-violence and he is now active in many other non-violent NGOs*

⁴⁵ Interview with Bassem in PHRMG, East Jerusalem, 20 September 2010

whether Israeli or Palestinian NGO”, Adel tells. He visited the students while they were preparing to go down a building with a rope, and “*one of the students was a lady from Nablus area and the scout trainer was telling her what to do*” but the girl “*was very confused and scared*”. Just a couple of months before this girl trained to be a suicide bomber and now she was very scared to do this activity. They told her this and she was shocked how she could “*she was going to bomb herself without being scared – and now she was scared to hold the rope*”, Adel tells. “*I think we managed to do a good job. And we still are working on the same issues, we are still developing kind of a non-violence curriculum, we are planning to present it to different schools and we have good contact with the ministry which promised that we will try to put this curriculum within the school system*”, Adel says. The organization believes that the Palestinians never will win a war against Israel because Israel has a well equipped army and security machine, but “*we have better things and stronger things that we believe in, which is our right to this place, the right to this land*” Adel says.⁴⁶

TIPH, Temporary International Presence in Hebron: “*In terms of success, there are not too many*”, Stefan Waespi says. But in some situations TIPH can have direct positive impact. He tells that “*recently a young woman, was arrested and brought to prison, and we feel... and it’s sometimes, most of the times, it is very difficult to link any action or mission back to an intervention by the TIPH, but it appears that a woman was released right away because a patrol was waiting outside.*” The preventive role of TIPH is important. “*We think that the presence of the TIPH at the checkpoints, by our visible presence, has a disciplinarian factor on the behaviour of the soldiers, not settlers, but on soldiers, and we also talk to them a lot, we know them and they know us, which is actually good, they believe that they cannot be nice to us and at the same time slap a Palestinian in his face. We think that our presence here makes a difference, and by talking to some of the soldiers who tell us; ‘yes actually, you know, without you here we would behave much worse’, it kind of strengthen us, perhaps naively...*” Stefan says. TIPH talks to the soldiers “*more in a friendly way*” and try to influence what is happening on the ground. TIPH has meetings with the army every three months, commanders and soldiers, when a new brigade comes; “*we explain what our role is and explain a little bit, if we are allowed, what we think their role should be, what the principles are*”. “*For any army ‘distinction’ is important; at a checkpoint only soldiers should be and not civilians, but*

⁴⁶ Interview with Adel in MEND, East Jerusalem, 30 September 2010

soldiers allow settlers next to the checkpoint, and also sometimes inside the checkpoints. Actually we have settler families living inside a military camp, which is clearly, a problem. By educating and training these officers and soldiers, we think that we can have a small influence on the ground, and also telling them what kind of disciplinary, and also maybe criminal actions, could be against them if there is a court case”, Stefan says. He used to work as a prosecutor of war crimes in Hague and see some parallels; “a commander will have a tough time explaining why he didn’t sanction his soldiers who clearly misbehave, we have soldiers who urinate over houses, it is awful, just awful, behaviour, so we just try all kind of measures to deal with that”, Stefan says. The reports can make a difference because the Israeli and the Palestinian authorities are “the direct parties who can make things happen” and to the member states “who can use diplomatic pressure”, the legal officer says.⁴⁷

OHCHR, the UN Office of the High Commissioner on Human Rights: *“If you after two or three years you said everything is fine... I don’t think that is possible. I mean, you have to set a goal to achieve certain change of behaviour, change of the situation”, the head of office at OHCHR in the oPt says. “In this particular context, it is a very complex one, and it is not something that you can attack, you have to have a global understanding of it and then you have to prioritize where you go.” Matthias says that “you can try to aim to have certain change of behaviour when you raise certain issues”. The OHCHR supports fact finding missions; “the Goldstone commission has raised the issues of accountability. I think the reports that the office has produced have helped to raise awareness by member states of some of the human rights issues that are problematic and then are raised in other contexts.” The Palestinian Authority has a commitment to human rights in the basic law. Article 10 states a general observance of human rights, even though the PA cannot ratify the covenants. Matthias says that “there is a general respect to human rights in Palestine. Obviously you have issues that I mentioned about arbitrary detention and treatment in detention we are concerned about, but overall there is a general commitment to human rights, especially from the actor that, if things are going the way, will become a duty bearer”. The “vibrant civil society on human rights is something we have supported, that is something we have been very strong in defending if needed”. “But there are still tons of things to do...” Matthias Behnke says.⁴⁸*

⁴⁷ Interview with Stefan in TIPH, Hebron, 26 August 2010

⁴⁸ Interview with Matthias in OHCHR oPt, East Jerusalem, 11 October 2010

6.3 Information from participant observation with the EAPPI

I was a participant in the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) for three months, 11 September to 7 December in 2011. I applied to the Norwegian Church Aid, which is the Norwegian coordinator of this international program under the World Council of Churches, in April and was approved as a participant in May. I had one week preparation course and training together with other Norwegian participants in August. 11 September, I left Norway to meet the other participants in Jerusalem. The first week was training and preparation course with the EAPPI-staff in Jerusalem before we left to the different placements where we were going to serve for the three months. I worked in Hebron together with colleagues from Sweden, Switzerland and the US. I chose to apply for this program because I am interested in the Israel-Palestine situation, I have a background in political science and history and I work as a teacher in international politics. This program seemed very interesting and relevant to me. As a part of the process of writing this master thesis about human rights and local and international organizations in the Israeli-Palestinian conflict, it was a good idea to get relevant practical experience with work related to observing, documenting and reporting on human rights violations. Three months as an Ecumenical Accompanier in Hebron provided personal and academic development from working on the different tasks that we were responsible for, working with people of different personal and professional backgrounds, and living in a society under military occupation.

6.3.1 Activities, tasks and areas of responsibility in Hebron

The school runs: The EAPPI team in Hebron provides protective presence when school children and teacher are walking to and from the school located in the Israeli controlled part of Hebron. The EAs are present at the checkpoint, CP 56, dividing between the Palestinian part of Hebron (H1) and the Israeli controlled part of the city (H2) from 06:45 to 08:00 in the morning and between 11:30 and 13:00 in the afternoon. One EA is at the checkpoint CP56 and one EA at the military post, CP 55, just outside the settlement Beit Hadassah in Shuhada street. The concept of the school runs is to observe and document how school children and teachers are treated by the soldiers at the checkpoint and by the Israeli settlers who have hostile attitude and potential violent behavior. When incidents occur, the EAs observe, document, interact if possible, and collect information to report on the situation.

The Palestinian school “Cordoba” is located just opposite the Beit Hadassah settlement in the Shuhada street in Hebron city. The EAs register if the school children and teachers are searched at the checkpoint, if the police or a soldier is present at the post CP 55 close to the Beit Hadassah settlement and the Cordoba school, and if there are some irregular incidents or situations taking place. The EAPPI Hebron team observes the checkpoint and the street leading to the Cordoba school in the morning and also in the afternoon from 11:45 to 13:00. The school runs in the morning and afternoon every day Sunday to Thursday. The last two years the school has been closed for holidays on Friday and Saturday. Normally, Palestinian schools open on Saturdays but due to increased settler violence on Saturdays because this is the day off for Jewish schools, the Cordoba school decided to close on Saturdays, with the result of having less attacks on Palestinian kids from Israeli kids. Accordingly, the Palestinian school opens earlier and closes earlier than the Israeli school to prevent that Palestinian and Israeli settler kids meet in the street. These measures have been successful and there have been less incidents of settler violence the last years. The EAs write reports after the school runs every day of the morning shift and afternoon shift. The reports are sent to the EAPPI office in Jerusalem which distributes them to organizations such as the OHCHR, UNICEF and Save the Children. After the school run in the morning, the EAs walk patrols in the Old City to monitor the situation, document if something is happening and chat with local people over a cup of tea and exchange information and listen to their stories, and talk to international visitors and organizations working in the same area. People in the old city are important sources of information to understand the history and the situation in the city.

Mosque watch: Every Friday morning around 11:00 the EAs monitor the two military checkpoints in the area outside the Ibrahimi mosque in the Hebron Old City to observe the access to the Friday prayer for the Palestinians. The soldiers are entitled to check the ID-cards but if they confiscated the IDs or detain someone it is important to document it with pictures and write down how many people and for how long they are held back and what was happening. The main task is to be present to observe, provide protective presence and collect information. The Ibrahimi mosque and Cave of Machpela is a very sacred place for Judaism and Islam, and the Ibrahimi Mosque/Machpela Cave is the most famous and historic site in Hebron. In Judaism, it is the second most sacred place after the Temple Mount in Jerusalem, and for Islam it is a very important place because of the written references to Abraham. Abraham and his wife Sarah spent time in Hebron and the city is referred to as the city of

Patriarchs. Abraham and Sarah, and Isaac, Rebecca, Jacob and Leah are buried in the cave. During the Ottoman Empire period were Jews prevented from using the location. Until 1929, there was a Jewish presence in Hebron who lived in relative peace with the Muslim population. In August 1929, rumors spread in Hebron that riots had broken out in Jerusalem and Jews were about to enter the Temple Mount/Haram alSharif. As a result, religious and political leaders called for a reaction against the Jews. The morning after the situation was tensed. A large number of Arabs from Hebron and surrounding villages gathered in the city and began to attack Jews in Hebron. The result was a massacre in which 67 Jews were killed and nearly a hundred were injured. More than 400 Jews were rescued and protected by their Muslim neighbors in Hebron. After the massacre, the surviving Jews were evacuated by the British police who was responsible in Palestine at that time. The State of Israel was created in 1948, but the West Bank was controlled by the Kingdom of Jordan. Since the six-day war in 1967, the area has been controlled by the Israeli military. Since 1968, Jews had access to the Ibrahimi Mosque/Machpela cave, and the Jewish community in Hebron has been established. In February 1994, Baruch Goldstein, a Jewish settler from Kiryat Arba settlement, shot and killed 29 Muslims inside the mosque and injured over 100 others. Goldstein was born in the United States and had served as a medic in the Israeli Defense Forces. After the attack he was killed by the surviving men in the mosque. The massacre took place during the holy month of Ramadan. The attack led to protests and rebellion among Palestinians and there were violent clashes between Muslims and Jewish settlers. Several areas in the city were under curfew and the mosque was closed for a period. When the mosque reopened, the holy site was divided – one part as a mosque and one part as a synagogue. The massacre was condemned by the Israeli government. The UN condemned the massacre in the General Assembly resolution 904 and called for an international presence in Hebron because of the tensed situation in the city.

“Settler watch”: Every Friday evening around 16:00, EAs are walking patrol in an area just outside the old city which is close to the Israeli settlement Kiryat Arba, which is the first settlement in the West Bank being established in 1968, because the settlers are driving and walking from the settlement and down to the old city to go to the synagogue called Cave of Machpela, for prayer on Sabbath. There are a lot of military presence along the road on patrols and driving in cars. The EAs provide protective presence, especially for Palestinian kids who are scared by the settlers and the soldiers who are present, in the area Wadi al Hussein close to the Kiryat Arba settlement.

The Settler Tour: On Saturdays the EAs are walking the streets of Hebron, mainly in the old city, because on Saturday afternoons there is what is called a “settler tour” which is a guided tour for Israelis, settlers, and international Jews, to visit Hebron and see and hear the stories of the city with the Jewish/Israeli perspective. The tour is often lead by Baruch Marzel, the leader of the Jewish Defense League who is living in the Tel Rumeida settlement in Hebron. The group is surrounded by soldiers and police during the tour. For EAs it is important to be present before the tour starts because the soldiers are patrolling the streets to ‘secure the area’ by checking IDs of young men and searching for potential treats. During the settler tour, EAs are present to observe and document interaction between people and talk to local Palestinians in the old city and other international organizations.

Checkpoint duty: On Sunday morning, the EAs go to observe at a checkpoint along the separation barrier dividing between the West Bank and Israel. The Tarqumiya Checkpoint is located 30 minutes outside of Hebron. This is a checkpoint where Palestinians with working permit in Israel are allowed to cross between the West Bank and Israel. It is only people with working permits who are allowed to cross at this checkpoint so internationals cannot enter Israel from this checkpoint. Because this is a checkpoint for workers it is crowded early in the morning when people are lining up to be able to cross the checkpoint and reach their jobs from the Israeli side with buses or taxis. EAs are present at the checkpoint from 03:40 in the morning and especially on Sundays there is a long line of people, about 6-700 men, waiting to enter the checkpoint which opens at 03:45. The checkpoint closes at 07:00 and people are eager to cross as early as possible to catch their ride on the other side to get to different cities in Israel to work. The role of the EAs is to observe and count people when they are walking through the checkpoint. Because internationals are not allowed into the checkpoint it is only possible for EAs to be standing on the Palestinian side of the checkpoint and count how many people are entering the checkpoint and it is not possible to see how much time they spend waiting and crossing the checkpoint. For statistical reasons the EAs are writing down how many people are crossing every fifteen minutes, and see if there are any women or children amongst the men. Many of the checkpoints have a humanitarian line where people are allowed to cross if they are using wheelchairs or for other reasons cannot line up inside the checkpoint building. Based on information from the OHCHR women and children are allowed to use the humanitarian entrance. The EAPPI is the only organization observing at the Tarqumiya checkpoint and started on request from the OHCHR office in Hebron in

August 2011. The EAPPI writes reports, “checkpoint logs”, which are sent to the EAPPI office in Jerusalem and are sent to OHCHR and other relevant organizations. After the EAPPI started observing the checkpoint, there have been some improvements on requests from the OHCHR and the Machsom Watch. For advocacy, the EAs take pictures and talk to people to document how the separation barrier and checkpoints are implicating their lives.

House demolitions: The EAPPI volunteers are present house demolitions to be eyewitnesses and observe, document and report on what happens. An example of incident is house demolitions and destruction of other private structure and property. When a house demolition is taking place the EAs can go there talk to the people involved, take pictures and see what is going on, collect information to explore and document what has happened. Very often the demolitions take place early in the morning so that the international organizations who want to be present at these incidents are not able to go there before it is over. Anyway, it is an important part of the work to be present in these situations to collect information to write a report on it, and use the information and experience to do advocacy work on the situation of house demolitions in the West Bank.

Settler harassment and violence: From time to time there are incidents where Israeli settlers in Hebron are harassing people verbally or physically or attacking people’s properties. Examples are saying bad words, spitting, stone throwing, breaking into houses, stealing or violating goods. This happens to people in the main street, Shuhada street, where Palestinians are living close to three Israeli settlements. In the main shopping street in the old city, settlers are throwing things such as stones, garbage, bottles, water and chairs on people walking by. Some of the settlements are located on top of the buildings of Palestinian shops. The role of the EAPPI when this happens is to document it and report on it. When it comes to attacks on people in their private houses the EAs can come and provide protective presence, document what happens and spend time with people in solidarity, hear their stories and share their experience, and write reports on incidents and use this information in advocacy work.

Information work / guided tours: The EAPPI offers guided tours for individuals or groups of people who want to see the situation in Hebron and get information about what the program does and hear the EAs’ stories and experiences. The groups are students, church leaders, politicians, journalists, aid organizations, union, study groups, activists, and so on,

and the visitors are from a wide range of countries; Germany, France, Finland, Switzerland, Sweden, Norway, the UK and the US. The role of the EAPPI guided tours is to show people around in the city, explain information and share stories about the situation. Information that is presented is provided from other local and international organizations, such as UN-organizations, and based on experiences. An important aspect of the guided tours is to allow people to experience and see with their own eyes, to introduce them to people who can tell their stories and let people have time to digest information and ask questions. The tours are adjusted to the groups wish and need concerning time and length of the tour and which areas to show and people to meet, but the EAPPI team has a fixed route and is prepared with information to present to the groups. The situation in Hebron is very visible and it is of great value for visitors to see it and get information, facts and numbers, and historical references and experiences, in addition to personal stories from local people.

6.3.2 Observations, experiences and stories from Hebron:

Freedom of movement

The military checkpoint in Hebron, CP 56, is dividing between the Palestinian part (H1) of the city and the Israeli-controlled part (H2) of Hebron. This military checkpoint is guarded by soldiers day and night. In the Israeli-controlled part, about 30 000 Palestinians are living, and there 500 Israelis settlers in four settlements. Palestinians living in the Israeli-controlled part have special permits to cross the checkpoint to move between their homes and the other part of the city where in their daily routines. The division and separation policies implemented causes major restrictions in the Palestinians' lives. In the main street, Shuhada street, all shops are closed on military order. The Palestinians living in the Israeli-controlled area are not allowed to own a car, and it is illegal for Palestinians to walk on certain parts of the main street; they can walk on the first 300 meters from the checkpoint towards the settlement Beit Hadassah where Palestinians are not allowed to walk in front of but have to up the stairs to the right. Shuhada street is closed to Palestinians, but available for the Israeli settlers living there, Israeli police and soldiers. The Israeli government closed the main street Shuhada Street 1994 as a temporary solution to clashes and riots between the Palestinians and Israeli settlers which was a reaction to the massacre where an Israeli settler shot and killed 29 Palestinians in the mosque. Hebron was divided into two areas in 1997 in the Oslo process because of its importance. All policies implemented in this street are to because of security of the Israeli

settlers living amongst Palestinians in Hebron's Old Town. This afternoon, one man and his donkey are crossing the checkpoint CP 56. The two soldiers are checking the man's ID card and the bags the donkey is carrying. They search him for about 10 minutes and then let him go. The man and his donkey go through this checkpoint every morning and afternoon since the man is working in the Palestinian part of Hebron and living in the H2 part of Hebron which is under Israeli military control. The Palestinian population is under pressure from the Israeli settlers and the military presence. The EAPPI observes and reports on the situation, provide protective presence, and participate in non-violent activities. Participants in the program are companions in people's lives. In Hebron, one of the main tasks is to be protective presence for school children and teachers for them to meet as few obstacles as possible from the settlers who have hostile attitude and sometimes violent behavior.⁴⁹

Protective presence

Late in the night, a young Palestinian man, Abed, calls the EAPPI-team telling that his house where he lives with his mother, two sisters and a baby, was attacked by a group of young Israeli boys visiting the settlement next to his house. The Palestinian family lives in the Shuhada street in the Israeli-controlled part of Hebron, next to the Beit Hadassah settlement. Fifteen minutes after Abed called, I and three colleagues were at his house. We talked to him and his neighbor, they showed us the stones that were thrown into the house and explained that it was a group of about 100 boys shouting at them and throwing stones. Abed and his neighbor filmed the incident because they are participating in the "Shoot back"-project run by the Israeli human rights organization B'Tselem. A man, his wife and their 6-month-old daughter visiting the family were so scared to leave the house and they asked if we could walk them to checkpoint in case the settler boys were still in the street. We followed the family from the house towards the checkpoint. 50 meters away from the checkpoint, the group of settlers came down the street. The family was very scared and we tried to keep them calm. We walked towards the checkpoint where two soldiers were standing on night patrol. The soldiers went between the group of settlers and the Palestinian family. The soldiers prevented an attack from the settlers, and we accompanied the Palestinian family safely through the checkpoint. Abed's mother who invited us to drink tea and talk for a while.⁵⁰

⁴⁹ Information from different sources based on field notes and experiences during three months in Hebron

⁵⁰ This situation took place 29 September 2011

Conversation with a soldier at a checkpoint

Soldier: Hey! Stop here. Who are you? Are you in some organization or what?

Accompanier: Uh, yes, we represent the World Council of Churches.

Soldier: Let's see. EAPPI ... What does it mean? What on earth are you doing here?

Accompanier: We live here to learn about the situation, we're talking with people and...

Soldier: So you make sure everything works properly... Looking at what the soldiers are doing and what the Palestinians do and so on... You should be careful, some of the settlers here are a bit crazy, and they have weapons. We can only hope that it will be quiet times.

Accompanier: It is the best for all of us...

Soldier: Do you like it here in Israel?

Accompanier: Yes, it's interesting to be here ...

Soldier: Have you traveled around the country? Have you been to Jerusalem?

Accompanier: Yes, I've traveled around and spent some time in Jerusalem, I like it there.

Soldier: But, can I ask you a question... How are the Arabs, then, are they nice?

Accompanier: Yes absolutely, they are mostly very good people.

Soldier: Towards you, yes of course, but not towards us! But what can I say, look at me, with all this equipment and weapon I might not look so nice... But we must ensure the security.

Accompanier: What is it like to be here, guarding a checkpoint?

Soldier: Well, I wouldn't mind going home and sleep now...

Accompanier: How long have you been a soldier here in Hebron?

Soldier: Just one week, but I'll be here for three months.

Accompanier: Same as me, three months. How long have you been in the army?

Soldier: I have three months left, and then I'm done, after three years! I plan to travel for one year, and then return to Israel to study medicine to become a doctor – that's my plan. ...

Accompanier: Sounds good.

Soldier: Well, thanks for the chat, and for killing 15 minutes of my shift. Be careful.⁵¹

The other side?

I relate to people in different situations of the conflict and I try to see and understand the different realities. Every person is responsible for their own actions, but I believe that to focus on guilt is often used to justify revenge, which can lead to a vicious circle of thoughts and

⁵¹ This conversation took place in the Wadi al Hussein area in Hebron, 30 September 2011

acts. Spending time in the occupied territory, I often talk with soldiers. At a military checkpoint I was stopped by a commander. “Who are you and why are you here?” the soldier asked me. “I travel around to experience and learn about the situation”, I said. “But why here, this is not a vacation resort, look around”, the soldier said and pointed towards the military structures. We were standing at an intersection on the road between Jerusalem and Ramallah. The soldier stands in his uniform, bulletproof vest, helmet, with a machine gun and a backpack with communications equipment and ammunition. “Maybe you wonder why we are here”, he said. “Ok, what are you doing here?” I said. “We are looking for terrorists, suicide bombers and so, therefore we stop cars and check the people, who they are and what they carry, he explained.” The soldier looks at me with his brown eyes under the helmet. “Have you heard what happened a few days ago? Four Israelis were shot and killed as they were driving on the road in the southern West Bank. Why?! One thing to shoot me, a soldier, but to shoot women and children!” the soldier said. “I am against the use of violence, no matter who does it”, I said and knew how naïve it sounded. “I’m not going to shoot at the cars driving by here – first because I do not want to, but also because I am not allowed – that is what separates a soldier from a terrorist!” he said. “I don’t know who you are and what you do in your life or why you are here, but try to always see the other side”, the soldier said to me. He turned around with his machine gun is hanging over his 20 year-old shoulder. Military service is compulsory in Israel, three years for boys and two years for girls. Later, I talked with a former officer in the Israeli military that willingly tells his experiences and answers my questions. “Israel is a democracy, we are for human rights for all... actually”, he said. “You can ask me whatever you want. I know that human rights are violated sometimes; I have worked at military checkpoints for over one year. Unfortunately, I do not think it is possible to fight terrorism without violating human rights”, he said. He has been five year in the army and is now a student. The conflict feels far away from the lively nightlife area in Jerusalem. “Seriously, do you think it is possible to achieve peace within a few years?” he asked me. “We negotiate for some kind of agreement or solution, right? It's easy for me to see why we do what we do, but not to understand what the other is doing and why. I want to hear what you think after talking with people on both sides.” Few people believe in peace negotiations; the distance between everyday life and the political reality is huge, and there is a lack of confidence in their own leaders and the neighbor’s political leaders.⁵²

⁵² This conversation took place at Atara checkpoint outside Jerusalem in October 2011

6. October: Conversation with a settler outside the Israeli settlement

Israeli settler: What are you doing here?

Accompanier: I am protective presence of children on their way from school.

Settler: Palestinians... Why?

Accompanier: Would you like if someone harassed you on the way to school?

Settler: Who do you like best of Jews and Arabs?!

Accompanier: I don't see that I have to choose. I think you should respect all people, regardless of whether they are Christians, Jews or Muslims or non-believers. All are human beings. And how people behave towards others is what matters.

Settler: Hmmf ... Do you have guns?

Accompanier: No, we don't have weapons. My tool is the camera and a notebook. Do you know what the most important weapon is?

Settler: No...

