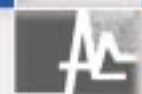


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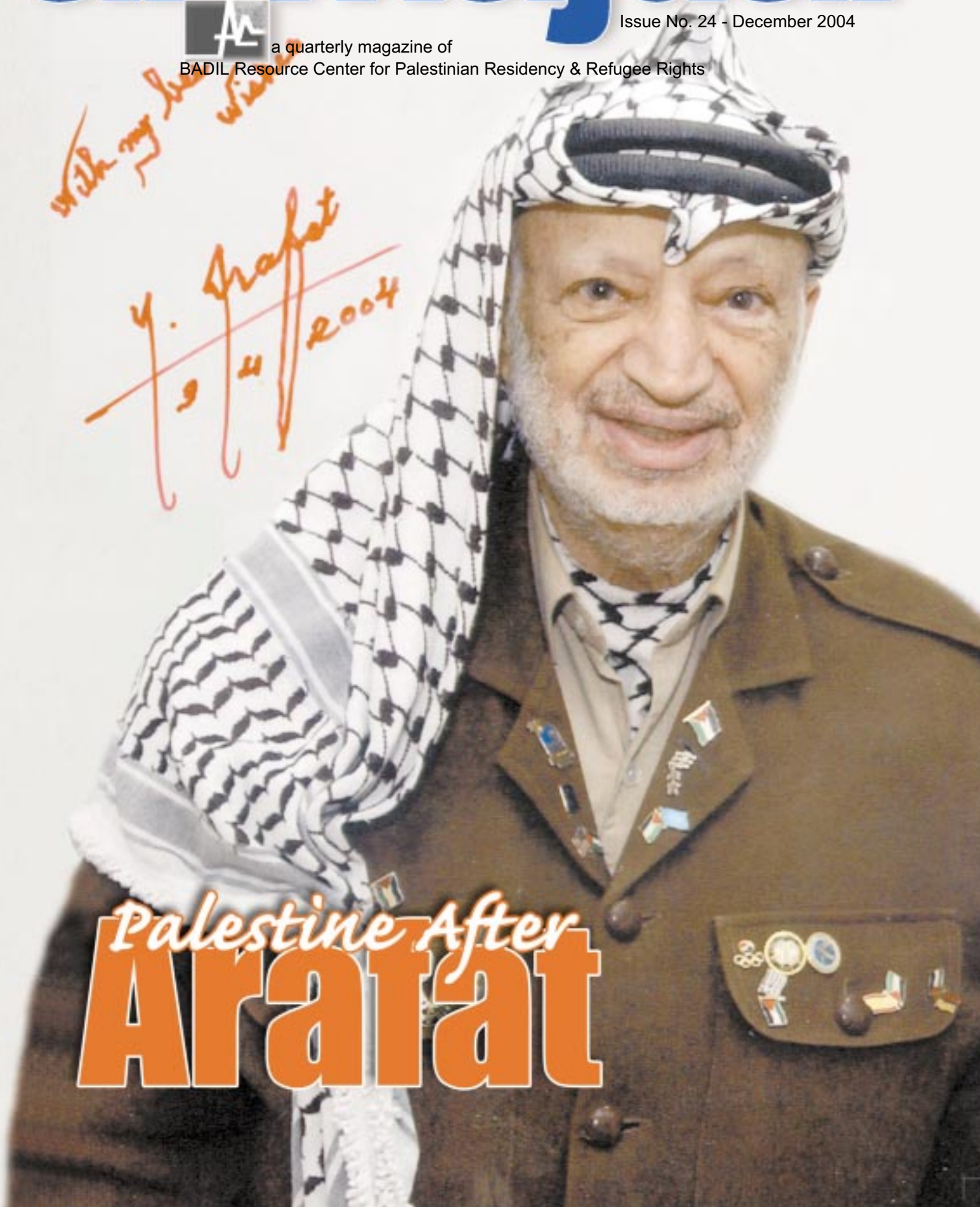
Issue No. 24 - December 2004



a quarterly magazine of
BADIL Resource Center for Palestinian Residency & Refugee Rights

With my best wishes
Y. Safat
9/11/2004

Palestine After
Ararat



BADIL aims to provide a resource pool of alternative, critical and progressive information and analysis on the question of Palestinian refugees in our quest to achieve a just and lasting solution for exiled Palestinians based on the right of return

BADIL was established in January 1998 and is registered with the Palestinian Authority and legally owned by the refugee community represented by a General Assembly composed of activists in Palestinian national institutions and refugee community organizations.

Production and Printing: al-Ayyam

Cover Photo: PLO Chairman and Palestinian Authority President Yaser Arafat

BADIL welcomes comments, criticism, and suggestions for al-Majdal. Please send all correspondence to the editor at resource@badil.org.

The views expressed by independent writers in this publication do not necessarily reflect the views of BADIL Resource Center.

al-Majdal is a quarterly magazine of BADIL Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues.

www.badil.org/al-Majdal/al-Madjal.htm

Annual Subscription:
US\$ 20
(4 issues)

Published by
BADIL Resource Center for
Palestinian Residency & Refugee Rights
PO Box 728
Bethlehem, Palestine
Tel/Fax: 972-2-274-7346
Email: info@badil.org
Web: www.badil.org

ISSN 1726-7277

Editor
Terry Rempel

Editorial Team
Terry Rempel, Nihad Boqai', Muhammad Jaradat, Ingrid Jaradat Gassner

Layout & Design
Wael al-Azzeh, al-Ayyam

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Palestine after Arafat

The right of return, the right to housing and property restitution and the right to compensation will not disappear as long as refugees themselves continue to demand their basic human rights. When the late Palestinian leader Yaser Arafat spoke about the right of return he was not only speaking about human rights, he was representing what refugees themselves have demanded for more than five decades.



The Palestine Liberation Organization (PLO) was established in the refugee camps in exile with a program based on return and the unity of the land and its people. It should not be surprising then to find Mahmoud Abbas, the newly elected Chairman of the PLO, and the various candidates running to replace Arafat as President of the Palestinian Authority (PA) all talking about the right of return. This is their democratic responsibility – to represent those who vote them into office.

A new era of democracy?

The Palestinian people have been practicing democracy for decades, through political parties, student, teacher and women's associations, professional and trade unions and through the structures of the PLO. While many political pundits pondered over who might 'succeed' Arafat after his death in November, Palestinians looked to the Constitution of the PLO and the Basic Law for the PA. Elections for President of the PA are scheduled for January 2005, while the Executive Committee of the PLO elected Mahmoud Abbas as Chairman of the PLO.

The political vision of a two-state solution being promoted by the newly re-elected Bush administration as set forth in his June 2002 speech and the April 2004 letter of assurance to Ariel Sharon, however, raises serious questions about the administration's support for democracy. The litmus test being applied to Palestinians is not about democratic representation, especially when it comes to so-called final status issues; but rather the ability of the Palestinian leadership to neutralize popular demands for a Palestinian state with Jerusalem as its capital, full Israeli withdrawal to the 1967 borders and the right of return.

There is no litmus test for Israel. For a long time the international community has taken Israel's democratic credentials for granted as "the only democracy in the Middle East." According to the Israel Democracy Institute, however, "protection of human rights [in Israel] ... is poor; there is serious political and economic discrimination against the Arab minority; there is much less freedom of religion than in other democracies; and the socioeconomic inequality indicator is among the highest." There are is no demand for Israel to normalize with the region even though Israeli officials readily admit Israel is not a 'normal state'.

The wider international community continues to ignore the fact that due to restrictive conditions in many host countries in the Middle East more than half of all the Palestinian people still cannot participate in democratic elections by direct ballot for the Palestine National Council (PNC), the Palestinian parliament in exile, which is mandated to set PLO programs and policies. It is the PLO and not the Palestinian Authority that represents the entire Palestinian people and has the mandate to negotiate a future peace agreement with Israel.

A time for testing

While the death of Yaser Arafat may not be a watershed for democracy, it will nevertheless be a time of testing. Since the collapse of final status talks in 2000 Israel has repeatedly stated that there is no Palestinian partner. Many interpreted this mantra as an attempt to marginalize the role of Arafat who was physically confined to the PA compound in Ramallah. The Sharon government has said that it can do business with Mahmoud Abbas.

"In nearly all other transition-related elections in the world in recent years – in South Africa, Bosnia, Kosovo, Afghanistan, and Iraq – provision has been made to include in the vote those made refugees by the preceding years of strife and conflict. Palestine's refugees, inside and outside the occupied territories, deserve no different. Enfranchisement would give the refugees a solid sense of political inclusion, and involve them constructively in the search for a workable solution. Excluding them – as happened throughout the Oslo process – would probably once again be a recipe for failure."

Helena Cobban, *Christian Science Monitor*, 22 November 2004

Israeli actions on the ground should reveal how serious it is about moving forward with the political process after the January 2005 elections for PA President. Palestinians have been ready for a two-state solution since 1988 when they officially accepted a compromise based on partition with a Palestinian state in 22 percent of historic Palestine. Israel, however, has continued to take steps – e.g. settlement construction, land confiscation, and now the Wall – that threaten the viability of a Palestinian state.

The other question that needs to be asked is whether the international community has the political will to push for a political solution. It has yet to demonstrate that it can extract itself from the situation it has fallen into during the second *intifada* where foreign donors are now largely paying for the the social and economic impact of Israel’s ongoing military occupation. If donors are unable to summon sufficient political will to force Israel to assume its obligation as an Occupying Power for the civilian population in the OPTs, how will they ever muster enough political will to facilitate a solution to the conflict?

And finally, the coming period will be a time of testing for Palestinian, Israel and international civil society. Can civil society actors build an effective, coordinated and inclusive grassroots effort, from education and awareness-raising through divestment, boycott and sanction campaigns, that can generate enough pressure to force political actors to take the tough decisions that need to be taken in order to reach a comprehensive and durable peace that is consistent with international law and practice? As UN Special Rapporteur for Human Rights in the OPTs, John Dugard, observed in his December 2004 report, “This is no time for appeasement on the part of the international community.”

Internally Displaced Palestinians Visit their Villages Memories, Identity and a Plan for Return

by Nihad Boqai



IDP village visits in the Galilee. © Daoud Badr

During the past few years, the Association for Defending the Rights of the Internally Displaced Persons in Israel (ADRID), along with local committees and other associations have organized a series of visits to depopulated Palestinian villages. These visits aim to raise awareness about the plight of the internally displaced, but they also signify the importance of memory for Palestinians who were expelled from their lands and country by force. Memory provides a link between the individual and the collective experience. Return visits also reveal the importance of identity and belonging to a particularly geographical place. This identity continues to have an impact on displaced persons today. Visiting depopulated villages is one method of resistance and protest against involuntary displacement and against Zionist policies that are based on the denial of the Nakba. It is a clear pronouncement of participation in the struggle for return.

Since 1948 the Israeli establishment has considered displaced Palestinians who remained in the areas of former Palestine that became part of the new state of Israel as a threat. The Zionist

movement did not set foot in Palestine solely to achieve military conquest and political succession, but also to attain a fundamental transformation in the geo-cultural makeup of the country in order to realize the Zionist program as ‘an actual fact on the ground’. A consistent policy based on denying and ignoring the refugee issue, in general, and the internally displaced, in particular, is therefore only part of an ongoing process that aims to destroy the geographic, cultural and national connections of Palestinians to their homeland. As part of this process, the Zionist movement has been unable to tolerate excavation of antiquities that relate to Palestinian history and presence in the land, including the depopulated villages.

The history and current reality of internally displaced Palestinians is distinguished by two interconnected aspects that impose themselves on all issues relating to internally displaced Palestinians today. The first relates to the fact that internally displaced Palestinians are ‘refugees’ in their own country as well as part of the rest of the Palestinian refugee community that was expelled by Zionist forces in 1948. Internally displaced Palestinians face the various implications (e.g. social, economic, legal) of this status. The second stems from the ‘blue’ color of their citizenship, that is, as Palestinians who remained within the borders of the Hebrew State and attained its citizenship after the *Nakba*, and the consequences of this reality, which entails daily confrontations with the current political establishment that still defines itself as the State of the Jews, including those who do not reside in Israel. Internally displaced persons Palestinians thus consider their struggle as a ‘heavy weight’ struggle for identity. It is a struggle torn between a sense of refuge and exile inside one’s own country and the reality of a national minority that has not relinquished its demands for their basic rights.

In this context, internally displaced Palestinians began to conceive the ‘depopulated village’ as something more than just an educational and a cultural project to enhance memory. Village visits highlight the mixed sense of time in which internally displaced live and the connection between the identity of refuge and exile and a national identity that is still threatened by the governing regime. The visits provide a concrete opportunity for the internally displaced and their children to ‘restructure’ the village in its original form by drawing upon the experiences of others who were present in the village before displacement and exile in 1948. During the visits the elder generation who were born and grew up in the village recount stories, narratives, anecdotes and jokes about village life before the *Nakba*. They point out the locations of homes, neighborhoods and other important places in the village. Ruins, stones, trees, plants and so on assist them in identifying the various sites in the village. Oral history accounts of village life symbolize the internally displaced person’s commitment to their origins in the village and its importance to their identity.

The return visits to depopulated villages embody the internally displaced Palestinians’ ongoing demand to be able to return to their villages. They are one of the most important mechanisms related to the struggle for the right to return.

Nihad Boqai is a researcher at BADIL. The full report was originally published in Arabic in Haq al-Awda (Issue 7), 2004. Translation by Rana Mousa.

Report on the International Symposium

“Towards a Just Solution to the Palestinian Refugee Problem”

Damascus, 6-7 September 2004

by Jaber Suleiman

The Palestinian-Israeli negotiations inaugurated by the Oslo Accords over a decade ago have amply demonstrated the magnitude of the Palestinian refugee issue and its centrality to the Palestinian national question and Arab-Israeli conflict.

Based on this situation, A'idoun, a Palestinian community-based advocacy group for refugee rights, particularly the right of return, took the initiative to organize an international symposium in Damascus, in cooperation with Damascus University, entitled “Towards a Just Solution to the Palestinian Refugee Problem”, over a two-day period, 6-7 September 2004. The initiative was based on the conviction that a just solution for Palestinian refugees would pave the way for a lasting peace in the region. Such a solution must be based on the principles of international law, human rights, freedom of choice for refugees and international resolutions, especially UNGA Resolution 194, which calls for three integrated rights (return, restitution and compensation).

The symposium brought together experts and specialists in international law and refugee affairs, from the Arab world, Europe, Canada and the United States, representatives of international organizations and research centers that specialize in refugee affairs, government officials from the Arab host countries, as well as activists involved in human rights advocacy from Palestinian civil society in Palestine, Lebanon and Syria.

The main goal of the symposium was to bring about a discussion of the components of a just solution to the question of Palestinian refugees, to determine the essence of such a solution in light of the principles of international law and to involve the refugees themselves in such a discussion.

The symposium was an unprecedented initiative as it was the first of its kind held by a Palestinian civic organization in an Arab country hosting a refugee population, with the participation of a state university. The appreciable success of the symposium may be attributed to its focus, program and organization, as well as to the participants, who were chosen to have impeccable academic credentials and who came from a wide variety of geographic locations. This was also reflected in the superior standard of the papers delivered at the conference, the serious and detailed discussion that they provoked and the interest generated in the audience, which was drawn from a wide range of academic, official and popular circles.

Perhaps the most novel thing about the symposium was that it constituted a qualitative advance over similar conferences in the past, since the initiative came from a local Palestinian civic organization in the context of a program that reflected the concerns of the refugee community and expressed their aspirations.

The meeting succeeded thanks to a well thought-out program, which gave the opportunity for representatives of Palestinian civic organizations and the various Palestinian political groupings to participate actively in the discussions about the question of refugees, and to link the political and legal aspects of the problem. This was amply demonstrated in the round table discussion, which

was the culmination of the various discussions that took place during the conference.

Participants concluded that discussions should continue concerning the ideas presented at the conference, in the context of workshops held by local civic organizations concerned with refugee affairs. Discussions should also continue concerning issues that were not sufficiently addressed at the conference, such as temporary protection for refugees, in advance of a just and lasting solution. The enthusiasm exhibited by young people at the conference should be built upon, by planning cultural activities and programs that would revolve around the right of return and the national rights of the Palestinian people, e.g. summer camps, conferences, exchange visits, etc.

Conference proceedings will be published in Arabic as an academic and educational basis for the activities mentioned above. A set of selected conference papers has already been published in *al-Adab*. This success of the conference opens up new avenues for civic organizations working on Palestinian refugee affairs to further enhance the activities designed to involve the refugees themselves in fashioning their own future and determining their fate, according to a clear and long-term strategic plan.

Jaber Suleiman is a researcher and member of A'idoun Lebanon.

A Commentary on the Palestinian Coalition for the Right to Return

by Anwar Hamam

The al-Awda ('Return') movement is an independent, non-governmental and popular movement. This article addresses key developments in the movement since the 1993 Oslo agreement through the establishment of the Palestine Right to Return Coalition, one of the primary structures of the al-Awda movement, coalition partners, its work and future expectations of such a movement.

The Oslo agreement and reaction of refugees

Even before the ink dried on the 1993 Oslo agreement, which postponed substantive issues like Jerusalem, the state and its borders, and refugees for so-called final status talks, Palestinian refugees were cognizant of the challenges to their future, including dangers posed for the right to return, repossess homes and property and receive compensation for loss and damages. Several initiatives subsequently emerged to form committees to defend the rights of Palestinian refugees. Khalid al-Hassan, a prominent Palestinian thinker and member of Fatah, was among the first to call for the unification of refugees, even going so far as to call for the establishment of a refugee party. Palestinian political factions thereafter began warning about the dangers for the right of return issue, but their calls remained as slogans and speeches that were never implemented on the ground (due to the political, intellectual and organizational crises that faced these factions).

This situation highlighted the importance and the need for a popular movement capable of expressing refugee interests and rights. Accordingly, several meetings and workshops were convened in Palestine



Deheishe Popular Conference, September 1996. © BADIL.

and in exile in order to find an answer for the fundamental problem: “How can we maintain and preserve the rights of Palestinian refugees?” During the summer of 1994 there was a call for a meeting in Askar refugee camp including representatives from the entire West Bank camps and activists from Palestinian villages and cities to form what was called “The Committee for Defending the Camps”. This title was later modified to become “The Committee for Defending Palestinian Refugees Rights”. This was followed by calls to convene regional refugee conferences in order to finalize the agenda of the popular refugee movement and unite efforts. Conferences were held, for example, in al-Fara’ in 1995 and later in Deheishe in 1996.

These conferences aimed to clarify an agenda regarding all aspects of the refugee issue, including the right of return, compensation, the relationship with the United Nations Relief and Works Agency (UNRWA), the future settlement of the conflict and finally the camps and their needs. In 1996 the Union of Youth Activities Centers in the camps in Palestine initiated a campaign for defending refugee rights. The campaign subsequently expanded to include internally displaced Palestinians from the destroyed villages inside the ‘Green Line’ who were excluded from the negotiation agenda. The Committee for Defending the Rights of Displaced Persons inside the Green Line was established to lobby for the rights of some 250,000 Palestinian IDPs. In 1995 the Committee organized its first ‘Return March’ with some 35,000 participants. The march has become an annual tradition with visits to a different village every year.

At the same time, the PLO Refugee Affairs Department (formerly the Department of Returnee Affairs) established Popular Service Committees in all West Bank and Gaza Strip camps. The Popular Service Committees began to address the daily suffering inside the camps. This prompted the reopening of other organizations in the camps, including women’s activity centers, centers for people with special needs and youth centers, which had been closed by decision of the Israeli military during the first *intifada*. One of the primary issues of concern of these organizations was the return issue.

The late 1990s also witnessed the birth of several cultural centers inside the camps such as Yaffa Center in Balata refugee camp and Ibda’ Center in Deheishe refugee camp. By the end of 1997, BADIL Resource Center for Residency and Refugee Rights was established as a result of a recommendation issued by the popular conferences mentioned above. During this period several institutions and centers focused on the refugee issue were established, including Shaml Palestinian Diaspora and Refugee Center and the Refugee Studies Unit in an-Najah and al-Quds Open universities. Refugees themselves formed associations based on the village or city of origin. This included, for example, al-Lid Charitable Association, al-Abasiya, Yazour, Beit Nabala, Yaffa and others. Due to the general awareness regarding the importance of the return issue, a Refugee Committee was formed as one of the main committees in the Palestinian Legislative Council (PLC). This was followed by the formation of higher committees and popular committees for defending the right of return, such as the Popular Assembly for Defending the Right for Return in the Gaza Strip, in addition to other committees associated with various political factions.

In exile, refugees intensified efforts in and outside of camps in order to find structures and committees capable of defending their rights. Newly-established committees included The Higher Committee for Defending the Right to Return in Jordan, which emerged from a group of Jordanian political parties in 1999, and A’idoun in Lebanon and Syria in 2000. A’idoun is one of the most active return associations educating Palestinian refugees in Syria and Lebanon about their rights. Concerted efforts by these groups led to a first Return and Self-Determination Conference in Beirut in 1996. al-Awda (‘Return’) committees were also set up in Sweden, Denmark, France, Greece, Germany,

the Netherlands, the United Kingdom and North America (United States of America and Canada). These committees work on several levels, including building ties with local politicians to lobby and pressure Israel in various international fora to respect refugee rights. This included facilitating a British all-party parliamentary fact-finding mission on the refugee issue in 2000. They also organized workshops, conferences (including the first al-Awda conference held in Boston, MA in April 2000) and produced publications for education and awareness-raising about Palestinian refugees. They contributed to raising public awareness abroad due to their knowledge of and relationships established in Europe and the United States. They also encouraged youth who were born in exile to enhance their relationship with their homeland through solidarity campaigns with the *intifada*, organizing festivals, commemorating national events (e.g., *Nakba*, the UN decision to partition Palestine, Resolution 194, Sabra and Shatila and Deir Yasin massacres, International Refugee Day, and Palestinian Camp and Refugee Day), in addition to organizing field visits and summer youth camps in order to acquaint youth more closely with their social, cultural and historical heritage.



al-Awda rally New York, September 2000. © al-Awda North America.

How did the Coalition idea come to Light?

There is no doubt that BADIL Resource Center for Residency and Refugee Rights played a central role in facilitating the establishment of an annual coordinating meeting on refugee activities at home and in exile. These meetings aim to study and analyze the current circumstances of the refugee issue and attempt to find practical solutions to the challenges facing Palestinian refugees. Many different activists in the refugee community also raised the need for coordinating refugee activities; however, BADIL was the sole organization that translated this idea into a practical reality.

The first coordination meeting took place in Cyprus in October 2000 and was attended by BADIL, al-Awda Committees in Sweden, Denmark, Greece and Germany, Yaffa Cultural Center, the

Committee for Defending the Rights of the Palestinian Refugees, the Union of Youth Activities Centers, Refugee Camps (Palestine), the Union of Women Activity Centers in the West Bank Camps, A'idoun from Lebanon and Syria, and finally, the Higher Committee for Defending the Right to Return – Jordan. This meeting established the foundations for the right to return movement. The meeting was based on the fact that the right to return is a right that possesses different legal, political, moral, human, educational, social and cultural dimensions. It is a right that can never be renounced or traded. Although this meeting did not officially decide on the birth of a Palestinian coalition for the right to return, it succeeded in reiterating the importance of continuing these meetings for further activity coordination, uniting the return discourse for it to become more rational, and finally to put forth a joint program of activities.

Forming the coalition

The second coordination meeting took place in Brussels, Belgium in 2001 in order to declare the birth of the Coalition as a popular coordination body composed of a group of active right to return committees. Since its inception the Coalition has emphasized that it is not a representative body; the Palestine Liberation Organization is the sole representative for the Palestinian people. Furthermore, the coalition reiterated that its work will focus and feed into the issue of defending the rights of refugees, which are their right to return, restitution and compensation. As a popular body, the coalition seeks to create a level of awareness around the rights of refugees, and to carry out coordinated activities. Despite numerous obstacles, the coalition was able to realize an unprecedented level of solidarity and unity among refugee societies in exile. Coordination began bear fruit, as witnessed through the level of popular participation, the increase in the number of the committees seeking to join the coalition and through the type and number of activities that addressed many long-forgotten issues.



*5th Palestine Right to Return Coalition meeting, Ghent, Belgium, October 2004.
© Tineke D'haese, Oxfam Solidarite.*

The coalition continued working in accordance with its original vision, although the third meeting, which was held in Saint Marine, Denmark in 2002, focused on clarifying the responsibilities of coalition members. This was done through a comprehensive evaluation process that led to the realization of the importance of internal bylaws that define the coalition's mission as an independent, non-governmental, popular assembly and govern the coalition's work. The bylaws must also reflect the aspirations and hopes among wide sectors of refugees within the Palestinian camps in the occupied Palestinian territories, the host countries, Europe and North America.

The Coalition: from a state of reaction to an actual initiative

The fourth and fifth meetings, which were held in London, United Kingdom and Ghent, Belgium during 2003 and 2004 respectively, represented a new phase in the coalition's work. During those meetings, the coalition adopted new bylaws and set out organizational standards related to membership, coordination committees, tasks and goals. It also conducted a comprehensive evaluation of previous meetings and decisions. One of the main outcomes of the evaluation process was the development of a joint work plan. The coalition also

set up mechanisms for communication between members between annual meetings and made plans to cooperate with organizations active in the field of refugee rights but not part of the coalition.

This was accompanied by new efforts to study other refugee problems to see what might be relevant for the Palestinian case. Coalition members visited Bosnia, South Africa and Cyprus. They also examined legal, social and economic studies related to refugee problems elsewhere, all of which influenced the development of the popular campaign. al-Awda committees expanded to reach most European countries and more recently established the European Confederation for the Right to Return, which has become a symbol for the Palestinian cause in the European arena.

During this period the coalition also identified a set of annual activities and tasks. Internally displaced Palestinians inside the 'Green Line' are working on establishing a museum about the internally displaced. The European Confederation is looking at raising legal claims for restitution in European courts. al-Awda North America is working on a boycott campaign linked to Israel's recognition of the right of return. A'idoun Syria and Lebanon continue to develop several innovative projects. The Committee for Defending Refugee Rights is working to transform Yaffa Cultural Center into an open cultural space specialized in refugee issues with a focus on camp refugees in the West Bank. al-Awda London continues to lobby British members of parliament and the British public. The Popular Service Committees are working to find solutions for problems caused by military closure and the apartheid wall. And the Union of Youth Activities Centers is working on special materials for students to explain the refugee issue from the *Nakba* to the present.

Future expectations of the coalition

There is no doubt that the efforts exerted until now are not sufficient; there are many issues that need further work. There is a dire need to find Arab committees for defending refugee rights, and a need to integrate non-Palestinians in Europe and the US within an international campaign for defending refugee rights. This demands a rational and open discourse. The right of return is not only a political issue but also has complicated psychological, social, economic, educational and cultural dimensions.

The coalition is expected to expand the base of the al-Awda movement among Palestinian gatherings, especially in Latin America and Australia and to vigorously confront all initiatives that do not serve the Palestinians and their rights. The coalition must make serious efforts to raise the true voice of the refugees, and to enhance international popular campaigns in order to implement a boycott on Israel until it responds to the legitimate international resolutions and acknowledges refugee rights in their entirety. The coalition is also expected to enhance its work in the legal field and to learn from the experiences of refugees elsewhere. It should also highlight the current living conditions of refugees and special needs of different sectors such as children, women and youth.

Finally, the coalition must enhance its work with all popular and official bodies and committees, such as the PLO Department for Refugees Affairs, the refugee committees in the Palestinian National Council (PNC) and the Palestinian Legislative Council (PLC) and other coalition initiatives that fall under the al-Awda movement. Now is the right time to press for active refugee committees in Palestine, Europe, host countries and North America to be represented in the Palestinian National Council.

Anwar Hamam is a researcher specialized in the sociology of refugees and a PhD candidate from University of Tunisia, Social and Human Science Faculty. Mr. Hamam is the manager of Dar al-Amal for Observation and Social Care in the Ministry of Social Affairs in Ramallah. He is also Deputy Manager for Yaffa Cultural Center in Balata refugee camp and a board member of BADIL. He is the author of several publications on the Palestinian refugee issue. Translation to English by Rana Mousa.

Foundations for Participation Workshop

5-7 November 2004, Larnaca, Cyprus

by Karma Nabulsi

Hoping Foundation Benefit Concert for Refugee Children

"It is often said that the Palestinian issue is so difficult and sensitive that it's better not to get involved. But the truth is, it's not. It's easy. There is no shortage of musicians ready to show their support for the Palestinians at this time in their struggle....



Summer camp in 'Askar refugee camp. © Hoping Foundation.

"The truth is that most people can see what is taking place on the ground in the Middle East. And they can see who needs our support. Everyone knows who is under the boot and who's got the mouthful of broken glass. The Palestinians are a prisoner nation, refugees and exiles treated like ghosts. Now we want them to feel our solidarity.

"Of course, it's not just a question of giving them money. One reason we have got involved with the Hoping Foundation is that it supports Palestinian children in the refugee camps. Generation after generation has been there since 1948, scattered all over: Lebanon, Jordan, Syria

The Civitas Project convened a workshop with members from Palestinian refugee and exile communities from all over the world. Those invited were either delegated by their communities, or elected heads of their communities, or grass-roots community activists who had spent many years serving them in various roles. All who attended were interested to facilitate a process whereby the voices of their people, and their rights and needs, are brought to the attention of all the different bodies that serve them: their national representative the PLO, the host countries where they currently reside, the humanitarian agencies that serve them, the refugee communities worldwide and those inside Palestine. Those attending came from the refugee and exile communities of the Gulf, Iraq, Lebanon, Jordan, Syria, Egypt, Sweden, Germany, Holland, Italy, Austria, France, Denmark, Yemen, Norway, the United Kingdom, the USA and Canada. There was also a representative from inside occupied Palestine. Unfortunately a few could not attend for the normal reasons of visas and closure— from Latin America, from Kuwait, Sudan and from Gaza.

The workshop covered the history of the project, and explained how it developed as a direct result of the recommendation contained in the report by the Parliamentary All Party British Commission on Refugees entitled *Right of Return*. It explored the purposes of the project, and in particular how civic structures and processes could facilitate the involvement of Palestinian refugees and exile communities in the main issues that concern them. The workshops discussed the methods

and steps required for an inclusive process where the refugee voices could be accurately recorded according to democratic models of participation and consultation, which would guarantee an articulation of their rights as refugees and as citizens. The pilot projects in Jordan and Lebanon, where debates were held over the summer, was discussed by representatives from Lebanon and Jordan, and the lessons learned from them. As the methodology asks the refugee communities to design their own civic structures, mechanisms, and processes, these debates will be run by the communities through popular meetings and workshops. Accordingly, the majority of the workshop at Cyprus was run and led by the participants themselves, and each contributed with a discussion of the particular conditions of their own community.

Political, geographic and logistical constraints in each of the countries were discussed by the participants, and the follow up plans were made for the next stages of implementation of the project over the coming few months. The participants contributed to the formation of the guidelines for the public debates, for the document handbook that described the project and its aims, as well as the handbook for the roles of the moderators who will facilitate these community debate. Drafts of these documents were written up after the workshop by the Civitas team and sent to all the participants for further clarification, comments and contributions. These handbooks, as well as a summary of the Commission Report, have now been printed in Arabic and English.

Dr Karma Nabulsi is the Project Director of Civitas.

and in occupied Palestine. From Shatila to Gaza, it is these kids I see when I think of Palestine. They have been ignored and excluded, growing up without any hope. We want to tell them we are with them, that they are not alone....

"The Hoping Foundation is the kind of organisation that asks community groups working with children to tell us what they need, rather than telling them what's good for them. It is a direct relationship and one that respects the people in the camps and their right to have their voices heard.



Summer camp in Balata refugee camp. © Hoping Foundation.

"When I was growing up in Scotland, my dad, a print workers' union leader, made trips to Nicaragua to support the Sandinistas. He would persuade factory owners to donate paper, and he sent school books, pens and jotters to the children. It was the obvious thing to do then, and it's the same today with Palestine. The way it looks to us, every Palestinian is a political prisoner - and every Palestinian has the right to be free."

The Hoping Foundation benefit concert took place to a sold out audience at Brixton Academy on 16 October 2004. The concert featured Primal Scream and Spiritualized. The commentary above was written by Bobbie Gillespie, lead singer of Primal Scream. The entire letter was published in The Guardian on 15 October. For more information on the Hoping Foundation, visit their website: www.hopingfoundation.org.

Photo Essay - Zochrot Visit to Haifa

by Ron Wilkinson



The following photo essay is the result of a Zochrot tour to Haifa in November 2004 as part of Zochrot's mission to explain the real history of Israel and the Nakba to Israeli Jews. The tour took visitors into old Haifa much of it remaining as it was after the Nakba in 1948. Israeli Jews have taken over most buildings as the owners are declared absentees. Some buildings are being prepared for redevelopment as luxury apartments with views of the harbor below and Akka (Acre) across the bay. Haifa was once a majority Arab city, a thriving Palestinian Arab center of commerce.

Haifa, Israel today is a city of 275,000 with grand vistas and boulevards, a renowned university, magnificent architecture from the 1800s and art deco from the early 20th century, the main shrine of the Baha'i faith, a bustling port, restaurants, bars, cafes, a beach and a thriving culture of writers, cinemas and live theatres.

Haifa's port was first developed in 1908 by the Ottoman Turks and expanded by the British in 1929. It is now considered Israel's main port. Haifa is less than 100 km north of Tel Aviv, 40 km from the Lebanese border and across the bay from the ancient city of Akka.

But there is another Haifa, the Haifa built on an Arab Palestinian city. On 21 April 1948, 5,000 soldiers organized by Haganah (Jewish paramilitaries) and IZL troops others attacked the city which was defended by only about 500 Palestinian volunteers and the Arab Liberation Army. Some 72,000 Palestinians fled north from the city, mainly to Lebanon, and 41,500 from surrounding areas.

Palestinian Arab pushed into the sea, flee by boat

Many Arab Palestinians from Haifa were pushed into the sea and fled by boat to Akka across the bay and to Tyre, Saida and Beirut, Lebanon.

In December 1947, Zionist forces planted a bomb in the Arab area of Haifa near the Palestinian Oil Refinery. On 29 February 1948, they destroyed most of al-Abasyah neighbourhood and on 22 March, Zionist forces, disguised as British officers, planted a bomb that killed and injured 36, mostly women and children, and destroyed several public buildings. More Arabs fled the city culminating in a Haganah broadcast which terrorized residents into fleeing.



The Jewish population of Haifa numbered 6,200 in 1922, rising to 75,500 in 1945, about 54 per cent of the population, and to more than 85,000 in 1949. Of the more than 61,000 former Palestinian Arab residents of Haifa, only 3,500 remained by 1949 and they were in constant fear for their lives as they watched the destruction and looting of their homes and possessions.

Many of the homes, stores, warehouses and factories were taken over immediately, others remained empty and damaged. Under Israeli law, many of the empty homes were taken because the Palestinian Arabs had fled. They were unable to return so they were declared absentees even if they were internally displaced, living in Israel.