Accompanier: I think the most important weapon is knowledge... ⁵³

The right to education

Teachers at the Cordoba school organize a peaceful demonstration on Shuhada street at the military checkpoint that divides between the Palestinian part of the city (H1) and the Israeli-controlled area (H2). The Cordoba school is located in the Israeli controlled part and teachers and school children have to go through the checkpoint every day. Teachers, school children, politicians, journalists, and international organizations are gathered at a small and peaceful demonstration with flags and songs. The children are shouting "We will never give up; we have our right to education!" The reason for the demonstration is that the teachers the last five years have had a special agreement with the army that they shouldn't have their bags checked by soldiers and don't go through the metal detector at the checkpoint where they have to pass every day. The principal says "we are teachers – not terrorists, we shouldn't have to be searched by soldiers every day." Two days ago the army changed this rule and the teachers protest against it by refusing to go through the checkpoint and instead organize lessons for the children at the checkpoint. Journalists, politicians and international organizations are eye-witnesses and curious soldiers are watching. Journalists and organizations are filming and

⁵³ This conversation took place outside the Beit Hadassah settlement in Shuhada street, Hebron, 6 October 2011

talking to people. Politicians are discussing with each other and talking to Israeli police officers and military commanders. After a couple of hours the demonstration is over.⁵⁴

Demonstration for the right to education

Teachers and students at the Cordoba School are gathered to protest at the checkpoint this Sunday morning. The plan was to organize lessons for the school children on the street, but the soldiers and border police were prepared with their guns and commands on the Palestinian side of the checkpoint. It is not huge group of people, but the symbolic importance is great. Several journalists and organizations and politicians are present. Some of the older Palestinian men discuss with the soldiers. Some of the younger boys are shouting at the soldiers. The soldiers are preparing for action with helmets and guns with equipment to shoot tear gas. So far, the protest is peaceful. The soldiers want to disperse the group; a demonstration represents a threat in the soldiers' eyes. The soldiers are serious about dispersing the demonstrators and use sound bombs. The children are removed from the area. Then, the tear gas is in the air. The stun grenades and tear gas are setting fire on a group of young men, they immediately start throwing stones at the soldiers. I see stones flying in the air and soldiers with helmets and combat equipment hiding behind concrete blocks. Two soldiers raise their guns and I see several tear gas bombs scattered in the air. People are running in all directions. The reporters have gas mask, they go between soldiers and demonstrators, the hunt for the most energetic images. Across the street from where I stand, there is a man lying unconscious on the ground and people carry him into a car. In the street, the Palestinian police takes control over the young men throwing stones. The demonstration is gone. The Israeli soldiers pull back. Unlike Thursday's peaceful protest of instruction on the street, Sunday morning was a more violent event. In line with the trend I pulled myself away from the step by step, my main focus is to document and report what is going on and to monitor how children are treated and if my presence as an international can help. The first part was a peaceful act but the second part more violent. I'm not the Israeli soldier with who sees the world through his gun sights, and I'm not the Palestinian teenager who is fighting a battle with stones and bare hands. I report what I see, hear and experience.⁵⁵

⁵⁴ Demonstration at checkpoint 56, Shuhada street, in Hebron, 13 October 2011

⁵⁵ Demonstration at checkpoint 56 in Shuhada street, Hebron, 18 October 2011

Tarqumiya checkpoint, Sunday morning 03:40

Tarqumiya checkpoint is a permanently manned checkpoint in the southern part of the West Bank. The Tarqumiya checkpoint serves as a border crossing on the Green Line, the internationally recognized border between the occupied West Bank and Israel. The checkpoint lays on Route 35, which connects the West Bank with the Gaza Strip. The checkpoint consists of a terminal building where pedestrians are passing, and cars are driving on the road next to the terminal where they are stopped for inspection. The Civil Administration in Israel is the unit that runs the military checkpoints in the occupied territories. Two days a week, two members of the EAPPI Hebron-team observes and documents the situation at the checkpoint. We leave home at 03:20 in the night and arrive at the checkpoint when it opens at 03:45. We count the number of people waiting outside the terminal building, and we count how many people are passing through every fifteen minutes. We talk to people to hear their stories, take pictures, talk to people and take notes to report on the situation. To cross at this checkpoint people need ID papers and valid work permits in Israel. It is mainly male workers and prison visitors, women and children to visit family members in prison, which crosses through this checkpoint. To drive a car through the checkpoint the car needs a yellow Israeli sign which not so many Palestinians in the West Bank have. Men of all age's line up here in the middle of the night to try to cross as early as possible to get on the other side and continue the journey to their workplaces. Between 03:45 to 05:00, there is a steady stream of men coming in buses and cars and the queue remains almost as long as when we arrived. When people are crossing through, the queue decreases on the Palestinian side and the workers can continue their long working day in Israel. Those who are lucky enough to have a job are often responsible for feeding many family members. 'Sauri, sauri,' the men say when I walk around. 'Take pictures! You must document how Israel treats us'. I take pictures and greet the people good morning in Arabic. This morning about 4000 men passed through the checkpoint and 10 of them had to turn and go back. At 06:30 we left the checkpoint with a taxi who drove us back to our apartment, we made breakfast and had tea to try to keep warm. We wrote the checkpoint report with statistics and information that are sent to various UN organizations. It is the everyday routine we observe, the quiet but dramatic daily reality. There are no victims in this story, but there are so many everyday heroes.⁵⁶

⁵⁶ Report from Tarqumiya checkpoint in Hebron district, crossing from the West Bank to Israel, 25 October 2011

The old olives

"Don't take my olives!" says Idris, a Palestinian man in Hebron. He is wandering amongst the valuable olive trees on his land besides his house in Tel Rumeida in the Israeli control part of Hebron. He tells that Israeli settlers often vandalize his trees by setting them on fire or preventing him physically to water the trees or pick olives. Idris shows us his water well, which he is not allowed to use because it is declared as a holy place since Abraham was taking a bath here 4000 years ago. While he is explaining this, a Jewish man is walking up to the water well. They greet each other and speak in Hebrew. The settler takes off his clothes and goes down the stairs and takes a bath in the water. Idris tells that the settler community and the soldiers use this place for cleaning themselves mentally since it is a holy place. "I have made my own system for collecting water inside my house so I know how to survive anyway", he says. Idris tells that the last week of October some settlers stole the olives after the harvest. He went to the soldiers and police and informed them about the incidence. They promised him that he would get back his olives as soon as possible. After a couple of hours the olives were returned, and the soldiers asked if he wanted further protection from soldiers during the harvest. Idris didn't want them to be there but he would appreciate if they look after the area from time to time. Idris doesn't want help from internationals during the olive harvest, he told us, because it would lead to more attention towards the harvest and provoke the settlers more than necessary and maybe make it harder for him to collaborate with the police. "The olive harvest is not a political act, I do it alone or together with my family", Idris says, "to pick the olives is my right as I am the owner of these trees". "It is not much to earn from olive harvesting but it is valuable for us as Palestinians to farm our land", he tells. "The olive trees here are about 2000 years old, they are a part of my life and my family", Idris says. He welcomes us for coffee with his wife in their house.⁵⁷

A moment of cooperation

It is Friday, which means a day off from school and time for Friday prayer. Many young boys are in the street and plays around. The adults are in the mosque for Friday prayer. Me and my colleague from EAPPI are present to do what we call 'mosque watch', which means that we are present at the checkpoints by the entrance to the mosque and between the old city market street and the mosque area. Together with us are also two members of the Christian

⁵⁷ Conversation with Idris in Tel Rumeida, Hebron, 1 October 2011

Peacemaker Team. Present are also two members of the international observer mission TIPH. And more soldiers than usual are present on Friday mornings. I see six boys running around playing with a tennis ball, they throw it back and forth between themselves in the air, and they are shouting and laughing. We are on patrol observing the checkpoint and chatting with other international organizations. Suddenly, I become aware that two soldiers are playing with some young boys. One of them catches the ball and he throws it surprisingly hard towards the soldiers. Sometimes they throw it too far and the boys have to run to catch the yellow ball. Suddenly, the ball is on the wrong side of the fence outside the mosque. This area behind the fence is prohibited to enter, except for soldiers. The boys are climbing on the fence and desperately looking at the ball. My EAPPI-colleague explains the situation to the soldiers. They say that they cannot go into the area before the prayer is finished, for security reasons. The response was positive but we are not confident that they are going to help us. How important is a tennis ball in the middle of an occupation? When the prayer is over, three soldiers walk up to the fence around the area. One soldier enters the area and two give orders to him where to go. The soldier finds the ball and the boys are so happy and the game can continue. The soldiers see that I am taking pictures. “Take pictures of this, see that we play with the boys here”, one of the soldiers said and catch the tennis ball. “You're welcome to post these pictures on the internet, there is little to do here so we might as well have fun with the children who live here”. The Friday prayer is over and the soldiers pack their equipments, an eight-hour shift is over. One soldier takes the helmet in his hand and moves his gun on his shoulder. “It's not us there is something wrong with – it is the system that forces us to be here”, the soldier said to me when he passed me.⁵⁸

Demolition of private property – and the right to water

This day started with the morning school run from 06:45 to 08:00. After that me and my colleague went for a patrol in the old city, walking the closed Shuhada street and into the, the main shopping street in the old city market where we stopped for coffee and a chat at one of our local contacts, a shop owner selling embroideries made by Palestinian women in villages in the Hebron district. After the initial greetings, small talks and updates of information he refills the coffee. Then a text message is ticking in on my phone; the UN reports about a

⁵⁸ This situation took place outside the Ibrahimi Mosque/Cave of Machpela in Hebron, 13 November 2011

demolition of a water cistern in an area outside of Hebron. This is an issue we need to look at. I called the contact in OHCHR and asked for more information, and she tells that it is “only a water cistern, not a house”. The EAPPI staff calls us and wants me and my colleague to go there and observe what is happening and collect information and document it. It is an agricultural area, and water is essential for the livelihoods of people and animals. After calling a contact who is a taxi driver to come with us as a driver and translator we went to the agricultural area in the Al Baqa'a valley outside Hebron. We meet farmer Arif Jabari at his land where he grows tomatoes and grapes on his private owned farming land. He has a wife and nine children, four boys and five girls. He has built a water cistern to collect water during the autumn and winter so he can water his crops through the dry summer season. Water is valuable here. Ten days ago, Jabari received a letter from the Israeli authorities saying that his water cistern was illegal and that it was going to be destroyed. At 6 this morning, representatives from the government came, with support from the military, and gave him 10 minutes to remove himself and his belongings. The al Baqa'a valley is defined as area C, which means that it is under Israeli civil and military control and thus the government has the right to decide that this structure is illegal. But the question is why it is illegal. In 2009, the first water cistern was demolished because he had built without a building permit: He was advised to apply for such permission which he did without receiving any answer. To secure his crop and the livelihood for himself and his family Arif the farmer built a new water cistern. The authorities discovered this, and sent an order for destruction. To build without a building permit is illegal, but the question is why he never gets a building permit to collect water when he is a farmer. Looking at the map, it is obvious that this cultivated land is very attractive for the government to expand and connect Israeli settlements in the area. By not providing building permits to Palestinians living in this area makes them do things that are not legal and they are punished; fines and arrests, demolitions, confiscation of lands, and so on. If your livelihood is to grow tomatoes and grapes, and you are arrested for collecting water, how long can you sustain a livelihood for your family? It makes life difficult, and by time people choose to move. If people are moving the agricultural land is not used, and if land is left unused for three years, there is a law in Israel saying that it can be declared state property and the authorities are free to do what they want. Me and my colleagues and people from two other organizations are sitting together with the farmer and looking at the machine that destroys the water cistern. The farmer has spent time and money on it. The sound is so destructive, and the water reservoir is filled with truck loads of rocks. I said to the farmer Arif

Jabari that I am sorry this is happening and I apologize that there is nothing I can do to prevent it. “We are present and see what happens with our own eyes, we can tell about it and write about it, but it feels so little”. “I know that you cannot change anything, but I appreciate you coming here and hope you can tell the world about it”, Arif says and tells that “the grapes from this area are actually the best in the whole world, even the Israelis buy them”.⁵⁹

The Lemon Tree; demolition of a water cistern

This morning, the water source of the landowner and farmer Ahmad Muhammad Ibrahim Farajallah in Idhna, a village outside Hebron, was destroyed. The military came to the agricultural area at 06:30 and gave the order that any person who approached the area would be arrested or shot. The water cistern was destroyed and filled with sand and stones; a tool shed was razed to the ground and farming equipments were seized. This agricultural area is owned by Ahmad and his four brothers. They grow lemons, apricots, tomatoes and potatoes here. “This is one of very few areas where it is possible to grow lemons, because there is access to groundwater in the soil and it is warmer than in other areas”, one of the brothers said. He said that two families with a total of ten people are depending on income from this. “Because it is ground water here they don’t have to buy water and then it is actually possible to make good money on vegetables”, he says. “Until two years ago, this whole area cultivated, but now only a few places that still are used, many of the farmers have given up because of all the challenges here.” “It was green everywhere here”, one of the lemon farmers says, and points in all directions, “but most of the farmers have stopped using their land because of the problems with the soldiers, they threaten us and say we are not allowed to be here and take care of our land”, he says. “It is difficult to understand why it is not allowed to cultivate these areas”, my colleague says. “If you look over there, almost one mile to the left, you see the separation wall and there is a road, the soldiers do not want us to use the land here because of the wall over there...” he tries to explain. “This is still incomprehensible, there is nothing here, no settlements, no houses, this is an agricultural area”, she says... “We have hired a lawyer and we have a case going in the Supreme Court of Israel”, the farmer says, “to prove our right to cultivate the land we own”. “But today they came and destroyed the water cistern – before there is a decision in the legal system”, he says. “I think I understand, I grew up in a rural area and people are depending on their land and love what they are doing”, I say.

⁵⁹ Demolition of water cistern in the Al Baq’a valley outside Hebron, 18 November 2011

The farmer is looking down and scratches the ground with his shoe, he has nothing to say. “This area is particularly easy to grow because it is ground water here, they don’t have to carry water or buy water from other places”, our driver and translator says. “I believe that Israel has a plan to confiscate this area in the long run because of this; control over water resources is an important part of what is going on here”, he says. “If the soil is not cultivated for three years so the state can take over the site and do whatever they want with it.” The water cistern is broken and useless; if the farmers continue to grow lemons here they can be arrested, without any explanations. I don’t know how farmer Ahmad Farajallah and his family will survive now. It has become a crime to grow lemons and apricots on privately owned land. At least we know what happened in the village Idhna this morning in November.⁶⁰

Access to health care

I walk the Shuhada street towards the checkpoint 56 where I am stopped by a Palestinian man saying that they are waiting for an ambulance because a woman has broken her leg in her house in the Tel Rumeida area. The checkpoint divides the city and the road is closed for Palestinian vehicles, even ambulances. The situation is that the ambulance can drive to the Palestinian side of the checkpoint but from there the paramedics have to walk through the checkpoint and go up to where the woman is laying and carry her down the street to the checkpoint, then through the checkpoint and into the ambulance. The question is if the paramedics are allowed to cross or if someone else has to carry the woman to the checkpoint. I wait at the checkpoint with my colleague and some Palestinian men. People who live in this area are allowed to walk on the street between but no vehicles are allowed. But sometimes people need an ambulance. “A woman has broken her leg up and there is an ambulance on the other side”, a man says to the soldiers. “Bring the patient here and we can look at it”, they answered. The ambulance arrives on the Palestinian side of the checkpoint. “But the ambulance is on the other side, can they come through with a stretcher?” The paramedics talk to the soldiers who allow them to cross the checkpoint. The paramedics carry the lady on a stretcher down the steep hill from her house to the checkpoint and on to the ambulance.⁶¹

⁶⁰ Demolition of water cistern in the village Idhna in the Hebron area, 25 November 2011

⁶¹ This situation took place at the military checkpoint in Shuhada street in Hebron, 3 December 2011

Observe, document, report – the value of information work

“How many international observers are needed... and nothing will change?” my colleague says to me. We are on an evening patrol in the city. We arrive at the military checkpoint number 56 that divides between the Israeli-controlled part and the Palestinian part of Hebron. We see two soldiers and a young Palestinian man sitting next to them. Some other young men say to us that their friend was held back by the soldiers at the checkpoint. The soldiers are checking his ID card. Why are you detaining him, we ask the soldiers. “He talked too much and he doesn’t do what he is told to at the checkpoint”, the soldier explains, “he has to sit there for a while”. “For how long”, we ask. “I don’t know... until he behaves well”, the soldier answered. He is friendly but not very interested. I try to talk to the young man, but I don’t speak Arabic, and he doesn’t speak English. We decide to call the international observer mission, TIPH. The TIPH-patrol arrives after ten minutes. I share the information I have and I ask if they can get more information. They want to wait and see. “Our presence often has a preventive effect”, one of the TIPH-members says, “when we are observing, it can be solved without us actually doing anything”. There are three people from EAPPI, the TIPH has three people present, and International Solidarity Movement have five activists. We take pictures and watch, and we discuss. The wind is cold and the man waiting at the checkpoint is wearing a t-shirt. We are 11 international observers, but nothing happens. The two Israeli soldiers are standing with their guns. Two new soldiers are arriving and exchange the patrol. The TIPH has a rule that they must be present and observe for at least 45 minutes before they can write a report. Their reports are sent to the Palestinian Authority and the Israeli government. The military knows this, and the man waiting for his ID card is released when the TIPH-patrol has observed for 40 minutes. No report is written. International observers have a role as a protective presence; incidents won’t happen or happens in a less severe way than if they are not there. Eyewitnesses are present at incidents, talk to people, hear their stories and collect evidence, and can show what happens with words and pictures. “It shouldn’t be possible to say that it didn’t happen” is the answer to why so many are observing, documenting and reporting. Is it so that nothing changes? Information, knowledge and awareness are powerful and important tools. The more people know, they can mean and act, and they can influence others. You can be the change you wish to see.⁶²

⁶² The text is based on a situation at checkpoint 56, 4 December 2011, and reflects three months with EAPPI

7 Analysis of human rights work by local and international organizations in the Israel-Palestine situation

The analysis discusses the research objectives based on information from the interviews and participant observation and literature. The discussion of the first research objective is concerned with how the organizations work and activities they conduct, and discuss the role and importance of information work in human rights work. The occupation and facts on the ground in the West Bank are presented, and the relation between military occupation and human rights is discussed. The article 3 in the Universal Declaration of Human Rights is concerned with the right to life, liberty and security, and this is related to security and freedom by looking at self-defense and self-determination. I look into the human rights issues the local and international organizations are focusing on and relate them to human rights. The separation barrier, military checkpoints and the permit system are presented, and these policies are discussed in relation to article 13 concerning freedom of movement, article 26 on the right to education, article 25 about the right to a standard of living adequate including housing and medical care, article 18 concerning the right to freedom of religion, article 23 on the right to work, article 16 concerning the right to found a family. The issues of demolitions of Palestinian houses and building of Israeli settlements in the territory are presented, and are related to human rights; article 25 concerning the right to have a house, article 17 on the right to private property, article 26 about the right to education, article 13 concerning freedom of movement. The third issue focused on is the use of violence, detentions and arrests, and the relation between violence and human rights focusing on article 5 concerning torture and inhuman treatment or punishment, and article 9 about arbitrary arrests, detention and exile. The second research objective is looking into which goals the organizations want to achieve, and who they aim to influence by discussing local vs. international influence and the grass-root level vs. political influence. I look into challenges the organizations meet in their work and focus on internal vs. external challenges. Then, I focus on the organizations' successes, failures and results of their human rights work, and discussing the relation between the goals vs. the results. The third research objective presents local and international organizations' relations to freedom of expression and I discuss how freedom of expression plays an important role in human rights work.

7.1 To emphasize how the organizations work to progressively implement or achieve the selected human rights they focus on.

Machsom Watch:

*“We need the pressure from outside, our main objective is to speak to the Israeli public but it is getting more and more difficult, and I have to say that the Israeli public is not interested, they don’t want to know, they don’t want to hear.”*⁶³

Amnesty International Israel:

*“It is very strange, because most of the people know us not by the activities that we are doing but because of the reports that Amnesty are launching about Israel and the oPt, so we just avoid doing it but everybody knows that we are doing it and this is why we don’t have a lot of members and we are considered to be left-wing.”*⁶⁴

Breaking the Silence:

*“We bring the reality home, trying to hold up a mirror in front of our society about what is going on in its name. The most important question for a democratic society is; where are the moral boundaries, where are the red lines? We come with our stories and demand the society to take responsibility and say if it is acceptable, whether it is behind the red line or not.”*⁶⁵

Palestinian Human Rights Monitoring Group:

*“I think that it is important to continue documenting what is going on, because it is a very critical historical period going on right now between the Israelis and the Palestinians.”*⁶⁶

Middle East Nonviolence and Democracy:

*“At the end of the day, we have better thing and stronger thing that we believe in which is our right to this place, the right to this land. All what we wanted to do was to bring our view, our voice to the world, all over the world.”*⁶⁷

⁶³ Interview with Roni Hammermann in Jerusalem 31 August 2010

⁶⁴ Interview with Vered Cohen-Barzilay in Tel Aviv, 13 October 2010

⁶⁵ Guided tour with Ayal K. to South Hebron Hills, 15 September 2010

⁶⁶ Interview with Bassem Eid in East Jerusalem, 20 September 2010

⁶⁷ Interview with Adel Ruished in East Jerusalem, 30 September 2010

Temporary International Presence in Hebron:

*“You can make the argument; staying here without having much power, you actually solidify and justify the existing bad situation. So that is an argument diplomats could make.”*⁶⁸

United Nations Office of the High Commissioner on Human Rights:

*“There are so many reports in the public domain about the human rights situation; are they being followed up by the duty bearers, no, and some people would say, yes actually they are to some extent. And the main frustration comes really not from the human rights situation but from the political situation ... that the peace negotiations haven't reached anywhere.”*⁶⁹

Ecumenical Accompaniment Programme in Palestine and Israel:

*“The Ecumenical Accompaniers stay for three months, but when we go back to our home countries we become Ecumenical Advocates – spreading the word about the situation.”*⁷⁰

7.1.1 Human rights organizations work on information and communication

The interviews show that how the organizations are working and what they do is related to information and communication. The organizations do a variety of activities related to collecting and spreading information, experiences and knowledge. Common activities are observing and monitoring, doing research and data collection with photos and interviews, documenting and writing reports that are being published or expressed in seminars, lectures, exhibitions, articles and books. Many of the organizations do media related activities such as participating in interviews, debates and movies, and writing letters to the editor. The most common activities are that the organizations are organizing seminars, projects, meetings, lectures and guided tours. The local and international organizations' activities and work are towards the society, media, organizations, communities and individuals, the international organizations in addition have relation to the political level, Israel and Palestinian Authority. The Israeli organization Machsom Watch is an eyewitness on the ground, observing at military checkpoints on roads and along the separation barrier in the occupied territories. The members of the organization documents and write reports on incidents they experience, and

⁶⁸ Interview with Stefan Waespi in Hebron 26 August 2010

⁶⁹ Interview with Matthias Behnke in East Jerusalem, 11 October 2010

⁷⁰ Conversation with Swedish team member in Hebron, October 2011

they sometimes interfere in incidents they witness. In focus of attention are the daily life at the checkpoints, behaviour of the soldiers, interaction between soldiers and the Palestinian population, how the system and rules are applied, and human rights violations. The reports are published online, and the organization participates in media to reach out with information. Amnesty International in Israel has campaigns focusing on housing rights for the Palestinian community in Israel, and has educational campaigns and the organization engages to influence and impact decision makers, and the methods and activities include letter writing, peaceful demonstrations, and lobbying. Amnesty's section in Israel has worked on Palestinian issues the last years by doing media work and making strategic plans and publications. Amnesty International is known in Israel because of the reports the movement is launching about Israel and the occupied territories. The Breaking the Silence initiated a photo exhibition in 2004, and the organization collects and publishes testimonies from Israeli soldiers who have served in the occupied territories since September 2000. The organization holds lectures and conduct guided tours to Hebron, South Hebron Hills and Ramallah area. The Palestinian Human Rights Monitoring Group does field work and research to collect information, do interviews and meet with organizations and people, and document and write reports about human rights violations. PHRMG publish reports nationally and internationally, participates in media and seminars and cooperate with other organizations. The Middle East Nonviolence and Democracy organizes meetings and seminars with schools and local communities in the Palestinian society focusing on human rights, nonviolence and democracy.

“We are telling the story of a military occupation through the eye of an occupier.”
– Breaking the Silence ⁷¹

The international civilian observer mission TIPH, Temporary International Presence in Hebron, is monitoring and reporting on incidents that are taking place within their area of responsibility and according to the mandate that defines the purpose of the mission. The TIPH is monitoring according to international human rights, and is also present to have a preventive role. Reporting is a cornerstone of TIPH's work. The observers go on patrols in the city, and they report on incidents they have witnessed during their shift and communicated to them by inhabitants. These reports are forwarded to the responsible authority, the Israeli or the

⁷¹ Guided tour to the South Hebron Hills, 15 September 2010

Palestinian, with inquiries and questions. The TIPH writes reports that give an overview and analyses the current situation, negative trends and violations and positive efforts, and they provide recommendations to the authorities. The mission also has programs on community relations; the mission supports programs with money and makes the role of TIPH visible. TIPH should provide ‘a sense of security’ and ‘contribute to economic wellbeing’. These initiatives changed the character from a monitoring mission to a mission that also does humanitarian programs. The UN OHCHR, Office of the High Commissioner on Human Rights, has a broad mandate to protect and promote human rights for all. OHCHR offers leadership, educates, and takes action to empower individuals and assists states in upholding human rights. The work of the OHCHR in the Palestinian territories is to do advocacy work, capacity building work, and to coordinate all human rights work in the area, and to report on specific human rights issues by looking into issues to verify facts and analyzing them. Working on changing the behaviour of the duty bearers can be through capacity building, public advocacy or quiet diplomacy, collective actions by UN actors or with NGOs, and engagement with the state parties to confirm human rights standards.

“I think it is important that people back home can see what we are doing. If journalists are coming we are eager to talk to them.” – Temporary International Presence in Hebron ⁷²

The role of local and international organizations in human rights work

Local and international organizations do information work locally and internationally, and collecting and spreading information is important in human rights work. The Israel-Palestine conflict receives a lot of attention and focus, and the region is of importance and interest for many reasons. There is an extensive presence of international organizations, agencies, institutes and media in the area. The reality understandings are many, as well are the solutions of how it should be solved. The amount of local Israeli and Palestinian organizations and is impressive. The local and international organizations are conducting similar activities and work; organizations are collecting and spreading information by observing, documenting, publishing and reporting. What is the value of all the experiences and knowledge available and how is the information important for human rights work?

⁷² Interview with Matthias Behnke, head of office at the OHCHR, East Jerusalem, 11 October 2010

“Everybody looks at us, the whole world is looking at us, but no one does anything.”

– Palestinian woman at the military checkpoint Qalandia in the West Bank ⁷³

Michael Freeman writes in the book “Human Rights” that non-governmental organizations play an increasing role as sources of information, and NGOs have played an increasing role in human-rights politics at local, national and international levels (Freeman 2002: 142). Civil society organizations and NGOs are both local and international and are often referred to as grass-root organizations. They can range from one-person organizations to large international bodies and can consist of amateurs and human-rights professionals or they can have roots among the people whose rights they seek to defend (Freeman 2002: 145). Some national and international organizations concerned with human rights issues may play an important role and others may use the human-rights cause to further other aims. The increased number of NGOs and co-operation or tension between human rights actors can enrich the struggle for human rights, but it may also be a competition over resources (Freeman 2002: 143). Non-governmental organizations provide an important bridge between the world of law, politics and bureaucracy, and the actual experience of human rights violations on the other (Freeman 2002: 146). Human-rights institutions in the UN are depending on information from NGOs. The most important function of international NGOs is the provision of reliable information to governments, inter-governmental organizations, politicians, news media, academics and the general public (Freeman 2002: 145). States have created UN standards and procedures that restrict their operational sovereignty in the field of human rights. Internationally recognized human rights standards are binding on governments and governments may be pressured because of human rights violations (Weiss et al 2007: 223). States are the official building blocks of the United Nations, but non-state actors have been active and influential in human rights and humanitarian matters (Weiss et al 2007: 226).

There are many difficulties in measuring the influence of NGOs, but they have made an important contribution to the development of international law and institutions. NGOs have raised world consciousness about human rights. In the book “Human Rights”, Michael Freeman suggests the following successes: getting human-rights issues on the political agenda; getting serious discussion of the issues; getting procedural or institutional changes;

⁷³ Participant observation with Machsom Watch, last Friday of Ramadan, September 2010

getting policy changes that improve respect for human rights (Freeman 2002: 144). He says that it is difficult to measure the effectiveness, but nearly everyone familiar with human-rights politics acknowledges the significant influence of the non-governmental organizations, including many governments whom they have criticized. Freeman writes that human-rights violators may feel little shame, but the publicity that NGOs give to the violation of international norms, which the offending governments may have supported publicly through declarations and ratification of covenants, may damage their standing in the international community (Freeman 2002: 145). Richard Falk says in the book “Achieving Human Rights” that human rights have been steadily achieving greater political and legal influence in the course of the twenty or so preceding years. The international promotion of human rights has widely encouraged a series of positive achievements in world politics (Falk: 2009: 167). Human rights advocacy consists of lawmaking initiatives by governments to establish international standards and efforts of human rights non-governmental organizations to spread awareness and knowledge and to expose certain kinds of abuse (Falk 2009: 167). After World War II, the legal limits on the conduct of war known as ‘international humanitarian law’ were further reinforced in the United Nations Charter and by the adoption of the Universal Declaration of Human Rights. Many states endorsed these ambitious normative texts because there was no perceived prospect of international enforcement (Falk 2009: 198).