(Photos left to right)

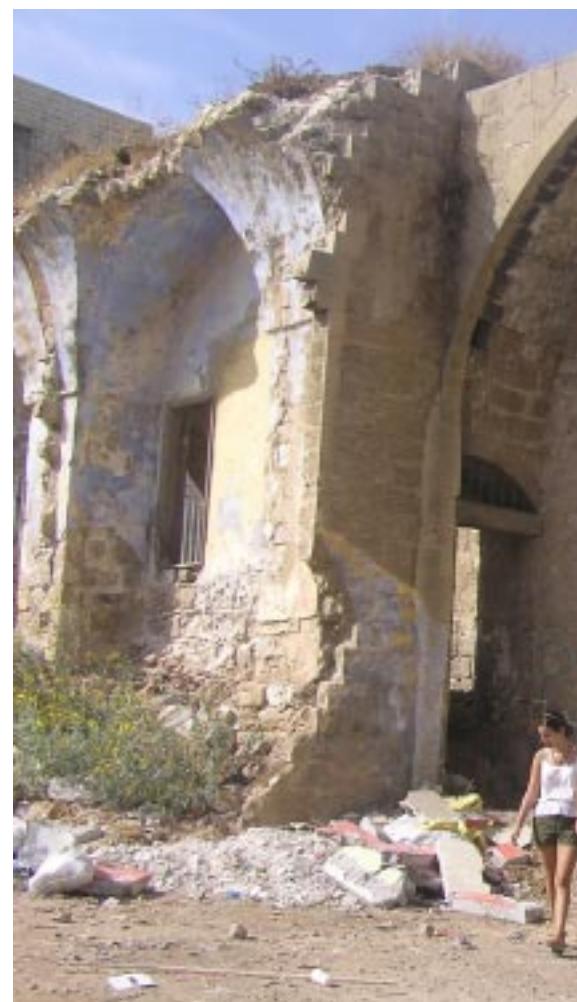
Buildings empty since 1948 once owned by Palestinian Arabs.

Plaque on a 19th century building from an earlier built on the site "1326-1329".

Derelict Moslem cemetery with a sign in Arabic/Hebrew reading "Independence Cemetery".

Orthodox Church hemmed in by modern buildings.

Mosque preserved and in use.



The juridical situation of title to property in Israel is complex but two institutions control all property of the displaced Palestinians: the State, which has taken title to 'State domain', and individually-owned refugee property through the Custodian of Absentee Property, established by the *Absentees' Property Law of 1950*; and the Jewish National Fund (JNF), which has 'acquired' part of the land of the displaced Palestinians, and is prohibited by its Charter from selling any of the land it acquires. All property is held as the collective property of the entire Jewish people. Under section 4 (a), of the 1950 law "all absentees' property is vested in the Custodian" who may transfer such property to the Development Authority, established by the *Development Authority Law of 1950* but the Authority is prohibited by section 3 (4) (a) of the same law from selling or otherwise transferring the right of property ownership except to the State, JNF or municipalities and other local authorities.

Learning the real story of Haifa

I was brought up here and lived here most of my life, said a recent visitor. But I never knew this Haifa was here. She was on the Zochrot tour to Haifa which left Tel Aviv early on 6 November 2004. A bus load, mainly Jewish Israelis, came from from Tel Aviv, others joined in Haifa.

Zochrot seeks to explain the *Nakba* and Israel's responsibility for the *Nakba* to Israeli Jews. One of its activities is visiting destroyed Palestinian villages and remaining cities such as Haifa and Ashkelon where it erects street signs in Arabic and Hebrew with the names of streets as they were before 1948. Zochrot has also petitioned the authorities to stop building luxury housing and commercial areas on the remains of Palestinian villages. (See, interview with Zochrot founder Eitan Bronstein, *al-Majdal*, No. 19, September 2003, pp. 20-23 and website, www.nakbainhebrew.com with English pages)



There is not just one other Haifa, there are really three Haifas: one on Mount Carmel with modern hotels and homes, one on the side of the mountain with Israeli Jews living in the former homes of the Palestinians who fled in 1948 and a third almost empty city at the bottom of the mountain near the port which contains buildings left as they were in in 1948, looking bombed out like a German city after the second World War. A derelict Arab cemetery with tombstones atilt is full of rubbish. The only building restored and in good condition is the mosque.

Ron Wilkinson is a media consultant with BADIL. Photos by Ron Wilkinson

(Photos left to right)
 Dr. Johnny Mansour, tour guide (centre) on al-Burj St. as it was called in 1948
 Once a bath house, now a ruin.
 Eitan Bronstein (right), Zochrot founder helping re-sign Sisters' St.
 Sisters' St. © Ron Wilkinson.
 Iraq St. with new signs using their 1948 names.

Principles and People Matter Reflections from a Fact-Finding Visit to Cyprus

by Terry Rempel



Study Visit delegation to Cyprus with former Cypriot President Vasiliou, Nicosia. © BADIL.

Refugees and displaced persons themselves should be included in the process of crafting durable solutions. Civil society can play an important role in ensuring that an agreement is both acceptable to the larger public and durable over the long-term. While it may be politically expedient to compromise certain principles to reach a peace agreement, an agreement that is not consistent with international law may not be sustainable.

These are some of the initial conclusions from a seven-day visit by Palestinian refugee activists and other researchers to the divided island of Cyprus in November 2004. The study visit focused on the human, political and legal dimension of conflict and peace efforts in Cyprus as well as civil society perspectives. Participants met with government officials, NGOs and civil society activists in the north and south of the country.

The study visit to Cyprus was the third and final of a series of three study tours to learn about refugee return and restitution around the world. Earlier study tours visited Bosnia-Herzegovina and South Africa. The fact-finding visit to Cyprus was hosted by INDEX, a Cypriot NGO working on research, policy-making and dialogue.

Background

Cyprus has suffered a long history of foreign domination, violence and civil strife. The conflict revolves around the two main ethnic/religious communities of Cyprus – Greek and Turkish Cypriots – but it also includes foreign actors, such as Great Britain, Turkey and Greece. The main elements of the conflict, according to the Minority Rights Group (MRG), include “a militant confrontation with British imperialism, a set of treaties giving a limited form of independence, the breakdown of that constitutional structure, ruthless meddling by the Greek and Turkish ‘motherlands’ and the major powers, a Greek coup d’etat and the Turkish invasion that divided the island as it is today, and fitful attempts to negotiate a just settlement....”⁽¹⁾

One of the main products of the Cyprus conflict is displacement and dispossession. Initial displacement took place during inter-communal violence in 1964. Some 20,000 Turkish Cypriots fled their villages in the south of the country taking refuge in Turkish Cypriot enclaves. The Turkish invasion of the island in 1974 led to the displacement of some 150,000 Greek Cypriots from the north of the country which was occupied by Turkish forces. The UN estimates that half of the population lost property. Since that time Cyprus has been a divided island. In 1960 there was no regional separation between the two populations. Today there is almost complete ethnic/religious separation between the north and the south. The United Nations has recognized the right of displaced Cypriots to return to their homes.⁽²⁾

It is estimated that there are more than 200,000 internally displaced Greek Cypriots in the south and another 65,000 internally displaced Turkish Cypriots in the north today.⁽³⁾ According to the UN Peacekeeping Force in Cyprus (UNFICYP) there are 165,000 displaced persons in the south and 45,000 in the north.⁽⁴⁾ In other words internally displaced Cypriots represent approximately one-quarter of the total population of the island. In total internally displaced persons (Greek and Turkish) lost more than 70,000 housing units as a result of displacement. In the northern part of the island property was expropriated by the Turkish Republic of Northern Cyprus (TRNC)⁽⁴⁾ and distributed to displaced Turkish Cypriots and settlers from the Turkish mainland. Some of this property has since been sold to international buyers. In the south the property is held by the government of the Republic of Cyprus⁽⁵⁾ but title remains with the original (Turkish Cypriot) property owner.

Turkish Cypriot demands have focused, historically, on partition as a way to protect communal rights. Few Greek Cypriot displaced persons would therefore be able to return to the north and there would be a limited if not global exchange of property. Some Turkish Cypriots refer to the displacement of the 1960s and 1970s as an international population exchange. Greek Cypriot demands, on the other hand, focus on respect for individual rights and freedoms as a step towards reunification of the island. Displaced persons on both sides of the dividing line (‘Green Line’) would be able to return to their homes of origin and repossess their properties.

In addition to local efforts to resolve the conflict, the international community has made numerous attempts to facilitate a peace agreement in Cyprus. These include a 1985 UN proposal based on the idea of a bizonal and bicomunal state. In other words, a single state composed

of two peoples and two entities. These ideas were later formalized in UN Security Council Resolution 649 (12 March 1990). In 1992 then Secretary General Boutros Boutros-Ghali put forward a set of ideas that were also endorsed by the UN Security Council (Resolution 750, 10 April 1992). Ghali also introduced the idea, later adopted by Secretary General Kofi Annan, that displaced persons properties would not be reinstated unconditionally in order to preserve the notion of bizonality.

Recent international efforts began in 1999. Based on talks with the parties Kofi Annan submitted a comprehensive settlement proposal in November 2002. The plan was revised four times. The *Comprehensive Settlement of the Cyprus Problem* is 200 pages long and contains 9,000 pages with annexes.⁽⁶⁾ It represents a culmination of the plans and thinking on how to resolve the Cyprus problem. This includes the 1977 and 1979 High Level Agreements between the parties outlining the vision of a non-aligned, bicomunal, federal state and respect of human rights and fundamental freedoms of all; the 1985 UN proposal formalizing the language and mentioning for the first time the idea of a bizonal state; and the 1992 Ghali set of ideas, which suggested that properties would not be reinstated unconditionally.

When the plan was put to a vote in April 2004, 65 percent of the Turkish Cypriot population voted in favor of the plan, while an overwhelming majority (76 percent) of Greek Cypriots voted against it. Greek and Turkish Cypriots offered a varied of reasons for referendum results. For Turkish Cypriots, the plan provided communal safeguards via ceilings on return and restitution that ensured that they would not become a minority in the northern part of Cyprus. If all the Greek Cypriot refugees returned to the north, said Mustafa Akinci of the Peace and Democracy Movement in northern Cyprus, there would be “two Greek Cypriot states.” In addition, Turkey put it’s full weight behind the plan. Resolution of the Cyprus problem is one of the stumbling blocks to Turkish membership in the EU. Some Turkish Cypriots voted against the plan, however, out of nationalistic reasons, and others due to concerns about property restitution.

International and local actors provided a number of reasons for the massive ‘No’ vote among Greek Cypriots. Some said that the UN had under-estimated Greek Cypriot concerns about security. The UN impression about the type of compromise acceptable to Greek Cypriots, they said, was largely based on information drawn from the political elite and not from the average man or woman on the street, including displaced Greek Cypriots. A more cynical view expressed was that the UN needed only one ‘Yes’ vote to pave the way for Turkey’s accession to Europe, therefore, what was the point in making more generous offers to the Greek Cypriots to get their yes vote.

Others pointed to the change in the Greek Cypriot government and withdrawal of support for the plan by the main Greek Cypriot political party (AKEL) just prior to the referendum. The Greek Cypriot government argued that it rejected the plan in order to get a stronger yes vote in the future. Once the plan was adopted, moreover, it would be impossible to obtain improvements to the framework. Some felt that with EU membership for Cyprus assured there was no incentive for the government or Greek Cypriots to vote for the plan. Both government officials and civil society actors expressed concern about where money for compensation would come from given the emphasis on compensation in lieu of return and restitution.

Civil society actors and displaced persons themselves pointed to a number of additional reasons for the ‘No’ vote. Some said that the plan was too complex, especially on the property issue,

and there was not enough time to understand and digest the plan. Enforcing the deal with percentages, parameters and figures, moreover, took away from the human aspect of the compromise. Others said that it was not just a problem of plans but one of principles. They rejected an approach which they felt compromised basic human rights just to get to a political agreement. The ability of a state that can function in the future is more important than the past, said Achilleas Emilianides, a Greek Cypriot lawyer who forfeited the opportunity to reclaim millions of dollars of property under the Annan Plan.

The Annan Plan and displaced persons



UN Buffer Zone, Nicosia. © BADIL.

The *Comprehensive Settlement of the Cyprus Problem* includes extensive provisions for return and restitution of displaced persons. The starting point of the plan is international law and individual rights but also the notion of bizonality. The plan separates the right to return from the right to property. Only those displaced persons who originate from the area designated for territorial adjustment along the 'Green Line', which constitutes seven percent of Cyprus, will be able to exercise both rights without restriction. Only those 65 and older have an unconditional right to return.

The idea of bizonality is critical to understanding the plan. Based on the idea of a bizonal, bicomunal state, which would protect the communal rights of Turkish Cypriots in the north, not all Greek Cypriot displaced persons will be able to return and repossess homes and

properties in the north of the country. In other words, the right to return and the right to property are not absolute in the Annan Plan. The option of compensation thus becomes critical to the plan's outcome.

The Annan plan contains separate provisions for displaced persons from areas along the 'Green Line' dividing northern and southern Cyprus that will be subject to a territorial adjustment and for displaced persons from the rest of Cyprus. Under the plan fifty percent of Greek Cypriot displaced persons would be able to return to their homes of origin through adjustment of the 'Green Line'. Displaced Turkish Cypriots (47,000) in this area (*see map*) would either be relocated in the zone or to the north with the exception of three villages in the northwest. They could also reclaim their property in the south, request compensation, a loan to purchase property in the north, or free reasonable accommodation.

The plan provides for a number of limitations on the right of return and right to restitution in

the rest of Cyprus. The UN felt, based on discussions with local authorities, that the ceilings reflected the actual number of displaced persons who would choose to return. In this way, international officials argued that the plan would not violate established principles of international law.⁽⁷⁾ Concerning return, each constituent state (i.e. the Turkish Cypriot north or Greek Cypriot south) may establish a moratorium on return until the end of the fifth year after entry into force of the peace agreement. Between the 6th and 9th years after the agreement comes into force returnees may not constitute more than 6 percent of a village or municipal population, no more than 12 percent between the 10th and 14th year and no more than 18 percent of the population of the relevant state thereafter. After the second year of the



moratorium these limitations would not apply to persons over the age of 65 accompanied by a spouse or sibling, nor to former inhabitants of a number of specified villages. In principle, these provisions primarily affect displaced Greek Cypriots.

As for property claims, the plan provides for reinstatement of one-third of the value and one-third of the area of a claimants total property and full and effective compensation for the remaining two-thirds. However, claimants have a right to reinstatement of a dwelling they have built, or in which they lived for at least ten years, and up to one dunum of adjacent land, even if this is more than one-third of the total value and area of their properties. Secondary occupants may apply for and receive title to the property in which they are living if they renounce title to a property of similar value in the other constituent state. Those who have made significant improvements may also apply for and receive title provided they pay for the value of the property in its original state. Secondary occupants who are required to vacate the property in which they are living are not required to do so until adequate alternative

accommodation is available. Compensation is based on the value of the property at the time of dispossession adjusted to reflect appreciation of property values in comparable locations. It can be paid through guaranteed bonds and appreciation certificates.

The plan also provides for a mechanism to address property claims. Property claims are to be received and administered by an independent, impartial Property Board, governed by 2 members from each state, 3 non-Cypriots from non-Guarantors (i.e., not from Greece, Turkey or the UK).

Implications for Palestinian refugees

There are some similarities between the Cyprus case and Palestine, but there are also many differences. In each case the essential conflict is between two communities living in the same land. Displacement is one of the products of this conflict. The United Nations has reaffirmed the rights of refugees and displaced persons in both conflicts to return to their homes. In this context there is a similar debate about the role of communal and individual rights in resolving the conflict. In both cases the proposals on the table represent the cumulative development of peacemaking efforts since the beginning of the respective conflicts. Cypriot, Palestinian and Israeli civil society has been consulted after the fact, but not as part of the process of getting to an agreement. International discourse on displacement in Cyprus and Palestine tends to revolve around imposed notions of absolute/attainable rights. And in both cases the solution proposed by international actors is one of conflict management rather than resolution of root causes.

But there are many differences. In the case of Cyprus displaced persons are still living in their homeland while more than half of all Palestinians are displaced outside their homeland. Unlike Cypriots, most Palestinians are also stateless persons. While both cases involve settler populations, the issue of colonization and settlement is by far more prominent in the Palestinian case, and in the eyes of Palestinians, the root cause of the conflict. In Cyprus there has been a relative calm for three decades, whereas displacement and violence

The Loizidou Case and the Role of International Law

Ms. Tatiana Loizidou is a tourist guide and displaced person from the northern Cyprus port town of Kyrenia. Following the division of the island in 1974 Ms. Loizidou became active in a movement called 'Women Walk Home' which held regular demonstrations calling for a united Cyprus, return home and human rights for all.



Ms. Tatiana Loizidou explaining her case to the European Court of Human Rights at the Cypriot NGO, Index. © BADIL.

In the late 1980s she decided to submit an application against Turkey to the European Commission of Human Rights based on the denial of the right to her property. After examining the merits of the case, it was referred to the European Court of Human Rights in 1993. In 1998 the Court ordered Turkey to pay Ms. Loizidou USD 640,000 in compensation for denial of access to her property.

Turkey initially refused to pay the damages stating that the issue could only be resolved in the context of final talks and through a global exchange of property. Turkish authorities decided to award payment to Ms. Loizidou at the end of 2003 in the context of Turkish efforts to join the EU. The Court is expected to issue a ruling on restitution of the property by the end of 2005.

in Palestine has continued since 1948. Unlike Cyprus, there is no political or military symmetry in the Palestinian-Israeli conflict. While international efforts in both conflicts have focused on a solution based on ethnic/religious separation, in Cyprus this separation occurs within the framework of a single federal state. Robust mechanisms and instruments at the regional level play an important role in Cyprus (e.g. EU, European Court of Human Rights, European Convention on Human Rights), but play almost no role in the Israeli-Palestinian conflict. Civil society is fairly undeveloped in Cyprus compared to civil society in Palestine/Israel. In

For Ms. Loizidou the legal track has been a way to express her identity as a displaced persons and as a Cypriot, it is a way to go home. But she says it is more than just about property. She feels that it has laid the foundations for recognizing the property rights of all Cypriots and is a way to bring people together.



The northern town of Kyrenia, which is home to many displaced Greek Cypriots.
© BADIL.

A number of displaced Greek Cypriots have subsequently launched law suits against foreigners who have 'purchased' their property from Turkish Cypriots in the north in order to build holiday homes. Meletis Apostolides owns property in the north on which a British couple built a home after demolishing his citrus grove. Apostolides could ask the English High Court to confiscate the couple's property assets in the UK unless the couple destroys the home and pays compensation for damages to the property.

"I do not have anything against the British, Germans or any other nationals coming to live in Cyprus as long as they don't do it as receivers of stolen goods," Apostolides said. "A message must be given that they cannot do this sort of thing without consequences."

For more information on the Loizidou case see, www.diaspora-net.org/loizidou/chronology.htm.

Cyprus there is almost total ethnic/religious separation, although the Palestinian case is increasingly moving in this direction.

Despite these differences, however, there are some interesting questions raised by the Cyprus experience. What is the role of civil society? Can international actors involved in the peacemaking process afford to rely merely on the political elite in understanding what is acceptable to the parties, in 'selling' a potential agreement to the general public and in ensuring that the agreement will be effectively implemented on the ground? In conflicts where effort and investment is required to support and enhance democratic structures and processes, does exclusion of the public from the peacemaking process retard rather than advance democracy?

What is the role of principles in a peace agreement? International law generally provides an important foundation for resolving conflicts. Is there a real danger to the viability of a peace agreement when universal principles are sacrificed for political expediency? And what happens when people feel excluded from the political process and therefore turn to the courts for affirmation of important principles? What is the impact on the peacemaking process, short- and long-term?

And finally, what kind of details should be in a peace agreement? Is it true that the more difficult the conflict the more important it is to tie up all the details in a peace agreement in advance? If that is the case, what is the best possible way to communicate the details of such an agreement to the public that will have to decide if they support the agreement and will become willing partners in its implementation?



Meeting with Turkish and Greek Cypriot civil society activists at the UN compound in Nicosia. © BADIL.

For more details about the BADIL study tours see, www.badil.org/Campaign/Study_Tours/study-tours.htm

Terry Rempel is Coordinator of Research and Information, BADIL Resource Center, a Research Fellow and PhD candidate at the School of Historical, Political and Sociological Studies, University of Exeter.

Endnotes:

- (1) *The Cyprus Conflict, An Educational Website* (www.cyprus-conflict.net) [Last visited 11/12/04].
- (2) See, e.g. UNSC Resolution 361 (30 August 1974) calling upon the parties “to search for peaceful solutions of the problems of refugees, and take appropriate measures to provide for their relief and welfare and to permit persons who wish to do so to return to their homes in safety.” Also see, UNGA Resolution 3212 (XXIX) (1 November 1974) stating that “all the refugees should return to their homes in safety and calls upon the parties concerned to undertake urgent measures to that end.”
- (3) Figures according to UNHCR estimates for 1999. *Profile of Internal Displacement: Cyprus*. Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 3 June 2003). Geneva: Norwegian Refugee Council/Global IDP Project, 2003, p. 6.
- (4) The Turkish Republic of Northern Cyprus (TRNC) was unilaterally declared in 1983. No country other than Turkey recognizes the TRNC.
- (5) Cyprus became an independent republic on 15 August 1960. The Greek Cypriot south is recognized internationally, with the exception of Turkey, as the legitimate government of Cyprus.
- (6) A copy of the plan is available at, www.cyprus-un-plan.org. [Last visited 13/12/04]
- (7) See, e.g., *Report of the Secretary-General on his mission of good offices in Cyprus*. UN Doc. S/2003/398, 1 April 2003, para. 99.

Annan's Plan: A 'Bitter Drink' for Greek-Cypriots

by Jamil al-Nimri



Inside the UN Buffer Zone in Nicosia. © BADIL.

The United Nations has been dealing with the Cyprus problem for the past thirty years since it called for the withdrawal of the Turkish occupation forces and the return of refugees to their homes. Annan's plan came to an end in April 2004, however, and the de facto separation of the island into two separate entities was accepted.

We walked throughout the so-called forbidden area or the demarcation line, which divides Nicosia, the capital, into two parts: the Turkish-controlled and the Greek-controlled, north and south of the island respectively. Meanwhile, the British soldier, head of the United Nation's Unit, explained to us the nature of their work while our eyes roamed both sides of the road and the old alleyways. A few weeks earlier, we were questioning the reasons behind the Greek Cypriot rejection of the Annan plan, which was subject to a referendum, despite the fact that Cypriots have continuously demanded a political solution capable of reuniting the island and putting an end to the Turkish occupation.

As is well known, Turkish forces entered Cyprus and occupied one third of the northern part of the island in 1974 as a result of an ungainly coup against Makarios, the legitimate president. The Greek generals thus declared the island as part of Greece. The coup was unsuccessful, the Greek generals resigned, and military rule was put to an end; however, the island has continued to suffer from

occupation until now. During the past thirty years, a lot of water has crossed under the bridge, so to speak; whereas Turkish-Cypriots withdrew to the northern part of the island with around 1,000 remaining in the south, many immigrants from Turkey came and settled in the north, and the northern government, which is only recognized by Turkey, officially expropriated and confiscated properties of displaced Greek Cypriots.

These displaced persons want to return to their homes or receive just compensation for their properties regardless of the political solution to the conflict. There is a well-known story of Ms. Tatiana Loizidou who demanded restitution and resorted to the European Court for Human Rights to raise her case. After many years the court issued its decision holding the Turkish government—as an occupation force—responsible for the woman’s inability to reach and use her property. Additionally, the court fined the Turkish government and demanded that it pay more USD 600,000 in return for usage of the property.

This may explain why Israel decided to place many Palestinian refugee homes in Akka or the remains of villages in the hands of the Custodian of Absentees’ Property. The current status of these properties, however, raises questions about the commitment of the government of Israel and Zionist settlers to maintain these areas on behalf of the refugees. By comparison, the Turkish Republic of Northern Cyprus (TRNC), which is not recognized internationally, decided haphazardly to dispossess displaced persons’ properties and register them under other people’s names. Undoubtedly, Israel knows very well international law pertaining to individual ownership and the rights of residents and refugees during a state of war.

The political solution offered by the Annan plan recognizes the *de facto* reality and includes complicated solutions in order to preserve basic principles of international law regarding displaced persons and property restitution. It does not lead to a substantial demographic change. The plan calls for two autonomous entities: a Turkish-Cypriot state in the northern third of the island and a Greek-Cypriot state on the rest, but united federally through a parliamentary council. One third of the council is supposed to be Turkish and two thirds Greek. Both entities are also united through a senate with equal membership in order to guarantee political equality. There is also a presidency council composed of six people (2 Turkish Cypriots and 4 Greek Cypriots), which is headed alternately by a Turkish-Cypriot for one third of the term’s duration. In other words, the plan takes into consideration and implements the island’s demographic division in all the elements of the solution.

Annan’s plan gradually found acceptance among Turkish Cypriots, but remains unacceptable to most Greek Cypriots. The problem is not one where power clearly favors one party to the conflict. The thirty-year old Turkish occupation of the north continues and it will not end until the Turkish entity recognizes its presence and the demographic changes that evolved as a result of it. It seems that the Greek Cypriot side has failed to accept this ‘bitter drink’ despite its eagerness for a political solution to reunify the island and end the Turkish occupation. The plan not expected to move forward any time soon; it and the estimated five billion Euros worth of displaced persons property will remain stuck awaiting future developments by the Greek Cypriot side which voted against it.

Jamil al-Nimri is a writer and a journalist for al-Arab al-Yawm newspaper, which is published in Amman-Jordan. He is also the Head of the Jordanian Authority for Democratic Culture, and the Head of the General Council for the Jordanian Democratic Left Party, and a member in the Higher Council of Media and Information in Jordan. This article was published in al-Arab al-Yawm on 27 November, 2004. Translation Arabic to English by Rana Mousa

“Jewish Nationality,” “National Institutions” and Institutionalized Dispossession

by Joseph Schechla

What is “Jewish nationality” and what does it mean for Palestinian refugees, IDPs and Palestinians still remaining in their homes and lands?

“Jewish nationality” is a concept arising from Zionist ideology that has evolved in Israeli law pertaining to civil status, but which also lies at the base of official policy and practice. “Jewish nationality” status is a key to understanding the State of Israel’s ideology and machinery for acquiring the properties and other assets of the indigenous Palestinian people. Thus, religious affiliation, as “Jewish nationality” status is the criterion for determining who benefits from the economic and cultural assets of Palestine. Consequently, it also determines who loses in the material, social, cultural and political sense. It is a far more fundamental criterion for distributing rights and privileges than military service, mere Israeli citizenship, or even temporal connection with the country. The ideological criterion of “Jewish nationality,” therefore, is the lynch pin of the Zionist colonization project.

This super citizenship status materially discriminates against the indigenous Palestinian people, particularly through the dispossession of their homes, properties, lands and national resources, whether they are citizens and residents of Israel or external refugees, forcibly removed from their assets, and the transfer of those assets to holders of “Jewish nationality.”

Israel also applies this special status extra territorially through its parastatal “national” institutions (World Zionist Organization/Jewish Agency, Jewish National Fund, and their affiliates). Those institutions have registered and operated as charities around the world, while simultaneously functioning as extensions of the State of Israel, under Israel’s *Status Law* (1952) and Covenant [with] the Zionist Executive (1952). Central to the purpose of these parastatal institutions is encouraging Jewish persons (considered as “Jewish nationals”) to emigrate to Palestine/Israel from their home countries. These institutions also collect tax-exempt contributions in those same countries for the establishment and development of Jewish settler colonies across over historic Palestine.

“Jewish nationality” as law

In addition to the consequences for Palestine, the activities of these “national” institutions also vitiate the rights of other sovereign States, inciting their Jewish citizens to emigrate and pledge allegiance to a foreign country (Israel) and extending an additional, alien civil status to them by claiming them as subjects under the legal jurisdiction of Israel. Although Israel and its “national” institutions seek to apply “Jewish nationality” extra territorially, it is not recognized as a concept of international law.⁽¹⁾

Israeli law, official institutions or records do not recognize an “Israeli nationality” status. Israel’s High Court already has confirmed that no such status exists. Whereas the State of Israel has established only Israeli *citizenship*. The only *nationality* conferring automatic status to enjoy all civil, political, economic, social and cultural rights in Israeli law is “Jewish nationality.”

Anyone considered eligible for “Jewish nationality” can realize this preferential status on the basis of:

(a) a *bona fide* claim to profess the Jewish religion (and being born of a Jewish mother) and (b) arrival in a place under the jurisdiction or effective control of Israel. By contrast, a citizen of the State of Israel who is not *bona fide* as Jewish can never hold this status, even if s/he is born within the country.

Implementing “Jewish nationality”

A practical feature of “Jewish nationality” is that Israel and its “national” (parastatal) institutions, including the World Zionist Organization/Jewish Agency (WZO/JA) and Jewish National Fund (JNF), apply this status both in developing and distributing confiscated Palestinian assets inside Israel and the occupied Palestinian territory, as well as through their extraterritorial activities. The scope of this program is vast. Mobilizing Jewish settlers/immigrants and financial resources from their operations in some 50 other countries, the “national” institutions function tax-free outside Israel, while performing as part of a foreign State (linked by the laws cited above).

Historically, the two sister organizations of WZO/JA, as institutional pillars of political Zionism, have discretely divided labor, if not actual personnel or objectives. The WZO has typically mounted more overtly colonist activities (focusing primarily on projects in the OPT since 1971); while the “Enlarged” JA was established early in Zionist history (1929) to appeal to the resistant “non-Zionist” Jews, whom the Zionists saw as nonetheless useful in responding to appeals for contributions to the same colonial program, but with a less-objectionable title. The JA primarily specializes in projects inside the Green Line. Despite these and other cosmetic differences, both organizations, along with their common partner, the Jewish “National” Fund and its fund-raising affiliates, have worked hand in hand at acquiring and managing the properties and national assets of the dispossessed Palestinian people.

These institutions claim to be both public and private institutions at the same time, just as they claim to be charities extra territorially while operating as parastatal institutions in Israel/Palestine. While such structural duplicity may be sufficient legal grounds for concern, their actual functions are more serious. Each and all of the “national institutions” is dedicated to carrying out population transfer and implantation of settlers, practices that the Nuremberg Tribunal (1945) and the Rome Statute on the International Criminal Court (1998) define as crimes of war and crimes against humanity.⁽²⁾

Israelis challenging “Jewish nationality”

Recognizing the contradictions embodied in “Jewish nationality,” Jewish-Israeli citizen George Rafael Tamarin petitioned unsuccessfully to have the official registration of his *nationality* changed from “Jewish” to “Israeli.” The High Court then ruled that “there is no Israeli nation separate from the Jewish nation ... composed not only of those residing in Israel but also of Diaspora Jewry.” Then President of the High Court Justice Shimon Agranat explained that acknowledging a uniform *Israeli nationality* “would negate the very foundation upon which the State of Israel was formed.”

Nationality status in Israel is not linked to origin from, or residence in a territory, as is the norm in international law. Rather, the nature of civil status in Israeli legal system establishes theocratic criteria for the enjoyment of full rights. The Israeli *Law of Citizenship (Ezrahut)*, often mistranslated in official English editions as “Nationality Law,” only establishes a civil status, however distinct from—and inferior to—“Jewish nationality.”

In April 1999, Israeli citizen and “Jewish national” Mr. Avner Erlich, requested that the Central Elections Committee (CEC) ban the National Democratic Party (NDA) list from running in the 1999 Knesset elections. He claimed that in a May 1998 *Ha’aretz* interview that NDP candidate Dr. ‘Azmi

Bishara denied the existence of the State of Israel as the State of the Jewish people by saying: “Judaism is a religion, not a nationality; and the Jewish public around the world has no national status whatsoever ... From a historical perspective, the idea of a state of the Jews is, in my opinion, illegitimate; and if you ask me, I am not prepared to give Israel historical legitimacy.” Mr. Avner Erlich, argued that Dr. Bishara’s positions violated the 1985 amendment to *The Basic Law: The Knesset*, which provides in Section 7A that: “A list of candidates shall not participate in the elections for the Knesset if its aims or actions, expressly or implicitly (1) deny the existence of the State of Israel as the State of the Jewish people, (2) deny the democratic nature of the state, or (3) incite racism.

The CEC ultimately decided by a 21–4 majority (with one abstention) to reject Mr. Erlich’s request. He submitted a petition to the Supreme Court, which rejected Mr. Ehrlich’s petition for lack of standing. Nonetheless, the Court admonished Dr. Bishara and the NDA party that they “enjoyed the benefit of the doubt” from the CEC and came “dangerously close to the line that should not be crossed.”

NGOs Petition Israel Supreme Court to Freeze JNF Land Tenders

The Jewish National Fund (JNF) has agreed to a temporary freeze on tenders for land in the north of Israel and the Galilee after several NGOs filed petitions against discriminatory JNF practice of allocating land only to Jews.

Since 1948 large tracts of Palestinian-owned land, including refugee properties, have been confiscated or otherwise appropriated under law and taken into the possession of the state or Zionist institutions, such as the Jewish Agency and the Jewish National Fund, for exclusive use by Jews. These laws and policies have brought about state control of over 93% of the land in Israel.

Israeli law defines ‘Israel lands’ to include land owned by the JNF. Close to two million dunums of the land currently owned by the JNF was transferred to it by the state in 1949 and 1953. This transfer gave a special status to the JNF under

Then Attorney General Elyakim Rubenstein attacked Dr. Bishara in articles supporting attempts to delegitimize the NDA party’s slogan: “A State for All Its Citizens.” Mr. Rubenstein has written that “Anyone who calls for changing Israel to ‘A State for All Its Citizens’ means, in reality, to change the Jewish character of the State. It is our duty to fight that wholeheartedly, without compromise.”⁽³⁾

For indigenous Palestinian citizens of Israel, ‘Adil and Iman Qa’dan of Baqa al-Gharbiyya, the High Court judgment in their favor for a place to live in a new settlement represented one symbolic step toward equal economic, social and cultural rights for Israel’s citizens without “Jewish nationality.” They sought to build their home in Jewish Agency-supported Katzir settlement, the locality of their choice. The Supreme Court ruled, four to one, that:

“The State of Israel must consider the Petitioners’ request to acquire land for themselves in the settlement of Katzir for the purpose of building their home. The State must make this consideration based on the principle of equality, and considering various relevant factors, including those factors affecting the Jewish Agency and the current residents of Katzir.”

In the breakthrough judgment, the Court applied this principle to the allocation of State land by the Jewish Agency and others. While the over-riding human rights principle of equal treatment prohibits the State from discriminating among citizens on the basis of religion or nationality; however, the parastatals “national institutions” do so as a charter-based principle.

The Court’s recognition that discrimination had taken place on the basis of “nationality” is progress indeed toward identifying the heart of the system of institutionalized discrimination that would have to be addressed in any eventual democratization of the State of Israel, in the longer term, and the defence of the national as well as individual rights of the Palestinian Arab citizens of Israel, in the interim. However, the ruling in the Qa’dan case does not apply to other citizens, nor does it call for disestablishing nationality-based discrimination in general or the need for the Jewish Agency and other organizations to reform their institutionalized discrimination against non-Jews, in general, or indigenous Palestinian citizens, in particular. Despite their 2000 litigation victory, the Qa’adans have not yet been able to access a plot in Katzir to build their home to this day.