“In the light of day, you have an occupation and international law and human rights are violated, television covers it – it is in your face, but in fact the world does nothing about it.”

– Israeli Committee against House Demolition ⁷⁴

Collecting information and spreading experiences and knowledge

The local and international organizations in this study focus on human rights issues by monitoring and observing, education and training, publishing reports, articles and books, participating in media, providing information and knowledge about issues related to human rights. Vered in Amnesty International Israel says “we need to market ourselves, if you are not cool enough people just click unlike. This is how people choose now, like or unlike. So you need to be very clever, glamorous and attractive, because people don’t have the time and the patience. You need to convince them that they need to follow you. And you will never do

⁷⁴ Guided tour with the Israeli Committee against House Demolitions (ICAHD), Jerusalem, 1 October 2010

that with boring report, I mean, reports are good, but people will never open the reports if they don't look good. If you want people to listen to you, you need to make them interested, you need to sell yourself.”⁷⁵ Some organizations in this study conduct guided tours for people who are interested to see the reality to tell about the situation and promote their work. The organizations have different concepts and perspectives and positions, and a message and picture they want to show off their reality, the people and specific events; historical and religious places and social issues and the political situation. I have participated on different guided tours, one with a Palestinian group called Alternative Tours and with the two Israeli organizations Breaking the Silence and the Israeli Committee against House Demolitions, and with the Temporary International Presence in Hebron. And as a participant in the EAPPI programme, I have conducted guided tours for international visitors myself. These guided tours all have the aim of exposing the situation in the occupied territories to locals and internationals. I think that this is a very convenient, efficient and informative way of showing people glints of the reality in the area. This work is valuable for the organizations because they can reach out with their information and experiences, and with that they can influence and create knowledge and awareness amongst the participants. For the participants, it has great value because people receive information and knowledge by someone who has the firsthand experience, and people get to hear facts and numbers and personal stories – and at the same time see with their own eyes, experience, meet and listen to local people. What do the organizations want to achieve with the guided tours? This information work is valuable for the organizations because they collect and spread information about the situation and issues on the ground. The guided tours make the occupied territory available for people that otherwise may not go there on their own and provide information and knowledge from someone with experience. In what way do these tours have impact and influence on the participants? This work can be viewed as a form of conflict tourism, making business of the situation and could, very cynically, be seen as a way taking advantage of the situation. The work the organizations conduct is concerned with collecting information and experiences, and the aim of the work is to spread information and awareness to influence people they reach. The organizations don't have much power to interfere or change the situation directly, but they have the power to influence other people with their messages.

⁷⁵ Interview with Vered, communication officer in Amnesty Israel, Tel Aviv, 13 October 2010

The local and international organizations do not have a clear political goal they are working towards or aiming to achieve, but they are working within their specific mandates which state the tasks and goals of the organizations. The local organizations are consisting of competent and engaged people and many of them work voluntarily. They are inspired and work with dedication and contributing with their interest, experiences and knowledge. There is a possibility that the persons engaged in this kind of work can be burned out and tired of and wanting to give up ; but because what they are aiming at is not so clear but the way to get somewhere is more important that is why they keep on and continue with their mission. Because organizations don't have specific goal they are aiming to achieve it is hard to say if they are successful or not, but their goal is to live out what they believe in and they are working for something else, contributing to a more abstract and bigger picture. NGOs can be important in capacity building because they work with local situations and human rights issues, and are doing funding, technical assistance, training, networking, political solidarity, information and advocacy. The quality, independence, motives, power relations and political constraints involved will vary. Funding for human rights organizations have increased especially in post-conflict situations. Human rights organizations engage in activities concerned with monitoring violations of international human rights standards, both civil and political rights, and economic, social and cultural rights. Human rights actors engage in advocacy, often activities related to education and speaking out, and campaigning about policy issues. Organizations can have a legal approach focusing on laws and policies which are valuable even if they are not implemented and empowering people to start organizations for social change towards human rights. Mechanisms of accountability are a step forward to legal changes and social control, for example democratic elections. The historical, social and economical conditions for democracy may not be present but the capacity and willingness to know laws are resources that can lead to increasing rule of law. Information will lead to a stronger civil society which can lead to more democracy in the society.

International presence in the Israel-Palestine situation

There is an extensive international presence of organizations, institutions and media in the Israel-Palestine situation and the attention on the conflict is huge from researchers, students, aid workers, journalists, artists and so on. The effect of this is that there is very much information and knowledge available about the situation, and many different actors have their perspectives and meanings and interests. A question is if all this attention and information can

contribute in some way to change or a positive development of the situation. The two international organizations interviewed, the United Nations Office of the High Commissioner on Human Rights, and the Temporary International Presence in Hebron, TIPH, affirm this impression of a huge international presence and attention, and are a part of this presence themselves. The head of office at the UN office OHCHR in the Palestinian territories, Matthias Behnke, says that the international presence has a preventive role, an awareness role, a facilitation role, a mediation role, and a fact finding and a fact confirmation role. He says that it is not the information that is missing; the question is more what happens with all this information. The international attention can ensure an independent and credible eye on what is going on and ensures that what takes place is reported outside in a reliable manner. The available information contributes in a positive way meaning that the situation could be worse without it; it makes a difference but will not lead to a solution to the situation. The international attention raises awareness about that there is a need for political solutions and for certain issues, such as human rights violations, to be addressed. As the OHCHR states, “at the end of the day it is about political will of the actors that has the political power to decide things”. The TIPH is a civilian international observer mission in Hebron that observes the situation and writes several reports about human rights violations. The TIPH is an element of the international presence in the area and their mandate is to observe and report and provide a sense of security to the people in Hebron. Their work is much about being eyewitnesses and with diplomatic measures report to the responsible governments about what is going on. The reports are sent to the Israeli and the Palestinian authorities, who are the responsible parties which can change the situation and to the six member countries to exercise diplomatic pressure. The situation in Hebron is visible and TIPH-observers talk with journalists and other visitors in Hebron to inform about the reality. The TIPH cooperates with many NGO’s and UN-organizations in Hebron. Many local and international organizations are working in the area, so huge amounts of information about the situation are collected and spread through different channels. This study shows the value of working on information and knowledge in human rights work.

“Here if something happens, immediately there is somebody there seeing it, so information is not the problem - and that is a very good step.” – OHCHR ⁷⁶

⁷⁶ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

7.1.2 Human rights issues the local and international organizations focus on

The local and international organizations in this study are focusing on different issues in the Israeli-Palestinian conflict which will be introduced and discussed if and how different issues are human rights violations and which human rights articles that are obstructed. The issues are the military occupation; the house demolitions and dispossession of people; the separation barrier, checkpoints and permit system; and the use of violence, detention and arrests.

7.1.2.1 Military occupation – the situation in the West Bank

What is a military occupation? A military occupation means complete Israeli control over every facet of Palestinian civil and economic life (Bennis 2009:14). During the second intifada that started in 2000, settlement construction and expansion escalated. The curfews and closures, or blockades, of Palestinian towns and cities became constant. The re-occupation of Palestinian cities was matched by a complete division of the West Bank where villages cut off from each other, small towns cut off from the main roads and cities surrounded. Armed checkpoints and destruction of roads served to prevent Palestinians from moving within the territories, let alone traveling into Israel. The economic shortages were severe and the humanitarian situation got worse. Israeli military control means complete dependence on Israel for permits – to travel out of the country, to enter Israel from the West Bank to get to the airport to leave the country, for a doctor to move from village to the clinic, for a student to go to school, and often, these permits remain out of reach (Bennis 2009: 14). The re-occupation of the cities in 2002 made clear that Oslo's version of Palestinian "control" was incomplete and thoroughly reversible; Israeli military occupation remained in place, controlling the land and the lives of Palestinians. Israel remains in control of the economic life of Palestine with closures of roads and towns and border controls, and by imposing an economic embargo on the Palestinians beginning in January 2006. Israel controls Palestinian political life by preventing the Palestinian Authority and officials from meeting or carrying out their responsibilities, and ensuring the PA has no actual power. It controls social life through checkpoints separating cities and villages, separating families and denying residency permits in Jerusalem and in the West Bank, denying access to Jerusalem's, Bethlehem's and Hebron's Muslim and Christian shrines and preventing access to health and educational institutions" (Bennis 2009: 24). The book "The Shift" by Menachem Klein approaches the occupied territory differently. While the Israeli control system in the West Bank and Gaza

Strip is commonly called an ‘occupation’, Jeff Halper shows how the Israeli policies together create a ‘matrix of control’ (Klein 2010: 5). Menachem Klein refers to writer Ghazi Falah who calls it an ‘enclavization’, which weakens the Palestinians economically, politically and socially in order to neutralize the population’s will to resist (Klein 2010: 5). Klein argues that due to its territorial expansion and the events of the last ten years, Israel has assumed de facto control of the entire area stretching from the Jordan River to the Mediterranean. Israel has since 2004 had effective control of those territories that under the Oslo agreements were handed over to control of the Palestinian Authority. While Israel does not rule these areas directly, it controls them by using the PA as a proxy. The border that existed before the war of 1967, the Green Line, exists only in international law textbooks. Israel has gained suzerainty without formally annexing the territories. Israel annexed East Jerusalem following the 1967 war. Outside Jerusalem, Palestinian areas are annexed by expanding settlements and building a separation barrier (Klein 2010: 6).

“Some people say that there is not an occupation in the West Bank. I don’t see what they mean... What we have is a military occupation by all what it means, and according to the definition in the dictionary.” – former combat officer, Israeli Defense Forces⁷⁷

What are the occupied territories? It is possible to argue that the West Bank is not occupied because it wasn’t occupied from anyone and Palestine has never been an independent state. The term the West Bank refers to the western bank of the Jordan River. Between 1948 and 1967, Gaza was controlled by Egypt, and the West Bank including East Jerusalem was controlled by Jordan between the establishment of Israel in 1948 and the Six-Day War in 1967 (Bennis 2009: 14). Israel calls the West Bank ‘disputed’ but not occupied. The occupied territory refers to the territory that Israel took during the Six-Day War in June 1967; the West Bank, the Gaza Strip and East Jerusalem, representing 22 percent of the historical Palestine (Bennis 2009: 14). “Two hundred fifty thousand more Palestinians were forced into exile, and over a million more were now under Israeli occupation” (Bennis 2009: 160). “From 1967 until today, the UN has passed numerous resolutions calling for an end to Israel’s occupation, but those resolutions remain unfulfilled” (Bennis 2009: 161).

⁷⁷ Conversation with former officer in the Israeli Defence Forces, 9 October 2010

'Facts on the ground'

The Israeli occupation in the Palestinian territory is implemented by different means, policies and structures. The American-born Jewish-Israeli anthropologist and founder of the Israeli Committee against House Demolition, Jeff Halper, uses the term 'matrix of control' to explain the Israeli rule over the occupied territories. Jeff Halper who is the founder of the Israeli Committee against House Demolition, ICAHD, has launched the concept of 'the matrix of control' to describe the Israeli policies in the West Bank explained in the article "The Key To Peace: Dismantling the Matrix of Control" (http://www.icahd.org/?page_id=79). Menachem Klein writes in his book "The Shift – Israel-Palestine from border struggle to ethnic conflict" that Jeff Halper's matrix of control consists of "three interlocking systems: the military administration of much of the West Bank and incessant army and air force incursions elsewhere; a skein of 'facts on the ground,' notably settlements in the West Bank, Gaza, East Jerusalem, but also bypass roads connecting the settlements to Israel proper; and administrative measures like house demolitions and deportations" (Klein 2009: 14). Klein writes that "Israel developed its current control system over the West Bank in the years 2000-2002, as the Israeli-Palestinian conflict was transformed from a border struggle to a purely ethnic one". And he says that the change resulted from the combination of a much greater number of settlements and settlers, scattered more widely, with the military measures taken to battle the armed Palestinian uprising (Klein 2010: 89). Klein writes that "under the new structure, Israel does not control the West Bank only by military might, bases and security zones. It also uses its settlements and a network of roads reserved exclusively for Israelis. The Barrier is another element of the system. The Barrier is not simply a border demarcated unilaterally by Israel, as some have claimed, because Israeli settlers live and soldiers are based on its far 'Palestinian' side" (Klein 2010: 89). Klein explains that "instead of being a border, the Barrier serves as a tool of annexation and control. Israel also rules by recruiting collaborators, interrogating detainees, granting or denying work, construction, and other permits as it sees fit, and by managing the population registry. This latter function gives it the power to deny residency rights in the West Bank to Palestinians who leave the territory" (Klein 2010: 90). "The quantity of Israeli army and settlers created a qualitative change. Military operations and settlements activity were loosely connected before 2000, but became coordinated parts of a single machine thereafter" (Klein 2010: 90). Klein states that "Israel now controls every aspect of the lives of the West Bank's Palestinians and makes all major policy decisions for them", and that in "Operation Defensive Shield of 2002, launched in

response to the Palestinian uprising that began in 2000, Israel effectively rendered the Palestinian Authority powerless” (Klein 2010 90). He gives examples of that to travel from one part of the West Bank to another requires passing through checkpoints, which cannot be accomplished without an Israeli permit. Neither can goods be transported from one area to another without Israeli sanction. Israel determines which roads Palestinians can use, and supervises population registration, and what hours Palestinian policemen can operate in the few cities in which Israel allows their deployment” (Klein 2010: 90).

The situation has changed and developed since Halper’s first study and he introduced the discussion of ‘facts on the ground’, and he has published many articles about these issues. Many organizations and researchers working with the situation in the West Bank use the term ‘facts on the ground’ to describe the physical symbols of the occupation in the territories. Many local organizations, both Israeli and Palestinians, use words as control, separation and closure regime when explaining the situation of Israeli policies of administrative control, military presence and physical structures that Israel has implemented on the Palestinian population in the West Bank. When looking at the daily reality, these facts on the ground are very present and causing difficulties for the population and the society in different ways. If looking towards the future for the Palestinians these facts on the ground are implications on the possibilities of developing the society and creating a Palestinian state which now has been the goal for some years, for the Palestinians but also in the peace talks that have taken place with help from the international community and the United States in a leading role. The potential future Palestinian state looks virtually very difficult and maybe even impossible in the situation today; the Palestinian territory is not one geographical entity, first of all because the territorial division between the West Bank and the Gaza Strip, in addition there is a political dispute between the political parties.

The ‘facts on the ground’ in the West Bank with the barrier, checkpoints, the settlements and the road system are dividing the land in different enclaves and areas, and land is confiscated and people are displaced and there is an administrative control over the population. The settlements and other facts on the ground in the occupied territory are obstacles in the peace process and make a two-state solution difficult. Leading up to the peace talks in September 2010, there was a ‘settlement freeze’ which was based on that Israel should stop building more settlements in the occupied territories, but with certain exceptions for building in East

Jerusalem, and buildings that were already started, and then the 'natural growth'. This was the settlement building freeze, until it ended during the autumn 2010, and the peace process also ended.⁷⁸ The Israeli army has military control over the territory but Israel also has the demographic control over the West Bank because of the settlements. Many organizations underline the 'facts on the ground' as obstacles for the peace process, and for a Palestinian state, but at the same time they state that the wall and checkpoints are physical structures that are reversible and it is possible to change the administrative system – if there is political interest. I asked “What do you think is the most difficult question to find a solution on in the situation today?” to the Secretary for Political Affairs at the Norwegian Representative Office in the Palestinian Territory. He answered “There are many difficulties, as you all know, but it is possible to find a solution on the practical issues, the maps are there, the ideas are there, the money is there, but what is lacking is the political will to actually do it, on both sides!”⁷⁹

“You can be very human and you can do a humanitarian act, but it is not necessarily an act that is addressing human rights.” – Machsom Watch⁸⁰

“I don't want the situation to be seen as a humanitarian situation, it is a political situation.”
– Palestinian Human Rights Monitoring Group⁸¹

United Nations-organizations, international non-governmental organizations and local organizations focus on human rights and the humanitarian situation related to the policies implemented in the occupied territory. The occupation has major negative influence on the economic and social situation, and the humanitarian situation is critical as a consequence of the policies of separation and control following the military occupation Israel conducts in the Palestinian territory. I have several personal experiences with the separation barrier and the military checkpoints in the West Bank. When observing and experiencing the security concerns, the physical structures and the administrative routines and processes, I cannot question the obstacle this gives to terrorists wanting to cross into Israel – and the violent attacks have decreased since the second intifada. But both Israeli and Palestinians

⁷⁸ Lecture by Jørgen Jensehaugen, MA Middle East History, University of Oslo, 17 August 2011

⁷⁹ Conversation with the Norwegian Representative Office to the Palestinian Authority, Jerusalem, April 2011

⁸⁰ Interview with Roni Hammermann in Jerusalem 31 August 2010

⁸¹ Interview with Bassem Eid in East Jerusalem, 20 September 2010

organizations and individuals have said that this change is also because of a change in the Palestinian society in the West Bank. And the system and policies have severe physical and mental effects for Palestinians in their everyday lives, and the system states that every Palestinian is perceived to be a potential security threat which is a collective punishment that hardly can be accepted by the world. The separation barrier divides the land, villages, roads and families. It implicates people's lives in so many different ways and restricts their possibilities to have a normal life. The separation barrier and the checkpoints are often in focus because the system of physical structures and administrative system have severe implications on the humanitarian situation for the Palestinians in the West Bank, and UN-organizations are publishing reports on the humanitarian situations; the Office for the Coordination of Humanitarian Affairs and the Office of the High Commissioner on Human Rights in the Palestinian Occupied Territory. Many local Israeli and Palestinian organizations are working with issues related to the humanitarian situation. The international community is involved in many ways in this area with projects, funding, organizations and agencies.

Relations between military occupation and human rights

Is a military occupation a human rights violation? Is it possible to have a military occupation without violating human rights? In theory a military occupation in itself is not a human rights violation, and it may be possible to have an occupation without violating human rights, because even during a military occupation it is possible for the responsible government to uphold its duties as a state party and observe human rights; to protect, respect and fulfill the population's human rights. International human rights law is not speaking for or against military occupation, the human rights standards are demanding that all human beings have human rights and all people, also people under a military occupation should be treated according to these standards that are internationally recognized. In practice, this is difficult and it will depend on how that occupation is implemented and conducted in real life. The policies implemented, and the actions and symbols imposed as a part of the occupation explore if the occupation is causing violations on international human rights standards. Accountability is an important aspect of human rights law, the relationship between the duty bearer and the rights holders, and if the responsible government treats the population, meaning all human beings, living under its control and responsibility, it could be theoretically possible to have a military occupation without violating human rights. Israel is conducting a occupation of the West Bank and needs to be accountable for the citizens living under its

military control. Israel as the occupying power, according to international law, has obligations to observe human rights of the population, including the citizens living under its control and occupation, and the Fourth Geneva Convention protects the civilian population living under occupation. Israel carries out actions that represent human rights violations against a population that is supposed to be protected by the Geneva Conventions, which guarantee safety for people living under occupation. Israel is often criticized for its human rights violations in the United Nations. From an Israeli perspective that is problematic because there are many other countries in the UN that are guilty of human rights violations. There are many countries that commit human rights violations, but Israel is criticized by the international community more than many other countries because its violations of Palestinian human rights are violations of international law and a host of specific UN resolutions. The specific violations targeted by UN resolutions, building settlements, demolition of houses, military attacks on civilians, closures, curfews and so on, are all taking place in a military occupation that in itself is illegal (Bennis 2009: 104). In addition, Israel claim to be an enlightened Western democracy which means that it holds itself up to what is perceived by many as the highest standards in the world, and the actions are therefore compared to behavior of countries that Israel wants to be similar to. Part of the reason for the seemingly repetitive resolution challenging Israel's human rights violations against the Palestinian lies with the consistent US actions designed to prevent implementation, and therefore protect Israel from consequences of its violations. If Israel was forced to comply, new resolutions covering old ground would be unnecessary (Bennis 2009: 104). Some permanent members of the Security Council are ambivalent about international action for human rights and humanitarian affairs. The United States usually protects Israel from any condemnation or sanction with regard to its policies in the territories occupied after the 1967-war (Weiss et al, 2007: 236).

The Israeli occupation of the Palestinian territories in 1967 is illegal according to international law and resolutions by the United Nations. The policies of the occupation such as the checkpoints, the separation barrier, the permit system, building of settlements and dispossession of people, are facts and symbols imposed on the population living in the area under occupation – and they are violating international human rights standards. The UN General Assembly has also made resolutions demanding that Israel, as the occupying power is causing human rights violations on the Palestinian population in the occupied territories. When analyzing the human rights situation and emphasizing/exploring human rights

violations, it is important to be aware of the situation of duty bearers and rights holders. The legal aspect of human rights in the Israel-Palestine situation is complex and the reality of duty bearers and rights holders is an unclear picture which makes it possible for the duty bearers to not taking responsibility and also for not being able to be accountable for observing human rights for all human beings. The international human rights law states that all human beings are entitled to have their human rights, but this is not necessarily implemented in the reality.

“We are not against or in favor of occupation, because the High Chair never speaks about occupation, they speak about that you need to treat people under the occupation according to human rights.” – Amnesty International Israel ⁸²

The Israeli organization Breaking the Silence focus on the military occupation with members who are ex-soldiers in the Israeli army working on exposing the daily reality of the military occupation of the territories for a national and international audience. The organization is telling ‘the story of a military occupation through the eye of an occupier’. Breaking the Silence is focusing on the principle of separation and military control in the region, and the results of this policy that are amongst other dispossession of people and annexation of land. The organization focuses on the complex relationship between the Palestinian population and the Israeli Defense Forces in the occupied territories, and also issues related to the situation of Israeli settlers living in the West Bank. The organization tells about young Israeli soldiers doing their mandatory service facing and controlling the civilian Palestinian population living in the territories. The Breaking the Silence-members use their personal experiences as soldiers serving in the occupied territories, West Bank, Gaza and East Jerusalem, since the outbreak of the second intifada in September 2000 as an educational tool to inform about the situation in the territories and the military actions that take place. The international organizations TIPH and OHCHR are focusing on the occupation of the West Bank in their mandates and missions.

“The Palestinian territories are still occupied, a lot of problems lead from that, and in itself that occupation is illegal.” – OHCHR in the occupied Palestinian territories ⁸³

⁸² Interview with Vered Cohen-Barzilay in Tel Aviv, 13 October 2010

⁸³ Interview with Matthias Behnke in East Jerusalem 11 October 2010

Freedom and self-determination is a relevant topic in the Israel-Palestine situation today. The right of self-defense is important for Israel and the Palestinian cause is concerning the right of self-determination. 'All peoples have the right of self-determination' is a widely supported economic and social right (Baylis, 2008: 515). The right of self-determination for peoples is a legal, moral, and political promise (Falk 2009: 69). Israel's failure to uphold its obligations under international law have lent weight to Palestinians claims to self-determination and to affect the contours of a peace process (Falk 2009: 45). Both the Palestinian organizations interviewed say that 9/11 has influenced the Palestinian cause and human rights work. They underline the importance of seeing the Israeli-Palestinian situation in connection with international events. The Middle East Nonviolence and Democracy and the Palestinian Human Rights Monitoring Group agree on that the 9/11 caused a huge damage to the human rights arena and challenged the Palestinian cause. The Israelis accused the Palestinians of being terrorists and this became easier after September 11, 2001 and other countries and international organizations started to believe that the situation was all about fighting terrorism. They think that the situation of human rights has changed to the worse and that the human rights issue is not on the top of the agenda of the international community. The Second Intifada, uprising, started in September 2000 was a very violent period with violence from both the Palestinian side which conducted suicide bombings, and from the Israeli army which re-occupied the territories through Operation Defensive Shield in 2002 and the implementing policies such as the separation barrier and the checkpoints. According to the two Palestinian organizations, the majority of the Palestinians in the West Bank are not supporting suicide bombers, and that there has been a 'change of mentality and a change of tools' within the Palestinian society since the Second Intifada. The Palestinians are now working to create a state and to show their resistance against the occupation with peaceful means. I asked the Israeli Committee against House Demolition if they agree with the official Israeli argument of security and protection against violent attacks and terrorism to explain the separation barrier. ICAHD said that the barrier is a part of the reason why the terrorist attacks are much less but they said clearly that it is not the only reason and highlighted the importance of the change of mentality in the Palestinian community; the Palestinians have changed from violent tools to a more peaceful approach to resisting the situation and the occupation. The right to self-defense and the right to self-determination should apply to both the Israelis and the Palestinians.

Article 3: ‘Everyone has the right to life, liberty and security of person’.⁸⁴

The right to life, liberty and security is an article in the Universal Declaration on Human Rights that is violated by the military occupation by Israel in the West Bank today. This right is very general and relevant when it comes to the Israel-Palestine situation and the occupation of the West Bank. This right is restricted by Israel for the Palestinians living in the territories because of the policies and system and regime conducted as a part of the occupation. On the other side, the protection of this right is also the argument for much of the policies that are implemented by Israel as the occupying power in the West Bank. The right to self-defense is an important principle in international law and the right to self-determination is an important issue in international human rights law, and both rights are connected to the right to life, liberty and security of person. The right to self-defense and the right to self-determination are relevant for the state of Israel and the Palestinian Authority. Article 3 ‘the right to life, liberty and security’ in the Israel-Palestine situation leads to the connection between freedom and security, and human rights, which lead to the terms self-defense and self-determination.

To connect security and freedom by looking at self-defense and self-determination is relevant in this setting. Security and self-defense against terrorism are the argument and explanation from Israel concerning the policies the state is implementing, especially in the Palestinian territory. The Israeli Foreign Ministry explains and justifies its policies in the territories with security and self-defense: The Government of Israel has an obligation to defend its citizens against terrorism. This right of self-defense is anchored in international law. Security reasons and policies are important aspects of a military concept which an occupation is. Security is a very important aspect in Israel. Uncountable times in Israel, I have heard ‘I am sorry but you don't question security in this country’. All policies are explained and justified with security; the separation barrier is a security fence to stop terrorism, the checkpoints and the permit system are because of security reasons and the need to control who is crossing into the state of Israel, Jerusalem and within the West Bank. Related to the human rights situation in the Israeli-Palestinian conflict, it is relevant to discuss terrorism. Israel argues that the Palestinians are a treat to Israel because of Palestinian terrorism against Israeli civilians in Israel. Israeli human rights organizations claim that what Israel is doing towards the Palestinian civilian population in the territory should be defined as ‘state-terrorism’. Security

⁸⁴ The Universal Declaration on Human Rights, United Nations, 1948; <http://www.un.org/en/documents/udhr/>

and protection against terrorism are very important issues in Israeli politics. Concerning terrorism there is also a debate between terrorism and state terrorism; based on the aspects of terrorism from the Palestinian side towards civilian Israelis and state terrorism to explain Israeli policies towards the Palestinian population. To create fear amongst the other is an efficient way to control the other because it creates unpredictability amongst the people. Israel is based on a concept of that they have to rely on themselves and are not depending on any other state or organization, and that everybody is against them. Israel experiences a severe threat from terrorism. Militant groups are shooting rockets from Gaza to cities in Israel, and the period between 2000 and 2004, the second intifada, was very violent with suicide bombings inside Israel conducted by Palestinians and military actions in the Palestinian territory, a re-occupation of the main cities in the West Bank. Terrorism is a concept to create a sense of fear, target civilians and be very unpredictable in time and place and violent means. At the same time, one can say that what the Israeli government is doing today against the civilian Palestinian population by imposing a system of collective punishment saying that all Palestinians are a potential security threat and causing restrictions on human needs and rights. The Israeli Committee against House Demolition is working on the issue of house demolitions in the occupied territory, and is highlighting issues related to security and terrorism. The official reason for demolishing houses is that the houses are built illegally without building permits. The owner of the house gets a demolishing order saying that the house will be demolished. The ICAHD-member said that 'these are not houses of terrorists'. The Israeli Committee against House Demolition describes it as a policy of control and 'state terrorism'; a situation when everybody is afraid of the state and the whole community is living in fear; the house demolitions carried out by Israel are creating a constant fear amongst the population. 'At the same time, Israel claims to be a democratic state that protects and follow the human rights and democratic principles', the ICAHD-member said.⁸⁵

Falk discusses the renewed security concerns and the situation of human rights after 9/11, and states that 'so long as the war on terror continues, there will be continuous pressure on democratic liberties and human rights' (Falk 2009: 156). Falk writes that 'it is possible to identify the most serious encroachments on the domain of human rights that have been attributed to the distinctive security concerns arising from the 9/11 attacks and the counter-

⁸⁵ Guided tour with the Israeli Committee against House Demolitions in Jerusalem, 1 October 2010

terrorist war pursued in response'. He connects this debate to Israel on background of 'the occupation of Palestinian territories since 1967, but even more so during the wave of suicide bombings across 'the green line' since the late 1990s' (Falk 2009: 157). This is relevant in the discussion on security, freedom and human rights. When connecting security and terrorism to human rights in the Israel-Palestine situation it is relevant to relate the term 'human security'. Richard Falk writes that since the end of the Cold War there have been "various moves to shift attention to what has been named 'human security', but with less emphasis on human solidarity than on the importance of thinking about people rather than governments, and thus about issues associated with 'insecurity' in daily life coming from lawlessness or various forms of deprivation" (Falk 2009: 195). To feel safe is a basic human right; freedom from fear and freedom from want are two of the four main freedoms stated in the United Nations Universal Declaration on Human Rights. Security is reflected in many of the human rights stated in the human rights declaration, and security is a basic need of all human beings and rights are covering many of the basic human needs, and the human rights can protect and fulfill these needs. If you feel safe and secure and protected in your life, there is less need of doing harm to others, a reflection on defense and attack strategies. Human security is a result of, and depending on, the ability and willingness to respect and protect human rights. The society should create knowledge and awareness about human rights to ensure that they are respected so the rights holders can demand rights and protect each other's rights, and duty bearers are committed to international human rights standards. It is a contradiction that security is so important but human rights is a very sensitive issue, when it is related.

"Israel is really caught up in the conversation of victims and attackers, and the Israeli people always see themselves as the victims, and every time people are coming; oh, here it is again, they are coming again, coming to get us." – Amnesty International Israel ⁸⁶

Israel builds the separation barrier and implements policies to protect the state and its citizens and protect against violence. It is relevant to ask; security for who and in what way? Is the separation barrier protecting the Israeli citizens by enclosing the Palestinian population, or is it isolating the Israeli population from the outside world? In a symbolical way the separation barrier can be a challenge for Israel because it is receiving massive criticism internationally.

⁸⁶ Interview with Vered Cohen-Barzilay in Tel Aviv, 13 October 2010

What is in the interest of Israel and its people in the long run? To protect itself against a potential threat or have a good relation to its neighbor and to have policies respecting international law? The Israeli society has many challenges, which are not only attached to the Israeli-Palestinian question. The Jewish people are traumatized of its history, the collective fear and feeling of insecurity and vulnerability, which Israel is based on, is hard to understand for others. Israel as a state is also traumatized of its own history as a state; it has had a war every decade and ongoing threats from other countries in the region. On this background security and of self-defense are very important for Israel and constitute a main component of the states policies. On the other side, the Palestinians claim that their actions and policies are resistance against the occupation and the Palestinian cause is a struggle for freedom and statehood. On the other side of the barrier, there are many negative results for the Palestinian population in their everyday life of the Israeli policies, which could be a reason for the Palestinians to strengthen the resistance against the occupation and continue the struggle for freedom and self-determination.

7.1.2.2 The separation barrier, military checkpoints and the permit system

The Israeli policies in the West Bank of physical structures such as the separation barrier and the military checkpoints and administrative system with the permit regime are presented. Local and international organizations working on human rights describe this as a ‘control regime’ and ‘separation policies’. The Israeli Foreign Ministry describes it as ‘security system’ and ‘anti-terrorism policy’. The policy implemented in the territories has implications on the Palestinian population and society. Local and international organizations focus on physical structures and administrative policies and these implications on human rights.

Separation barrier

The separation barrier is an eight meters high concrete wall and some places a double fence of barbed wire with electricity and security zones. Israel decided to start building the separation barrier in June 2002, “following a campaign of suicide bombings by Palestinian militants, the Government of Israel approved construction of a Barrier to prevent suicide bombers from entering Israel” (“The Impact of the Barrier on Health”; OCHA and WHO 2010). The separation barrier is built in and around the West Bank and is not yet finished. The UN-organization OCHA says in a report from 2010 that approximately 61% of the barrier’s

projected 707 km route is complete, and a further 8% is under construction and 30% is planned but not yet constructed (OCHA and WHO 2010). The separation barrier has military presence and control with watch towers, surveillance system, and checkpoints and gates along the separation barrier. “The Barrier’s total length is 707 km, more than twice the length of the 1949 Armistice Line (Green Line) between the West Bank and Israel.” The majority of the barrier is built within the West Bank. “When completed, the majority of the route, approximately 85%, will run inside the West Bank, including East Jerusalem, rather than along the Green Line. The total area located between the Barrier and the Green Line amounts to 9.4% of the West Bank” (OCHA and WHO 2010). The OCHA writes in the report «West Bank – Movement and Access» that “about 60% of the barrier is completed and that 85 % of its entire route runs inside the West Bank” (“West Bank – Movement and Access”; OCHA 2010). Israel receives international criticism because of the separation barrier and especially because that the majority of the separation barrier is built inside the occupied territory.

The Minister Counsellor at the Norwegian Embassy to Israel said about the separation barrier that the embassy is “not against building a fence, or a wall, in principal, if it is built on your own property; what is wrong in our opinion is to build a fence on your neighbours land”.⁸⁷ OCHA says in a report: “It was the route of the Barrier, rather than the structure itself, which was the subject of the International Court of Justice (ICJ) advisory opinion in 2004”. The report says that “construction of new sections has almost completely halted as a result of a number of financial constraints, concerns raised by the international community and lack of demand by Israeli society. Most of the recent construction involved re-routings ordered by the Israeli High Court of Justice” (OCHA and WHO 2010). B’Tselem writes that “the Separation Barrier, which was built mostly inside the West Bank, impairs Palestinian movement”. Israel faces international criticism because the separation barrier is causing implications on the Palestinian population. “Israel's severe restrictions on Palestinians' freedom of movement in the West Bank are enforced by a system of fixed checkpoints, surprise flying checkpoints, physical obstructions, roads on which Palestinians are forbidden to travel, and gates along the Separation Barrier” (“Restriction of Movement”; B’Tselem 2010). These structures have impacts on Palestinian society: the route, together with permit and gate regime, is the main cause of the humanitarian impact on Palestinians” (OCHA and WHO 2010).

⁸⁷ Interview with Minister Counselor at the Norwegian Embassy to Israel in Tel Aviv, 13 October 2010

Military checkpoints

The military checkpoints are terminals and gates along the separation barrier and on roads in the West Bank. Some checkpoints are large checkpoint terminals and others are smaller gates along the barrier for people and vehicles to cross. Some of the checkpoints are permanent and some are partial checkpoints, the army puts up ‘flying checkpoints’ along roads in the West Bank to control movement. The flying checkpoints are set up on an ad hoc basis alongside roads in places without pre-existing infrastructure and they consist of a military jeep on a key junction where cars are stopped to check people and sometimes it ends up in an arrest. The UN-organization OCHA states that the “scope of disruption caused by these checkpoints, is often larger compared to that of permanent checkpoints, due to their unpredictability and longer delays” (“West Bank – Movement and Access”, OCHA 2010). The Israeli center for human rights, B’Tselem, and the OCHA report a monthly average of 310 flying checkpoints (“Restriction of Movement”; B’Tselem 2010). The checkpoints are a key component of the closure system because other physical obstacles such as roadblocks and earth mounds are designed to channel Palestinian traffic into the military checkpoints in the West Bank (OCHA 2010). OCHA has conducted in March 2010a comprehensive closure survey where they documented 505 obstacles blocking internal Palestinian movement and access throughout the West Bank. The obstacles documented includes “65 permanently staffed checkpoints, 22 partial checkpoints (staffed on an ad-hoc basis) and 418 unstaffed obstacles, including roadblocks, earth mounds, earth walls, road gates, road barriers, and trenches”. The data includes 11 checkpoints within the Israeli-controlled area of Hebron City (H2), but excludes about 80 other obstacles in this area. OCHA’s result also “excludes 63 crossing points, gates, along the Barrier leading into isolated agricultural areas”. The research results of the closure survey by OCHA were submitted to the IDF Central Command for review, and “the IDF confirmed the location and status of 366 obstacles or 72 percent of those identified by OCHA”. “The difference is mainly due to discrepancies in definitions, as the IDF does not consider certain types of infrastructures as internal movement obstacles”. The IDF does not include permanent checkpoints with ad hoc checks only, partial checkpoints, checkpoints in the H2 area of Hebron, road barriers and open road gates (OCHA 2010).

B’Tselem, the Israeli center for human rights in the occupied territories, counted in October 2010, 99 fixed checkpoints in the West Bank, sixty-two of them are internal checkpoints situated within the West Bank. “Thirty-seven of the fixed checkpoints are the last inspection

point before entering Israel, although most are located a few kilometers east of the Green Line, or before the entrance to Jerusalem. Thirty-five of these checkpoints are staffed regularly; the other two are staffed on and off, and are closed when not staffed”. Most permanent checkpoints are staffed on a daily basis, and some are staffed part-time with soldiers or security personnel. Some checkpoints are staffed by armed civilian guards employed by private security companies under supervision of the Ministry of Defense (“Restriction of Movement”; B’Tselem 2010). The largest checkpoint terminals are in areas close to Jerusalem and near the green line border between the West Bank and the state of Israel. The Qalandia checkpoint between Ramallah and Jerusalem and the Gilo checkpoint located between Bethlehem and Jerusalem. “Residents have to pass through Barrier checkpoints to reach workplaces and essential services, and to maintain family and social relations on the ‘Palestinian’ side of the Barrier. The Barrier has also adversely affected the access of the entire population to urban areas, in particular East Jerusalem”, OCHA states in the report in 2010 (The Impact of the Barrier on Health”, OCHA and WHO 2010).

The military checkpoints, gates and other physical obstacles have implications on the freedom of movement for the Palestinian population and society in the West Bank. B’Tselem writes: “The severe restrictions on persons wanting to cross the checkpoints and gates varies from one checkpoint and gate to another and from one time to another, but at almost all the regularly staffed checkpoints and gates of the Barrier, a person crossing on foot has to show an identity card or crossing permit and is checked in accordance with the procedures for crossing at the specific crossing. Often, soldiers check vehicles and the passengers' items.” (“Restriction of Movement”; B’Tselem 2010) OCHA states that “the ability of Palestinians to pass through a given checkpoint varies depending on the practices of the Israeli authorities at that checkpoint at any given moment; movement through a specific area may significantly improve or worsen due to changes in those practices regardless of the overall number of checkpoints.” (“West Bank – Movement and Access”; OCHA 2010) B’Tselem, the Israeli center for human rights, found that “Israel has blocked the access roads to some of the main traffic arteries in the West Bank by means of hundreds of physical obstructions, such as dirt piles, concrete blocks, iron gates, and trenches. The number of obstructions fluctuates often, depending on political and security circumstances”. B’Tselem reports that the “obstructions prevent the crossing of vehicles even in emergencies. In addition, they restrict the movement of many pedestrians who have trouble bypassing them: the elderly, sick persons, pregnant

women, and small children”. B’Tselem also reports on the issue of forbidden roads that Palestinians face on the West Bank: “In October 2010, there were 232 kilometers of roads in the West Bank that Israel classified for the sole, or almost sole, use of Israelis, primarily of settlers. Israel also prohibits Palestinians from crossing some of these roads and with that restricting their access to nearby roads that they are allowed to use. “In these cases, Palestinians travelers have to get out of the vehicle, cross the road on foot, and find an alternative mode of transportation on the other side”. B’Tselem writes that this “mode of operation adds a dimension of uncertainty and makes it difficult to critique the policy and test its validity in court” (“Restriction of Movement”; B’Tselem 2010).

Permit system

As a respond to suicide bombings after September 2000, military checkpoints have been set up to enforce the permit system restricting the lives of Palestinians. The permit system is a system of administrative and bureaucratic means with permits, rules and regulations that are restricting the Palestinian population’s movement inside the territory, and their possibilities to cross from the West Bank to Israel. There are different categories of citizens and residents in the Israeli-Palestinian situation. The Palestinians with blue Jerusalem ID-cards, residents of Israel, have more freedom of movement than the Palestinian residents of the territory with green West Bank ID-cards. The Palestinians residents of Jerusalem can live and work in Israel and can move freely between the West Bank and Jerusalem without a permit. The other group that are residents of the Palestinian territory, with green ID-cards, will have to apply for permits if they want to move within the West Bank, to be able to cross certain checkpoints to go to school, medical treatment, visit family or do business. These Palestinian residents need to apply for permit to enter Israel, including Jerusalem, to find a job, go to university, hospital, go to the mosque, and so on. The permit regime was introduced in 1993 restricted access for West Bank Palestinians ID holders to Jerusalem, and construction of the barrier has made access to East Jerusalem even more difficult for Palestinians from the territory.

“The majority of the area between the Barrier and the Green Line has been designated a ‘closed military area’ or ‘Seam Zone’, where Palestinians have been obliged to obtain ‘visitor’ permits to access their farming land and water resources. Access is channeled through a particular gate designated on the permit. Restricted allocation of these visitor permits and the limited number and opening times of the Barrier gates have severely curtailed

agricultural practice and undermined rural livelihoods. Approximately 7,800 Palestinians reside in the closed area between the Barrier and the Green Line. Those aged 16 and above require permanent resident permits from the Israeli authorities to continue to live in their homes” (“The Impact of the Barrier on Health”; OCHA and WHO 2010). The Israeli organization Machsom Watch tells that to apply for a permit, men have to be over 30 years, they have to be married and have children, and they have to have a clear record. “To obtain a permit, applicants must satisfy the security considerations necessary for all Israeli-issued permits and to submit land documents to prove a ‘connection to the land’. The majority of the Barrier gates providing access to this area only open during the olive harvest season and usually only for a limited amount of time during the day.”, OCHA states. “UN monitoring in the northern West Bank has revealed that the combination of the restricted allocation of ‘visitor’ permits and the limited number and opening times of the Barrier gates have severely curtailed agricultural practice and undermined” (“West Bank – Movement and Access”; OCHA 2010). The Israeli human rights organization B’Tselem reported in July 2009 that of 73 checkpoints and gates along the separation barrier, thirty-eight are agricultural gates to enable Palestinian farmers who live on one side of the barrier to reach their farmland on the other side. Crossing at these checkpoints and gates is conditioned on a special permit. “In recent years, Israel has reduced the number of permanent permits enabling access to land and communities situated on the western side of the Barrier and have limited the permits it issued to short, fixed periods” (“Restriction of Movement”; B’Tselem 2010). Menachem Klein writes that in June 2009 Israel “agreed to remove roadblocks and ease access to the major Palestinian cities, with the exception of East Jerusalem and the Israeli controlled area of Hebron.” The roadblocks surrounding Nablus, a city that had been under complete siege, were lifted in the summer of 2009 and the large checkpoint Huwarra on the main road between Ramallah and Nablus, was dismantled (Klein 2010: 93).

“The question is if the separation policies implemented in the West Bank are legal, morally.”
– Breaking the Silence⁸⁸

“We don’t see Palestinians being beaten by soldiers at checkpoints anymore, because they are used to the system and just follow the rules of control and oppression...” – EAPPI⁸⁹

⁸⁸ Guided tour with Breaking the Silence to South Hebron Hills, 15 September 2010

⁸⁹ Swedish EAPPI team-member in Hebron, October 2011

Separation barrier, checkpoints and permits related to human rights

The project of building a physical barrier in the territories started in summer 2002 as a mean to protect Israel and its population against violent attacks. The Israeli Foreign Ministry stated in 2004: “Terrorism is a deadly obstacle to peace. The fence is an obstacle to terrorism” (The Israeli Foreign Ministry, 2004). The Israeli center for human rights in the occupied Palestinian territories, B’Tselem, states in 2010 that the “restrictions enable Israel to control Palestinian movement throughout the West Bank as suits its interests, in a sweeping breach of Palestinians' rights”. The separation barrier, military checkpoints and the permit system are causing negative effects for the Palestinian people in the occupied territory, on individuals and the society. Policies implemented in the West Bank have implications on the Palestinians daily lives in many different ways; humanitarian issues and human rights violations (“Restriction of Movement”; B’Tselem 2010). Several local and international human rights organizations focus and work on issues related to the separation barrier, checkpoints and the permit system. The Israeli organizations Machsom Watch, Breaking the Silence, the Israeli Committee against House Demolitions and B’Tselem are focusing on human rights and the humanitarian situation in the territory related to Israeli policies. Many international organizations focus on the humanitarian situation and human rights in the occupied territory. The Temporary International Presence in Hebron focus and reports on violations of international human rights standards related to military checkpoints, closures and the permit system in Hebron in the West Bank. The UN-organizations OCHA and OHCHR monitor and report on the situation of human rights for Palestinians in the occupied territory. Local and international organizations state that the Israeli policies in the West Bank is a control and separation system that implicates people’s daily lives and violates numerous human rights.

The Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) brings internationals to the West Bank to experience life under occupation. Ecumenical Accompaniers (EAs) provide protective presence, monitor and report human rights abuses and support Palestinians and Israelis working for peace. When they return home, EAs campaign for a just peace and end to the occupation (<http://eappi.org>). The objectives of the EAPPI are to: “Participate in the daily life and work of Palestinian and Israeli civil society, Churches and Christian communities; Be visibly present in vulnerable communities, locations or events, e.g. near Israeli settlements and the wall/fence, schools and homes, fields & orchards; Listen to local people's experiences and give voice to peoples' daily suffering under

occupation and write or speak about these experiences in their reports and public speaking engagements; Monitor the conduct of Israeli soldiers and settlers (e.g. at checkpoints, demonstrations and military actions); Produce first-hand written materials, testimonies and analysis; Report on violations of human rights and international humanitarian law that EAs witness and document; Engage with the media locally, nationally and internationally; Be part of international advocacy and networking activities that highlight the human rights situation in the Occupied Territories” (<http://eappi.org>). In Hebron the tasks and responsibilities of the EAPPI are observing and documenting, providing protective presence, reporting and doing information work. The activities in Hebron are the school runs, mosque watch, the settler tour, checkpoint observation, house demolitions, settler violence, patrols in the city, and guided tours for visitors. Information and experiences from the participant observation for three months with the EAPPI in Hebron are discussed and analyzed based on results presented in the results chapter related to the research objectives. Related to the objective ‘To emphasize how the organizations work to progressively implement or achieve the selected human rights and how they choose what to focus upon’, the main tasks and responsibilities of the EAPPI in Hebron which are freedom of movement, the right to education, house demolitions and settlement issues, and use of violence, detentions and arrests. The focus on the freedom of movement in Hebron is related to the separation barrier, military checkpoint and the permit system, which includes the rights to freedom of religion, the right to have a job and livelihood, and the right to education which is a major focus of the EAPPI in Hebron.

Article 13: ‘Everyone has the right to freedom of movement and residence within the borders of each state’ and ‘Everyone has the right to leave any country, including his own, and to return to his country’.⁹⁰

The freedom of movement is a human right which is obstructed by the separation barrier, the checkpoints and the permit system. The freedom of movement is a basic democratic freedom. Building of the separation barrier and checkpoints are causing land confiscation and sometimes separating villages from their agricultural land, some farmers lose their agricultural land because they are separated physically from their fields. In villages surrounded by the wall, residents have to leave and enter under Israeli monitoring. Checkpoints and roadblocks may be closed and if open Palestinian residents of the occupied

⁹⁰ The Universal Declaration on Human Rights, United Nations, 1948

territory need a permit to pass through checkpoints inside the West Bank and a special permit to cross checkpoints between the West Bank entering into Israel. The Israeli organization Machsom Watch observes at military checkpoints in the West Bank and sees the consequences of the barrier, checkpoints and permit system for Palestinians in the territory. There are many ways of obstructing the freedom of movement; physically with barriers, checkpoints and gates, and bureaucratic and administrative with the permit system. The organization focus on human rights violations such as children's rights to education, and the right to health care, the right to have a job and livelihood, the right to marry, and the freedom to exercise religion, which all are related to the freedom of movement and related to the separation barrier, the military checkpoints and the permit system. At the checkpoints the Palestinians have to show their electronic cards and their hands to be scanned in order to be identified. Machsom Watch states that the permit system is the worst part of the occupation because it infringes and restricts the Palestinians' lives in the territory. It represents a 'separation policy and complete control of the population'. The Israeli organization B'Tselem says that restrictions on freedom of movement with checkpoints, physical obstacles and forbidden roads are an unlawful policy that causes collective punishment which is a "sweeping violation of human rights of an entire population based on national origin". The report says that "even if the restrictions were intended to prevent attacks inside Israel", this policy "would be illegal given its sweeping and disproportionate nature, which makes it prohibited collective punishment". "Israel's policy is based on the assumption that every Palestinian is a security threat, thus justifying restrictions on the person's freedom of movement" ("Restriction of Movement"; B'Tselem 2010).

Freedom of movement in Hebron

The international civilian observer mission TIPH focuses on international human rights standards in the city of Hebron in the West Bank. The democratic freedom to move within one's own territory is a right and freedom which is restricted and violated because of the physical obstacles such as the barrier, roadblocks and checkpoints. In Hebron there are many examples of checkpoints, roadblocks and closed roads and forbidden areas inside the city which are preventing people from entering certain areas and are causing troubles for people when they move within residential areas, from their house to their work places, school children and teachers going to school, daily routines such as shopping or visiting family members, or when they go to the mosque to pray. Human rights violations have become the

reality for the Palestinian population in the occupied Palestinian territory. Hebron is a divided city and the situation is characterized of separation and control. As a part of the peace negotiations during the Oslo process, the West Bank was divided in A, B and C-areas defining the responsibility between Israel and the Palestinian Authority. Hebron is very important for both Israelis and Palestinians and this made it difficult to find a solution to the city within the A, B and C division of the West Bank. The Hebron-agreement in 1997, divided Hebron in two parts. Hebron is divided in Hebron 1 (H1) under Palestinian control and Hebron 2 (H2) under Israeli military control. This means that the H1 part functions like A-area and the H2 part like C-area. The H2-part of Hebron is controlled by the Israeli army and includes the historical old city and the holy place which is both a mosque and a synagogue. The city is divided with military checkpoints, watchtowers, road blocks, barriers and fences, closed roads and divided roads, and a heavy military presence, and restrictions on who can walk where that have severe implications on the Palestinians lives since there are thousands of Palestinians living in the Israeli part of the city. In the Israeli controlled part of the city there are four Israeli settlements located within the area of Hebron's Old City where about 30 000 Palestinians live. The restrictions and closures are made to protect the settlements which are located in this area, the old city of Hebron, and they are causing major implication on the freedom of movement for Palestinians living in Hebron and other Palestinians who are visiting the city. The main street in Hebron is closed for all Palestinian vehicles and not even the ambulance can enter this area because of the military checkpoint and closures and regulations related to the closure policy. Some parts of the main street are open for pedestrians but other parts are totally closed for Palestinians. There are checkpoints in both ends of the main street and many military posts along the street, one checkpoint in front of the entrance to the mosque, and several watchtowers and cameras in the whole area under military control. The checkpoints for entering the main street of Hebron are closed for all Palestinians with exception for they who live, work or go to school in the area that have special permits to enter their homes, schools or work places. Some streets in Hebron are physically closed by concrete barriers and fences. Some parts of the main street are open for Palestinian pedestrians and other parts are closed, and soldiers are watching that the rules are followed. Israelis and all internationals are allowed to walk and drive on the streets that are closed for Palestinians. The main street is used by the settlers and the Israeli police and army, in addition to the many international organizations working in the city. Numbers given by the TIPH, show that there are 120 closures in Hebron H2 including barriers, fences and other

physical obstacles. These are structures that are not counted by the UN OCHA which also monitor the situation of closures and physical obstacles in the West Bank because the H2 area of Hebron is under Israeli military control. The impact of the closures on people living or working in this area is that many people have moved out, businesses are closed and people staying in H2 face difficulties in their daily lives because of the situation. The area has high unemployment, high criminality and poor security because the Israeli police don't care about crimes committed by Palestinians towards other Palestinians only towards Israelis and or crimes that are committed outside the area of control. In the southern West Bank, there is a checkpoint called Tarqumiya along the separation barrier on the border to Israel, where the EAPPI Hebron team observes and collects information. Tarqumiya checkpoint is a checkpoint where only Palestinians with working permit in Israel are allowed to cross. The checkpoint is crowded every morning from about 03:00 to 06:45 of men with working permits in Israel and queue early in the morning to be able to cross the checkpoint go to work in Israel. The EAs are present at this checkpoint twice a week to observe, document and collect information and report about the situation at the checkpoint. Information from the checkpoint goes to the UN Office of the High Commissioner for Human Rights and other organizations.

Security fence or separation barrier?

The Israeli Foreign Ministry says that the barrier is built for security reasons to stop suicide bombers and terrorists to access Israel, and states that it is not a political border. The core of what Palestinians call the 'apartheid wall' is land conquest and an effort to gain control of strategic areas and resources and the Palestinians believe the separation barrier is an attempt by the Israeli side to create borders for a future Palestinian state. The wall separates between Palestinian cities, villages and rural areas, preventing farmers from cultivating their land and families from visiting each other in different areas of the West Bank. The separation barrier and checkpoints all along the barrier and roads in the West Bank prevent Palestinians from entering Jerusalem. Security for its citizens is important; it is a state's obligation to ensure the security of its citizens. But to violate international law to do so is wrong. To apply restrictions on people's lives by implementing physical structures, obstacles and administrative systems in violation of international human rights and human dignity is illegal and immoral. The Norwegian official policy is based on international law and UN-resolutions. "We are not

opposed to someone building a fence, but it must be built on his own property and not the neighbor's land", the diplomats at the Norwegian Embassy in Israel.⁹¹ The physical obstacles and policy of permits are violating the freedom of movement for Palestinians in the West Bank connected to other human rights violations which will be discussed.