Israel's Interior Ministry maintains a list of 137 nationalities for enumeration purposes, but none is recognized as legal status for enjoying rights in the country. Of all these descriptive nationalities, "Israeli" is *not* one of them. Repeating the challenge that the State establish a nondiscriminatory civil status applied to all citizens, 38 prominent Israelis petitioned the High Court in December 2003. The group, represented by Attorney Yoela Har-Shefi, is headed by Professor Uzi Ornan, of the Hebrew University and the Technion. Other participating intellectuals, academics and scientists include Shulamit Aloni, Uri and Rahel Avneri, Yehoshua Sobol, Gavriel Solomon, Yigal Eilam, Meron Benvenisti, Yehoshua Porat and Oren Yiftachel. Also in the group is singer Alon Olearchik, formerly of the army Nahal entertainment group and the Israeli rock band Caveret. His mother is Christian and father Jewish; therefore, he is not Jewish and cannot hold "Jewish nationality." Adil Qa'adan also has joined this group to obtain a nationality status registered as "Israeli."⁽⁴⁾ In September 2004, the High Court remanded the case to the district court, in an apparent move to buy time and exhaust the petitioners by bogging down the lower courts with this constitutional question. The State response has been most revealing, claiming that the petitioners' appeal "undermines the very logic of the State as Jewish."

Thus, the State's position has validated the premise that Jewish and democratic are logically incompatible criteria. This is unfortunate, particularly because it should not be taken that the "Jewish" nature of the "nationality" discrimination is inherently anti-democratic, but the discriminatory and dispossessing function of an exclusive "nationality" that makes it so.

Challenging the "national institutions"

The Zionist national institutions contain three fundamental contradictions from a moral and legal standpoint: (1) they institutionalize a form of material discrimination against the indigenous people of Palestine on the basis of an ideologically grounded "nationality," (2) they are dedicated to operations constituting violations enumerated in the Nuremberg Tribunal and Rome Statute on the International Criminal Court and (3) they are organically linked to the State and Government of Israel as the constitutive authority that governs them, while claiming to be tax-exempt charities.

The paradox within this last contradiction was the subject of administrative hearings before the United States Department of Justice in 1969–70. The Department found that, since the Zionist Organization/Jewish Agency were subject to effective Government of Israel control, neither they nor their foreign principal were the private voluntary organizations that they claimed to be.⁽⁵⁾ This situation persists now under a "reconstituted" registration; however, the functions remain the same.

The persistence of institutionalized discrimination has been the subject of serial reviews of Israel under its treaty obligations as a party to the International Covenant on Economic, Social and Cultural Rights. In 1998, its independent treaty-monitoring body noted with grave concern that:

the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State party cannot divest itself of its obligations under the Covenant

Israeli law. The JNF enjoys a huge influence over land distribution policy in Israel. For example, half of the ILA Council, which manages 'Israel lands' and determines land policy in Israel must be nominated by the JNF. As of 2003, approximately 2.5 million dunums of land in Israel were owned by the JNF, which equates to 13 percent of the land in Israel.

On 13 October 2004, Adalah – The Legal Center for Arab Minority Rights in Israel, submitted a petition against the Israel Lands Administration (ILA), the Jewish National Fund (JNF) and the Minister of Finance (MOF), demanding the cancellation of an ILA policy and a regulation promulgated by the MOF, which effectively permits the marketing and allocation of lands through bids open only to Jews. An earlier petition as filed by the Arab Center for Alternative Planning and the Association for Civil Rights in Israel.

Source: Adalah – The Legal Center for Arab Minority Rights in Israel. See, www.adalah.org.

by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties to non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.⁽⁶⁾

The Committee went on to urge the State party to review the status of its relationship with the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, with a view to remedying these problems in complying with its human rights Covenant.⁽⁷⁾ This situation went unaddressed at the time of its next review (2003), and the Committee on Economic, Social and Cultural Rights expressed particular concern about the status of "Jewish nationality", which, it observed:

is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees.⁽⁸⁾

While the institutionalized forms of discrimination inside the Green Line have gone untouched in the political bodies of the United Nations, such contradictions in practice have not escaped the attention of the neutral and legal bodies. With a view to the causes, rather than mere symptoms, of discrimination, we are confronted with "Jewish nationality" status and its implementing institutions, posing the fundamental obstacle to both democracy and nondiscrimination in the State concerned.

Joseph Schechla is coordinator of the Habitat International Coalition's Housing and Land Rights Network, based in Cairo, Egypt.

Endnotes:

(1) See, for example, letter of U.S. Assistant Secretary of State Phillips Talbot to American Council for Judaism's Executive Vice President Rabbi Elmer Berger, affirming that the United States "does not regard [Israel's extraterritorial] 'Jewish people' concept as a concept of international law." Reprinted in W. Thomas Mallison, Jr., "The Zionist-Israel Juridical Claims to Constitute the 'Jewish People' Entity and to Confer Membership in It: Appraisal in Public International Law," 32 *The George Washington Law Review* 5 (1964), p. 1075.

(2) Article 7: *Crimes against humanity*: 1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:...(d) Deportation or forcible transfer of population...*War crimes* 1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes. 2. For the purpose of this Statute, "war crimes" means: (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:...(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;...(vii) Unlawful deportation or transfer or unlawful confinement...

(3) *Adalah News Update* (14 March 2002).

(4) Moshe Goral, "So this Jew, Arab, Georgian and Samaritan go to court...The state denies there is any such nationality as 'Israeli'," *Ha'aretz*, 28 December 2003.

(5) Sally V. Mallison and W. Thomas Mallison, *The Palestine Problem in International Law and World Order*. London: Longman, 1986, pp. 126–41.

(6) *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*. UN Doc. E/C.12/1/Add.27, 4 December 1998, para. 11.

(7) *Ibid.*, para. 35.

(8) *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*. UN Doc. E/C.12/1/Add.90, 23 May 2003, para. 18.

Deportation of Palestinian Refugees from Canada (*Update*)

On 30 November 2004 Ahmad Nafaa, a 24-year-old Palestinian refugee who was born in Ein al-Hilwe refugee camp in Lebanon, was deported from Canada to the United States. US Immigration and Naturalization Services (INS) immediately locked him up in the Clinton County Jail in Northern New York. Nafaa was detained on 23 November at the Laval detention center in Canada. The night before his deportation, Nafaa removed a map of Palestine from his necklace and gave it to a friend for fear of being harassed in the US by immigration officials or in the US jail. He is being transferred to the INS detention center near Buffalo, NY.

Ahmad will probably be found ineligible to claim asylum as a refugee in the US. US immigration law imposes a one year time limit for the filing of a refugee claim from the time the claimant enters the country. Because Ahmad first entered the US on his way to Canada in 2001 the time period has expired. He traveled to the US in February 2000 on a student visa. He can apply for a 'Withholding from Removal', but the standards applied to such an application are much higher than for a refugee claim, and it does not confer the same status. The acceptance rates in the US for both types are extremely low. Even if he is released from detention during the time that his claims are processed, he will not be eligible for a work permit for six months.

Several members of the Canadian parliament personally pressured the Minister of Immigration, July Sgro, to review Nafaa's file and stay his deportation. The Minister and several high-level bureaucrats in Citizenship and Immigration Canada (CIC) also received thousands of faxes, phone calls and emails. The Coalition Against the Deportation of Palestinian Refugees organized four demonstrations in support of Nafaa which received extensive media coverage.

The Federal Court rejected an application for a stay of deportation on 29 November, the Day of Solidarity with the Palestinian People. Judge Beaudry found that Nafaa would not face 'irreparable harm' if deported to the US. Beaudry also denied the application on grounds that Nafaa did not have 'clean hands' because he had been living underground for over a year before being detained. Nafaa's 26-year-old brother Muhammad, how arrived in Canada on a forged passport from Sweden, whose case was the same, but was heard by a different member of the Canadian Immigration and Refugee Board was granted refugee status in Canada.

In late December the Federal Court of Canada issued a ruling directing Citizenship and Immigration Canada (CIC) to reevaluate their decision to deport Osama Saleh, a stateless Palestinian refugee facing deportation to the Tulkarem region in the West Bank, due to the "risk of persecution, torture and cruel & unusual punishment" which he would face if deported from Canada to the occupied Palestinian territories. Immigration Canada issued a deportation order in April 2004 arguing that Saleh would not face a danger to his life if deported to the West Bank. Through the construction of the wall, Saleh's village of Beit Lid, along with the surrounding villages, have been isolated from Tulkarem.

For more on Palestinian refugees in Canada see, 'Canada Wages War on Refugees: Paelstinain Refugees Fight Back,' al-Majdal, Issue No. 23 (September 2004). Also see: <http://refugees.resist.ca>.

The ICJ Advisory Opinion on the Wall and Palestinian Refugees

by Leila Hilal

On July 9, 2004, the International Court of Justice (ICJ) issued an advisory opinion on the legal consequences of the Wall regime Israel is constructing inside the West Bank. What did the ICJ Advisory Opinion say about the refugees? How can the ICJ Opinion be used in the case of the refugees?



The question put to the Court by the General Assembly focused specifically on the legality of the Wall being built inside occupied territory under international law.

The Court was not asked to address the question of refugees and did not directly discuss refugee rights. Yet the Court reached several conclusions which have relevance for Palestinian refugees. This article presents a brief overview of the Opinion and highlights some of aspects of the Opinion related to refugees.

Background

The problem revealed

On 14 April 2002 the Israeli cabinet decided to establish a “permanent barrier” in the “seam area” between the West Bank and Israel. The General Director of the Ministry of Defense was charged with overseeing a “Seam Area Administration” to implement the decision of the cabinet to build the permanent barrier, commonly known as the “Wall”. By the end of July 2003, the first phase of the Wall was completed. Nearly all of it was constructed on occupied Palestinian land. The projection of the additional phases showed that indeed virtually the entire wall complex was to be constructed inside the West Bank and in such a manner as to accommodate the settlements and further limit Palestinian access to Jerusalem and key agricultural land. The Wall would also result in the creation of enclaved or enclosed Palestinian communities cut off from city centers such as with Walaja and Bethlehem. The great harm being done to the Palestinian people and their national rights precipitated a flurry of activity at the United Nations which resulted in the ICJ Advisory Opinion.

Palestinian response

Led by Nasser al-Kidwa, Ambassador and Permanent Observer of Palestine to the United Nations, a team of Palestinian and international lawyers submitted extensive factual information and legal analysis to the ICJ on the Wall and its effects. Israel submitted arguments rejecting the Court’s authority to intervene in the matter and declined to submit factual information or legal analysis on the Wall. The United States and several European countries also urged the Court to refrain from issuing an opinion, arguing in part that the issue should be left to the political process.

What did the Court say?

The Court made many findings on the issues of jurisdiction, legality and state obligations under international law.

Jurisdiction

The Court disagreed with those states that argued that it should not render its legal opinion and in doing so laid out a precedent in favor of rights-based approaches to the Palestine question.

First, the Court rejected the contention advanced by several states that it should decline to render an opinion because the issue is political. The Court referred to its existing jurisprudence which holds that the legal obligations of states under international law should not be overlooked because a question has political dimensions. In fact, the Court noted, in situations where political considerations are dominant, an opinion on the applicable legal principles may be particularly necessary. The Court similarly rejected the notion that the issue should be left to the political domain. In reaching these conclusions, the Court signaled that legal authority has a role to play in resolving the conflict – in short, law matters.

UN Special Rapporteur Comments on the Wall – December 2004

“The course of the Wall indicates clearly that its purpose is to incorporate as many settlers as possible into Israel. This is borne out by the statistics showing that some 80 percent of settlers in the West Bank will be included on the Israeli side of the Wall. If further proof of this obvious fact is required, it is to be found in an article by Benjamin Netanyahu, Minister of Finance of Israel and former Prime Minister, in the *International Herald Tribune* of 14 July 2004, in which he wrote: ‘A line that is genuinely based on security would include as many Jews as possible and as few Palestinians as possible within the fence. That is precisely what Israel’s security fence does. By running into less than 12 percent of the West Bank, the fence will include about 80 percent of Jews and only 1 percent of Palestinians who live within the disputed territories.

The Court also dismissed the argument that the issue should be left to Israel and Palestine to work out for themselves. The Court refused to consider the matter as only a bi-lateral issue to be negotiated between parties, noting the special responsibility of the international community to the Palestinian people:

Given the powers and responsibilities of the United Nations in questions relating to international peace and security, it is the Court's view that the construction of the wall must be deemed to be directly of concern to the United Nations. The responsibility of the United Nations in this matter also has its origins in the Mandate and the Partition Resolution concerning Palestine... This responsibility has been described by the General Assembly as a "a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy" (General Assembly resolution 57/107 of 3 December 2002). Within the institutional framework of the Organization, this responsibility has been manifested by the adoption of many Security Council and General Assembly resolutions, and by the creation of several subsidiary bodies specifically established to assist in the realization of the inalienable rights of the Palestinian people.

"Another purpose of the Wall is to expand Israel's territorial possessions. Rich agricultural land and water resources along the Green Line have been incorporated into Israel. Although Palestinians living on the eastern side of the Wall remain owners of these lands, they are frequently denied access to them or faced with obstacles imposed by the Israeli authorities to the farming of their land. There is thus a real danger that these will be abandoned and seized by the voracious settlers.

"A third purpose of the Wall is to compel Palestinian residents in the so-called 'Seam Zone' between the Wall and the Green Line and those resident adjacent to the Wall, but separated from their lands by the Wall, to leave their homes and start a new life elsewhere in the West Bank, by making life intolerable for them. This was acknowledged by the International Court in its advisory opinion when it stated that the construction of the Wall is 'tending to alter the demographic composition of the Occupied Palestinian Territory' (para. 133).

The Court also opined that the Road Map negotiations framework did not present a compelling reason for it to decline to exercise jurisdiction.

Legality

Once the Court decided to exercise jurisdiction, it turned to the question posed by the General Assembly: What are the legal consequences arising from the construction of the Wall in the Occupied Palestinian Territory? The essence of the question put to the Court concerned the status of the occupied territories, particularly the West Bank where the Wall is currently being constructed, and Israel's legal obligations with respect to them. As a preliminary matter, the Court concluded that Israel has the status of an Occupying Power in the West Bank, including East Jerusalem, and is subject to the rules of international humanitarian law. The Court said that the peace treaties signed between Jordan and Israel and between the PLO and Israel (the 'Oslo Accords') did nothing to alter the occupied status of the territories. It invoked the UN Charter and the principle against the acquisition of territory by force, as well as the Palestinian right to self-determination. The Court also concluded that Israel is bound to comply with the human rights conventions it has ratified in terms of its actions inside the Occupied Palestinian Territory. Through its analysis

the Court set out a framework of legality within which Israel's actions inside the Occupied Palestinian Territories can be measured: 1) the Palestinian right to self-determination; 2) the international law of human rights; and 3) international humanitarian law.

The Court examined the relationship between the route of the Wall and Israeli settlements:

The Court notes that the route of the wall as fixed by the Israeli Government includes within the "Closed Area" [. . .] some 80 percent of the settlers living in the Occupied Palestinian Territory. Moreover, it is apparent from an examination of the map [. . .] that the wall's sinuous route has

been traced in such a way as to include within that area the great majority of the Israeli settlements in the occupied Palestinian territory (including East Jerusalem).

The Court noted that the settlements have been established in violation of international law. It expressed concern that the Wall may amount to *de facto* annexation of land and, along with the



settlements, end in the demographic transformation of the Occupied Palestinian Territory. The Court concluded that this is a serious breach of the Palestinian right to self-determination, as well as a violation of international humanitarian law and human rights law.

The Court said that Israel is obligated to comply with international law and end its breaches stemming from the construction of the Wall. The Court specified that Israel is obligated to cease construction of the Wall and dismantle those parts of the structure situated in the Occupied Palestinian Territory, including in and around East Jerusalem. Significantly, the Court concluded that Israel is obligated to return the land it confiscated to construct the Wall and pay compensation to the persons who suffered the losses in the event that property restitution is materially impossible and for any material damage incurred as a result of the construction of the Wall.

The Court also found that third states also have responsibilities to ensure Israeli compliance with international law.

Significance of opinion for refugees

The ICJ Opinion is a significant landmark in Palestinian history because it affirmed the importance of legal frameworks for assessing and resolving the conflict. The Court rejected the notion that law and politics can be neatly separated into distinct processes. In doing this the Court affirmed that legal principles are relevant to the political or negotiations process. This is a notable precedent for the refugees where it is often said that legal principles should give way to practical realities.

The Court's insistence on exercising its jurisdiction despite objections from states to defer to the political process is also a reminder that States have obligations they are bound to fulfill irrespective of the progress of negotiations or interim or phased plans. For example, the extent of Palestinian security reform is not a justification for failing to implement applicable legal norms. The pursuit

of a political solution cannot be used as an excuse to suspend or avoid application of the law. Israel is bound by law despite the political – and practical – dimensions of the conflict and its resolution. Moreover, as the Court noted, the international community is obligated to see to it that the conflict is resolved in all its aspects, includes refugees, according to international legal principles.

"Israel is both legally and morally obliged to bring its practices and policies into line with the law. That Israel has legitimate security concerns cannot be denied. However, these concerns must be addressed within the parameters of the law for, as the High Court of Justice of Israel has rightly declared, 'There is no security without the law.' ... Israel's defiance of international law poses a threat not only to the international legal order but to the international order itself. This is no time for appeasement on the part of the international community."

Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the situation of human rights in the Palestinian territories occupied by Israel since 1967

UN Doc. E/CN.4/2005/29
7 December 2004

Another significant feature of the Opinion is the Court's recognition of the Palestinian people and their right to self-determination. The Court stated: "As regards the principle of the right of people to self-determination, the Court observes that the existence of a 'Palestinian people' is no longer in issue." The Court's finding that Israel's settlement/wall project in the Occupied Palestinian Territory and the potential that it will result in the transfer of Palestinians is a violation of the right to self-determination is a statement against the further displacement and dispossession of the Palestinian people.