Article 26: 'Everyone has the right to education.'⁹²

The right to education is an important right of children and is stated in the Universal Declaration on Human Rights and the Convention of the Rights of the Child. Many local and international organizations report on the right to education. This right is obstructed at checkpoints because all children in the occupied territory have to bring their original birth certificate and show it at the checkpoint to be able to go through. If not they can be denied to cross the checkpoint and the child cannot go to school. Machsom Watch often see this happen at the checkpoints. The Temporary International Presence in Hebron also looks into violations on the children's right to education by observing and documenting how school children are treated by soldiers at checkpoints in Hebron city and also how Israeli settlers behave towards children and teachers. TIPH also reports on violent treatment of children at checkpoints where children are blindfolded and handcuffed. Another issue related to the right to education is the lack of classrooms for Palestinian children in Arab/Palestinian villages in Jerusalem. The Palestinians who are residents of Jerusalem need to show their school diploma from a school inside the Jerusalem city borders for every year for children under 16 years. If the child doesn't have a diploma for one year it can lose its residence and Jerusalem ID-card and will have to live illegally in Jerusalem with its family or move to the West Bank. The Israeli Committee against House Demolition focus on this issue and told that 'Palestinians pay the same tax as the Israelis, but it is not so visible what services they get from the money! The residence in Jerusalem is depending on the payment of taxes so if you don't pay you are in trouble and may lose your residence in the city'. The separation barrier is defining what is inside and outside the Jerusalem city borders. The building of settlements in East Jerusalem shows that the Israeli state chooses the settlers over the Palestinian population which amongst others consequences is leading to violations of children's right to education.

⁹¹ Interview with the Minister Counselor at the Norwegian Embassy to Israel, 28 September 2010

⁹² The Universal Declaration of Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

The right to education in Hebron is connected to the restrictions on the freedom of movement and the settlements which are located in the city. The EAPPI in Hebron works on education by focusing the Cordoba school, a Palestinian school, located opposite the Israeli settlement Beit Hadassah in the Shuhada street which is under Israeli military control. The Cordoba-school has about 150 students, both girls and boys, and about 15 female teachers. Students and teachers at Cordoba face challenges related to the military checkpoint where soldiers are checking IDs and searching bags of children and others crossing from the Palestinian part of the city to the Israeli controlled part. In addition, the Israeli settlers living in this area have hostile attitudes and sometimes violent behavior towards Palestinians and are likely to harass and sometimes attack physically children and teachers and international visitors. School children, teachers and the school building have been threatened, harassed and attacked violently by Israeli settlers during the last years since the second intifada ended in 2004. The work concerning the right to education in Hebron by the EAs is to do school runs which means observing and providing protective presence by the checkpoint and in the street for school children and teachers when they are going to and from the school in the morning and in the afternoon. In addition, the EAPPI is in contact with the principal and the teachers at the school and giving lectures in English for girls at the Cordoba school. The presence of international organizations such as the EAPPI and the TIPH at the checkpoint and outside the school has had a positive impact on the situation for the children and teachers; there are less attacks and problems between settlers and Palestinians the last years. Other measures are that the Cordoba-school has moved the holiday from Friday to Saturday so the Palestinian kids not are at school while the settlers have their free day, Shabbat, on Saturday, and the Palestinian school starts earlier and ends earlier every day than the Israeli schools. These issues show that the right to education is implicated for this reason because of the settlements in Hebron

Article 25: ‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...’.⁹³

The right to health care is violated at the checkpoints because of the permit system and the physical obstacles such as the barrier and closed roads. Machsom Watch says that “if a person needs medical treatment and he hasn’t a permit, this right is infringed, it is violated”. A

⁹³ The Universal Declaration on Human Rights, United Nations, 1948

person living in the territories needs a permit to cross a checkpoint and when a patient needs medical treatment and he hasn't got a permit and for this reason is denied crossing the checkpoint, the right to health care is infringed. An example is when a resident of the Palestinian territories needs to go to the hospital and the ambulance is prevented from driving through the checkpoint because the patient or the driver of the ambulance don't have the right permit to cross. This often happens at the Qalandia checkpoint between Ramallah and Jerusalem because this is one of the main checkpoints in the territories and everybody from the northern part of the West Bank has to cross Qalandia to get into Jerusalem. People need a special permit to cross at Qalandia, which also means that a patient needs a permit to cross the checkpoint, with or without an ambulance. The permit needs to be applied for in advance. Many people have been denied at the checkpoints because of lack of permits. The Palestinian ambulances are not allowed to cross the checkpoint. So when they have a patient going to the hospital in East Jerusalem, the ambulance from the West Bank need to coordinate with an ambulance registered in Israel that can pick up the patient and transport him to. This procedure of exchanging a patient from one ambulance to another ambulance at the checkpoint is called a 'back-to-back'-operation. I have myself observed this at the Qalandia checkpoint; one person was prevented from crossing the checkpoint on her way to the hospital in East Jerusalem because she didn't have a permit, and also that two ambulances exchanged a patient from the Palestinian ambulance to the Israeli ambulance at the checkpoint for the patient to be transported to a hospital in Jerusalem. Machsom Watch often reports about these issues in their work, told me that the biggest problem concerning the right to health care is that the main Palestinian hospital, the Augusta Victoria Hospital, is located in East Jerusalem and Palestinians from all over the West Bank have to cross one of the largest checkpoint terminals to go to Jerusalem. Information from the Machsom Watch shows says that between 2000 and 2006, 69 women have given birth at checkpoints because the ambulances were not allowed to pass the checkpoints. 35 of the children died and 5 of the women died when giving birth. These are examples of violations on the right to medical treatment and basic health care. The international observer mission in Hebron, TIPH, observes many examples of people being prevented from crossing military checkpoints in Hebron on their way to medical treatment or hospital in Hebron and in Hebron some roads are closed for Palestinian vehicles which lead to that ambulances are stopped at the checkpoints and make it difficult for Palestinians to go to hospital for medical treatment, and the mission has reported on these human rights violations to Israel as the responsible authority for the checkpoints.

Article 16: ‘Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family’. ⁹⁴

The separation barrier and the permit system make difficulties for people from the territory to get married and live together with someone from Jerusalem or Israel because of the complexity of citizenship and residences. Israel conducts a policy that prevents people from the West Bank, with green West Bank ID-cards to live legally in Jerusalem and a Jerusalemite, a Palestinian with Israeli blue ID-cards, to live in the West Bank because the person can lose the Jerusalem-ID if he is spending too much time in the territory. There are many privileges with the Jerusalem residence; people are not willing to give them up. There are many examples of couples who cannot live together because of this policy.

Article 18: ‘Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with other and in public or private, to manifest his religion or belief in teaching, practice, worship and observance’. ⁹⁵

The right to exercise religion is sometimes obstructed because of the checkpoints and the permit system because Palestinians in the territory need permits to cross checkpoints to go to Jerusalem to pray at the Temple Mount/ Haram al Sharif. Jerusalem, or al Quds in Arabic, is the third most holy city in Islam and is a historically and religiously important place for Muslims, as well as for Jews and Christians. During Ramadan, the holy month for Muslims, it is important for Muslims to go to the al Aqsa mosque in Jerusalem to pray. The last Friday of Ramadan, thousands of Muslims from the West Bank, and also from other Muslim countries, try to visit Jerusalem. The last Friday of Ramadan there are special rules for the ‘mosque permit’; the Ramadan rule includes an age limit for both men and women (often 45 for women and 50 for men) and means that they are allowed to cross the checkpoint without the normal ‘mosque permit’ to go to Jerusalem to pray. This rule represents that people over the age limit who otherwise wouldn’t have the possibility to go to pray in Jerusalem can do so in Ramadan. This rule applies only from 7 in the morning to 12 in the afternoon, and this lead to that there are many thousands gathered at strategic checkpoints such as the Qalandia

⁹⁴ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

⁹⁵ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

checkpoint between Ramallah and Jerusalem and the Bethlehem checkpoint. Machsom Watch sees the mosque permit is an example of that ‘everything is forbidden, until Israel gives a permit’. I observed at Qalandia checkpoint together with Machsom Watch the last Friday of Ramadan in 2010 where I saw thousands of people lining up early in the morning in their nicest clothes to go to Jerusalem to pray and visit family for holidays, standing for hours under the burning sun without drinking or eating. Suddenly, the soldiers changed the age limit with five years and many people had to return to their homes. When the line was gone, I saw an old man who was old enough to cross within the Ramadan rule but he was four minutes late. He looked at me and said ‘thank you for coming her, but I couldn’t cross today and I have to come back next year, inshAllah’. The Temporary International Presence in Hebron monitor and reports on violations on the right to exercise religion in Hebron. One example is a situation where the muezzin, who calls they prayer, was prevented from doing this because he was stopped by Israeli soldiers and couldn’t enter his mosque. In Hebron there is a military checkpoint at the entrance of the Ibrahimi mosque, to ensure the security – even if the latest incidence of violence in the mosque was conducted by an Israeli settler.

Article 23: ‘Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment (...)’.⁹⁶

The right to have a job and livelihood is violated in different ways because of the separation barrier, checkpoints and the permit system because this system has huge implications on the Palestinians’ possibility to move within the territory and to cross between the West Bank and Israel. The human right to make a living to support themselves and their family can be challenging because of the difficult economic situation in the West Bank and the high unemployment amongst Palestinian residents. The Palestinian agriculture, production and trade, meet many challenges with the conflict situation; Israeli settlers in the territory consume much of the water resources and it is difficult to reach the Israeli market and to export to other countries because of the Israeli border control. This makes it even more important to have the possibility to go to Israel to find work and to do so they need a work permit system. These permits are hard to obtain and in addition the workers have to spend

⁹⁶ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

hours crossing checkpoints every morning and afternoon. Machsom Watch says that ‘the Palestinian residents of the territories cannot go freely to Israel which is the only place to find work since there is very little in the occupied territories’ and the basic right of a person to make her or his living is violated. They describe the Israeli policy in the West Bank as a system that is ‘like a tree with its branches out into the whole society violating a number of basic human rights’ and that Israel sees potential terrorists in the Palestinians.

For those who get a work permit these are only valid for certain hours in the morning rush and afternoon rush hours. At these times a day there are long lines at the checkpoints of people going to their jobs, and the workers never know how much time it will take to get through the checkpoints because the process includes showing ID-cards, scanning of hands, looking at permits and checking luggage. People have to meet at the checkpoint in the middle of the night to try to cross while the permit is valid. If people don’t cross within the time limit they are denied going to work that day. If they are late or don’t show up some days there is a risk that they can lose their job. The checkpoint between Bethlehem and Jerusalem is a strategic place for workers to cross because the two cities are near each other and before the separation barrier was built many people from the Bethlehem area used to work in Jerusalem. Israel has the responsibility for the barrier, checkpoints and system of permits. What happens at checkpoints and the consequences this system has on the Palestinian population, including human rights violations, are under control and the responsibility of the Israel government as the occupying power. On the other side, the Palestinian Authority has responsibility for the high unemployment in the Palestinian territory and has a responsibility to create business and stimulate to employment within the A-areas in the West Bank where the PA is responsible. It is challenging to run businesses and develop the society under the circumstances of conflict and occupation. The situation makes it difficult for people to move and to transport goods.

Land rights

The separation barrier is separating Palestinian villages from agricultural areas where they grow fruits and vegetables and animals graze. The barrier some places cut people from accessing their land, and other places there are gates in the barrier so the farmers can have ‘visitor permits’ to access their land. The gates have military presence and there are specific rules and permits for when the farmers can enter and leave their land. If a farmer cannot reach the land and take care of it or the animals this has severe impact on the family's economy and

life, and situation and future in the village. Israel has a rule that if land is not taken care of for three years, it will be confiscated and considered as state property. The Israeli Committee against House Demolitions give information on villages that have been cut off from their land and fields with fence, barrier, earth mounds and road closures, and after some time the land is defined as ‘green zone’ or ‘military zone’ and after some time again Israel is building settlements or other infrastructure on that land. Many organizations focus on the policy of land confiscation. The Palestinian Human Rights Monitoring Group does research on environmental consequences of the separation barrier on Palestinian agricultural areas. When Palestinian farmers have restricted access to their agricultural land, their right to perform their profession, to make money and uphold their livelihood is severely obstructed. TIPH, the international observer mission in Hebron reports on violations on the right to have a job and economic livelihood in Hebron. Many shops in the Israeli controlled part were closed on military order when the main street in Hebron – where the Israeli settlers live – was closed because of ‘security reasons’ in 1994. The right to livelihood is infringed because the famous vegetable market in the old city, which used to be the heart of Hebron and also the West Bank, has been closed for many years, even if the Hebron-agreement states that it should be opened. TIPH reports on situations where people have difficulties to reach their work places because of checkpoints and closures in the city. The legal officer in TIPH said that ‘many of the 100 checkpoints in Hebron serve no other purpose than making life difficult for the inhabitants and many shops are closed for security reasons without further explanations’. The TIPH observes and reports on incidents where Israeli settlers harass or attack Palestinian shopkeepers, often without the soldiers interfering. The main market street in the Hebron Old City is partly covered with net to protect from garbage the settlers throw in the street.

7.1.2.3 Demolition of Palestinian houses and building of Israeli settlements

House demolitions and dispossession of people

House demolitions and house evictions are taking place in Palestinian communities in East Jerusalem and the West Bank. The Israeli Committee against House Demolitions, ICAHD, estimates that, by July 2010, over 24 000 Palestinian structures have been demolished in the Occupied Territories since 1967. ICAHD does field work and bases their information on the Israeli Ministry of Interior, the Civil Administration, the Jerusalem Municipality, OCHA and other UN sources, Amnesty International and Human Rights Watch, and local Palestinian and

Israeli human rights groups. ICAHD defines four groups of house demolitions; punitive demolitions, administrative demolitions, land-clearing operations/military demolitions, and undefined demolitions. The punitive demolitions are house demolitions as punishment for the actions of people associated with the houses. The actions in questions have been everything from political organizing to violent attacks on Israeli civilians. This policy was suspended by the IDF in February, 2005 after it reached the conclusion that rather than deterring attacks, punitive demolitions only enflame the people and lead to more attacks. The practice was resumed on 19 January 2009. Punitive demolitions account for only 8.5% of all defined demolitions. The Fourth Geneva Convention states in Article 33: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited”. Administrative demolitions are houses being demolished as a result of lack of building permits. This happens today in Area C and in East Jerusalem, areas under exclusive Israeli authority. Palestinians rarely have other choice than building illegally as permits are very difficult to obtain. In Area B, if a house is in close proximity to a military base or a road used by the military or settlers, it may face administrative demolition. This demolition accounts for approximately 26% of defined demolitions. Article 53 of the Fourth Geneva Convention declares that the destruction of property “is prohibited, except where such destruction is rendered absolutely necessary by military operations”. Another category of house demolition, ICAHD defines as land-clearing operations and military demolitions. This means that houses are demolished by the army in military operations for the purposes of clearing off a piece of land, achieve a military goal or to kill wanted persons as part of Israel’s policy of extrajudicial executions. Military demolitions account for about 65% of demolitions (http://www.icahd.org/?page_id=5508).

Dispossession of people is a result of house demolitions and home evictions. House evictions is a form of house policy that is taking place where Palestinians are moved from their houses and replaced with Israeli Jews. This is mainly happening in East Jerusalem, Arab/Palestinian neighborhoods like Sheiks Jarrah and Silwan in Jerusalem. Many human rights organizations say that house demolitions and evictions of Palestinians from their houses often are causing dispossession of people and causing illegal land confiscation and control over resources. The policies of demolition of houses and eviction and dispossession of people can be explained with the Israeli interest and need for more land and areas under its control and to be included in the state, also because Israel is building settlements in the West Bank. Many organizations

and groups are focusing on these issues. The movement Just Jerusalem is organizing demonstrations in Sheikh Jarrah every Friday, to protest against the houses eviction that are taking place in East Jerusalem where local and international activists participate. The Israeli Committee against House Demolition, ICAHD, is a very important organization working on house demolitions and land confiscation. ICAHD calls the policy of house demolitions and dispossession people, ‘the quiet transfer’ – a way to show the Palestinians that they should move somewhere else if they want to have a normal life.

“What we try to do in our committee, is to show what is happening on the ground. The way Israel presents it is all about terrorism and security and defense; ‘we are defending our population’, but we say no, the demolition of these families’ houses has nothing to do with security – it is simply a pro-active policy of pushing the Palestinians out of the country.”

– Israeli Committee against House Demolition ⁹⁷

Israeli settlements in occupied/disputed territory

The first settlers after the 1967 war established settlements as part of asserting Israeli Jewish control over all of Palestine, which they called “Eretz Israel”, or the “Land of Israel”. Later settlers, and the governments that supported them, claimed the settlements, especially those in the Jordan Valley, played a vital role in protecting Israel from possible attack from Arab states to the east (Bennis 2009: 24). Holding on to the settlements, even the most isolated, became an article of faith and a domestic political necessity for one Israeli government after another (Bennis 2009: 25). Israeli settlements have been constructed in the West Bank under every government since the beginning of Israel’s occupation following the Arab-Israeli War in 1967. “Settlements are organized communities of Israeli civilians established on land in the occupied West Bank, including East Jerusalem, with the approval and direct or indirect support of the Israeli government. Apart from a few exceptions in East Jerusalem, residence in these communities is not open to West Bank and East Jerusalem Palestinians but only to Israeli citizens and to persons of Jewish descent entitled to Israeli citizenship or residency under the Law of Return. There are 149 settlements in the West Bank including East Jerusalem.” The settlements have isolated East Jerusalem with 250,000 Palestinians from the rest of the West Bank. The majority, eighty per cent, of the settler population lives close to

⁹⁷ Guided tour with the Israeli Committee against House Demolitions in Jerusalem, 1 October 2010

Jerusalem within the Ramallah and Bethlehem areas. Settlements in the West Bank are located on hilltops having presence over surrounding Palestinian communities. Settlements in the Jordan Valley have control over large areas of agricultural land (“The Humanitarian Impact on Palestinians of Israeli Settlements and other Infrastructure in the West Bank”; OCHA 2007).

There are many reasons why Israel has built settlements in the territories since 1967, and one is to create demographical control over the territories, a control that is better and «legitimate» than a solely military control. By having civilians living in the territories Israel is creating a more efficient and long-term perspective of the control and ownership of the territories. Settling an occupied territory is illegal under international law. By its very nature, military occupation is seen as temporary. The policies of the separation barrier and checkpoints are connected to the building of settlements in the territories. «One of the declared objectives of Israel's policy restricting Palestinian movement is to protect the settlers», B’Tselem says in the report “Restriction of Movement” from 2010. The Israeli center for human rights says that the settlements are illegal and that the restrictions on the Palestinians are a “disproportionate impairment of freedom of movement of an entire population to realize and perpetuate a policy that is illegal from the start”. B’Tselem says that “even if the restrictions were intended to prevent attacks inside Israel, and not in settlements, the policy would be illegal given its sweeping and disproportionate nature, which makes it prohibited collective punishment”, and that “Israel's policy is based on the assumption that every Palestinian is a security threat, thus justifying restrictions on the person's freedom of movement” (“Restriction of Movement”; B’Tselem 2010). “Whether the Barrier is viewed solely as a security measure or as a political step or a combination of both, its departure from the Green Line is plainly related to the existence of settlements. The Barrier’s route winds around the Israeli settlements that surround East Jerusalem ensuring that the majority lie on the western side of the Barrier with easy access into Jerusalem and Israel.” The barrier encircles the settlements of Giv’at Zeev with 11,000 people and Ma’ale Adummim with 28,000 people (“The Humanitarian Impact on Palestinians of Israeli Settlements and other Infrastructure in the West Bank”; OCHA 2007).

The majority of the barrier is not built along the green line, the barrier runs inside the West Bank, including East Jerusalem. OCHA says in a report: “The protection of Israeli settlements, including areas planned for their future expansion, constituted the major factor for the deviation of the Barrier’s route from the Green Line. The area left on the western side of the Barrier includes 80 of the 149 settlements and over 85 percent of the total settler population in the West Bank, including East Jerusalem” (OCHA and WHO 2010).

Building and expanding of Israeli settlements is taking place in the West Bank today, and is something that the local and international organizations are looking into in relation to human rights issues. Building and expanding of settlements in the territories are relevant to see in connection with demolition of Palestinian houses, house eviction and dispossession of people happening in East Jerusalem and the West Bank. If these policies are related in theory will be speculations but in reality on the ground they are to certain extent very connected. The results of the policy of settlement building carried out by the Israeli government is related to the issue of the earlier discussed separation barrier, checkpoints and permit system, and the introduced issues of house demolitions, house evictions and dispossession of Palestinians. Together all these issues are also related to land confiscation and control over resources, as a reason for and result of these policies. Israel is demolishing Palestinian houses and building and expanding Israeli settlements, and also evicting Palestinians out of the houses they have been living in for decades and allowing Israelis to move in to these houses.

There is a paradox between the demolishing of Palestinian houses and the building of Israeli settlements taking place in more or less the same areas, especially in the eastern part of Jerusalem today. The destruction of Palestinian houses and construction of Israeli houses are two sides of the same policy; ensuring and protecting the Jewish Israelis' rights and denying the Palestinian people's rights to live in Jerusalem. It looks like the thought behind these Israeli policies in the West Bank is "we want the land but not the people". The settlements, towns and villages, for Israelis in the West Bank that are legal according to the state of Israel and Israeli law, but are illegal according to international law. Building of Israeli settlements in the occupied Palestinian territories have taken place under all Israeli governments since 1967. Breaking the Silence is focusing on issues related to house demolitions and the settlements in the Jordan Valley and the South Hebron Hills. At the beginning of 2009, there were over 250 settlements and outposts in the territories. Nearly half a million Israeli settlers live inside the West Bank. The Israeli government encourages settling in the West Bank by offering many incentives such as granting financial benefits and subsidies. Settlements are often built on hill tops, strategic areas or land confiscated from Palestinian cities, villages, farms, and businesses. Settlers enjoy access to agricultural land and water resources in the West Bank, with the consequence that Palestinians lose their land, sources of income or access to resources. Tension and episodes of violence between Palestinian civilians and Israeli settlers is high in certain places and it is increasing. Settlers, many of them armed, or cause severe

harm, attack people, destroy property, pollute fields; incidents that are happening without the settlers facing legal prosecution. This issue will be further mentioned in the section about accountability. The system of bypass roads for Israeli settlers inside the West Bank fractures the territory into many isolated communities. Some of the settlers have a religious belief that it is their historical right to inhabit Palestine, disregarding the people already living there. The settlements are illegal under international law, though not under Israeli law. International law states that it is prohibited for any occupying power to move its citizens into the area it occupies: The Fourth Geneva Convention explicitly prohibits the transfer of the Occupying Power's civilian population into the territory it occupies since such settlement makes terminating the occupation more difficult. The illegal status of Israeli settlements has been confirmed by the United Nations (UN) Security Council and the International Court of Justice (ICJ) ("The Humanitarian Impact on Palestinians of Israeli Settlements"; OCHA 2007).

"The soldiers in Hebron used to say that people in Israel shouldn't have the right to vote before they visit Hebron. Because when you understand Hebron you are confronted with one of the most important questions; what do you choose; the land of Israel or the state of Israel? Whether what is most important; equality, democracy, rights – or land? The settlers are afraid that people will choose the state of Israel above the land of Israel." – Breaking the Silence⁹⁸

Relation between house demolitions and settlement issues and human rights

Many local organizations, both Palestinian and Israeli, are working on issues related to house demolitions, land expropriation and dispossession of people, and issues related to the Israeli settlements in the occupied territories which have many effects on the Palestinian society and people. Amnesty International in Israel is working with housing rights of the Palestinian population within Israel. The Israeli Committee against House Demolitions, ICAHD, describes the policy of building the separation barrier, building of Israeli settlements and demolishing of Palestinian houses as creating 'facts on the ground' that are physical and important elements of the Israeli policies of creating a new reality on the ground in the occupied territories. A part of these policies are also changing the demographic situation in the West Bank, a development that will be parts of the Israeli policy and future negotiations.

⁹⁸ Statement from Breaking the Silence in the documentary movie "Israel vs. Israel, Terje Carlsson, 2009

The organization Breaking the Silence focus on different issues related to the complex relationship between the Israeli army, the Israeli settlers and the Palestinian population in the territory. Many international organizations focus on the settlements and human rights related to house demolitions and house evictions: the right to have a house, the right to own private property and the right to feel safe and secure. The OHCHR looks into the issue of attacks and violence from settlers against Palestinians, and the lack of accountability by Israel.

Article 25: ‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...’⁹⁹

The right to have a home is mentioned in is violated when Israel implements a policy of house demolitions of Palestinian’s homes, and when Israel allows Israelis to confiscate houses, throw out the Palestinians living there and move into these houses. These policies of house demolitions are currently taking place in East Jerusalem, the Jordan Valley and the South Hebron Hills. House evictions, where Israeli settlers, with protection of police or soldiers, are taking over Palestinian families’ homes and the original inhabitants have to stay with relatives or live in tents in the street just outside their house, are mainly taking place in the areas of Sheikh Jarrah and Silwan in East Jerusalem, and in the Old City of Jerusalem. The house demolitions and house evictions are causing dispossession of people, in the territories and in East Jerusalem, and are clear violations on the right to have a home and the right to own private property. Many local organizations are working on housing rights. The organization Machsom Watch focuses on the situation of house demolitions in the Jordan Valley and the South Hebron Hills where Israel is conducting demolition of homes and other infrastructure of the population, the Palestinian Bedouins, living there and the dispossession of people which is a result of that the army is declaring ‘firing zones’ in front of where people are living and move these with the people. Machsom Watch sees the system and policies in the territories as a control regime, which is “*violating quite a number of basic human rights*”. Machsom Watch also highlights the contrast between the places where the Palestinians live and the Israeli settlements. The settlements are green, it is growing and blooming, and they have swimming pools, but the places where Palestinians are living have restrictions on the

⁹⁹ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

access to water, the water veils are damaged, and there is a complete bareness of the earth. “It is a shocking experience to see”, one of the activists in the Machsom Watch said. The ICAHD, the Israeli Committee against House Demolitions, focuses on the situation of house demolitions in their work. The guided tour with ICAHD went to an area in East Jerusalem with a Palestinian village and an Israeli settlement very close; a place the guides described as ‘where the sidewalk ends’ – the transition from a Jewish/Israeli settlement and the Palestinian village below. The difference between these two communities is very visible; the settlement has play grounds for kids, the roads are good and clean, there is a garbage service and a sewage system is being built, and there are sidewalks on the roads. In the Palestinian village there are narrow roads, garbage alongside the roads, no playgrounds for children, and the water and electricity are cut off from time to time. The Israeli Committee against House Demolition, ICAHD, and Breaking the Silence also focus on consequences related to the situation of settlements and settlers and the impact this have on the Palestinian population in the occupied territories. The ICAHD focuses on the current situation in the villages of Sheikh Jarrah and Silwan in East Jerusalem. Silwan used to be a multiethnic neighborhood with interaction between people. “Today this is an area with tension and violence between the Jewish settlers and the Palestinians. The settlement opposite the former Palestinian police station is going to be a service center for the settlements, with armed guards. There is no interaction between people living there now”, the ICAHD-member said. Amnesty International in Israel is working on housing rights of Palestinians in Israel, as a part of supporting victims of human rights violations and promoting awareness in the Israeli society.

Article 17: ‘Everyone has the right to own property alone as well as in association with others’ and ‘No one shall be arbitrarily deprived of his property’.

Article 25: ‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...’¹⁰⁰

These rights are violated in the many events of house evictions, house demolitions, land confiscations and demolition or deprivation of private properties, which are happening in the West Bank and East Jerusalem related to Israeli policies in the occupied territory. Palestinians

¹⁰⁰ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

are evicted from their homes and Israeli settlers move into the houses where Palestinian families are living, which are happening in certain areas of East Jerusalem. An example of violations of the right to private property is when Palestinians in the West Bank lose their houses, agricultural land and other private properties when Israel is conducting house demolitions and land confiscations. Israel confiscates agricultural land by declaring areas as 'green land' or military zones where no Palestinian is allowed. Land areas expropriated from Palestinians are used to building the separation barrier, building Israeli settlements or roads connecting these, and to control strategic areas and resources. House demolitions and land confiscations are causing dispossession of people, which are Israeli policies in the territory connected to building of Israeli settlements and control over strategic resources. Israel is in a process of changing the demographic structure in the West Bank and East Jerusalem by transferring Palestinians from and replacing them with Jews. Israel continues to build settlements in the occupied territory, the West Bank and East Jerusalem. The settlements have implications on the Palestinians society. The house demolitions, home evictions, land confiscations and dispossession of people have a huge effect on the humanitarian situation for Palestinians in the society, on a society level and the individual level, and are examples of violations on the right to private property. There are examples of Palestinians who move from their houses because it is getting difficult and almost impossible to live a normal life there.

The Israeli organization Breaking the Silence has experience with Israeli settlers in the occupied territory. In Israeli law, there is a difference between the settlements and what is called 'outposts'. The settlements are legal according to Israeli law and politics, and the outposts are illegal according to the High Court in Israel. In the Israeli context the settlements in the West Bank are legally built towns/settlements, while the outposts are illegal according to Israeli law and resolutions in the High Court and do not have a building permit from the state of Israel. In Israeli official terminology 'settlements' mean settlements in the West Bank, not in East Jerusalem. From time to time, the Israeli police and army remove settlers from the illegal outposts. Often the outposts are inhabited with young people with a strong conviction of their right to this land. The outposts start with caravans and tents on a hilltop and people stay there to show their presence. Step by step, this is a way to build new settlements or expand existing settlements. According to Israel, Jerusalem is not a divided city and it was annexed by Israel in 1981, while the West Bank is considered disputed territory. According to international law the Israeli settlements in East Jerusalem and the West Bank are illegal.

Breaking the Silence told that when an Israeli citizen stays in the occupied territory, the state is obliged to protect its security because the territory is perceived as ‘enemy territory’ and the army has to be present where these outpost-settlers are. Where soldiers are, there need to be infrastructure such as roads, electricity and water, which the settlers also benefit from. From the outside, it looks like the army is providing these services to the settlers and with that help them building the illegal settlements, but the state has an obligation to protect the citizens even if what they do illegal act on ‘disputed land’, or occupied territory. The hilltop settlers are often armed and use violence towards the Palestinians and sometimes the police and soldiers if they are coming to evict them from the outposts. The Breaking the Silence-member gives examples of settlers who harass or attack school children, damage people’s houses or agricultural land and water reservoirs. In the South Hebron Hills, Bedouins live close to settlements and military camps. These villages are under threat of being defined as military zones which means that their houses will be demolished and people will be removed from the area.¹⁰¹ The Temporary International Presence in Hebron focuses on settlement issues such as expansions of settlements inside the city of Hebron and the behaviour of the settlers. There are four settlements in Hebron city, and they are expanding with small steps here and there which the TIPH reports to the Israeli government. According to Israeli law, the settlements are legal but according to international law and UN-resolutions, the Israeli settlements in the occupied territory are illegal. Israel is supposed to enforce law and order and be responsible for the settlers. The settlements in Hebron’s old city have very direct impact on the Palestinian population in Hebron city and it is connected to violations on the freedom of movement and other human rights in Hebron. The issue of settlements and behaviour Israeli settlers towards Palestinians in Hebron are in focus. These issues are connected to the issue of accountability by Israel to follow international law and uphold human rights.

“On the ground, this is where the true test is. I don’t care about negotiations and declarations – this is the test. If the international community cannot stop the bulldozer from demolishing this family’s house – then what is the value of international law and international human rights? For the family the home is their world. They don’t care about the Road Map to Peace, they care about their house.” – Israeli Committee against House Demolition¹⁰²

¹⁰¹ Information from guided tour with Breaking the Silence, South Hebron Hills, 15 September 2010

¹⁰² Guided tour with the Israeli Committee against House Demolitions, Jerusalem, 1 October 2010

Article 26: ‘Everyone has the right to education’. ¹⁰³

The right to education is violated in incidents where Israeli settlers in the territory are causing troubles for Palestinians children or students on their way to school or university. The Breaking the Silence-member told that as a soldier in the territory he experienced armed settlers who attacked physically Palestinian children on their way to school. Certain groups of the Israeli settlers are willing to use violence towards the Palestinians that are living in the same area. Since the organization Breaking the Silence consists of former soldiers in the Israeli army they could inform from the inside of the army that this creates an internal dilemma for the soldiers working in these areas. The settlers in certain areas of the West Bank such as villages in area C are famous for doing this. The soldiers are there to protect the Israelis, but since the area C is under Israeli control they should also interfere against the settlers when they attack Palestinians, but that is not always happening. The Breaking the Silence-member told that the violent settlers and attacks on Palestinians are disputed internally in the army, the soldiers have different perspectives on the settlers and the Palestinians – and have different opinions on if and how they should intervene. Some soldiers are settlers themselves, which makes it even more difficult. Even if soldiers think that what these violent settlers are doing is wrong, it is not easy as an army to intervene against its own citizens, he member told me. But he also said that in that village we visited together, there now is a system of IDF-soldiers walking with the Palestinian children through the area where most of the settler attacks have taken place. The TIPH tells about these issues happening in Hebron city, in the area under Israeli military control. Settlers have been attacking school children and teachers going to the Palestinian school which is located in the H2-area.

The Ecumenical Accompaniment Programme in Palestine and Israel focuses very much on the right to education, and the violations on this right connected to the situation of restrictions on freedom of movement and connected the settlements inside Hebron city and the use of violence towards school children and teachers such as harassment, treats and attacks from settlers and detentions by soldiers. Together with EAPPI, the TIPH also observes the hotspots of harassment of school children on every morning and afternoon. The area C in the West

¹⁰³ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

Bank is under full Israeli control so the army is, according to the law, responsible both for the Jewish Israeli settlers and the Arab-Palestinian population living there, and as the occupying power, Israel should be responsible for all citizens in the occupied territory. But then again, Israelis living in the territory are under Israeli civilian law and Palestinians in the territory are under Israeli military law. So it is complicated when it comes to rights and duties. All children have the right to have education and the right to education also means the right to go to school and attend classes without discrimination, harassment and violence. If the responsible government is not able to prevent this, if necessary with the army, it is a human rights violation. The duty bearer has the obligation to respect, protect and fulfill human rights.

Article 13: ‘Everyone has the right to freedom of movement and residence within the borders of each state’. ¹⁰⁴

This right is obstructed for the Palestinians are prevented from entering areas or using roads because of Israeli settlements or by-pass roads that are connecting settlements. The freedom of movement is already explained related to the barrier, checkpoints and permit system, but this freedom is also implicated because of settlements and the roads that connect them and when more land is zoned for these purposes. As explained related to the permit system, there are specific rules for Palestinians to move within the West Bank and crossing from the territory to Israel, and that the West Bank is divided in three areas; A, B, C. Area A is under full Palestinian control but to travel from one city to another, people need to cross area B or C which is controlled by Israel. Palestinians with West Bank IDs are under severe restrictions on the freedom to move within the territory, to leave or enter the area and the possibility to reside in certain areas of the West Bank. The right to residence is infringed because there are restrictions on where Palestinian residents can live and buy property because of the actions of house demolitions and building of settlements that are causing dispossession of people in East Jerusalem and the territory. The Israeli Committee against House Demolition refers to this policy as the ‘quiet transfer of people’, a phenomenon which by some is characterized as ‘ethnic cleansing’. It is also interesting to look into the issue of freedom of movement in the Palestinian territory for Israelis. Another side of the freedom of movement issue is that Israeli

¹⁰⁴ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

citizens are denied access to the area A of the West Bank, which is under Palestinian Authority. At the entrance of A-areas, there is a sign saying “No entry for Israelis. Entry illegal by Israeli law.” Israeli organizations working on human rights in the territory are therefore only entering area B and C in the West Bank, since Israelis can be arrested by the Israeli army at a checkpoint if they try to enter area A. The Israeli organizations Machsom Watch and Breaking the Silence face this situation when they work on the ground in the West Bank. Even if they want to reach these areas, there is a risk involved if they do so. “There is no problem to travel in the B and C areas, because this is places where the settlers live, and also the place where the army can be”, the Machsom Watch-member explained. The spokesperson of Amnesty International Israel said that “I go to the territories as an Israeli citizen but there are certain areas I cannot go, like area A, if I go there I can be arrested by the army, because Israeli citizens are not allowed to go to the area A. I can only go to B and C which is under Israeli control.” She would like join a tour to Hebron with the Breaking the Silence. “My husband has been there but that was in the army, so that is a different story”, she said to me. Important to mention is that Palestine, the Palestinian territory, is not recognized as an independent and sovereign state, and the article 13 is referring to ‘residence within the borders of each state’ and to leave and return to ‘his country’. Because of this, this right may not apply to the situation in the West Bank. But the Palestinian territory is under military occupation by Israel and also people living under occupation are entitled human rights.

7.1.2.4 Use of violence, detentions and arrests

The situation in the West Bank is defined as a military occupation, and the situation of a military occupation is a concept based on control and use of power which often lead to use of violence. The daily reality of the military occupation in the territories includes and a principle of separation and control by the Israeli army and military actions by soldiers controlling the daily lives of the Palestinians. The military concept is to ‘make the presence felt’; if the Palestinians feel that the army is everywhere, they will be afraid to attack. There are incidents of harassment and violence from Israeli settlers towards Palestinians in the West Bank. There are also incidents of violence from Palestinians towards Israeli citizens, but these events have been much less the last years after the second Intifada ended. Internally in the Palestinian society, related to the Palestinian Authority, there are issues of violence, torture and capital punishment. The relationship between duty bearers and rights holders is relevant. Israeli and Palestinian organizations and international organizations focus on knowledge about

accountability as important in these issues. In the West Bank there is a difference in the legal basis to the people living there, because the Israelis, the settlers, are subjects to Israeli civil law, and the Palestinians are under Israeli military rule and military law – so there are different sets of law applicable for people living in the same area. The state of Israel and the Palestinian Authority are both duty bearers in the West Bank when it comes to human rights and both governments are responsible for the use of violence that is happening.

Relation between use of violence, detentions and arrests and human rights

Article 5: ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’.

Article 9; ‘No one should be subjected to arbitrary arrests, detention and exile’. ¹⁰⁵

The issue of use of violence is focused on by different organizations in the Israel-Palestine situation. The Israeli organization Breaking the Silence focuses on the relationship between civilians and the Israeli army, and the situation of Israeli settlers living close to Palestinians in the West Bank. The organization focuses on what the Israeli army is doing in the occupied territories where the military is controlling the lives of the civilian Palestinian population and causing human rights violations. The members are ex-soldiers in the IDF who tell about their military services and exposing stories where soldiers are firing grenades into civilian Palestinian neighborhoods, using Palestinians as human shields, stories about house searches where soldiers wake up the families in the middle of the night, and arbitrary arrests and detentions of young men. “When kids are throwing stones at you, you grab a Palestinian to walk with you and no stone will be thrown at you, or when you are about to dismantle a possible bomb you send a Palestinian to check it out...” the former officer told. ¹⁰⁶ These are examples of inhumane treatment of civilians that are violations of international human rights.

“If you want to put every soldier who abused a Palestinian in jail so all my generation should go to jail, one long line, marching into jail. Because we all did this, in different ways, but no one who served in the occupied territories have clean hands.” – Breaking the Silence ¹⁰⁷

¹⁰⁵ The Universal Declaration on Human Rights, United Nations, 1948, <http://www.un.org/en/documents/udhr/>

¹⁰⁶ Information from guided tour with Breaking the Silence to the South Hebron Hills, 15 September 2010

¹⁰⁷ Statement from Breaking the Silence in the documentary movie “Israel vs. Israel”, Terje Carlsson, 2009

The Palestinian Human Rights Monitoring Group, PHRMG, focuses internally in the Palestinian society on phenomena that could be human rights violations and focuses on the accountability by the Palestinian Authority. The PHRMG focuses capital punishment, torture in prisons, all kind of violence and killings, and unfair trails where people are kept in jail with no investigation, and capital punishment. Torture and internal killings in Gaza and the West Bank has become an issue especially after the split between Hamas and Fatah. The organization is documenting all killings, both by Israel and the Palestinians. In the Palestinian society, there are different categories of killings; family disputes, collaborators, and honor killings. They focus on the issue of political interests when people are being kept in jail with no investigation or charges. The Palestinian Ministry of Justice is violating decisions of the Palestinian High Court for example decisions to release political prisoners, because they don't want to upset Israel. The Palestinian Human Rights Monitoring Group criticizes that the political interest comes before the humanitarian interest. This shows that the Israeli organizations focus on the behavior of the Israeli army and Israeli policies towards the Palestinian population in the occupied territory, while the Palestinian organizations focus on the behavior of the Palestinian Authority towards its own population.

“We never pay attention to the political party; we pay attention to the violation by itself, never mind who committed the violation.” – Palestinian Human Rights Monitoring Group ¹⁰⁸

International organizations cooperate and work on similar issues

The UN Office of the High Commissioner on Human Rights, OHCHR, focuses on accountability and the behaviour of the responsible governments, the Israeli government and the Palestinian Authority. OHCHR states that ‘accountability is generally a problem for certain behaviours, there is no accountability or little accountability’. Arbitrary detention and treatment in detention are issues the OHCHR focuses on in the West Bank.¹⁰⁹ The Temporary International Presence in Hebron monitors according to international human rights standards and international humanitarian law, and reports on human rights violations in Hebron. The TIPH focuses on the use of violence and arbitrary arrests and detentions conducted by the Israeli police and army in Hebron. TIPH investigate if human rights were protected and the

¹⁰⁸ Interview with Bassem Eid, director of PHRMG in East Jerusalem, 20 September 2010

¹⁰⁹ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, 11 October 2010

information the mission receives is always checked with the Israeli version of the story. TIPH also looks at the behaviour of the Palestinians authority towards its own citizens. The mission focuses on the right to fair trial, detention issues and situations where people have to pay bail to be released and arrests both from the Israeli side and the Palestinians. TIPH reports on violence when Palestinians are attacked or held back by Israeli soldiers at checkpoints, and the misuse of children at checkpoints when they are blindfolded and handcuffed, and their parents are not informed. TIPH often reports on acts of violence between Israeli settlers and the Palestinians living in the city, where children often are involved. Some Israeli settlers are threatening Palestinian families, attacking or using violence such as throwing stones at them and water into their houses. Israelis and Palestinians are under different sets of law in the West Bank and for children there are different age limits for when they are considered to be adults. The mission is focusing on accountability of the official authorities and look into the fact that the army does not control the settlers even if the occupying power is supposed to take care of law and order in the territory. The fact that the government doesn't control the settlers is violation of international law and is causing human rights violations. The TIPH has diplomatic relations to the Israeli government and the Palestinian Authority and aims to influence the behavior of the responsible authorities.

“We think that the visible presence of TIPH at checkpoints has a disciplinarian factor on the behaviour of soldiers, not on the settlers.” – Temporary International Presence in Hebron ¹¹⁰

The Ecumenical Accompaniment Programme in Palestine and Israel in Hebron focus on issues of use of violence, detentions and arrests which are connected to the behavior of soldiers and Israeli settlers who are present in the city of Hebron and policies conducted by the authorities. This is connected to the right to have a house, the right to have a livelihood, the right to private property and the right to water, and the right concerning inhumane treatment and arbitrary detentions. Settler harassment, violence and attacks done by Israeli settlers, towards the Palestinian population and their properties are a severe issue in the city of Hebron, and a main focus of EAPPI and other international organizations working in the city. The EAPPI focuses on detentions and arrests done by soldiers. Another issue related to use of violence is demolition of houses and private property, which happens in the rural areas

¹¹⁰ Interview with Stefan Waespi, senior legal officer in TIPH, Hebron 26 August 2010

outside Hebron, and is an issue the program reports on. In the old city of Hebron, there are four Israeli settlements inside that make the demography and dynamics of the city different and challenging compared to other cities in the West Bank; about 500 Israeli settlers live amongst 35 000 Palestinians. All measures of separation, closures and control in Hebron H2 are done to protect the settlements and ensure the security of the settlers. The settlements are illegal according to international law but legal under Israeli law. House demolitions and dispossession of people are taking place in villages and rural areas that are C-areas. The demolitions are destruction of houses and tents where people live or private properties such as cars, water cisterns and agricultural areas, and Bedouin tents and animal shelters. Demolition of houses and destruction of private property are related to the right to have a job and livelihood, the right to have a house and also to the right to water. As an Ecumenical Accompanier, I observed and reported on demolitions of private property in agricultural areas that were demolished because they were built without building permits. The question is why they don't get building permits. There is a law in Israel saying that if an area is not used for three years the land is confiscated and becomes Israeli state property.

How the EAPPI works and which human rights issues the program focuses on are very similar to other organizations in this study. Information from the interviews show that human rights issues focused on can be summed up in the following topics: the separation barrier, military checkpoints and the permit system; demolitions of Palestinian houses and building of Israeli settlements; and use of violence, detentions and arrests. The Palestinian organizations interviewed highlight that they the last years have focused more on internal issues related to the Palestinian society and the PA, and not on issues related to the occupation and the Israeli policies other than that these are issues that indirectly influences on the Palestinian people. The TIPH focuses on behavior of the Palestinian Authority but it is not the main focus of their work. The Israeli organizations and the international organizations work on issues related to the military occupation and the Israeli regime, system and policies in the West Bank. The EAPPI observes and documents, provides protective presence, shows solidarity and accompanies people, and participate in non-violent activities against the occupation, and cooperating with local and international organizations, and writing reports on violations on human rights and international law. Some other organizations in this study interviewed work in Hebron; Breaking the Silence and Machsom Watch, and the UN Office of the High Commissioner for Human Rights and the international observer mission TIPH.

7.2 To examine what could be achieved with human rights work.

Machsom Watch: *“We want to end the occupation – every woman in her own way.”*¹¹¹

Amnesty International Israel: *“We want to make some positive change, and we want to become one of the leading organizations that work on human rights.”*¹¹²

Breaking the Silence: *“We are trying to bring the reality back home by holding up a mirror in front of our society and demanding the society to take responsibility for what is done in its name. The most important question for a democratic society is; where are the moral boundaries as a society, where are the red lines. We come with our stories, with our testimonies and we demand from others to say whether it is behind the red line or not”.*¹¹³

Palestinian Human Rights Monitoring Group:

“I think that peace education is a very essential issue to protect our coming generations.”

Middle East Nonviolence and Democracy: *“What we are doing is to try to build a social coherent society which can concern for each other and care for each other and work hand in hand in order to build the basis for the future Palestinian state.”*¹¹⁴

Temporary International Presence in Hebron: *“We are here to our mandate, giving a sense of security and monitoring human rights. We are here; we do our job and see what happens.”*¹¹⁵

Office of the High Commissioner on Human Rights: *“The aim of all this is to ensure that the duty bearers confirm to internationally recognized human rights standards.”*¹¹⁶

¹¹¹ Interview with Roni Hammermann in Jerusalem, 31 August 2010

¹¹² Interview with Vered Cohen-Barzilay in Tel Aviv, 13 October 2010

¹¹³ Guided tour with Breaking the Silence, South Hebron Hills, 15 September 2010

¹¹⁴ Interview with Bassem Eid in East Jerusalem, 20 September 2010

¹¹⁵ Interview with Stefan Waespi in Hebron, 26 August 2010

¹¹⁶ Interview with Matthias Behnke in East Jerusalem, 11 October 2010

7.2.1 Goals the local and international organizations want to achieve, and who the organizations aim to influence.

Machsom Watch speaks to the Israeli public and aims to influence the Israel society, but the organization experiences that it is getting more difficult. The aim is also to influence abroad, and the organization is participating in seminars abroad to speak about the situation and their work. The pressure from outside is important because other governments can put pressure on Israel to end the occupation. Amnesty International in Israel wants to influence local and international; Amnesty is an international movement but the local section should also influence the Israeli society. Many local organizations in Israel have given up on their own people but Amnesty Israel thinks it is important to not only reach the international public and work on international media; local organizations should work on the Israeli society and aim to make influence nationally. The Israeli public is a lost case in many opinions, “but you cannot stop trying”, the spokesperson said. She thinks that to give up the Israeli society is a reason why the situation is getting worse; if the civil society organizations give up on the Israeli people then there is a huge gap for the politicians to do what they want. To influence international media is important, but Amnesty Israel wants to “work on the Israeli public, and the Israeli politicians, to make the change here”, and “in Israel the change will come from the inside”. The Breaking the Silence aims to influence the Israeli society and an international audience by bringing their experiences available and giving access to the territories. The organization takes people on tours to Hebron, about 200 tours a year, reaching thousands of Israelis, mainly youths before the army. Breaking the Silence members participate in media and seminars abroad, and publishes in English and gives tours to international visitors.

“We don’t talk with the military, we talk with the society. The government is an arm of the people and the military is an arm of the government - so the military is our arm as a society. That means we are responsible for what the military is doing in the occupied territories, and we are the people that need to be confronted with it, and we need to take responsibility for it.”
– Breaking the Silence ¹¹⁷

¹¹⁷ Statement from Breaking the Silence in the documentary movie “Israel vs. Israel”, Terje Carlsson, 2009

The Palestinian Human Rights Monitoring Group is working and aiming to influence internally in the Palestinian society, but the organization also works towards the international community through media and other organizations. The Middle East Nonviolence and Democracy wants to influence and work on the Palestinian society and is mainly focusing on students, schools and universities, and local communities. The last years MEND has worked on internal issues in the Palestinian society and raises Israeli violations against Palestinians to the international arena. The Temporary International Presence in Hebron is working according to the mandate; giving a sense of security to the Palestinians and monitoring human rights to both sides. The TIPH is working to influence the behaviour of the Palestinian and Israeli authorities for them to uphold their duties according to international human rights law. The Office of the High Commissioner on Human Rights aims to have influence on the behaviour of the duty bearers in their observance of human rights and works with parliaments and political parties. The OHCHR works towards the civil society in Palestine and Israeli organizations who work on the occupied territory. The aims of the EAPPI are to support an end to the occupation, and achieve a just and peaceful resolution to the conflict through an end to the occupation. The EAPPI aims to influence in the Israeli and Palestinian society by supporting locals, both Palestinians and Israelis, in their peaceful work and efforts to promote a peaceful solution and end to the occupation. The main aim of the program is to advocate for an end to the occupation and to reach a just peace with respect for human rights. The EAPPI aims to influence internationally by reaching out in the home countries of the participants by using media, giving public speeches and lectures to organizations, faith-based communities and the education system, lobbying towards politicians and decision makers, and so on. The EAPPI aims to influence grass-root level and political level in the volunteers' home countries.

“We have to maintain and raise the awareness and keep reminding people about the principles we are working on.” – OHCHR ¹¹⁸

Local vs. international influence

The local organizations mainly aim to influence their own local societies; the Israeli in Israel and the Palestinian in the Palestinian society. They say that it is important to contribute to a positive development in their own local societies, for the societies to be more accountable and

¹¹⁸ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

that people need to take responsibility and to stimulate the change from the inside. The Israeli organizations say that it is challenging to focus on human rights and the situation in the territories and that the Israeli public is not aware and may even not be interested, the organizations find it important to contribute in spreading knowledge about it. The Israeli organizations say that it is easy to give up on the Israeli public but they don't want to do that and they also feel in some way that they actually reach out with their work. The Palestinian organizations say that they want to focus on internal issues and influence the Palestinians, because they need to not only focus on what Israel does but build the basis for the future in the Palestinian society. At the same time both Israeli and Palestinian organizations on both sides say that it is important for them to reach out to international public and media. The Israeli organizations say that the hope is that international pressure can be important to reach some change in the situation. For the Palestinian organizations, it is important to focus on the international audience. There is a discussion within Israeli organizations if they should influence locally or focus on the international public. The change needs to come from the inside, the Israeli society needs to know and take responsibility, and Israelis need to start asking questions, is the message from Israeli organizations. At the same time the circumstances they are working under are getting more and more difficult. But they say that to give up on the Israeli public will give more room for the politicians, people have power in a democratic society. The international media and organizations are important actors because of their attention on the situation. But this can also be difficult, because for many countries it is controversial to criticize Israel, and also because, as Palestinian organizations mention, all the countries and agencies have political interests and their engagement varies with the interest and not necessarily the need of the Israelis or the Palestinians. The Israeli and Palestinian organizations say that to influence internationally is important, to use experience and knowledge from the reality will have other countries to put pressure to create change.

“Sometimes I am saying, in terms of solving the Israeli-Palestinian conflict, we must have to kick out all of the foreigners in Israel and in Palestine, and to be just alone, the Israelis and the Palestinians, and then probably we would be able to solve it. Because you know, each organization and each country have their own political agendas in the region.”