Perhaps the most directly relevant aspect of the Opinion for crafting durable solutions for the refugees is the Court's discussion on reparations. The Court noted that the construction of the Wall has entailed the seizure of personal property. In determining what the remedy is for people who have had their property wrongfully taken, the Court drew on the same customary law that underpins the remedies available to the Palestinians displaced around 1948 and after the 1967 occupation of the West Bank

and Gaza Strip. These remedies include the right to restitution of property and compensation in the event that restitution is impossible and for damages sustained. The framework outlined by the Court is consistent with that reflected in the United Nations General Assembly Resolution 194.

Conclusion

As a strict legal precedent the Advisory Opinion will be most persuasive in making the case that the Palestinian people are entitled to exercise their right to self-determination in an independent, viable state on the West Bank and Gaza Strip and that the Wall and settlements are illegally interfering with this right. Nevertheless, the Advisory Opinion sets the ground for also arguing that all Palestinian-Israeli issues should be dealt with according to legal standards. The ICJ Opinion also provides necessary details on how the remedies for refugees should be shaped.

Leila Hilal is a legal advisor at the PLO Negotiations Affairs Support Unit.

They're at it again: Cutting Aid to Palestinian Refugees

by Ron Wilkinson



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Under the Geneva Conventions of 1949, the Occupying Power is supposed to provide for the health, education, security and nutrition of the residents of an occupied area. Who does it in the occupied West Bank and Gaza Strip where more than 47 percent of the population lives below the poverty line?

It isn't the occupying power—Israel. Most of it is done by the UN, voluntary agencies and the Palestinian Authority. And now some quarters are calling for cuts in donations to the UN, especially to UNRWA.

The World Bank estimates that international donors helped sustain social service delivery—education and medical care—and support the poor through food, cash support and job creation. Without these programs of, among others, UNRWA, UNICEF and the World Food Program, an additional 250,000 persons would have fallen below the subsistence poverty line, 35 percent above the current level. Nevertheless, the World Bank reports that the quality and coverage of basic social services are under severe stress. The past four years, says the Bank, exemplify how little donor assistance can achieve in the absence of a positive policy environment. While donor disbursements doubled to almost \$1 billion a year, real personal incomes fell by almost 40 percent.

The Occupying Power does little to ease the conditions by sealing external borders, making it difficult for donors to bring in food and medicines and by creating internal barriers with closures, checkpoints, curfews, a complex system of permits and prevention of travel to work or school. These same barriers often prevent the export of Palestinian goods and delay the transport of fragile agricultural products thus cutting further the already declining incomes.

The destruction of orchards and farms by Israeli military forces has contributed to the food insecurity in Gaza. For example, more than 50 percent of the agricultural land near Beit Hanoun in northern Gaza has been destroyed in the past four years. This is not the first place or first time this has happened in the Occupied Territories and is directly counter to the Geneva Convention, Protocol II of 8 June 1977. Article 14 says:

It is prohibited to attack, destroy, render useless...objects indispensable to the survival of the civilian populations, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

Some statistics to ponder

- 11 UNRWA staff members have been killed since September 2000
- home demolitions in Gaza went up from 15 a month in 2002 to 77 a month in 2004
- since September 2000, the number of homes destroyed in Gaza was 2,389 making 22,963 persons homeless
- repairs in Rafah to water pipes and installations cost \$250,000 every six months
- most Gazans studying in the West Bank have not seen families for 4 years
- ratio of imports to exports from Israel to Gaza was 3:1 in January 2004 rising to 12:1 in June thus a significant transfer of income out of Gaza

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reports: “The dense network of over 700 checkpoints, road blocks and other movement restrictions established by Israel as a means of protecting its civilians from attacks following the outbreak of the conflict in 2000, remains in place, preventing movement inside the West Bank and Gaza. This internal ‘closure’ regime is accompanied by measures preventing Palestinian food and people from leaving the occupied Palestinian territory.

At the beginning of the second *intifada* in 2000, the daily average of Palestinian workers from West Bank and Gaza entering Israel stood at 116,000. By 2004, this number had fallen to 37,700 cutting family disposable income drastically, not replaced by incomes from export of goods or services or by local employment. Real incomes would have fallen even more if it were not for the cushion provided by donor assistance.

The Gaza Strip is already completely enclosed, and Israel continues to build a Barrier inside the West Bank, which, in July, the International Court of Justice (ICJ) deemed illegal.” A proposed Israel disengagement from Gaza and a small area of northern West Bank must be accompanied by a rolling back of Israel’s closure policy and a stronger Palestinian commitment to reform to bring the Palestinian economy out of its current stagnation, says the World Bank.

Donors build, occupiers destroy

In addition to the artificial barriers it creates, the Occupying Power destroys houses, roads, schools and clinics often built with donor money and the donors rebuild these homes, roads, schools and clinics without getting any funds for repair or reconstruction from the Occupier. The Occupier is even asking donors to pay for the building of a parallel road system so that Palestinians don’t have to use the same roads as Israelis, mainly colonists.

Donors build, the occupier destroys and the donor rebuilds. So where does the money go? It goes to support and sustain the occupation relieving Israel of a major financial burden.

And even with this financial saving to the occupier, there are renewed calls in the U.S., Canada and elsewhere in the world to cut the funding of UNRWA which provides much of the aid to Palestinian refugees in Jordan, Lebanon, Syria and the occupied West Bank and Gaza Strip, especially through its schools, its health centers, schools and welfare projects.

With almost half the population living below the poverty line and 16 percent, or 600,000 people mired in deep poverty and unable to make ends meet, says the World Bank, donor-financed humanitarian expenditures have become an essential part of the Palestinian social safety net in the West Bank and Gaza. In 2003, donor contributions equivalent to \$264 million were devoted to humanitarian and other emergency expenditures, and emerging 2004 figures look comparable. For 2005, the Palestinian Authority's Medium Term Development Plan is seeking between \$251 and \$267 million to ensure that an adequate safety net is provided to the poorest and most vulnerable. This is in addition to aid from NGOs and international organizations.

In this context, humanitarian agencies including Save the Children, CARE, Oxfam, UNRWA, UNICEF, the World Food Programme, etc. are appealing for more than \$300 million to maintain emergency assistance to Palestinians in the West Bank and Gaza for 2005.

OCHA says the short to medium term prospects for the West Bank and Gaza look bleak. "While occupation and closure are still in place, humanitarian agencies' impact on the situation can only be limited... Israel, as the occupying power, has the obligation to provide for the welfare of the Palestinian population but fails to do so; and the advisory opinion issued by the ICJ on the Barrier in July 2004 is likely to create dilemmas for humanitarian agencies in 2005, as agencies should seek to assist the Palestinians without inadvertently promoting demographic changes or helping to maintain the illegal situation created by the Barrier" which cuts off Palestinians from the farming land, from schools and from health care facilities.

UNRWA carries on

Of the some \$300 million, UNRWA has the largest needs of \$183 million followed by WFP and UNICEF. WHO is appealing for an additional \$4.7 million but much of its work for Palestinian refugees is through UNRWA.

Through its 639 elementary and junior secondary schools, 122 health centers and other installations, UNRWA carries out a health, education and welfare program for 4 million Palestinian refugees of whom 1.5 million are in the West Bank and Gaza. If there were no emergencies, this alone would cost \$350 million a year for the five fields.

But because of the ongoing humanitarian crisis in the Occupied Territories, UNRWA needs an additional \$185 million. This includes finding alternate housing for more than 13,500 whose homes were destroyed in the first 11 months of 2004; repairing thousands of other homes plus water, sewage power and road networks; providing food for 94,294 households in the West Bank and 132,000 (including a small number of non-refugee families under siege or have had their homes demolished) in Gaza, repairing UNRWA's own installations; providing temporary work for 864,489 job days in West Bank and almost 2 million job days in Gaza; giving additional medical care; and organizing remedial and distance learning courses for children. (For further information on UNRWA's emergency

- total income from Israel for Gaza workers reduced from \$7.4 million a day in January to \$1 million a day in July
- unemployment is 36.8 per cent in Gaza and 22.3 per cent in West Bank
- 36 per cent of refugees, 31 per cent non-refugees live under the poverty line
- 38 per cent had insecure sources of food, another 26 were vulnerable to food insecurity rising to 61 percent in the Hebron area and 90 per cent in the Tubas district of West Bank and 83 per cent in Jabalia Camp, Gaza
- From June 2002 to February 2004, Hebron (West Bank) was under curfew 40 per cent of the time, Nablus 32 per cent, Tulkarem 31 per cent, Jenin 26 per cent, Bethlehem 18 per cent, Ramallah 17 per cent and Qalqilya 15 per cent.



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Agency is asking for less than last year simply because it has moved a number of activities in health, education and psycho-social support into its General fund. This is a recognition of the long-term nature of the emergency.

Mr. Hansen says that closures, curfews and the wall increasingly disrupt services and prevents economic activity; violent military incursions destroy lives, property and livelihoods. “Despite and overwhelming desire to be economically productive and self-sufficient, the refugee population cannot, under current conditions, support itself, or rebuild its communities,” he says.

Summary of UNRWA’s Emergency Financial Requirements 2005 (US\$)

	West Bank	Gaza Strip	Total
Employment	\$14,496,853.00	\$26,435,421.00	\$40,932,275.00
Food	\$23,795,786.00	\$29,999,374.00	\$53,794,160.00
Cash, in-kind aid*	\$5,790,066.00	\$12,776,100.00	\$18,566,166.00
Reconstruction	\$1,994,436.00	\$65,780,554.00	\$67,774,992.00
Health	\$696,483.00	\$0.00	\$696,483.00
Other costs	\$2,200,337.00	\$1,849,470.00	\$4,049,807.00
Total	\$48,973,961.00	\$136,840,921.00	\$185,814,882.00

*Cash to rent alternate housing, provide kitchen kits, bedding, etc.

program in the Occupied Territories *see*, www.unrwa.org and BADIL’s quarterly magazine *al-Majdal*, Issue No. 20 (December 2003); March 2004, Issue No. 21; and September 2004, Issue No. 23.)

In addition to replacing the housing for thousands, UNRWA has to replace household goods such as kitchen utensils, clothing and bedding. UNRWA has built new homes for refugees but in the meantime it provides tents or rent for new apartments as part of its cash and in-kind grants to refugees. This is something else an occupier should do. Protocol I of the Geneva Convention, 8 June 1977 says that the occupying power is to ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population.

UNRWA’s Commissioner-General Peter Hansen reports that the 2004 emergency budget of \$193 million was not even half funded. In 2005, the

List of Palestinian victims of Israeli violence between 16 May and 30 November 2004.

Between 29 September 2000 and 31 December 2004, 3,540 Palestinians, including 23 inside Israel, have been killed by Israeli security forces (PRCS). During the same period 639 Israeli civilians and 294 members of the Israeli security forces were killed. (B'tselem)

Muhammad Hamed, 21, Selwad	Ayoub Ahmad Abu Lebdeh, 26, Rafah RC
Ayman Abed Allah Abu Jalhoum, 18, Beit Lahiya	Yousef Ahmad Abu Lebdeh, 16, Rafah RC
Nidal Abed al-Rahman Okashah, 24, Nablus	Naji Abu Kamar, 12, Rafah RC
Muhammad Ahamd 'Ebad, 24, Anza	Muhammad Abed Abu Nasser, 16, Rafah RC
Ibrahim Isma'el al-Bal'awi, 18, Rafah RC	Said Naji Joum'a, 24, Rafah RC
Isma'el al-Bal'awi, 45, Rafah RC	Tarek Mansour, 12, Rafah RC
Muhammad Jaser al-Sha'er, 17, Rafah RC	Mazen Mahmoud Yassen, 40, Qalqilya
Tarek Ahmad Shek al-Eid, 25, Rafah RC	Hussan Sadek Subahat, 33, Tulkarem
Hani Muhammad Koufeh, 17, Rafah RC	Islam Muhammad Husneyah, 15, al-Fawar RC
Muhammad Abed al-Rahman al-Nawajha, 27, Rafah RC	Mahmoud Mustafa Tdeb, 22, Rafah RC
Muhammad Khalil al-Joundi, 24, Rafah RC	Yousef Mahmoud al-Mghari, 21, Rafah RC
Waled Mousa Abu Jazar, 26, Rafah RC	Hamed Yasen Bahloul, 18, Rafah RC
Ibrahim Muhammad Darwish, 23, Rafah RC	Mahmoud Najeeb al-Akhras, 18, Rafah RC
Zeyad Husen Shabaneh, 22, Rafah RC	Wael Abu Jazar, 18, Rafah RC
Mahmoud Isma'el Abu Touk, 34, Rafah RC	Tamer Younes al-'Arjah, 4, Rafah RC
Emad al-Magari, 34, Rafah RC	Jamal Awad al-'Asar, 39, Rafah RC
Ahmad Jaser al-Sha'er, 18, Rafah RC	Muhammad Ibrahim Jaber, 27, Rafah RC
Muhammad Mas'oud Zou'rob, 23, Rafah RC	Khaled Abed al-Karem, 42, Rafah RC
Ahmad al-Mou'ayer, 10, Rafah RC	Eyad 'Afaneh, 13, az-Zaytoun
Asma' al-Mou'ayer, 11, Rafah RC	Ahmad Abu Seyam, 45, Gaza
Said Ibrahim al-Mou'ayer, 22, Rafah RC	Rawan Muhammad Abu Zayed, 5, Rafah RC
Yousef Zahi Kahoush, 24, Rafah RC	Hussan al-Lad'ah, 30, Rafah RC
Tayser Kaloub, 31, Rafah RC	Muhammad Sami al-Hems, 17, Rafah RC
Ibrahim Jihad al-Ken, 18, Rafah RC	Sami Zeyad Salameh, 19, Nablus
Issam Qazem Arafat, 24, Nablus	Hamzeh As'ad al-Bourni, 17, Balata RC
Ahmad Hussan Turkan, 20, Jenin	Adnan Jamal al-Bahsh, 14, Nablus
Moubark Salem al-Hashash, 11, Rafah RC	Muhammad Mahmoud Zu'roub, 42, Rafah RC
Walid Naji Abu Kamar, 13, Rafah RC	Emad Khalil Abu Eid, 21, Abasan
Ahmad Jamal Abu al-Said, 14, Rafah RC	Tayser Mouhammad Abu Awad, 25, Deir al-Balah
Mahmoud Tarek Mansour, 19, Rafah RC	Nabil Rajab Zeno, 35, Rafah RC
Muhammad Talal Abu Sha'er, 18, Rafah RC	Ayman Khames Hsanen, 25, Rafah RC
Ala' Musallam Shek al-Eid, 20, Rafah RC	Wael Nassar, 34, az-Zaytoun
Fou'ad Khames al-Saka, 31, Rafah RC	Muhammad Sarsour, 32, az-Zaytoun
Rajab Nimer Barhoum, 18, Rafah RC	Ahmad Mazen Naseer, 18, az-Zaytoun
Shadi Fayez al-Mougari, 24, Rafah RC	Shadi Mazen Nseer, 25, Beit Hanoun
Osama Abed Allah Abu Nasser, 24 Rafah RC	Bilal Omar Abu Zayed, 19, Qabatiya
Saber Ahmad Abu Lebdeh, 13 Rafah RC	Tarek Subhi Tamraz, 21, Jabalia RC
Khalil Hassan Abu Sa'ed, 37, Rafah RC	Husam Ahmad Hamad, 22, Jabalia RC

Arafat Yacoub Ibarahim, 31, Kalandia RC
 Omar abed al-jabar Farah, 25, Tulkarem
 Muhammad Jamal Nabahan, 17, Khan Younis
 Waled Ashour, 22, Beit Hanoun
 Ma'moun Hussan al-Zar'eni, 25, Jenin
 Hani Mahmoud Kandel, 14, Nablus
 Shafer Hani Takatkah, 18, Bethlehem
 Khalil Marshoud, 24, Balata RC
 Awad Abu Zayed, 25, Askar RC
 Salah Ibrahim Lahwan, 18, Balata RC
 Majed Muhammad al-Sa'di, 30, Jenin
 Mahmoud Mustafa Kamel, 55, Qabatiya
 Khaled Jamal al-Shenbari, 20, Beit Hanoun
 Ibrahim Abed al-Rahman Salhah, 21, Beit Hanoun
 Shadi Khaled Salem, 26, Salfit
 Ibrahim Ahmad Abu Sa'dah, 21, Beit Hanoun
 Husni Basher al-Hesi, 19, Jabalia RC
 Mu'men Nafez al-Malfouh, 20, Beit Lahiah
 Muhammad Haytham Foukha', 18, Nablus
 Abed al-Salam Abu Ayadeh, 38, Rafah RC
 Ehab al-Slem, 18, Nablus
 Nayef Abu Sarkh, 40, Nablus
 Omar Musmar, 25, Nablus
 Samer Akoub, 26, Nablus
 Wajdi al-Kadoumi, 25, Nablus
 Nidal al-Wawi, 28, Nablus
 Ja'far al-Masri, 30, Nablus
 Faidi al-Bahti, 32, Nablus
 Ashraf al-Sabagh, 39, Khan Younis
 Muhammad al-Shourbaji, 12, Khan Younis
 Ibrahim Mousbah Abu al-Batekh, 40, Gaza
 Mousleh Salem Abed al-'Al, 50, Gaza
 Muhammad Abu 'Obed, 15, Khan Younis
 Muhammad Yousef Azab, 17, Khan Younis
 Rasem Khalel 'Odwan, 25, Beit Hanoun
 Atia Muhammad al-'Ajrami, 20, Beit Hanoun
 Isma'el Ahmad Nabahan, 25, Jabalia RC
 Omar Mouhammad Zar'an, 9, Rafah RC
 Muhammad Ahmad Def Allah, 22, Beit Hanoun
 Hamzeh Nahed Haboush, 15, al-Daraj, Gaza
 Yasser Mouhammad al-'Arjah, 27, al-Brazil, Gaza
 Mouhammad Ahmad Kareem, 55, Khan Younis
 Ehab Abed al-Kareem Shatat, 9, Beit Hanoun
 Eshak Mou'en Abu Taleb, 15, Jabalia RC
 Yousef Hussan Nasser Allah, 19, Gaza

Mahmoud al-Lhwani, 21, Balata RC
 Ta'er Hulmi Ramadan, 35, Gaza
 Adnan Hussan Mansour, 18, Gaza
 Muhammad Nasser al-Shawahen, 26, Yata
 Khaled Suliman al-Hawi, 24, Jenin
 Refat Omar Abu Omra, 28, Rafah RC
 Safa' al-Sha'er, 4, Rafah RC
 Hamada Zu'roub, 14, Khan Younis
 Yamen Tayeb Ali Faraj, 28, Madma
 Amjad Abed al-Latif Mletat, 31, Beit Fourik
 D. Khaled Salah Mousa Salah, 52, Nablus
 Muhammad Khaled Mousa Salah, 16, Nablus
 Ibrahim Rafek Abed al-Hadi, 19, al-Brej RC
 Amar Abed al-Gafar al-Jadbeh, 21, Jabalia RC
 Issam Mahamed, 28, Balata RC, Nablus
 Nahed Abed al-Rahman Abu Odeh, 46, Beit Hanoun
 Yousef Ahmad al-Za'anin, 35, Beit Hanoun
 Nasser al-Din Abu Herbed, 39, Beit Hanoun
 Zahed Rajeh Abu Herbed, 30, Beit Hanoun
 Na'em Musbah al-Kafameh, 40, Beit Hanoun
 Tarek Sa'ed al-Kafameh, 28, Beit Hanoun
 Hamed Abu Odeh, 23, Beit Hanoun
 Jameleh Yousef Hamad, 45, Beit Hanoun
 Muhammad Khames Roubo', 22, Nablus
 Marwan Ali al-Kawasmi, 32, Hebron
 Halimeh Odeh Abu Samahdaneh, 16, Rafah RC
 Muhammad Abu Zour, 22, Gaza
 Abed al-Rahman Ayeshe, 23, Gaza
 Mahmoud Abu Namous, 21, Gaza
 Hassan Abu Dalal, 22, Gaza
 Mahmoud Yousef Nassar, 23, Gaza
 Mahmoud Fathi Ghenem, 23, Gaza
 Mahmoud Khalaf Allah, 70, Khan Younis
 Nu'man Khaled Tahayne, 34, Jenin
 Malek Abed al-Salam Nasser al-Din, 44, Hebron
 Yasser Khalel Abed Tantawi, 21, Balata RC
 Samar Foujo, 4, Rafah RC
 Jamel Isma'el al-Farmawi, 19, Rafah RC
 Bassel Abu Shehab, 23, Tulkarem
 Saher Subhi 'Ajaj, 26, Tulkarem
 Hussam Sameh Abu Zaytoun, 16, Balata RC
 Hazem Yasser Erhayem, 25, az-Zaytoun
 Ra'ouf Abu Asi, 20, az-Zaytoun
 Hussam Hilmi Nasser, 17, Beit Hanoun
 Mahdi Abu Tanbour, 21, Tulkarem

Hani Ewadah, 26, Tulkarem
 Said Abu Kamar, 16, Tulkarem
 Ahmad Barouk, 16, Tulkarem
 Mouhammad al-Shanter, 18, Tulkarem
 Abed al Rahim Hassan Shaded, 34, Tulkarem
 Sara Mahmoud Zu'roub, 12, Kkan Younis
 Galeya Hamad Younes, 50, al-Karara
 Maher Hamad Abu al-Ata, 26, al-Shojaeya, Gaza
 Fadi Zeyad al-Mougani, 23, al-Shojaeya, Gaza
 Hani Mansour al-Sha'er, 24, Rafah RC
 Omar Abu Satah, 36, Khan Younis
 Zaki Abu Zarkah, 41, Khan Younis
 Mouhammad Riyad Odwan, 22, Khan Younis
 Younes al-Abadleh, 23, Khan Younis
 Zaher Issa Rebhi al, Ashkar, 27, Tulkarem
 Mouhammad Khalaf Allah, 15, Khan Younis
 Ali Mousa Samour, 21, Gaza
 Mahmoud Nabil Matar, 26, Jabalia RC
 Issam Adnan al-Mranekh, 23, Beit Lahiah
 Ne'meh Abu Sahloul, 45, Khan Younis,
 Muhammad Yousef Abu al-Nada, 18, Rafah RC
 Maysara Omaran Abu Nsemeh, 19, Rafah RC
 Akram al—Habibi, 31, Rafah RC
 Awad al-Hashash, 29, Balata RC
 Jasem al-Moutawak, 18, Jabalia RC
 Wael Muhammad Abu al-Jedyan, 15, Beit Lahiah
 Ali Anu Olbeh, 11, Jabalia RC
 Sami al-Bes, 19, Rafah RC
 Eman Suleiman Barhoum, 14, Rafah RC
 Muhammad Othman Blasmeh, 27, Salfit
 Muhammad Khaled Rashwan, 19, Rafah RC
 Ahmad Saleh al-Kek, 16, Rafah RC
 Salem Omar Kussa, 18, Nablus
 Saleh Radi Hurani, 16, Nablus
 Yousef Ahmad Hanani, 25, Beit Fourik
 Sayef al-Din Suleiman Barhoum, 14, Rafah RC
 Jamal Malek Abu Issa, 40, Shu'fat
 Zaher Samer Adham, 29, Nablus
 Mousa Mansour Abu Mashi, 22, Deir al-Balah
 Muhammad Suleiman Abu Hashish, 21, Um an-Nasser, Gaza
 Shaid Walid al-Kan, 20, Khan Younis
 Fadi Khaled Douhan, 20, Khan Younis
 Khaled Jamal al-Ostah, 8, Nablus
 Fathi al-Ja'bari, 41, al-Shojaeya, Gaza
 Bourhan Ahmad al-Ja'bari, al-Shojaeya, Gaza

Salah al-Haia, 21, al-Shojaeya, Gaza
 Ala' al-Saref, 26, al-Shojaeya, Gaza
 Muahmmad Ahmad al-Ja'bari, 22, al-Shojaeya, Gaza
 Ahmad Abed al-Fatah al-Hems, 16, Rafah RC
 Muhammad Abed Allah al-Hamaydah, 60, Rafah RC
 Na'el Khalil Abu Ghoulah, 23, Hajr al-Deik
 Hussein Said al-Ja'bari, 28, al-Shojaeya, Gaza
 Hazem Abu Zahri, 19, Rafah RC
 Kamal Hassan al-Astal, 20, Khan Younis
 Jadou' al-Kurd, 70, Rafah RC
 Slameh Abed al-Sawarkey, 23, Beit Hanoun
 Yasser Abed al-Rahman al-Najar, 25, Khan Younis
 Mazen Majed al-Aga, 14, Rafah RC
 Muhammad Barakeh, 19, Deir al-Balah
 Shadi Abu Ghourab, 19, Deir al-Balah
 Muhammad Abu Msbeh, 14, Deir al-Balah
 Ahmad Abu Shawish, 17, Deir al-Balah
 Muhammad Ramadan al-Jarou, 19, al-Shojaeya, Gaza
 Issam al-Sendi, 18, Rafah RC
 Wisam Mouhammad Abu Zurkah, 19, Khan Younis
 Osama Awni Hgaleh, 27, Gaza
 Said Yasser Odeh, 23, Gaza
 Ezat Ahmad al-Wadeyeh, 22, Gaza
 Aref Kasem Jendeyeh, 20, Gaza
 Mu'tasem Fou'ad al-Zrbatli, 20, Gaza
 Fares Sa'de al-Srsawi, 20, Gaza
 Bilal Zuhdi Krake', 20, Gaza
 Ehab Muhammad al-Deb, 23, Gaza
 Ahmad Khayre Eskafi, 23, Gaza
 Muhammad Abed Allah Kanou', 21, Gaza
 Ayman Khaza' Farhat, 18, Gaza
 Muhammad Omar Joundiyah, 20, Gaza
 Adham Karem Krake', 19, Gaza
 Ghasan Muhammad Obad, 18, Gaza
 Yousef Abu Libdeh, 18, Rafah RC
 A'mer Aydeyeh, 33, al-Ama'ari, Ramallah
 Muhammad Mousa Ali, 24, Jabalia RC
 Muhammad Youssef Abu al-Etham, 23, Tal al-Za'tar, Gaza
 Sami Thabet, 20, Jabalia RC
 Muneir Anour al-Dukous, 10, Jabalia RC
 Mahmoud Ahmad Darabeh, 28, Jabalia RC
 Muhammad Abed Allah Jad al-Haq, 18, al-Ama'ari, Ramallah
 Abed al-Aziz al-Ashkar, 35, Jabalia RC
 Saleh Abu Hasza', 22, Jabalia RC
 Abed Allah Hisham Nasser, 18, Jabalia RC

Daoud Abed Allah Abu Jazar, 18, Rafah RC
 Mahmoud Abu Khalifeh, 28, Jenin
 Amjad Hussni, 28, Jenin
 Yamen Faysal Abu al-Hassan, 25, Jenin
 Ibrahim al-Suwarki, 24, al-Shojaeya, Gaza
 Nader al-Aswad, 28, Nablus
 Melhem Abu Jameleh, 26, Nablus
 Abed al-Halem Salem, 21, Nablus
 Muhammad Mer'e, 20, Nablus
 Hani al-'Akad, 24, Nablus
 Maram Moufed al-Nahleh, 11, Nablus
 Fadi Fakhri Zakameh, 23, Jenin
 Fawaz Fakhri Zakameh, 21, Jenin
 Ibrahim Adeen Abu Saleha, 25, Jenin
 Mu'ath Muhammad Kutat, 25, Jenin
 Farezeh Dtheb al-Menawi, 19, Nablus
 Rami Abu Lehyeh, 20, Jabalia RC
 Khaled Abu Simeyeh, 32, Gaza
 Rabah Zakouta, 38, al-Brej RC
 Nabil al-Se'adi, 35, al-Brej RC
 Salem Abed al-Kader Abu Shabab, 30, al-Karara
 Ragdah al-Asar, 11, Khan Younis
 Osama Salah al-A'raj, 20, Beit Lahiah, Gaza
 Emad Atwah Abu Samahdaneh, 22, Rafah RC
 Bassam al-Azazi, 22, Rafah RC
 Yousef Abed Allah Omar, 19, Gaza
 Falah Masharkah, 38, Nour Shams RC
 Hussam Fathi Abu al-Naja, 24, Rafah RC
 Ali Abu Nimer, 60, Khan Younis
 Hassan Muhammad Daher, 19, Jabalia RC
 Muhammad Tawfik Abou Askar, 21, Jabalia RC
 Said Muhammad al-Madhoun, 51, Khan Younis
 Ali al-Sha'er, 25, Rafah RC
 Ahmad Nidal al-Tirawi, 18, Balata RC
 Amar Da'san Abu Nafeseh, 21, Balata RC
 Tawfik Muhammad al-Sharafi, 25, Gaza
 Abed al-Fatah Madi, 14, Jabalia RC
 Saed Muhammad Abu al-E'esh, 14, Jabalia RC
 Sa'ed al-Barad'e, 21, Tal al-Za'tar, Gaza
 Khalil Naji, 23, Tal al-Za'tar, Gaza
 Fati al-Sawawin, 27, Tal al-Za'tar, Gaza
 Muhammad Jaber, 16, al-Brej RC
 Muhammad al-Bitar, 25, Jenin
 Rateb Yousef Taleb, 52, Jenin
 Majdi Salah Khalefeh, 25, 'Ein Beit al-Ma'

Ra'fat Jad Allah, 25, Jabalia RC
 Sufyan Abu al-Jidyan, 33, Jabalia RC
 Hamzeh Ahmad, 29, Gaza
 Muhammad al-Ja'aber, 17, Jabalia RC,
 Hazem Faraj Allah, 24, Jabalia RC
 Muhammad al-Habel, 60, Jabalia RC
 Deya' al-Kahlout, 17, Jabalia RC
 Atef al-Ashkar, 27, Beit Lahiah
 Muhammad al-Refe, 19, Gaza
 Arafat Yassen, 24, Gaza
 Yehya Hamad, 17, Jabalia RC
 Muhammad Abu Hasireh, 25, Gaza
 Mahmoud Abu al-Jedyan, 23, Beit Lahiah
 Abed Allah Abu Odeh, 16, Jabalia RC
 Tamer Abu Eshkyan, 14, Jabalia RC
 Muhammad al-Ostath, 24, Jabalia RC
 Muhammad al-Shalhah, 14, Jabalia RC
 Jamal Abu Sokheleh, 17, Jabalia RC
 Mutaz al-Talawi, 15, Jabalia RC
 Eyad Zakout, 32, Jabalia RC
 Mukbel Khoshek, 17, Beit Lahiah
 Rami Thaher, 15, Gaza
 Sowalam al-Menyagah, 15, Jabalia RC
 Aed al-Najar, 22, Jabalia RC
 Ramzi al-Bahteni, 20, Jabalia RC
 Yousef Labed, 27, Jabalia RC
 Rami Bal'ousheh, 23, Jabalia RC
 Muhammad Eshbaki, 20, Jabalia RC
 Ramzi Abu Namous, 20, Jabalia RC
 Husam Omar Ghaban, 21, Beit Lahiah
 Mous'ab Fraha Joum'a, 22, Jabalia RC
 Abed al-Hai al-Najar, 22, Jabalia RC
 Osama Muhammad al-Barsh, 20, Jabalia RC
 Muhammad Rafek Salem, 23, Jabalia RC
 Tamer Mahmoud al-dremni, 22, Jabalia RC
 Raed al-Haj Ahmad, 25, Jabalia RC
 Nidal Ahmad Matar, 29, Jabalia RC
 Wassem al-Natel, 22, Jabalia RC
 Jihad Abu Al Jebeen, 25, Beit Lahiah
 Moustafa Hemsh, 22, Beit Lahiah
 Ibrahim 'Asaleyyeh, 23, Jabalia RC
 Hani Meshthi, 20, al-Shojaeya, Gaza
 Ibrahim Abu al-Koumsan, 25, al-Shojaeya, Gaza
 Emad Muhammad al-Mansi, 20, al-Tufah, Gaza
 Muhammad Mousa al-Shami, 20, Jabalia RC

Ehsan Abu Baker, 21, al-Shojaeya, Gaza
 Yaser Muhammad Dahlan, 21, Jabalia RC
 Mahdi Jamal Meshthi, 34, al-Shojaeya, Gaza
 Khaled Ramadan al-'mreti, 28, al-Tufah, Gaza
 Fathi Abed al-Rahman 'Afaneh, 47, Jabalia RC
 Eid Muhammad 'Afaneh, 41, Jabalia RC
 Ibrahim Hassan Hamdan, 45, Tal al-Za'tar, Gaza
 Yasser Muhammad Abui Ghebat, 20, Jabalia RC
 Mahmoud Atweh al-Hashash, 60, Rafah RC
 Wahed Talal Abed al-Rahman, 23, Tal al-Za'tar, Gaza
 Muhammad Tarwat Abu Touyour, 11, Khan Younis
 Yasser Muhammad Ghbet, 20, Beit Hanoun
 Muhammad al-Sharafi, 25, Jabalia RC
 Rami Akram Kudas, 22, Jabalia RC
 Musbah al-Rantesi, 20, Tal al-Za'tar, Gaza
 Raed Abu Wadi, 36, Tal al-Za'tar, Gaza
 Fadi al-Za'anin, 22, Beit Hanoun
 Maher Zakout, 26, Jabalia RC
 Saber Ibrahim 'Saleyeh, 13, Jabalia RC
 Mahmoud Deyab al-Najar, 13, Jabalia RC
 Nidal Muhammad al-Madhoun, 20, Jabalia RC
 Fares Omar al-Masri, 25, Beit Lahiah
 Romel al-Barawi, 20, Beit Lahiah
 Ismael Ibrahim Qahman, 22, Beit Lahiah
 Muhammad Saber Baba, 23, Beit Lahiah
 Islam Nader Dowidar, 14, Jabalia RC
 Lo'ai Ayman al-Najar, 4, Khan Younis
 Ramzi Hasab Allah, 20, Gaza
 Muhammad Musa al-Hesi, 24, Gaza
 Fawzi al-'Asaliya, 22, Beit Lahiah
 Lam'eyeh Qassem Kleebe, 70, Salfit
 Fawaz Farhat, 28, Ramallah
 Ibrahim Tawe'eh, 35, Ramallah
 Said Jamal al-Majdalawi, 19, Nusayrat RC
 Basher al-Dabesh, 42, Gaza
 Tharef al-'Er'eri, 25, Gaza
 Iman al-Hams, 13, Rafah RC
 Hussam Muhammad al-Ras, 20, Jabalia RC
 Abed Drdneh, 30, Jabalia RC
 Mousa Abed al-Hai Darwish, 24, Beit Lahiah
 Hassan Abed al-Hai Darwish, 30, Beit Lahiah
 Mousa Muhammad al-Jabaren, 45, Se'er, Hebron
 Hamdan Obaide, 46, Beit Lahiah
 Hamudeh Hamdan, 20, Beit Lahiah
 Abed Allah Yousef Kahman, 30, Beit Lahiah