– Palestinian Human Rights Monitoring Group ¹¹⁹

¹¹⁹ Interview with Bassem Eid, director of PHRMG, in East Jerusalem 20 September 2010

Grass-root vs. political level

The local Israeli and the Palestinian organizations are clear on that they don't aim to influence the politicians but that they want to reach the society, individuals, media, organizations, non-state actors; the civil society. We are a human rights organization and not a political organization, is something I have heard many times. That the local organizations don't aim to influence the political level is weird because they also say that the people don't have that much power and it is up to the politicians to decide how the future should be. I think one reason that the organizations don't want to be affiliated with politics because both the Palestinian and Israeli society have a problem with trust and respect for politicians, they rely more on the grass root; individuals and activities in the civil society. For the Israeli organizations, there is an internal challenge within the organizations in that they don't have a clear goal or share a common ground of opinions or perspectives, which could be explained both by the complex political situation, the diversity amongst the Israeli society, and for the organizations to have a diverse group of members. In the book "Human Rights", Freeman writes that "NGOs seek to influence governments, but they need to maintain their independence even from relatively co-operative governments" (Freeman 2002: 145). NGOs seek to influence governments by appearing 'non-political' and appealing to international law. Freeman says that this "is *politically* rational strategy for improving human rights world-wide, but it has its limits" (Freeman 2002: 147). And he says that the "international human-rights regime is a political as well as a legal institution" (Freeman 2002: 46). International human-rights law is made by governments that act from political motives and to what extent this is implemented is influenced by political factors. NGOs have come to play an increasingly important role in the making of human-rights law, monitoring its implementation and campaigning for improved human-rights performance by governments, are political actors, even if they appeal to legal standards (Freeman 2002: 7). People can make the change, not only the politicians, but then the organizations consisting of individuals aim to influence both the grass root and the political level. The international organizations are working with media and other organizations and individuals locally and internationally, and are also aiming to influence the Israeli and Palestinian authorities, the responsible parties.

7.2.2 Challenges the organizations meet in their work

Internal vs. external challenges

The Israeli organization Machsom Watch has external and internal difficulties related to their work. Members often have problems with Israeli settlers, especially in certain areas of the West Bank, Nablus and Hebron, and if they are aggressive and attack, the army and police don't interfere. Soldiers working at checkpoints react very differently to the presence but never violently. The army tries to get rid of the women and tell that they are not allowed to go there or stand here because of different rules. The organization also has internal challenges within the organization; the members have different political perspectives and there is a disagreement on the difference between humanitarian issues and human rights where having good relations to soldiers can help a person but it is still a checkpoint and the rights are obstructed. Amnesty International Israel meets many challenges in the society because of everything they publish is perceived as political statements. People in Israel have a difficult understanding and meaning of 'human rights'. Amnesty sees a strong dehumanizing of the Palestinians and Israeli human rights defenders. Amnesty Israel is worried about that the media doesn't ask questions to the army and that the society is doing self-censorship. Breaking the Silence experiences difficulties conducting their work, especially related to the guided tours. The organization has taken precautions; large tours happen rarely and have to be coordinated with the police and they are guaranteed protection by the security forces. The police in Hebron have limited ability to protect the tours from the violence by Hebron settlers. Some of the guides are harassed and even attacked violently by settlers in Hebron. The tour I participated on in October was supposed to go to the city of Hebron but was stopped because the police said that the organization wasn't 'welcome in the city' and the security forces couldn't guarantee protection of the tour and the security of the participants. Some tours to the South Hebron Hills have been stopped by the police when entering an area with settler outposts because of threats from settlers. The organization is legal, and the settlement outposts are illegal, but the police prevent these tours because of the settlers.

“When you are saying human rights in Israel, it is like you are cursing them.”

– Amnesty International Israel ¹²⁰

¹²⁰ Interview with Vered Cohen-Barzilay in Tel Aviv, 13 October 2010

“To create a human rights organization under an Arab regime is like to commit suicide.”

– Palestinian Human Rights Monitoring Group ¹²¹

The Palestinian Human Rights Monitoring Group, PHRMG, experiences challenges related to the culture and religion when it comes to the work on human rights issues. The institute works for a stronger human rights culture amongst Palestinians, but human rights and peace is an education issue and the culture needs a reform which is a contradiction because the culture is based on Islam and the Koran and sometimes human rights can be considered as against the religion. The division between the Palestinian people, the split between Fatah and Hamas in the West Bank and Gaza, is a conflict the society is suffering from. A challenge is the violent attitude from the second intifada; the PHRMG thinks that the Palestinians should believe more in the negotiations and the peace process. Middle East Non-Violence and Democracy, MEND, meets many external and internal challenges. The external challenges are the occupation and politics all over the world. Internal challenge is the tradition and the religion, the internal political dispute, and the economic situation. MEND received during the first ten years huge criticism within the Palestinian society; they were called collaborators with the Israelis. When MEND organized joint meetings between Israelis and Palestinians it was difficult because of the political process. The name Temporary International Presence in Hebron says ‘temporary’ but the mission has been in Hebron for more than ten years. TIPH sometimes face verbal or physical problems from the settlers and the soldiers. The main challenge for the members is to not lose the enthusiasm over time when they see that they can’t change much in the situation and it is important to believe in what they are doing. Some member states are asking if it make sense to finance the mission since it cannot change anything on the ground. The mission has meetings with Israeli and Palestinians officials, and the Israeli army. TIPH works on the relation to the community to make people feel more comfortable, it is generally respected by the Palestinians but the patrol cars receive stones, from both sides, especially from kids. The OHCHR, Office of the High Commissioner on Human Rights meets challenges such as the resources and the mandate, but experiences also many possibilities in the work. The main challenge is to aim the ambitions at the right level, to try to achieve something that realistically can be achieved. There is a massive access to information about the situation, the question is what happens with all the information and

¹²¹ Interview with Bassem Eid in East Jerusalem, 20 September 2010

even with all the information available people don't realize it before they are on the ground. The situation is complex and human rights work is subscribed by the political context.

“We don't have a direct impact on the peace negotiations, even though the human rights situation will be affected quite seriously by how the peace negotiations go.” – OHCHR ¹²²

The EAPPI meets both internal and external challenges in the work. The internal challenges are related to that the EAs live and work together for three months, and the EAs change every three months. Some EAs feel that it is too little time to do what you want and it is a challenge for the local contacts who have to connect and cooperate with new volunteers. The positive side is that three months is enough time for the participants to learn and experience to advocate about the situation and the three months-period is intense but still short enough so that the participants have energy to communicate about their experiences when they get back to their countries. External challenges participants in the EAPPI program meet are related to the political and humanitarian situation, to live with and experience people and communities in a situation of military occupation where the EAs cannot change or contribute much.

The organizations have internal challenges related to the organization itself, the structure and positions of the organizations; individual differences in political views and perspectives and personal engagement; the mandate they are working within; and how to chose what to focus on in their work; how to work; the funding and financial situation; in addition there are also certain practical obstacles, such as the restrictions on freedom of movement for especially Palestinians. The external challenges the organizations meet are related to the political situation, the occupation and the conflict, the political landscape and culture within the two societies; issues related to the system, rules and regulations, and the soldiers, and the settlers in certain areas of the West Bank; the fact that working on issues related to human rights is controversial because it is political and related to the situation which has very many different perspectives, meanings and feelings; both the Israeli and Palestinian organizations experience pressure from within their own societies and limitations on democratic freedoms such as the freedom of expression related to criticism of the situation and issues within its own society.

¹²² Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

7.2.3 The organizations' successes and results of the work

Successes and results:

Machsom Watch: *"We are quiet witnesses of human rights violations, which otherwise we wouldn't know of."*¹²³

Amnesty International Israel: *"The power to ask questions is the power of change."*¹²⁴

Breaking the Silence: *"We think that people need to be confronted with reality. We try to show them a different story. We want them to think, we don't tell them what to do."*¹²⁵

The Palestinian Human Rights Monitoring Group: *"I hope that people start realizing that without dialogue and negotiations, nothing will be achieved, nothing."*¹²⁶

Middle East Nonviolence and Democracy: *"I think we managed to do a good job. And we still are working on the same issues."*¹²⁷

TIPH, the Temporary International Presence in Hebron: *"In terms of successes, there are not too many. But we think that our presence here makes a difference."*¹²⁸

Office of the High Commissioner on Human Rights in the occupied Palestinian territories: *"If you after two or three years you said everything is fine... I don't think that is possible. You have to set a goal to achieve certain change of behaviour, change of the situation."*¹²⁹

The organizations didn't tell about failures they have done or mistakes connected to the work. They very briefly mentioned the issue on their own initiative or on my question. I didn't want to ask negative or controversial questions because it was important for me to let them speak about their work. All of them told about challenges related to internal issues within the organizations; different opinions, the mandate, objectives and goals, funding, and individual motivation and their effort to continue the work.

¹²³ Interview with Roni Hammermann in Jerusalem, 31 August 2010

¹²⁴ Interview with Vered Cohen-Barzilay in Tel Aviv, 13 October 2010

¹²⁵ Guided tour to the South Hebron Hills, 15 September 2010

¹²⁶ Interview with Bassem Eid in East Jerusalem, 20 September 2010

¹²⁷ Interview with Adel Ruished in East Jerusalem, 30 September 2010

¹²⁸ Interview with Stefan Waespi in Hebron, 26 August 2010

¹²⁹ Interview with Matthias Behnke in East Jerusalem, 11 October 2010

The goals of the work vs. the results of the work

When comparing the goals that the organizations have set and the results they say they have achieved, there is a connection between the goals of the organizations and the mandates they are working within – and the results that they are able to achieve with their work. The goal of the Israeli organization Machsom Watch is to end the occupation, and it is working against the occupation and the military checkpoints and for human rights. The organization wants to reach out with information about the situation and contribute to writing the history. The members have different opinions on the conflict and how the situation should be solved. The results, Machsom Watch has achieved is to be an eyewitness in the front with Palestinians and soldiers, and considers itself to be important for the human rights situation today. The organization reports on human rights violations and reaches out with information and has contributed to insight about the checkpoints which people in Israel think are a necessary evil. The goal of Amnesty International in Israel is to become one of the leading organizations that work on human rights, and influence the situation and make some positive change. Amnesty International Israel sees some possibilities to achieve some positive change, despite the challenges, and that it is possible to change people's attitudes. The key is for people to start asking questions, searching answers and understanding what they believe in and why, and to believe that they have the power to decide and to change the situation. The goal of the Breaking the Silence is to expose the daily reality of the military occupation and situation in the territories through the voice and experience of former soldiers in the Israeli army. Breaking the Silence confronts people to face the reality, gives access to the territories, and stimulates public debate in Israel and abroad. The organization doesn't promote a specific solution or goal for the conflict or how the situation should be after a peace agreement. The members are former soldiers and have given testimonies about their services, and they don't share political opinions or visions on the situation and how the conflict should be solved. The results are that Breaking the Silence reaches out with information about the military occupation and personal experiences as soldiers, conducts guided tours and gives access to the territories and exposes the reality to participants. The organization has published a book, the photo exhibition has around in the world, testimonies are published, and members participate in media and seminars. Breaking the Silence contributes to public debate in Israel and abroad. The Palestinian Human Rights Monitoring Group, PHRMG, aims to achieve a higher level of accountability of the responsible authority, and to achieve respect, knowledge and awareness for human rights in the Palestinian society. The PHRMG does not work towards a solution of

the conflict, and sees that a two-state solution is not possible right now and the solution probably should be a one-state solution but that this is far away for thirty-forty years, and it is not the right time to talk about it in the peace process and the conflict. The results of the Palestinian Human Rights Monitoring Group hasn't achieved any goals in the conflict and doesn't see positive improvements in the human rights situation in Israeli side or the Palestinian Authority. The organization sees a change to a less violent approach amongst the Palestinians and people start to realize that nothing will be achieved with violence. The Middle East Nonviolence and Democracy, MEND, wants to contribute to a culture of peace in the Palestinians society, and aims to build a social coherent society that believe in principals of human rights, human security, democracy and non-violence will be a democratic society where people can care for each other and work to build the basis for the future Palestinian state and be united towards internal and external problems. The results of the Middle East Nonviolence and Democracy has achieved that people in Palestine are talking about non-violence and peaceful demonstrations, and has managed to mobilize people who used to being active in armed activities into activists who believe in non-violence movements.

The TIPH, Temporary International Presence in Hebron, has a mandate that defines the goals which amongst others are to promote by their presence a feeling of security to the Palestinians of Hebron and to help promote stability and encourage to economic development. TIPH has experienced that it can have direct positive impact in certain situations but it is difficult to directly link the interventions by the mission to the results. The preventive role is important and the presence has a disciplinarian factor on the soldiers and they try to influence what is happening on the ground. TIPH contributes with information through media and other organizations. The mission writes reports to the Israeli and Palestinian authorities that could make a difference because they can make things happen, and the member states can use diplomatic pressure. The Office of the High Commissioner on Human Rights, OHCHR, has a mandate to 'protect the human rights of all human beings'. The OHCHR's goal is to ensure that the duty bearers confirm to the international recognized human rights standards. OHCHR looks into what the state parties do, monitors and reports on human rights issues, and coordinates the human rights work. The OHCHR aims to build the capacity of the Palestinian Authority, NGOs and national human rights institutions. OHCHR, the UN Office of the High Commissioner on Human Rights in the oPt has supported independent fact finding missions, such as the Goldstone commission, which raise awareness on human rights by member states.

The Palestinian Authority has made commitments to observe human rights, and there is a vibrant civil society on human rights. The successes and results of the EAPPI are related to the constant presence of EAs from a wide range of countries. The program has existed since 2001, and 21 countries participate and send people to observe, document and report about the situation and spread the words with their experiences and histories in their home countries afterwards by information and advocacy work which may be influencing the public opinion, media, civil society, academics, and politicians. The goal of the EAPPI program is to achieve an end to the occupation and a just peace to the conflict based on respect for human rights, international law and UN-resolutions – and the results are not close to that, the program is far from achieving the goal of the mandate of changing the situation. With that said, the EAPPI has seen improvements related to some activities, like the protective presence in Hebron.

The mandates for the work vs. changing the situation

To work according to the mandate versus aiming to change the situation and realize more human rights, seems to be the balance, dilemma and paradox for the organizations interviewed in this study. The goals and the results of the organizations are connected; the results the organizations are able to achieve are mainly connected to the goals that the organizations want to achieve. The organizations all have specific activities and objectives they are working on and that they are able to achieve, at the same time most of the organizations have an overall goal that they still haven't reached. None of the organizations are working towards a clear goal or solution to the current conflict situation. The Machsom Watch wants to end the occupation and contribute to writing the history. Amnesty Israel wants to make positive change. Breaking the Silence never talks about an overall goal related to the situation and their goal is to tell about their experiences in the army. The Palestinian organizations aim to build a stronger Palestinian society and a future state, and would like to see the end of the occupation, but the work is not aimed towards the specific solution of the situation, but say that a two-state solution is the most likely solution even if they are not aiming their work towards this goal and focus more on people-to-people projects. The international observer mission TIPH doesn't have an overall goal with the mission, and refers to the mandate of their mission. The OHCHR has a very broad mandate, the work is multifaceted, and the goal is that the duty bearers confirm to the human rights standards. The Israeli organizations are very careful in talking about a solution to the conflict because the members have many different opinions and the work and goals are limited by a specific mandate. The Palestinian organizations agree on that the occupation is bad but they don't

have a specific solution to the situation because it is a sensitive issue also on the Palestinian side. The international organizations have mandates that don't speak about a solution to the situation but different from the local organizations they work in relation to the authorities and aim to influence them in a way to influence the situation according the goals of their work and missions. Compared to other organizations in this study, the EAPPI has a clear position concerning the situation and the mandate is clear on what the aims and objectives are. There is not the same contradiction between the mandate and the wish to change the situation in this program as I see in some of the other organizations. and it is not the same disagreements about certain aspects of the situation as I see in other organizations. There are differences in how participants in the EAPPI want to act and how the mission is applied on the ground, but the aim and common ground for the program is to end the occupation because the occupation is causing harm to both the Palestinian society and the Israeli society, and to advocate for a solution of just peace and respect for international human rights. Some of the other organizations have specific mandates they are working within, but they don't have a clear goal they are working towards when it comes to the future for the situation. The local and international organizations in this study have achieved results when looking at their specific tasks and activities and mandates they are working within.

7.3 To analyze how freedom of expression plays a role in human rights work and its importance for local and international organizations in the Israeli-Palestinian conflict.

Article 19: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers.'¹³⁰

This is a discussion of relations between freedom of expression and human rights work, which emphasizes to analyze how freedom of expression plays a role in human rights work and its importance for local and international organizations in the Israeli-Palestinian conflict.

¹³⁰ The Universal Declaration of Human Rights, United Nations, 1948

The results concerning freedom of expression in human rights work from the interviews and observations with local Israeli and Palestinian organizations and international organizations are presented and discussed. The analysis is based on information from interviews with local and international organizations and the participant observation with the Ecumenical Accompaniment Program in Palestine and Israel. Can freedom of expression both be a limitation to and a foundation for organizations focusing on human rights issues? How does freedom of expression play a role in human rights work?

7.3.1 Reflections on freedom of expression by the respondents

Machsom Watch:

“We don’t speak about Jerusalem, we don’t speak about refugees – so what do we speak about? We talk and we talk. We will be disappointed and they will be disappointed.”¹³¹

“Freedom of speech is something we very soon will not have in Israel”, Roni Hammermann says. There is a law saying that if an organization gives information abroad about a public figure which could lead to that this person is accused of crimes against humanity, this organization will be excluded from the overall organization of NGOs which means that the organization is not legal and are not allowed to collect money from abroad. “So, freedom of speech you have, if you are not under the rule of such laws”, Roni says. “All our organizations has to go abroad and tell what is going on, because that is our only hope, that people abroad will, that other governments will put pressure to end the occupation”. Roni feels that the freedom of speech is threatened today because “Israel is under attack of extreme rightist and anti-democratic movement”. There are discussions in schools and universities; “the rightist groups want to control the syllabus of the Sociology department, if it is anti-Zionist, that means post-Zionist, or if it is okay. So they want to have control about it, so this is freedom of speech. You can be scared. And then also, they ask the university to fire certain lecturers, you see – freedom of speech...” Roni says. “It is getting nearer and nearer to us, to the NGOs that are anti-occupation”, she says. There is no education in terms of human rights in the education system, she says, “in this country you don’t grow up as a person who thinks in terms of human rights”. “Already in the kindergarten children are

¹³¹ Interview with Roni Hammermann, member of Machsom Watch, Jerusalem, 31 August 2010

reading books about the hero soldiers, my brother, the hero soldier and books about militarism and force.” Roni explains that “the only narrative that exists is the Israeli narrative; they don’t get the idea that it could be another one”. She says that “they don’t speak in objective terms, the 1948-war, which is so called neutral way of seeing it, no, it is the Independence war – so you have only your narrative. If you say the 1948-war it could also include another narrative but not if you say it is an Independence war, then it is immediately speaking about your position”. This national understanding is a challenge to human rights and for making peace. “So, as long we will not be able to bring our children and our people at all to hear and to be able to hear the other narrative, I don’t see a way to change things.” The Palestinians and their basic human rights are not protected or addressed because of the stereotypical narrative. As an Israeli, she understands the fear in Israel, but it cannot excuse what is done in the name of security. “I have lived here in Jerusalem through the suicide period and it was very dramatic for us. But you have to, first of all, to see that things have changed and it has changed because the Palestinians decided to change.” Roni says that in Israel “democratic rights are cut, piece by piece by piece”. But she sees something positive; “it is of course good to hear that actors are not ready to give a performance in Ariel, which is a settlement, and that writers are not ready to go to Ariel to speak there. It is an escalation and it brings out the oppositional forces”, Roni explains. There is a problem of trust on both sides and the politicians don’t represent their people. “There is no good will on our side, and the Palestinians are divided among themselves – and what are we talking about?” she says.

Amnesty International Israel:

“You are giving away power, you have the power to decide, you have the power to deny, you have the power to change yourself; the power to ask questions is the power of change.”¹³²

“In Israel they are always saying that you have the freedom to say what you want”, Vered Cohen-Barzilay, the spokesperson of Amnesty in Israel says. But there is a “dehumanising of human rights defenders”. They can publish anything they want, but this is changing “everything that I am saying, very soon I can be arrested for what I am saying – there are some rules made in the Knesset”. Vered is even more afraid of something else; “the self-censorship; when people start to censor themselves, newspapers, books and so”. “I worked

¹³² Interview with Vered Cohen-Barzilay, spokesperson in Amnesty International, Tel Aviv, 13 October 2010

on the book, I got answers from publishers; yes it is a very good book and we would love to publish it but we are afraid of being labelled as leftist". The publisher should provide the books, and it is up to people if they want to read them. "They are doing self-censorship", she says. "Amnesty International in Israel is dealing with explaining to the Israeli society what human rights are", she says, and "even the meaning democracy; most people would say that Israel is the only democracy in the Middle East". Vered says that "we need to give a new definition to democracy, because people don't really understand what democracy is". "I think in Israel, democracy is always like politics and Amnesty is not a political organization, but of course there is a link between human rights and democracy", Vered says. During the war on Gaza in 2008/2009 "journalists didn't ask any question, nothing, they didn't even try to challenge the army, never. So this is more frightening. This is in the name of democracy, but this is the denial of freedom of speech". Vered says that "when you are doing it to yourself, you don't even understand that you don't have the freedom of speech".

Breaking the Silence:

"We are telling the small stories that make the big picture, because that is the pieces that are missing in the discussion and debate in Israel today."¹³³

"We are telling the story of a military occupation through the eye of an occupier; we are here to tell you how you conduct an occupation", a member of the organization says. "It is very clear to us that the people in Israel don't know the things that we know. People in Israel have no clue what is going on in the territories. It is one of the biggest taboos in Israel; it is something that is not talked about. It seems like there is a secret agreement between the army and the civil society; we know there is some shit going on but just don't tell us about it." That is why the organization is called 'Breaking the Silence'. "We are trying to break the silence about what our country is doing on a daily basis and we try to talk about what an occupation means". The former officer is informing journalists and diplomats about the situation in Hebron. "If someone is willing to listen, if someone is willing to see reality, I don't have the right to not take them there. I don't see any other options; if I am not a part of the solution, I am a part of the problem. I can't do it in a different way, I can't do it in a different place, Israel is my home, and this is where I live." He thinks that this is very important in Israel as a

¹³³ Guided tour with Breaking the Silence with Ayal K., South Hebron Hills, 15 September 2010

democracy. *“We don’t talk with the military, we don’t think the military is a problem – we talk with the society. The way I understand democracy is that the government is an arm of the people and the military is an arm of the government – that means that the military is our arm as a society. This means we are responsible for what the military is doing and we are responsible for what is going on in the occupied territories. And we are the people that need to be confronted with it, and we need to take responsibility for it”*, he says. Breaking the Silence’s objective is to speak out. *“We are not the only society to be infected by silence. As human beings, we find it easy to look through a window of someone else but we find it very hard to face a mirror. In a way Breaking the Silence is fighting our nature, saying ‘this is who I am and this is what I did’. We are so involved, everybody knows somebody who served there, then we have to be even more silent”*, he says. *“Once a society is silent about something it doesn’t necessarily mean that we don’t talk about it. In order to be silent about an issue, you need to talk about it. From time to time stories pop up in the media; a soldier looted there, a soldier beat a Palestinian at that checkpoint. And this is framed as ‘here is another rotten apple’ – now let us throw this guy in jail and then our conscience as a society is clean because we treat our bad apples. But what we are trying to say is that these are not bad apples, we all did this because we were all there and that is why we all behave this way.”* He tells stories about arrests, using human shields and firing grenades to make their presence felt. *“Anyone who served there knows that using human shields is a common thing. So every ex-soldier you ask him whether he did this or not, he won’t say no. We all know how it works there, how we behaved there. The question is whether we agree to go public with it. And that is very complicated. People don’t want to be judged by society, for people outside the military these things sound very awful, but if you are an occupier you are an occupier”*, he says.

Palestinian Human Rights Monitoring Group, PHRMG:

“To create a human rights organization under an Arab regime is to commit suicide. So you know we faced some problems from the PA, especially from Arafat in that time.”¹³⁴

“I am journalist originally; I used to report in one of the Israeli newspapers about the human rights issues”, Bassem Eid says. About the freedom of expression in Palestine today he says; *“I think that the freedom of expression situation is not satisfying. We know about closing of*

¹³⁴ Interview with Bassem Eid, director of PHRMG, East Jerusalem, 20 September 2010

offices of media in Ramallah, also in Gaza, we know about arresting of journalists, right now we have more than ten journalists in prison, in the Palestinian prison in Ramallah, right now. And that makes me very painful, and I don't think that a journalist should ever have to be in prison because of his opinion or his political thoughts, that is not the place for journalist, that is a place for criminals. And by expressing your own views and thoughts I don't think that you have committed any crimes. So unfortunately, I am not so satisfied." "I know a reporter in the West Bank, he is reporting for the Palestinian TV in Gaza, why he should be put in prison, because he works with Hamas, the Fatah guy in Gaza who are reporting to the Palestinian TV is also in jail in Gaza because he is reporting to the Palestinian TV." "This is politics, unfortunately, this is politics. But the guy who is filming for Channel 2 of Israel is so free in Ramallah and also in Gaza, they are so free." He wants more attention from the international community besides "providing checks on millions of dollars". "I hope that the international community will be more aware towards one of the most basic rights of the human rights". He reflects on the international presence and says "sometimes I'm saying, in terms of solving the Israeli-Palestinian conflict, we must have to kick out all of the foreigners in Israel and in Palestine, and to be just alone, the Israelis and the Palestinians, and then probably would be able to solve it. Because, you know, each organization and each country have their own political agendas in the region." He says that "the human rights issue shouldn't have to be a kind of a compromise; human rights is human rights". The Palestinian society learns a lot from the Israelis, especially towards democracy and human rights. During the first intifada the Palestinians became experts on human rights, "if there was a violation he took the phone and reported it to a human rights organization", he says. "I think that such kind of hatred as during the second intifada has no limits, and no doubt that that is reflecting badly on meetings with the Israelis and negotiation with the Israelis", Bassem Eid says.

Middle East Non-Violence and Democracy, MEND:

"What we wanted to do was to bring our view, our voice to the world, all over the world."¹³⁵

"If you manage to get your society to respect the human rights internally, you will easy have a democratic society", Adel Ruished says, and "it will be free, it will be open, it will easily accept the solution for the problem". A democratic society "will be ready to deal with

¹³⁵ Interview with Adel Ruished, board member of MEND, East Jerusalem, 30 September 2010

external issues like the occupation in a better way and more peaceful way”. “If you want to build on these principals to have a democratic and peaceful society and a culture for peace within the society, I think it will absorb within the Palestinian society. I think now a days it is ready for a peace agreement with Israel, forget about what kind of details in this peace agreement – I think that the majority of the Palestinian people now, even the Hamas movement, is ready for a peace agreement with Israel”, Adel says. He sees a “change of mentality and change of tools” in the Palestinian society after the second intifada; “the Palestinians felt victimized by the international community when they were accused to be terrorists”. This made the Palestinians to resist with peaceful means; “it is not in my blood that I want to kill an Israeli Jew, I was resisting the occupation.” “It has been a change of mentality and change of tools, by coincidence”. Palestinians were educated about nonviolence and “found themselves into peaceful approaches and started believing in it”, Adel says.

TIPH, Temporary International Presence in Hebron:

“The reports are confidential but what we do is public; everybody who comes here can see what happens, it’s obvious, all the time.”¹³⁶

The international observer mission writes many reports but they are not public and the mission doesn’t publish anything. The senior legal officer says that *“the reports we write go to both the Israeli and the Palestinian side, and we hope that they can do something, change the situation”*. The reports also go to the six member countries of the mission for them to *“exercise diplomatic pressure”*. Stefan thinks it is important to bring the parties in a conflict together. TIPH has regular meetings with Palestinian security forces and Israeli military commanders. The relation between the Israeli commander and the Palestinian commander is good, the parties know each other which is typical for civil wars; *“in public use all this political language, this tough attitude, and then they sit together at the table and make solutions”*. I ask how he sees freedom of speech related to their work. Stefan says that *“everybody can see it, it is obvious, you can see it all the time”*, and *“just google Hebron, it is all these NGOs; B’Tselem, Breaking the Silence, OCHA, the UN”*, he says. Many journalists, diplomats, politicians and students visit Hebron and TIPH gives information to visitors; *“we will talk fairly openly”* and *“we want to inform about what we are doing, after all we are paid*

¹³⁶ Interview with Stefan Waespi, senior legal officer in TIPH, Hebron, 26 August 2010

by the tax payers, so I think it is important that people back home can see what we are doing. If a journalist is coming we are eager to talk to them". "When I go home, talk to you or talk to someone, I say what is happening. Do I feel to speak out more, not really", Stefan says.

OHCHR, Office of the High Commissioner on Human Rights:

"The information is not missing; the question is what happens with all the information."¹³⁷

There is a huge international presence in the Israeli-Palestinian conflict, and there is so much information available about the situation, Matthias says. "It is not the information that is missing", he says, "if something happens, immediately there is somebody there seeing it, so information is not the problem and that is a very good step." Matthias thinks that information can contribute to a positive development; "I think it could be worse without it". The attention "ensures that there is an independent and credible eye on what is going on and that what takes place is being reported outside of here in a credible and reliable manner" and it "raises the awareness that there is a need for a political solutions and issues to be addressed". The international presence has a preventive role, awareness role, facilitation role, mediation role, and fact finding and fact confirmation role. "I do think it makes a difference. Whether that will lead to a solution to the whole thing, no, I don't think that that presence alone will". Matthias says that "at the end of the day it is about political will of the actors that has the political power that will decide things". "What is the difference between human rights and democratic freedoms?" Matthias reflects on freedom of expression and human rights. "Some people would argue that the international legal framework provides for a democratic framework, as well as the international human rights framework, although it is not directed explicit on it", Matthias explains. He thinks that human rights can be very political. He says that "there are times to raise certain issues and there are times not to raise certain issues, but that doesn't mean that there is never a time to raise certain issues". "I think it is very important to be aware of the political context when you do human rights work, because if you don't you will miss out on a lot of things. It is sometimes important to have a principal stands on certain issues and sometimes you have to have principal stands so that there will be a change of behaviour or reach certain objectives. As an office in the UN dealing with human rights we have a very strong obligation and mandate to be fear on principles". "I think the

¹³⁷ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

work that the UN does, as a UN-actor, has to be informed by principals, I mean, that is what the UN is there for, it is not a powerful actor, we are there to uphold certain standards that the states have agreed upon”, he explains. “We have to maintain, raise awareness and keep reminding people about the principals we are working on”, Matthias in OHCHR says.

7.3.2 Freedom of expression is a key factor in human rights work

Machsom Watch:

*“The problem with freedom of speech is that someone has to give you this freedom of speech. You know, very often we write letters to the editor, and now we are, not only we – Israel is under attack of extreme rightist and anti-democratic movements.”*¹³⁸

Amnesty International Israel:

*“During Cast Lead... the journalists didn’t ask any question, nothing, they didn’t even try to challenge the army, never. This is more frightening. This is in the name of democracy, but this is the denial of freedom of speech. And when you are doing it to yourself, you don’t even understand that you don’t have the freedom of speech.”*¹³⁹

Breaking the Silence:

*“We are trying to break the silence about what our country is doing on a daily basis. Silence is not an Israeli disease – it is a human sickness. If you don’t look good, you don’t spend too many hours in front of a mirror. To be silent about something, you need to talk about it.”*¹⁴⁰

Palestinian Human Rights Monitoring Group, PHRMG:

*“I don’t think that a journalist should ever have to be in prison because of his opinion or his political thoughts – that is not the place for journalists, that is a place for criminals, for those who have committed crimes. And by expressing your own views and thoughts I don’t think that you have committed any crimes. So unfortunately, I am not so satisfied.”*¹⁴¹

¹³⁸ Interview with Roni Hammermann, member of Machsom Watch, Jerusalem, 31 August 2010

¹³⁹ Interview with Vered Cohen-Barzilay, communication officer in Amnesty Israel, Tel Aviv, 13 October 2010

¹⁴⁰ Guided tour with Breaking the Silence, South Hebron Hills, 15 September 2010

¹⁴¹ Interview with Bassem Eid, director of PHRMG, Jerusalem, 20 September 2010

Middle East Non-Violence and Democracy, MEND:

“You need to start working on human rights first of all, raising the awareness and easy there will be a democracy, it will be open, it will easy accept the solution for the problem, they will give the freedom to everyone in the state to live the way he prefers to live.”¹⁴²

TIPH, Temporary International Presence in Hebron:

“We are really friendly, we want to inform about what we are doing, you know, after all we are paid by the tax payers, so I think it is important that people back home can see what we are doing. If a journalist is coming we are eager to talk to them.”¹⁴³

OHCHR, Office of the High Commissioner on Human Rights:

“What is the difference between human rights and democratic freedoms? If you talk about democratic freedoms, there are freedom of expression, freedom of association, and freedom of thought... Some would argue that the international legal framework provides for a democratic framework, as well as the international human rights framework.”¹⁴⁴

EAPPI, Ecumenical Accompaniment Programme in Palestine and Israel:

“We are eyewitnesses who by our physical presence provide protection and show solidarity with people affected by the conflict - and we spread the word about the situation here.”¹⁴⁵

The responsibility to express

The freedom of speech is one of the four basic freedoms in the United Nation Charter, and it is stated in article 19 in the Universal Declaration of Human Rights. The local and international organizations in this study are working on human rights by collecting and providing information with the aim of stimulating knowledge and awareness about issues they focus on. The research shows that human rights work is very much based on a ‘responsibility to express’. The people interviewed and organizations observed tell that the motivation for the work they do and the dedication is based on the feeling of responsibility to know and

¹⁴² Interview with Adel Ruished, board member of MEND, East Jerusalem, 30 September 2010

¹⁴³ Interview Stefan Waespi, senior legal officer in TIPH, Hebron, 26 August 2010

¹⁴⁴ Interview with Matthias Behnke, head of office at the OHCHR in the oPt, East Jerusalem, 11 October 2010

¹⁴⁵ Lene Espelund, EA in the Hebron-team, EAPPI, Hebron, September-December 2011

responsibility to express what they know. This obligation is very strong amongst the Israeli organizations and the work towards the Israeli society about the situation of occupation in the West Bank. The motivation of expressing what they work on and believe in are strong also amongst the Palestinian organizations. Within their societies both Israeli and Palestinian organizations meet criticism and challenges, but that makes them more convinced that they are doing the right things and with that hopefully creating some kind of change they would like to see. The activities the organizations do are related to observing and monitoring, documenting and doing research, participate in seminars and media, cooperating with other organizations and giving lectures and writing reports. The information work and advocacy work by local and international organizations is important in human rights work because it provides experiences and knowledge, stimulates debate and create awareness about human rights issues in the Israeli-Palestinian conflict. The freedom of expression is an important factor in human rights work because it will influence the possibilities to collect information by being present to observe and document, and have access to the information and events. The possibilities to express the knowledge and experiences will also be influenced by how the freedom of expression is in the Israeli and Palestinian society, as well as internationally, concerning the issues that the organizations choose to focus and work on. The local and international organizations focus on the military occupation, including physical structures such as the separation barrier and military checkpoints, and administrative policies such as the permit system and the Israeli policies of demolishing Palestinian houses and building Israeli settlements in the occupied territory, in addition to the use of violence by the army, police and the settlers – and the responsible authorities. The organizations in this study express that freedom of expression is important for their work on human rights issues. Which issues the organizations choose to focus on and how they choose to work on human rights is influenced by the political context and the response they get from the society. Statements such as ‘we are eyewitnesses’, ‘people need to know what we know’, ‘the society needs to take responsibility for what is going on’, ‘we need pressure from other countries to create change’, ‘we spread the word about what is happening here’, ‘the reports we write will have an impact on people and the governments’ and so on, show that the responsibility to express is a motivating factor for the organizations to do the work they do.

Democratic freedoms

The level of freedom of expression is a way to measure how democratic a society is. If the people are less informed about what goes on in the society they will be less qualified to participate and influence in a democratic system. With less information, knowledge and awareness the national and international public are less informed about and aware of the situation and about what is going on and if people don't or cannot participate there is more space for politicians and others with power and influence are able to do what they want. Freedom of expression plays an important role for in activities related to information and communication and advocacy. For example, to observe and document at a military checkpoint there need to be a certain level of openness and acceptance from Israel that allows people and organizations to be present and conduct this kind of work. And, there need to be a level of freedom of speech, locally and internationally, for the organizations to publish what they write. There need to be a certain level of freedom of expression for the Israeli organization to publish experiences from army service and conduct guided tours in the occupied territory. For Palestinian organizations to challenge the education system and arrange seminars about human rights and non-violent conflict resolution there need to be a certain level of acceptance for attention on these issues in the society. For the local organizations, the process of choosing which issues they focus on in their work is influenced by how they experience the freedom of expression, but for international organizations that is different. The local Israeli and Palestinian organizations are more dependent on the acceptance within the Israel-Palestine situation than the international organizations. There is a difference between non-governmental organizations and the governmental organizations such as the TIPH and the UN-organizations. The non-governmental organizations, including the Palestinian and Israeli organizations and the international EAPPI programme, have a different position in the situation than the two international governmental organizations that have an official and diplomatic position. When looking at the challenges the organizations meet in their work, these differences and the relation to freedom of expression are very visible.

Limitations on human rights work

Respect for democratic freedoms such as the freedom of speech has a major impact on the organizations activities, issues of attention, the challenges they meet, the successes and results they achieve, if they influence where they aim to and if they are able to achieve the goals they want. The overall goals of the organizations are to contribute to a realization of a greater

number of human rights in the Israeli-Palestinian conflict. The local organizations are aiming to reach both a local and international audience but they are aiming a grass-root level in the society. The international governmental organizations are more aiming towards the political level, in addition to the organizations and media national and international. The possibilities for the organizations to reach the goals they are aiming to achieve. When that is said, the challenges that the organizations meet from the outside are often connected to the issue of freedom of expression or the lack of this freedom in a sense that the organizations experience difficulties connected to that they focus on issues in the society that is not popular to bring out in the open and that they criticize the actions and policies of their governments or aspects of their own culture or social and political situation. Israeli organizations have difficulties in the Israeli society when they criticize issues related to the ongoing occupation. And the Palestinian organizations have difficulties if they criticize something that is connected to the culture and religion, and if you belong to the opposition parties in the West Bank and Gaza. The international organizations don't meet any challenges related to freedom of expression in their work. This could be explained because it is worse to hear criticism and sensible issues from someone that is close to one self; the loyalty to its own people and culture is questioned. And also the international organizations have very strong and defined mandates to work within, so it is not so easy for them to challenge the authorities the same way the local organizations are doing, and with that one can say that the international organizations are not challenging the boundaries of the freedom of expression within the Israeli and Palestinian societies and cultures. The international organizations are working in relation to the authorities by cooperating, having meetings, reporting to and aiming to have influence on them. Their goals are to change the behavior of the authorities to protect and fulfill human rights. The local organizations do not have relations to the authorities and are not aiming to influence them; their activities are directed towards the civil society. This study shows that the local and international organizations approach many of the same human rights issues. To experience limitations on the freedom of expression is challenging and will influence the organizations in different ways, in the form of internal challenges or external challenges. Focus on human rights violations by local organizations seems to be taken differently than focus on rights violations by international organizations. Critique from local organizations towards their own societies is met with negative response and political pressure. Israeli organizations meet challenges from the soldiers and the settlers in the occupied territory, and because the government is imposing new laws that they experience will narrow their

possibility to continue their work by limiting the democratic freedoms for non-governmental organizations in the Israeli society. Israeli organizations which focus on the occupation are called traitors and blamed for not being patriotic enough. For Palestinian organizations it is not easy to criticize the culture and the religion, and focusing on human rights violations by the authority can be seen as critique against the society's culture and not political issues because it is integrated. Palestinian organizations which cooperate with Israelis are called collaborators. The local organizations are freer concerning their mandate to highlight sensitive issues and to express what they want because they don't have an official position. But at the same time they feel that their boundaries for what they can say and do are being limited. Palestinian and Israeli organizations experience that their freedom of expression is limited. This study shows that both Israeli and Palestinian organizations have experience with pressure from their own societies; ranging from new laws that will have severe impact on their work to anonymous treat letters. They feel that the limitations and challenges are coming from the society but also see that they sometimes limit themselves because of this. The Israeli organizations says that the democratic freedoms are still there, especially for the Jewish population, but feel that the freedom of speech is being limited making it more difficult to work. That is also why they see that their work is important and find the power to continue. The international organizations don't see problems with the freedom of speech. The international governmental organizations OHCHR and TIPH have specific mandates for what they can say and do so the limitations are in the mandates more than from the outside. Focus on human rights violations by TIPH and OHCHR is accepted, but recommendations are not necessarily implemented.

The power of information?

There is a huge international presence in the Israeli-Palestinian conflict; non-governmental organizations, the UN and other international organizations, researchers and media. The fact that the international organizations are present and observe and report on human rights violations is an indication of that there is a certain level of openness around these issues. The presence and attention from international organizations, and the vibrant civil society, could be an evidence for that the freedom of expression is respected because this attention is allowed; the freedom of expression is respected and there is nothing to hide and that Israel doesn't care if information is spread around the world. International organizations reporting on human rights violations reflect that there is a respect for freedom of expression. But this can create an

illusion of openness and acceptance to the world that the freedom of expression and other human rights and democratic freedoms are respected. The freedom of expression is under pressure in the Israel-Palestine situation, but mainly for local organizations. The international organizations don't experience limitations on the freedom of expression in the work they do. The huge attention from organizations is something that actors in the international community are benefitting from in the human rights work because local and international organizations cooperate by reading each others' reports, communicate and exchange information. Local and international organizations contribute with information, experience, knowledge which reflect and analyze the situation and discover new issues that need to be researched.

The possibilities for the organizations to achieve the goals they are aiming to will be influenced of the existence and level of freedom of expression. The conditions that local organizations are working under will get harder if the limitations of the freedom of expression get limited. Freedom of speech is important for the organizations to fulfill their mandates because it is sensitive to critique the governments for the actions or lack of actions to respect and protect human rights. Many organizations highlight the connection between human rights and politics, and mention this as one of their challenges when working on human rights issues. The work organizations do by focusing on human rights is perceived to be political even if they don't aim to approach their work as political work and the local organizations don't even directly aim to influence the political system. The international organizations have relation to the governments but are very aware so they are not seen as political actors because they base their work on the international human rights regime and international law. Human rights is not political in charge, and the organizations focusing on human rights issues clearly states that they are not actors aiming towards a political goal or solution. Still, it is obvious that working on human rights is in a way political in this context of a conflict because it puts attention to issues related to the situation which is highly political. From a social science perspective human rights is not political because it demands the rights of every human being and states the duty of observing this towards every responsible government, and also because it is legal statements referring to the international human rights regime as a legal system. From a political perspective human rights is political because it focus on how the governments should behave toward its people. There are important links between democratic freedoms such as the freedom of expression and human rights. Civil society and non-governmental organizations are fundamental actors in a democratic society. A limitation of

the freedom of expression will not necessarily change the physical facts on the ground to the worse, the situation is how it is and it is developing each day, and the organizations are not very optimistic. But symbolically it will change the situation to the worse if the international organizations cannot be there and the local organizations cannot exist and work as they do now, if the situation will in the next round easily be worse because of lack of attention, awareness, knowledge and information. Freedom of expression is a basic foundation for the organizations' existence, their work and the possibilities to achieve their goals and results.

More focus on human rights in the society will contribute to a higher level of accountability from the governments to respect, protect and fulfil human rights which again can stimulate to a culture of peace in the society. The goals of the local and international organizations in this study are not to find a solution to the conflict but to achieve a peaceful situation with respect for human rights and democratic freedoms. The freedom of expression is an important foundation for the local and international organizations to work and focus on human rights issues. The possibilities for the organizations to continue doing what they want to do is very much depending on the respect for freedom of expression. The organizations are aiming to contribute to realization of a greater number of human rights, and the influence of organizations working on human rights and if they are successful with their work will depend on the future situation of freedom of expression in the Israel-Palestine situation.

“How many international observers are needed.... for nothing to change?” I asked myself when I worked in Hebron with the EAPPI. The question is, if it is really so that nothing will change. “It shouldn't be possible to say that it didn't happen” is the answer to why so many are observing, documenting and reporting. Information, knowledge and awareness are powerful and important tools. The more people know, they can mean and act, and they can influence others. You can be the change you wish to see.

8 Conclusions

The study “Responsibility to express” is an analysis of local and international organizations working on human rights in the Israeli-Palestinian conflict. The research question is: “How can local and international organizations contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict?” The data collection and analysis are focused on three research objectives: (1) “To emphasize how the organizations work to progressively implement or achieve the selected human rights and how they choose what to focus upon.” (2) “To examine what could be achieved with human rights work.” (3) “To analyze how freedom of expression plays a role in, and its importance for, local and international organizations working on human rights.” The research methods used are interviews and participant observation. The objectives involved are the Israeli organizations Machsom Watch, Breaking the Silence and Amnesty International Israel; the Palestinian organizations Palestinian Human Rights Monitoring Group and the Middle East Non-Violence and Democracy; and the international organizations Temporary International Presence in Hebron (TIPH), the UN Office of the High Commissioner on Human Rights in the occupied Palestinian territory (OHCHR oPt), and the Ecumenical Accompaniment Program in Palestine and Israel (EAPPI). The research was conducted in August-October 2010 and September-December 2011.

This study shows that the local and international organizations involved are conducting activities and work related to observing, documenting and reporting. Collecting information and experiences, conducting lectures and guided tours, publishing articles, cooperating with other organizations, and participating in media and seminars are common activities. The areas of attention of the organizations are the military occupation; the separation barrier, military checkpoints and permit system; demolition of Palestinian houses and building of Israeli settlements; and the use of violence, detentions and arrests. The research shows that the Israeli organizations focus on the military occupation of the territory; the Israeli regime and treatment of the Palestinian population, and the behaviour of the army and the situation in the occupied territory. The Palestinian organizations mainly focus on internal issues in the Palestinian society and the behaviour of the Palestinian Authority towards its citizens. The Israeli military occupation is always present in the Palestinian society but the Palestinian organizations highlight the importance of working internally in the Palestinian society for its people to be equipped to deal with internal issues as well as external issues related to the

occupation. This is a change the last years, Palestinian organizations used to focus on the occupation when focusing on human rights, especially during the second intifada. The international organizations focus on human rights issues related to the situation of military occupation territory, and focus on the behaviour and accountability on both the Israeli and Palestinian authorities. The local and international organizations meet internal challenges related the organizations' structure and members, the mandates and missions, and funding. In addition, external challenges related to the situation of occupation and political situation. The Israeli organizations are challenged by the Israeli settlers, and the police that often protect the settlers' rights. The Israeli organizations experience that it is controversial to express criticism towards its own society and especially related to human rights violations in the territory. The Palestinian organizations meet challenges related to the controversies of criticizing the culture and religion which sometimes are relevant when discussing human rights issues. For Palestinian organizations it is controversial to cooperate with Israeli organizations. The international organizations express that they have challenges related to the political situation and frustrations come around that they cannot contribute or influence the authorities as much as they see is needed to improve and have progress in the human rights situation.

The goals of the Israeli organizations are to provide information about the situation in the occupied territory and contribute to knowledge, openness and public debate in the Israeli society concerning the situation. The information shows that the Israeli organizations don't have a common goal they want to reach with the human rights work; neither within themselves as organizations or between the various Israeli organizations. It is controversial for the Israeli organizations to speak about a solution to the conflict, but they have specific mandates and aims for the organizations' work. The Israeli organizations have in common that they define the situation as a military occupation based on separation and control over a civilian population. The goals of the Palestinian organizations working on human rights issues are to provide information about human rights violations in the Palestinian society both related to the Palestinian culture and politics and the Israeli occupation. The Palestinians say that the most likely solution to the conflict today is a two-state solution but see so many obstacles for it, and as human rights organizations they don't work towards a specific solution – they have chosen to focus on internal issues in the Palestinian society within the situation of military occupation. The goals of the international organizations are to influence and change the behaviour of the responsible authorities, both the Israeli and Palestinian governments, and

highlight the responsibility of Israel as an occupying power in the Palestinian territory. The goals of the local and international organizations are connected to the results of the work the organizations are doing; within the defined mandates the organizations are working within it seems like the local and international organizations are satisfied with what they do and have accomplished, even if they meet internal and external challenges in their work. The international organizations have some frustration connected to the mandates they are working within which are specific and not aimed to achieve the change they see that is needed for the situation to improve. The Israeli and Palestinian organizations mainly aim to influence at a grass root level and work towards the civil society; the education system, media and other organizations, in general all kind of people in the society. The local organizations are not aiming their work towards the political level but still hope that they can have influence or contribute to some kind of change in the situation according to the mandates they are working within. The Israeli and Palestinian organizations work towards and aim to influence in their own societies, respectively the Israeli society and the Palestinian society. In addition, they see it as important to influence internationally to achieve the goals they are working towards and for other countries to put pressure on the Israeli government to achieve some change. International organizations are working towards the grass root level by cooperating and supporting the civil society, NGOs and other organizations and having relations to the communities they are working in. International organizations work towards the political level by having relations to the Israeli and Palestinian authorities and aiming to have influence on the behaviour and accountability of the responsible governments. The international organizations aim to influence locally in both the civil society and the governments, and internationally by reporting to member countries, other countries and the UN-system. It is hard to measure the successes and results of human rights work done by organizations, but the local and international organizations interviewed and observed in this study are clear on that the freedom of expression is a strong foundation for the possibilities to conduct their and with that to achieve what they aim to achieve of goals and results, and that the responsibility to express is an overall motivation to do the work they are doing in this conflict situation.

This study shows that the freedom of expressions is important for human rights work. Local and international organizations focusing on human rights issues in the Israeli-Palestinian conflict are depending on the freedom of expression in their work because they work on observing, documenting and reporting on issues related to the military occupation. The

organizations work on human rights with activities concerning information, awareness, experience and knowledge based on observations, experiences, research and information, and reporting and publishing, lectures and seminars, and media and organizations. Both collecting information and spreading information requires a certain level of freedom of expression, both in Israel and Palestine and abroad in other countries where the organizations aim to influence both in the civil society and at a political level. To conduct such activities there need to be some level of openness and the democratic freedoms of expression in the society for the organizations to conduct their activities on collecting information and the work to express, publish and communicate this information to create and contribute to awareness and public debate. The local organizations feel that any limitation of the freedom of expression will be a limitation to the human rights work in the Israeli-Palestinian conflict whether it is internally in the Israeli or the Palestinian society it will affect the organizations working on issues related to the occupation and the human rights situation. The international organizations experience the situation of freedom of expression differently; it is very important for human rights work but feel that the freedom of expression is protected and appreciated in the Israeli and Palestinian societies as they experience the situation for their work.

The work that the local and international organizations are doing by focusing on human rights issues in the Israel-Palestine situation show that the freedom of expression is essential for the work they are doing and that the responsibility to express is the reason for much of the work that are done on human rights issues in this conflict. The freedom of expression is defining the possibilities for the local and international organizations to conduct their activities and focus on the issues they want to work on, additionally also who they are influencing and the aims the organizations are able to reach. The focus on human rights issues is based on the responsibility to express. The work, challenges, influence, goals and achievements on human rights by local and international organizations are depending on the freedom of expression.

This study shows that local and international organizations can contribute to the realization of a greater number of human rights in the Israeli-Palestinian conflict with their mandates and the work they are doing by focusing on certain human rights issues in the situation. The organizations are doing activities which are related to research, collecting and spreading of information, sharing experiences and knowledge, with the aim of raising awareness, spreading knowledge, informing and advocating about the issues to contribute to debate and discussion, influence the behaviour and create some kind of change in the situation.

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Appendices:

Questions for interviews during field work August-October 2010

Name of the organization/institution. Name of the person, and other facts about the person; education, background, position in the organization.

History of the organization, short description. When was the organization established? Why, any specific reason, issue and/or person involved? How is the organization run?

How many members does the organization have? How many persons are employed? Any volunteers? How many persons participate in activities and/or meetings? Can you characterize people involved in the organization? How and why do people become members or engage in activities? What kind of activities and meetings does the organization organize?

What kind of issues, problems and situations does the organization focus on? What are the organizations' mission and goals, and its strategies? Can you tell about some successes and failures? How and why has the organization changed over time?

How do you see the status and situation of human rights? How and why has it changed? How does the organization approach human rights? Any legal and/or political documents that are important for the activities and engagement of the organization?

How does the organization focus on or work with human rights? Any specific human right of special interest? How can the organization be important for the status of human rights? What are the possibilities for the organization to achieve what it wants? What are the challenges? Have you seen results of your work?

How does the organization view the relation between human rights and democracy & democratic freedoms? What rights and freedoms do you consider most important for the society? How is this reflected in the organization? Where are the boundaries for what is accepted to say and do? What happens if those boundaries are challenged or crossed? How would you describe the freedom of expression in the society today? In what way do you think freedom of speech/expression is relevant and useful for your work?

What elements do you think are important for a positive development and a possible solution? How would you describe a culture for peace? Are there elements of 'culture for peace' in the current situation? How can this organization create and contribute to a culture for peace?

Is it possible to achieve a peaceful and permanent solution? Does the organization provide any solution(s)? What is desirable - and what do you think is possible?

How is the relation to the political system? How does the organization see that you can influence the political system; political parties, politicians, government? How is the organization organized to have influence?

Where do the organization get money or fundings from? Are there any donors? Have there been done evaluations of the organization and its work?

How do you think that the attention from other countries and/or international organizations (and media) influence the situation concerning human rights? How do you see the future?