Rami Abu Muhessen, 23, al-Brej RC
 Eyad Fayeze Abu Ata, 23, Deir al-Balah
 Ali Khaled al-Jarou, 19, Deir al-Balah
 Muhammad Bassem Radad, 17, Sayeda
 Suliman Abu al-Foul, 13, Jabalia RC
 Raed Abu Zeyad, 14, Jabalia RC
 Muhammad Abu Sayef, 17, Jabalia RC
 Lu'a Jamal Hamad, 22, Jabalia RC
 Abed al-Aziz Abu T'erna, 25, Khan Younis
 Marzouk Abu Odwan, 52, Khan Younis
 Samah Sameh Nassar, 9, Beit Hanoun
 Muhammad Moutawe' Subouh, 17, Jabalia RC
 Hassan Sharatheh, Jabalia RC
 Yasser al-Khateeb, Jabalia RC
 Salameh Abu Sel'a, 25, Jabalia RC
 Abed al-Raouf Nabahan, 25, Jabalia RC
 Muhammad Yehya Odwan, 20, Beit Hanoun
 Arafat Fou'ad Nasser, 22, Beit Hanoun
 Amen Mahmoud Salem, 35, Beit Lahiah
 Sufyan Mousa Salem, 28, Beit Lahiah
 Emad Yehya Bader, 28, Khan Younis
 Saker Awni Saker, 25, Khan Younis
 Maher Mahmoud Zakout, 39, Jabalia RC
 Raed Muhammad al-Mabhouh, 28, Jabalia RC
 Sameh Zamel al-Whedi, 20, Jabalia RC
 Tamer Muhammad Khamash, 22, Abasan
 Yousef Mamdouh Abu Sef, 24, Jabalia RC
 Ahmad Zaki al-Karman, 24, Beit Hanoun
 Muhammad Ashraf Ma'rrouf, 25, Beit Lahiah
 Rezek Hassan al-Zeti, 38, Beit Lahiah
 Muhammad Said al-Masri, 25, Beit Lahiah
 Khader al-Talawi, 28, Jabalia RC
 Jihad Amen Abou Mousa, 37, Jabalia RC
 Ghader Mekhemar, 10, Khan Younis
 Jihad Hassan Barhoum, 16, Rafah RC
 Ramzi Abu Shukfa, 23, Beit Lahiah
 Ali Abed al-Karem Sha'ath, 25, Rafah RC
 Ahmad Saleh al-Tahrawi, 21, Rafah RC
 Ismael Muhammad Sawalha, 70, Rafah RC
 Nidal Muhammad Mas'oud, 22, Jabalia RC
 Mouhi al-Deen Madhoun, 19, Jabalia RC
 Jihad Abu Mousa, 37, Jabalia RC
 Wael Mousa Saleh, 24, Jabalia RC
 Raed Abu Yousef, 24, Jabalia RC
 Amen Mas'oud, 25, Jabalia RC

Fatmeh Muhammad Asaleyeh, 65, Jabalia RC	Fadi Samer al-Serwani, 20, Nablus
Abed al-Satar Rezek al-Ja'fari, 21, Rafah RC	Majdi Mer'e, 25, Nablus
Abed al-Aziz Najeh al-Jazar, 20, Rafah RC	Bashar Sami Zbarah, 12, Askar RC
Sa'ed Abu al-E'esh, 24, Rafah RC	Raed al-Kar'awi, 28, Jenin
Muhammad Ashour, 23, Rafah RC	Raefat al-Hems, 26, Rafah RC
Mahmoud al-Shekh Khalil, 25, Rafah RC	Ahmad Muhammad al-Semeri, 7, Khan Younis
Jawad al-Wadia, 21, al-Shojaeya, Gaza	Muhammad Mous'ad al-Semeri, 8, Khan Younis
Muhammad Kamal al-Shawa, 30, Gaza	Omar Mahmoud Noufal, 26, Khan Younis
Muhammad Ahmad Hamed, 37, Gaza	Ramzi Muhammad al-Ja'abir, 29, Khan Younis
Muhammad Zaki Abu Hlel, 25, Jabalia RC	Rami Muhammad al-Ramlawi, 22, al-Tufah, Gaza
Ahmad Muhammad Barakeh, 29, Rafah RC	Ala' Hissam Samara, 14, Jenin
Jehad Ahmad Hasnen, 21, Rafah RC	Amen Fawzi Mansour, 22, Tulkarem
Islam Hussan al-Wadia, 20, al-Shojaeya, Gaza	Muhamamd Fadel Masharkah, 25, Jenin
Abed al-Karem al-Mansi, 19, Jabalia RC	Fadi Eghbareh, 25, Jenin
Adnan al-Goul, 48, Gaza	Amen Jamal Abu Kamel, 20, Jenin
Emad Abas, 35, Gaza	Muhammad Mahmoud Abu Fahmi, 22, Jenin
Eyad Muhammad al-Ser, 30, Khan Younis	Muhammad Matar, 22, Beit Lahiah
Ahmad Deyab al-Hadad, 21, Khan Younis	As'ad Joudeh, 20, Jabalia RC
Najah Zaki al-Shawa, 40, Khan Younis	Fayez Ashour, 24, Nablus
Zeyad Suleman Abu Mustafa, 28, Khan Younis	Muhammad Abed al-Rahman al-Mabhough, 22, Tal al-Za'tar, Gaza
Omar Suleman Abu Mustafa, 19, Khan Younis	Jehad Abed al-Hay Abu Salameh, 19, Jabalia RC
Amen Ata al-Fabour, 45, Khan Younis	Nour al-Deen Mourtaja, 20, Gaza
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Haytham al-Nabris, 22, Khan Younis	Ashraf Majdi Taher, 27, Jabalia RC
Sami Nasser Allah Zu'roub, 22, Khan Younis	Entisar Jaber Darwish, 40, Gaza
Suliman Barham Zu'roub, 21, Khan Younis	Jihad Ibrahim Abu-Lilah, 33, az-Zaytoun
Mahmoud Muhammad al-Bashiti, 24, Khan Younis	A'mer Nabil Banat, 15, Nablus
Ahmad Musalbouk, 37, Khan Younis	Muntasser Jamal Hadadeh, 15, Nablus
Abed al-Rahman Abu Nemer, 28, Khan Younis	Muhammed Ghassan al-Leftawi, 24, al-Bireh
Hissam Hassan Ashour, 11, Khan Younis	Nasser Sa'id Muhammed Jawabreh, 33, Ramallah
Ibrahim Saber al-Kedrah, 18, Khan Younis	Salaam Ya'kob Eassa Abu-Helannah, 28, Ramallah
Hussan Hassan Abu Namous, 25, Khan Younis	Khaliel Muhammed Shehadah, 20, Nusayrat RC
Eyad Muhammad Abu Lehyeh, 29, Khan Younis	Riyadh Hassan Abed al-Fatah Tammous, 52, al-Sabrah, Gaza
Sami Jawdat Barbakh, 27, Khan Younis	Murad Ali al-Qwasmi, 28, Hebron
Muhammad Khader Abu Sultan, 15, Khan Younis	Omar Hisham al-Himoni, 21, Hebron
Said Muhammad al-Najar, 17, Khan Younis	Mousa Abd al-Fattah Graeez, 36, Rafah
Muhammad As'ad al-Mana'meh, 27, Khan Younis	Sameer Mahmoud Hejazie, 26, Rafah
Abed al-Aziz Abu Mou'amar, 28, Rafah RC	Mou'taz Abdullah al-Rehawi, 18, Rafah
Rania Eyad Aram, 10, Khan Younis	Mahmoud Sa'id Keshtah, 26, Rafah
Salah Fadel Abu Eta, 14, Jenin	Khamees Yousef al-Gazali, 20, Gaza
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Jehad Omar Abu Salha, 25, Nablus	

Forthcoming BADIL Publications

Survey of Palestinian Refugees and Internally Displaced Palestinians 2003

The *Survey* provides basic historic and current information on Palestinian refugees and internally displaced persons. The *Survey* includes 6 chapters covering the historical circumstances of Palestinian displacement, population, legal status, socio-economic profile, international protection and assistance, and durable solutions. *Available in English and Arabic. 200 pages. ISSN 1728-1679.*

For advance orders contact, admin@badil.org

Palestinian Refugee Children, International Protection and Durable Solutions. **BADIL Information & Discussion Brief No. 10 (2004).**

To order contact, admin@badil.org.

Information Packet on Palestinian Refugees

The packet includes a short summary of the popular campaign for Palestinian refugee rights and a brief history of the Palestinian refugee issue, a poster, and a set of postcards.

To order contact, admin@badil.org.

Selected BADIL Publications

Proceedings of the Fourth Annual Meeting of the Global Palestine Right of Return Coalition

Includes working papers submitted to the fourth annual meeting of the Global Palestine Right of Return Coalition held in London, November 2003. The publication also includes a summary of discussions and debate as well as the final statement issued by the Coalition. Arabic with English summaries.

For orders contact, admin@badil.org.

BADIL Expert Forum Working Papers

A complete list of all working papers commissioned for the BADIL Expert Forum on Palestinian Refugees is available on the BADIL website. Papers address the relationship between international law and peacemaking, housing and property restitution for refugees, international protection, and obstacles to implementation of durable solutions for Palestinian refugees.

See, http://www.badil.org/Campaign/Expert_Forum.htm

“Experiencing the Right of Return, Palestinian Refugees Visit Bosnia”

This 20 video documents a study visit of a delegation of Palestinian refugees to Bosnia-Herzegovina in June 2002. The delegation, comprised of refugees from Palestine/Israel, Lebanon, Jordan, Syria, and Europe traveled to Bosnia in order to understand: What was done and how? What didn't work and why? What are the lessons for Palestinians and their struggle for the implementation of the right of return and real property restitution?

To order contact, admin@badil.org. Available in English and Arabic.

Al-Quds 1948: al-ahya' al-'arabiyah wa-masiruha fi harb 1948

Salim Tamari (ed.). Published by BADIL Resource Center and the Institute for Palestine Studies, 2002. ISBN 9953-9001-9-1.

To order contact IPS-Beirut, ipsbrt@cyberia.net.lb, or www.palestine-studies.org.

BADIL Hebrew Language Packet/The Right of Return

The Packet includes: Main Reader, 'Palestinian Refugees:' overview of the issue and demands of Palestinian refugees; law and principles guiding solutions to refugee problems; answers to frequently asked questions; obstacles to be tackled by a law- and rights-based solution (24 pages); Legal Brief, 'Palestinian Refugees and their Right of Return, an International Law Analysis' (16 pages); Executive Summary, 'The Right of Return:' Report of the Joint British Parliamentary Commission of Inquiry into Refugee Choice (28 pages; translation from the English original published in London, March 2002); Readers' feedback sheet and background information about BADIL Resource Center for Palestinian Residency and Refugee Rights.

The BADIL Hebrew-language Information Packet is available for NIS 30. For postal orders inside Israel, please send a check to Andalus Publishers, PO Box 53036, Tel Aviv 61530 (andalus@andalus.co.il).

New from Other NGOs and Publishers

Children of Palestine: Narrating Forced Migration in the Middle East

Dawn Chatty and Lewando Hundt (eds.)

Oxford: Berghahn Press,

2004

To order visit the Berghahn website, www.berghahnbooks.com.

By All Means Possible, Destruction by the State of Crops of Bedouin Citizens in the Naqab (Negev) by Aerial Spraying with Chemicals

Report by the Arab Human Rights Association, Nazareth (July 2004)

57 pages.

Available at, http://www.arabhra.org/NaqabReport_English.pdf.

Families Torn Apart by Discriminatory Policies

Report by Amnesty International

Available at, web.amnesty.org/library/index/engmde150632004

Razing Rafah: Mass Home Demolitions in the Gaza Strip (October 2004)

Report by Human Rights Watch

Available at, www.hrw.org/reports/2004/rafah1004/rafah1004full.pdf

Final Statement Issued by the Fifth Coordination Meeting for the Palestinian Coalition for the Right to Return

The Palestinian Coalition for the Right to Return convened its fifth coordination meeting in Ghent – Belgium during the period from 6 – 10 October, 2004. This meeting was convened amidst extremely critical situation at all levels regarding the Palestinian problem in general and the refugee problem in particular. In Palestine, the Zionist's are escalating their repression against the Palestinian people especially in camps such as; Jabalia, Rafah, Jenin, Balata, Ayda, and Tulkarem, in addition to other camps in the West Bank and the Gaza Strip. This is done in the midst of a shameful and official Arabic failure, a complete International silence, in addition to the obvious American adaptation to Sharon's policy and his terrorist government. This government that aims at eliminating the legitimate Palestinian national rights by means of terminating any real possibility for establishing a sovereign Palestinian state, and by means of expanding settlements and the confiscation of lands in order to create new political facts on the ground, thus, turning the issue into a de-facto matter.

The attendees discussed throughout the meeting the general situation of the coalition during the interlude of the two annual meetings. They also discussed the reality and the working environment of the coalition members in the different fields. At the same time, the Coalition held a joint meeting with the Legal Support Network at Badil Resource Center for Palestinian Residency and Refugee Rights in order to raise the coordination level, thus, provide the necessary legal basis, which will ultimately advance the Coalition's level of performance and enhance the legal approach for the refugees' problem on the local and international levels.

The meeting paid special attention to the Coalition's internal affairs. The meeting discussed the Coalition's internal bylaw and made certain modifications on it in light of past years experiences and recommendations presented by members. In this respect, the fifth annual meeting endorsed the formation of a coordination committee consisting of four members as representatives for all the areas where the Coalition is present (Palestine, Europe, Arab Host countries, and North America), in addition to Badil Resource Center as a coordinator for the Coalition until it convenes its next regular meeting.

As a result of the many discussions and deliberations which took place during the meeting regarding all aspects of the right to return and the current threats before it, members of the Coalition would like to affirm the following:

1. The Palestinian people's right to return to their homeland and property, and their right to compensation for their material loss and psychological suffering as a result of the 1948 Nakba, is a historical and legal right that is based on international law principles before it became based on the United Nation's resolutions. Among the most important resolutions is resolution (194), which consists of three comprehensive rights "Return, restitution and compensation". The fact that compensation is being addressed as an alternative to the right to return is considered a deformation of the essence of the (194) resolution, and is intended to pass projects concerning settlements, displacement, integration and melting that aim for closing the refugee file and abandoning their case forever.

2. The right to return is firmly connected to the Palestinian's right to self determination. This right is considered an obligatory basis in international law, since the Palestinian people, until today, were unable to exercise their right to self determination because of the absence of an essential provision, which is the actual presence of Palestinian people on their land. This is impossible unless we exercise the right to return. The Palestinian people's situation is considered unique from an international law perspective due to the present gap between the people's geographical dispersion and their legal unity. This gap can not be eliminated except by the establishment of the land and people unity thru the implementation of the right to return as a national right.
3. The adherence to the integrity of the refugee problem within the framework of the integrity of the land and people in historic Palestine and in exile. The rejection of all attempts to breakdown this problem into "refugee" or "displaced" or "uprooted"; under all circumstances.
4. The importance of uniting the right to return message on the basis of the Palestinian people's irrevocable and fixed national rights. The standard of this must also be advanced in order to make it a united message capable of mobilizing the Palestinian people's energies, including all its apparatuses, political and social organizations. In addition, this message must be broadened to include cultural and educational dimensions related to the different aspects of the life of the Palestinian society, and for reasons of not keeping the message limited to the political and legal dimensions, which will limit the right to return movement's scope of work.
5. It is important to maintain the popular nature of the right to return movement since it is a popular movement that reflect the interest of refugees and express their rights, especially their right to return. There is no need for political representation since the Palestinian Liberation Organization (PLO) is the sole legitimate representative for the Palestinian people. This, of course, should not rule out the importance of coordination and cooperation with all Palestinian national struggle movements on activities related to the right to return. The right to return movement is not an alternative for the Palestinian national movement concerning in the sense of taking upon itself the burden of the Palestinian and refugee problems. Furthermore, it is not a replacement for the program carried by the Palestinian national movements within the Palestine Liberation Organization and the national consensus program.
6. The importance of strengthening the organizational structures of the right to return committees in their fields and expanding the level of popular participation in its activities, especially among the youth. Also, committees must initiate dialogue and exchange ideas and information among themselves in order to develop and formulate an inclusive organizational formula capable of confronting the many challenges that face the problem of return.
7. The need to extend further organized efforts related to addressing the problems that Palestinian refugees face in some host countries. These problems include attempts to grant them temporary protection capable of guaranteeing their civic and human basic rights until they return to their homeland. Here, we can notice the importance of linking the official and popular Arab message regarding their rejection to the settlement issue, with the Palestinian refugees' civic rights in host countries, such as Lebanon; so that this message does not become an objective equivalent to displacement.
8. The need to extend all efforts to introduce the protection gaps that the Palestinian refugees face to the international community, in addition to introducing the different remedies to these gaps. In this context, we affirm the importance of expanding the United Nations Relief and Works

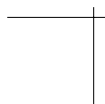
Agency's role, and activating the role of the United Nations Committee for the Conciliation in Palestine in order to provide an effective international protection for Palestinian refugees who live within and outside UNRWA's places of operations. International protection for refugees must adhere to international law standards and should not be affected by political situations and changes.

Members of the Coalition also discussed next year's working plan, and affirmed execute a group of activities, most importantly:

1. Enhancing the belonging to the land and the Palestinian national identity among the members of the right to return by conducting summer camps on the Palestinian land for the different youth who live in historic Palestine and in exile.
2. Commemorating the International Refugee Day in order to highlight the Palestinian refugees' rights; those refugees that form the highest and oldest percentage among other refugees worldwide.
3. Introducing the Palestinian Coalition for the Right to Return to the international arena, in addition to introducing its goals and working strategies. This will enhance the international campaign for defending the refugees' rights to return, restitution and compensation.
4. Enhancing the educational and cultural dimensions of the right to return message thru the production of educational materials directly aimed at children and youth. This should be done in coordination with the specialized authorities.
5. Continuing the production of informational materials that support the right to return culture, in addition to commemorating national occasions especially the Nakba and the Israeli massacres since 1948.

While the attendees halt before our people's daily sacrifices and bravery, we all rise in honor, respect and favor of souls of our devoted martyrs, and we salute Palestinian and Arab brave prisoners who remain in Israeli jails.

Glory to the Intifada
Glory and Eternity for our devoted martyrs
And
We Shall Return



About the meaning of al-Majdal

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 war. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city’s residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons. Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religion origin. al-Majdal, BADIL’s quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.



Al-Majdal before the Nakba

Source: www.palestineremembered.com

al-Majdal is a quarterly magazine of BADIL Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues.