

al majdal

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al majdal aims to raise
public awareness and
support for a just solution
to Palestinian residency
and refugee issues

**BADIL Resource Center
for Palestinian Residency and Refugee Rights**



War Crimes, International Law, and Durable Solutions for Refugees

Updates on Refugee Activities for the Right of Return/Real Property Restitution

A Palestinian Refugee Fact-finding Visit to Bosnia-Herzegovina: Learning About Return

Refugee Voices: Interview from Jenin Refugee Camp

Updates on Refugee Protection and Assistance

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Cover Photo: Jenin Refugee Camp in the West Bank town of Jenin, April, 2002. (UNRWA)

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Jenin: War Crimes, International Law, and Durable Solutions for Refugees

Jenin. Israel's brutal military assault on the second largest refugee camp in the Israeli occupied West Bank in April 2002 and the response of the international community symbolized in simple but fundamental terms all that is wrong with international 'peacemaking' in the Middle East.

For nearly two weeks Israeli military forces relentlessly pounded Jenin refugee camp and its 14,000 residents from the air and the ground. Following the ambush of 13 Israeli soldiers in the camp on 9 April, Israel stepped up its military assault. Some 3,000 refugees, mostly women, children and the elderly fled the camp, in search of refuge in the city of Jenin and outlying villages. Armored bulldozers indiscriminately demolished refugee shelters as military forces pushed deeper inside the refugee camp. By the time the military assault ended on 11 April it was estimated that more than 50 Palestinians had been killed. Around 10 percent of the camp, including hundreds of refugee shelters had been completely leveled.

Visiting the camp shortly after the withdrawal of Israeli forces, local and international human rights organizations, including Amnesty International (AI) and Human Rights Watch (HRW), soon uncovered evidence of serious breaches of international humanitarian and human rights law, including war crimes. This included failure to give civilians enough warning time to evacuate the camp before American-made Apache helicopters launched their first attacks; failure to protect civilians in the camp who are protected persons under the Fourth Geneva Convention; allegations of extra-judicial executions; failure to allow humanitarian assistance to refugees trapped in the camp; denial of medical assistance to wounded and deliberate targeting of ambulances; excessive

use of lethal force and using civilians as 'human shields'; and, extensive damage to property with no apparent military necessity. (AI Press Release, MDE, 15/058/2002)

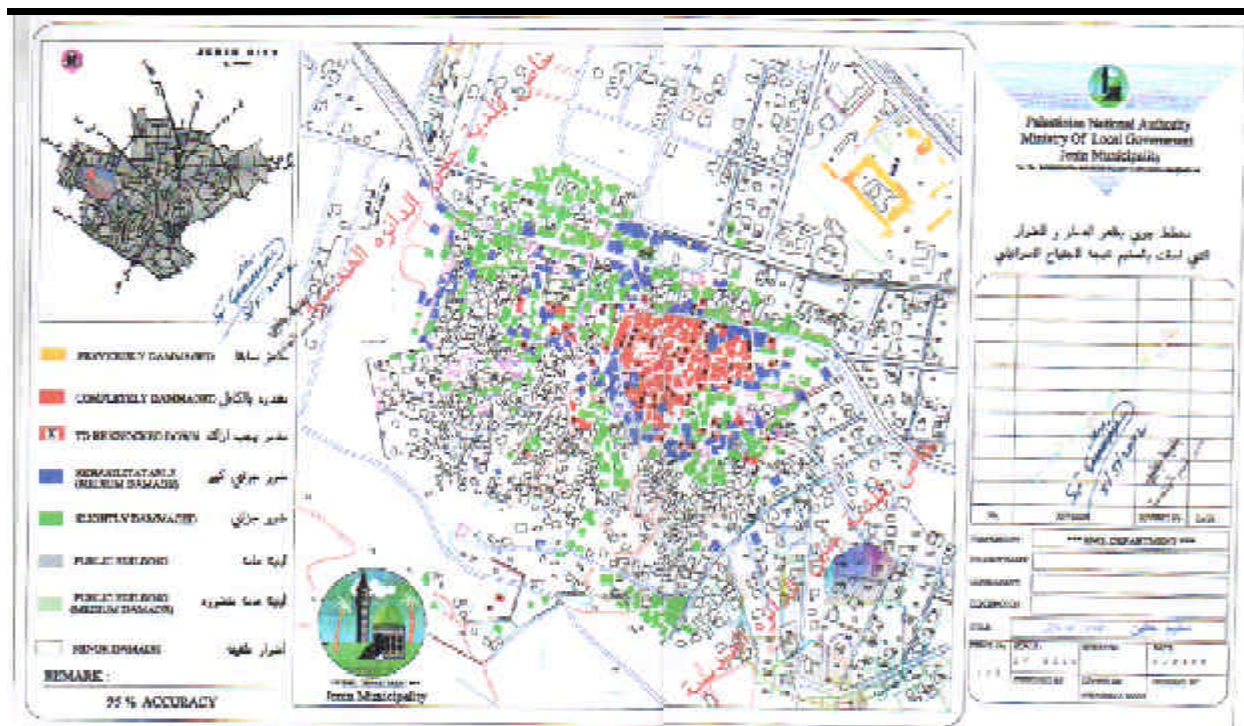
Amid mounting international pressure, the UN Security Council adopted Resolution 1405, 19 April 2002, calling for an international investigation into the events in the camp. The Security Council

decision to investigate allegations of serious breaches of international law in Jenin and the occupied territories represented an opportunity for the international community to break with the past. Since its inception, the primary shortcoming of the Oslo process, both in content and implementation, and the reason for its collapse has been the failure to uphold

The durability of any future political process between Israel and the PLO will depend, in large part, upon the willingness of the international community to uphold international law and fulfill its obligations in full as set forth in the 1945 Charter of the United Nations. This includes prosecution of those responsible for past and future violations and serious breaches of international law. On the anniversary of World Refugee Day this year (20 June 2002), US President George Bush affirmed "America will always stand firm for non-negotiable demands of human dignity and rule of law." In Mr. Bush's own words, what is needed now is not just words but action. That includes full support for the right of Palestinian refugees to return to their homes.

human rights and humanitarian norms, including the right of refugees to return to their homes of origin. (Special Rapporteur on Human Rights in the OPT, UN Doc. E/CN.4/S-5/3, 17 October 2000)

Unlike most peace agreements, including those signed between Israel and its neighbors Egypt and Jordan, the Oslo Accords stipulated that relations between Israel and the Palestinians would be conducted on the basis of an agreed upon political process rather than international law and the Charter of the United Nations. In other words, internationally accepted norms were to be subject to the agreements, rather than vice versa. The international community, moreover, failed to apply the necessary diplomatic pressure, and - when required - the appropriate sanctions, to ensure respect for international law and hold parties responsible for subsequent violations. This situation has not merely preserved the status quo, states one commentator, "but has led to a dynamic whereby rights have simply disappeared." (C. Bell, Peace Agreements and Human Rights, 2000)



For Palestinian refugees, the situation has been exacerbated by the absence of a recognized international body mandated to provide international protection, including protection of refugee camps. The absence of such protection was tragically evident in Jenin, not to mention in other refugee camps across the 1967 occupied territories. By 2 May, however, two weeks after the UN Security Council had approved the international mission to Jenin, the investigation was sacked. While the Israeli government originally agreed, in principle, to cooperate with the UN mission, several days after the Security Council adopted Resolution 1405, government officials began raising numerous demands for changes in the composition and mandate of the UN mission. These included the addition of more experts in military operations and counter terrorism, assurances that the mission would draw no conclusions, and guarantees that all Israeli witnesses would be immune from prosecution. In the face of Israel's demands and its subsequent decision to withdraw all cooperation with the Security Council mission, the UN Secretary General decided to disband the investigation.

The failure of the international community to uphold human rights and humanitarian norms in Jenin and hold accountable those responsible for serious violations of international law, including war crimes, represented another in a long line of lost opportunities to establish the foundation for a

Jenin Camp Statistics

Displaced	3000-4000
Missing Persons	8 (camp) 17 (town)
Injuries (April 4-20)	269
Fatalities	44 (camp) 9 (town)
Destroyed Buildings	140 (420 family units)
Dangerous Buildings	85 (255 family units)
Buildings to be Demolished	20 (60 family units)
Minor Damage to Homes	600

Various sources: Compiled by the UN Office for the Coordination of Humanitarian Affairs (OCHA), 29 April 2002

just, durable, and comprehensive solution to the historic conflict. The United States and the EU, simply labeled the decision as 'regrettable.' (See, UN Doc. SC/7391, 3 May 2002, and AFP/Brussels, 2 May 2002) The decision to disband the UN investigation was a blow to the individual victims of Jenin. Moreover, the decision only contributed to the historic cycle of violation and impunity and further postponed any prospect of a solution.

A History of War Crimes

Jenin was not the first time, however, that the international community had chosen, for political reasons, not to uphold international law in Palestine/Israel. Nor was it the first time that the international community had failed to hold accountable those responsible for its violation. Throughout the conflict and war in Palestine in 1948, for example, member states of the United Nations failed to take effective action concerning threats to international peace and

security despite repeated warnings from UN, British, and local officials on the ground emphasizing the urgency of deploying international forces in Palestine to help stabilize the situation and prevent "uncontrolled, widespread strife and bloodshed." During the war, Israeli military forces committed numerous serious breaches of international humanitarian law, including failure to protect civilians, extra-judicial executions (including massacres), along with the mass destruction of property without military necessity. It is these violations, which resulted in the particularly strong language set forth in UN General Assembly Resolution 194, 11 December 1948 calling for the return of refugees to their homes, restitution of property, and compensation for losses and damage. While individuals responsible for war crimes during WWII are still being brought to trial today, no person has ever been brought to justice for war crimes committed during the 1948 war in Palestine. Moreover, the international community has failed to implement UN Resolution 194 as an effective remedy to the serious breaches of international law that led to the mass displacement and dispossession of the Palestinian people.

In the 1967 occupied Palestinian territories, the United Nations recognized Israel's grave breaches of the Fourth Geneva Convention as war crimes as early as 1972 (UN CHR Resolution No. 3 XXVIII, 22 March 1972). The UN Commission on Human Rights took note of the fact that, under the Fourth Geneva Convention of 12 August 1949 (having to do with the protection of civilian persons in time of war), unlawful deportation or transfer, unlawful confinement, deprivation of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property all constituted grave breaches of that Convention and war crimes.

This also included a series of ongoing attacks on Palestinian refugee camps, especially in the Gaza Strip during the 1970s and 1980s under the supervision of both Ariel Sharon and Shimon Peres. From the early 1970s to the late 1980s the UN General Assembly annually called for the protection of Palestinian refugee camps and between 1982 and the beginning of the Oslo process, the Assembly issued annual resolutions calling upon the UN Secretary General, in consultation with UNRWA "to

undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the occupied territories." No effective, systemic action was taken to implement these resolutions and uphold international law.

In 1982 several thousand Palestinian refugees living in the camps of Sabra and Shatila in Lebanon were brutally slaughtered by Israeli-allied Phalangist militias under the eye of the Israeli military. In the aftermath of the massacre, the UN once again called for the protection of Palestinian refugee camps. The Assembly concluded that the massacre of Sabra and Shatila constituted an act of genocide, UN General Assembly Resolution 37/123(D), 16 December 1982.

Attacks on Palestinian refugee camps resumed in late 1980s following the outbreak of the first intifada in the 1967 occupied territories. Once again the United Nations, including the Office of the UN High Commissioner for Refugees called for the protection of Palestinian refugee camps. Why was nothing done to implement these resolutions? Why did the international community fail to protect innocent Palestinian civilians residing in refugee camps despite repeated pronouncements for three decades? Why has the international community failed to hold accountable those responsible for serious breaches of international law, including war crimes and genocide?





International Law and Durable Solutions

The failure to fully uphold international humanitarian and human rights law and hold responsible those who have committed serious breaches of international law, including war crimes and genocide, has severely impeded and ultimately obstructed international efforts to facilitate a comprehensive, just and durable solution to the conflict in the Middle East. It has provided a license for the continued violations; it has weakened popular support for the political process, which is viewed as unable to defend and guarantee respect for fundamental rights; it has deprived the international community of a standard benchmark or a 'set of rules' to regulate relations and adjudicate disputes between the parties; and, it has tarnished the overall credibility of the system of international human rights and humanitarian law and of the United Nations as body mandated to maintain international peace and security.

In this context, moreover, international humanitarian assistance to the Palestinian people has become a palliative to effective legal and

political action, while international donors effectively underwrite Israel's serious breaches of international law. In other words, international aid has become synonymous with purchasing a right for Israel to continue the pervasive and systematic violation of international law. Under international law a state cannot 'purchase', through compensation, the right to continue injurious actions. The same legal principle holds true for the international community's lack of effective intervention to uphold the rights of Palestinian refugees - i.e., right to return, right to real property restitution, and right to compensation for losses and damages. Moreover, it may be argued that because rendering a person a refugee violates all of the articles of the Universal Declaration of Human Rights, the act of generating refugees might qualify as an 'international crime', on par with slavery, genocide and apartheid. How much more so when nearly 75 percent of an entire people have been displaced or made refugees either inside or outside their historic homeland.

The durability of any future political process between Israel and the PLO will depend, in large part, upon the willingness of the international community to uphold international law and fulfill its obligations in full as set forth in 1945 Charter of the United Nations. This includes prosecution of those responsible for past and future violations and serious breaches of international law. For the last several months the United States and some European allies have invested a great deal of energy in linking political reform of the Palestinian Authority (PA) to a renewal of political negotiations and the prospect of a comprehensive solution to the conflict. A durable solution to the conflict, including a solution to the plight of Palestinian refugees, however, will not only depend on PA reform; it will also depend upon significant reform of American, European and Israeli policy to bring it in line with international law. On the anniversary of World Refugee Day this year (20 June 2002), US President George Bush affirmed "America will always stand firm for non-negotiable demands of human dignity and rule of law." In Mr. Bush's own words, what is needed now is not just words but action, that includes full support for the right of Palestinian refugees to return to their homes.■

UPDATE

Campaign for the Defense of Palestinian Refugee Rights

Community and International Mobilization

Nakba Day 2002: Nakba memorials of the Palestinian community in Israel start traditionally on the day Israel celebrates its independence day according to the Hebrew calendar. On 17 April 2002, Palestinians inside Israel organized collective visits to several depopulated Palestinian villages, among them Suhmata (Upper Galilee), Miska (Southern Triangle), and Umm al-Zeinat (in the Carmel Mountain). Around 7,000 people participated in the fifth Al-Awda (Return) March from the Acre-Safad intersection to the depopulated village of al-Birwa (near Acre). Participants raised the names of the destroyed Palestinian villages and banners demanding the right of return for internally displaced Palestinians and refugees in exile. Other slogans called for the end of Israel's military occupation and Sharon's war crimes committed against Palestinian towns and refugee camps.

Participants included internally displaced Palestinians and their supporters, Palestinian NGOs, community organizations and public representatives. Most noteworthy was the first-time participation of Jewish-Israeli groups, such as Zokhrot, Sawt Badeel, Re'out, Bat Shalom and others. The participants marked the sites of the four cemeteries of al-Birwa village with signs in English, Arabic and Hebrew. Other Nakba activities organized inside Israel included guided tours through the Palestinian neighborhoods of Haifa to educate participants about the forced eviction of the city's Palestinian residents (organized by the Haifa Popular Committee Against the Occupation), public debates and discussions on issues related to the Palestinian Nakba and the right of return, and the launching of a special Project for Human Rights Education by the Arab Association for Human Rights (Nazareth) in schools and educational institutions. The program includes lectures about the right of return as a human right, video screenings and guided tours for students and teachers.



Palestinian refugees commemorating Nakba Day 2002, New York. (<http://www.grassrootsonline.org>)

In the 1967 occupied Palestinian territories Nakba commemoration events scheduled for the 15 May 2002, according to the western calendar, were severely curtailed due to Israel's ongoing military campaign. Most public activities planned for the West Bank were unable to proceed. The anniversary, however, was marked by a minute of silence at 12 noon on 15 May followed by calls from the mosques and the ringing of church bells. In the West Bank, Palestinians designated the Jenin camp as the site of their 2002 Nakba memorial. In the Gaza Strip Nakba commemoration events were overshadowed by the ongoing threat of an imminent Israeli military attack.

Nevertheless, numerous marches and public events were held raising the refugees' demand for the right to return and restitution of their lands. Due to the fact that Israel has divided the Gaza Strip into four closed areas, since the beginning of the al-Aqsa intifada, however, Gaza Strip residents launched right-of-return marches and rallies in the four separated areas: the northern Gaza Strip - Jabalya refugee camp; central area camps; Rafah and southern Gaza Strip; and the Gaza City district.

Jenin Designated as Site of 2002 Nakba Memorial

Residents of Jenin refugee camp, the camp-based Emergency Committee for Relief and Reconstruction of the Jenin Camp, and UNRWA have agreed in principle that in the framework of camp rehabilitation and reconstruction of a public memorial site should be established, in order to commemorate and educate about war crimes and crimes against humanity committed against the Palestinian people and its refugees. The Emergency Committee-Jenin Camp invited Palestinian, Arab and international experts, artists and solidarity groups to contribute to the effort for the creation of unique memorial site that will both serve to commemorate the victims of war crimes and educate about Palestinian rights and the struggle for freedom. Suggestions concerning planning and artistic design as well as future use and promotion of the Jenin memorial locally and world-wide should be directed to the Emergency Committee for Relief and Reconstruction of the Jenin Camp. Supporters of the Jenin memorial project are welcome to visit the camp in order to discuss their ideas in detail.

Contact: Emergency Committee for Relief and Reconstruction of the Jenin Camp, Fakhri Turkman, general coordinator; tel/fax: 04-2437163.

Palestinian Refugees Visit Bosnia to Learn about Return and Restitution:

Over a period of one week (10-17 June 2002), a delegation of Palestinian refugees from the occupied Palestinian territories, Lebanon, Syria, Jordan, Europe, and internally displaced inside Israel, traveled throughout Bosnia-Herzegovina (BiH) to study refugee return and real property restitution since the signing of the Dayton Peace Agreement in 1995. Delegation members met with international officials and BiH government officials responsible for the implementation of refugee return and restitution. Meetings with international organizations included the Office of the High Representative (OHR), and the Commission for Real Property Claims (CRPC), both established under the 1995 Dayton Peace Agreement (DPA). Meetings and field visits were also held with refugees and displaced persons from the Bosniac, Serb, and Croatian communities in BiH. In Sarajevo the delegation met with the Association of Refugees and Displaced Persons in Bosnia-Herzegovina, a multi-ethnic, non-governmental organization established in 1992 based on an initiative of various refugee unions. The Association works for the protection of refugees and displaced persons and their right to return to their pre-war homes. In Banja Luka, the delegation spent one day visiting with returnees who had recently repossessed their properties with legal assistance provided by the Norwegian Refugee Council (NRC). Discussions focused on the return process and various problems and obstacles faced by the refugees. Discussions were also held with refugees who are still unable to return due to ongoing secondary occupation of their

homes. The study tour also included site visits to villages that were depopulated and destroyed and then reconstructed after the war. Throughout the study tour, refugees and displaced persons in BiH expressed their solidarity with Palestinian refugees.

International and local officials, as well as refugees themselves stressed the importance of enshrining not only principles of international law in any peace agreement but also implementing mechanisms to facilitate return and restitution. The delegation was organized by BADIL Resource Center and hosted by the Norwegian Refugee Council (NRC) in Bosnia-Herzegovina. A video documentary about refugee return and real property restitution in Bosnia-Herzegovina through the eyes of the members of the study tour will be available later in summer 2002. (See, also, "Palestinian Fact-Finding Trip to Bosnia, page 25)



Palestinian refugee delegation meeting with staff of the Norwegian Refugee Council and Bosnian returnees in the village of Grahavo, southwest of Sarajevo, June 2002.

8 June 2002

Lobbying the UN and International Community

Refugees Invite US Secretary of State to Visit Jenin Refugee Camp: Following Israel's massive assault on the Jenin refugee camp in April refugee women and children from the camp issued a public invitation to US Secretary of State Colin Powell to visit the camp and see the destruction. The invitation was published in al-Quds newspaper in Jerusalem and distributed to all representatives of foreign diplomatic missions and international organizations in Israel/Palestine.

Dear Mr. Powell,

We, the children and women of the Jenin refugee camp, survivors of the massacre perpetrated here between 1 April 2002 and until this day by the Israeli occupation army with the help of weapons made in the United States of America, invite you to visit our camp, in order to witness with your own eyes the atrocities committed against us: killing, murder, destruction, dispossession, siege and starvation - committed against innocent civilians, residents of our camp.

We would like to assure you, at the same time, that all that has been done to us - and will be done to us in the future - will neither make us kneel nor diminish our determination to demand our right to return to our homes and lands in our villages and towns which were forcefully taken from us in 1948.

Thanking you and awaiting your visit,
The children and women of Jenin refugee camp
12 April 2002

Sanctions/Boycott Campaign Update: The grassroots campaign for a boycott of Israeli products continues to pick up support around the world, especially after the brutal military assault on Jenin refugee camp and throughout the 1967 occupied territories in April 2002. Solidarity committees in Europe have produced and disseminated flyers about the boycott in supermarkets and report that, in general, public response is positive. Israeli products can be



identified by the product bar code, which begins with the numbers 729. Within Europe there is also a broad consensus among NGOs and within the solidarity movement about the imposition of sanctions by individual governments and the EU. This includes lobbying for the suspension of the EU Association agreement with Israel.

In the United States academics and researchers have launched a campaign aimed at obtaining maximum endorsement among academics of a letter calling for a boycott of research and cultural links with Israel, until Israel abides by all relevant UN resolutions (UNGA 194, UNSC 242, 338, 1402 etc.); complies with human rights as codified in the Universal Declaration on Human Rights and the Fourth Geneva Conventions to which Israel is a signatory; and, opens serious peace negotiations with the Palestinians, along the lines proposed in many peace plans, most recently that sponsored by the Arab League. A similar letter endorsed by more than 120 academics and researchers in Europe was published in the British daily, The Guardian, on 6 April 2002.

In the 1967 occupied territories supermarket owners report that increasing numbers of consumers are looking for alternatives to Israeli and American made products. The change is particularly evident in a rapid decline in demand for US manufactured cigarettes. According to the last round (January-February 2002) of the PCBS survey on the Impact of the Israeli Measures on the Economic Conditions of Palestinian Households, released in April, 97 percent of households surveyed supported the boycott of Israeli products when an alternative product exists, while 23 percent of households totally boycotted Israeli products.

Following the military assault on Jenin refugee camp, the Popular Committees in the refugee camps also issued a statement refusing to accept aid sent by the US government and USAID. "The massacre was committed with US approval and weapons, which killed our people and fighters and destroyed our homes. The crime committed is large and extensive. Its traces cannot be erased by the aid and assistance, which is now being provided in

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order to humiliate our people and to desecrate the blood of our martyrs. All our greetings and all our respect to the people of Jenin, who have returned this aid to its owners, partners in the crime." The statement also called upon NGOs to refuse US government and USAID assistance. The Palestinian NGO Network (PNGO) also decided to boycott US humanitarian aid. (See, 'Documents', page 42)

For more information on the global boycott campaign, see:



Info@BoycottIsraeliGoods.org
<http://www.BoycottIsraeliGoods.org>

For further information on the academic boycott, contact:



zdamuni@comcast.net
boycotts@teacher.com

War Crimes

International Criminal Court (ICC):

On 1 July 2002, the International Criminal Court (ICC), located in The Hague, Netherlands, will officially come into force following ratification by more than 60 states. The ICC will be a permanent international tribunal that will try individuals accused of genocide, war crimes, and crimes against humanity. The ICC will have jurisdiction over crimes committed by the nationals of governments that ratify the treaty, or in the territories of governments that ratify. Under the treaty, states have the primary responsibility and duty to prosecute, with the ICC stepping in only if states fail to implement their duty. The ICC does not have a mandate to try crimes committed prior to 1 July 2002.



The United States, one of the original 120 signatories to the 1998 ICC Statute, has already announced its decision (6 May 2002) to withdraw its signature from the Treaty. The US has also sought to exempt all US peacekeepers from the jurisdiction of the ICC even though US troops in Bosnia and Kosovo have been subject to the jurisdiction of the Yugoslav war crimes tribunal (ICTY) for the past seven years, the US only has around 35 troops and 677 police currently serving under the UN flag, and the fact that the ICC Treaty includes extensive provisions to weed out politically based cases. "The real reason behind Washington's blackmail," states Human Rights Watch, "is the most troubling. An increasingly influential faction

in the Bush administration believes that US military and economic power is so dominant that the US is no longer served by international law." The same analysis also applies to Israel, which has not ratified the Treaty and is also considering withdrawing its signature.

For more information about the ICC, see:



www.un.org/law/icc/statute/rome.htm
www.hrw.org/campaigns/icc/action.htm

The Case Against Sharon (Update): On 26 June 2002, a Belgian Court of Appeals ruled on narrow procedural grounds that Belgium did not have jurisdiction to prosecute Ariel Sharon on charges of genocide, war crimes, and crimes against humanity due to the fact that he was not present on Belgian soil. The ruling eviscerated the intention and significance of the 1993 and 1999 Belgian legislation on universal jurisdiction and came after the legal team representing the plaintiffs made a request to the court for a reopening of the debate about the admissibility of the case following the International Court of Justice (ICJ) decision (14 February 2002) that a Belgian arrest warrant for the acting Foreign Minister of the Democratic Republic of Congo violated international law because it failed to respect the Minister's "immunity from prosecution." The lawyers for the plaintiffs, witnesses and survivors of the Sabra and Shatila massacre, insisted that immunities cannot be recognised for the crime of genocide, since the 1948 Genocide Convention expressly rules out such immunities. This issue was not raised in the Congo v. Belgium case, and therefore immunity could not be deemed relevant for the case lodged against Sharon and others in the matter of the 1982 Sabra and Shatila massacre. The lawyers also insisted on the need to restrict immunity to the simple issuance and delivery of an arrest warrant, in accordance with the actual decision of the International Court of Justice in the Congo v. Belgium case.

The Attorney-General of Belgium, moreover, had confirmed his support on the full jurisdiction of the Belgian courts under the Belgian 1993 Statute Law and rejected the interpretation of other judges in the Congo v. Belgium (Yerodia) case in Brussels. On the question of immunity, the Attorney-General, while recognising personal and temporal immunity for Mr. Sharon as a sitting prime minister, confirmed the need for the investigation to proceed. Chibli

Statement by the lawyers of the victims of Sabra and Shatila on the decision of the Court of Appeals in Brussels, 26 June 2002, Excerpts

The course of justice has been interrupted today, but efforts to halt impunity for war crimes committed in Beirut 20 years ago continue in Belgium and elsewhere. The hopes of the victims in the massacres of Sabra and Shatila to end the impunity of those responsible for their suffering, raised last year under Belgium's law of universal jurisdiction, will not be dashed.

Today's decision represents a setback both for international humanitarian law and for all victims who seek justice for large-scale killings, acts of torture and rape, and disappearances committed against them and their families. Impunity in this case continues notably for Mr. Ariel Sharon who, as the commander of the operation which was carried out "under his supervision," was found "personally responsible" for these massacres by an Israeli commission of enquiry.

This decision is also a setback for the course of justice and the attainment of peace in the Middle East. Pursuing a judicial course, far removed from violence, is interrupted on the grounds of narrow procedure at a time when the law was clear and the preparatory works had confirmed that narrow grounds should not prevent the exercise of universal jurisdiction for particularly heinous crimes as defined by international humanitarian law: war crimes, crimes against humanity, and genocide.

Today, the Palestinian people lack effective courts of law and have no means of defending and vindicating their rights as defined by International Humanitarian Law and the Geneva Conventions. This absence of judicial recourse cannot continue.



Missing persons in Shatila camp after the 1982 massacre, September 1982 (UNRWA)

Mallat, one of the lawyers representing the plaintiffs, stated that he was "afraid that the decision came as a result of the extreme pressure, which was clearly exerted against the government of Belgium by the political authorities in Israel. They even accused Belgium of anti-Semitism." At the same time, however, Mallat stated that "A new road was opened and this road should continue in Belgium and elsewhere. The road of justice is the one that is feared by Israeli leaders. [The] methods of justice have not been all consumed yet, not in Belgium and not in other states and therefore we should knock on all the doors." (Daily Star, 27 June 2002)

Human rights organizations condemned the decision of the Appeals Court. "This decision is a great disappointment not only to the victims of the massacres of Sabra and Shatila," stated Human Rights Watch, "but to atrocity victims everywhere who have placed their hopes for justice in the Belgium courts." "This restrictive interpretation of Belgian national law is inconsistent with international law," stated Amnesty International. "The massacres of Sabra and Shatila refugee camps were war crimes and need to be fully and impartially investigated. International law to combat impunity must not be undermined, especially as the International Criminal Court will enter into force on 1 July."

The legal team for the plaintiffs plans to appeal the decision.

For more information, see:

International Committee for Justice for the Victims of Sabra and Shatila, contact:

www

coordinator@indictsharon.net;
<http://www.indictsharon.net>;

www

Sabra and Shatila Committee, Belgium:
<http://www.sabra-shatila.be>

www

Mallat Law Firm (a member of the plaintiff's legal team): <http://www.mallat.com>

War Crimes in Jenin and the Occupied Territories:

While the UN Security Council investigation into the events in Jenin refugee camp and in the 1967 occupied territories was disbanded, efforts to uncover the facts and bring to trial those responsible for serious breaches of international law, including war crimes, continue. Following Kofi Annan's decision to disband the Security Council mission, the UN General Assembly adopted a special

resolution (A/ES-10/L.9/Rev.1) instructing the Secretary General to continue to develop accurate information on the events in Jenin. Additionally, there is currently at least one legal case in Europe



Jenin refugee camp, April 2002 (UNRWA)

(Sweden) concerning the events in Jenin and the occupied territories.

The question remains, if Israel had nothing to hide, why did it obstruct the Security Council investigation? The shift in Israel's stance from initial agreement to suspension of its cooperation with the UN Fact Finding Mission was apparently prompted by the intervention of Daniel Bethlehem, an expert in international law at Cambridge University and Israel's external legal advisor on the UN inquiry. (Ha'aretz, 25 April 2002) Bethlehem was alarmed by the terms of reference of the UN mission. "Unlike the Mitchell inquiry," he writes, "this exercise is not focused on finding a pathway back to negotiations. It is an exercise inquiring into allegations of war crimes." He goes on to warn, "If the committee's findings uphold the allegations against Israel - even on poor reasoning - this will fundamentally alter the dynamics of the Israeli-Palestinian leadership and may make it impossible

for Israel to resist calls for an international force, the immediate establishment of a Palestinian state and the prosecution of individuals said to have committed the alleged acts."

War Crimes and Israel's March-April Invasion

Based on the categories defined by the 1949 Fourth Geneva Convention and the 1998 Rome Statute of the International Criminal Court, and based on evidence documented by numerous local and international human rights organizations and humanitarian agencies, war crimes committed during Israel's military assaults in the 1967 occupied Palestinian territories in March and April 2002 include:

- Willful killing or killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
- The use of protected persons as human shields;
- Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment, which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives; and,
- Pillage.

For more details, see:



www.badil.org/Publications/Monographs/SR_April02.htm

Israel's March-April Military Campaign in the 1967 Occupied Palestinian Territories and the Destruction of the Oslo Framework. International Law, Protection of Fundamental Rights and Freedoms, and a Comprehensive, Just, and Durable Solution to the Israeli-Palestinian Conflict. An Agenda for Action. BADIL Resource Center (April 2002)

An Earlier Case Revisited - The 1996 UN Investigation into Israel's War Crime at Qana, South Lebanon: On 18 April 1996, during a massive Israeli military offensive on Lebanon code-named "Operation Grapes of Wrath," approximately 800 civilians were sheltering in a United Nations Interim Forces in Lebanon (UNIFIL) base in the village of Qana, South Lebanon. They had assumed - incorrectly - that since international law strictly prohibits the targeting of civilian structures and UN facilities they would be safe under UNIFIL's protection. Just after 2 PM on April 18, a barrage of proximity-fuse shells crashed directly into the pre-fabricated building. Minutes later 106 people lay dead, many burned and dismembered beyond recognition. On 25 April 1996 the UN General Assembly adopted a resolution (UNGA Res. A/RES/50/22 C) characterizing Israel's actions in the "Grapes of Wrath" offensive as "grave violations of international laws relating to the protection of civilians during war." Then UN Secretary General Boutros Boutros Ghali appointed a team to investigate Israel's bombing of the UNIFIL compound. The team conducted an official on-site investigation of the Qana incident, interviewed all available witnesses, including UNIFIL staff and Israeli officials, and obtained maps and ballistic evidence. According to experts familiar with this UN investigation, the initial report concluded that the shelling and killing of 106 civilians inside the UNIFIL compound by Israel was deliberate and that there was no possibility of an accident. When former UN Secretary General Boutros Ghali wanted to publish the report, he was threatened that this would cost him his job and he was forced to publish

a revised report. This report concluded that "while the possibility cannot be ruled out completely, it is unlikely that the shelling of the UNIFIL compound was the result of gross technical and/or procedural error." The Van Knappen report, named after the Dutch head of the team, also indicated that IDF officials of "some seniority" were involved in orders to fire upon the base, which they knew was sheltering hundreds of civilians. International human rights organizations also conducted investigations and concluded that the shelling of the UNIFIL compound was most likely deliberate, not mistaken. The United States and Israel vigorously contended that the attack had been an unfortunate mistake. No further action was taken by the United Nations. Moreover, the United Nations has yet to act upon a petition filed by families of the victims of Qana with the UN Human Rights Commission. The families' petition requests the UN to re-open its investigation.

For more on the case of Qana and investigations conducted by the UN and independent human rights organizations see:

www

www.merip.org (see Press Information Notes PIN, No. 11)

www

www.amnesty.org/news/1996/51504996.htm

www

www.hrw.org/hrw/summaries/s.israel-lebanon979.html

Jenin refugee camp, April 2002



Refugee Protection



There were no improvements in protection for Palestinian refugees during the second quarter of 2002. The absence of an international mechanism with a recognized mandate to provide protection for Palestinian refugees continues to have a negative impact on refugees in all areas of exile. The severity of the situation in the 1967 occupied territories where the lack of international protection is compounded by Israel's ongoing illegal military occupation understandably tends to detract from the broader systemic problems concerning protection. The latter issues will be addressed in more detail in the September issue of al-Majdal.



Destroyed UNRWA vehicle, Jenin refugee camp, April 2002 (UNRWA)

Since the end of March 2002 the majority of the Palestinian population in the West Bank has spent the majority of the time under military curfew. The hermetic closure of the Gaza Strip remained in place. As regards Palestinian refugees, statistical data continues to reveal a picture of a community that is particularly vulnerable to Israel's brutal repression of the popular uprising (al-Aqsa intifada), especially in light of the absence of international protection as afforded to all other refugees. As UNRWA Commissioner General Peter Hansen noted in early April 2002: "You cannot go to a camp or to another exposed Palestinian habitat without hearing anguished cries of why don't we get protection and observers, let the world see what is going on here. The Palestinians are very keen to have in this instance as much transparency, openness, observation as possible of the situation.

But as you know, the Israelis have denied and refused entry." (UN DPI, 5 April 2002)

Deaths and Injuries

Between 1 April and 30 June 2002, 361 Palestinians were killed by Israeli military forces (PRCS), only slightly less than the previous three month total of 372. The number of Palestinians killed by Israeli forces in the first 6 months of 2002 comprises 45 percent of the total number of Palestinians killed since the beginning of the uprising in September 2000. Based on previous studies (See, BADIL Occasional Bulletin No. 8, September 2001), it is estimated that refugees continue to comprise the majority (60 percent) of Palestinians killed over the last three months. Camp refugees continue to be particularly vulnerable. While refugees in camps comprise approximately 20 percent of the Palestinian population in West Bank and Gaza Strip, camp refugees comprised nearly 30 percent of those killed during Israel's March-April military assault. During the same period the total number of injuries decreased by about one-third, but the rate is still high at around 1,000 persons.

In Jenin refugee camp, medical and emergency rescue crews recovered more than 50 bodies, including those of four women and a 10-year-old girl. According to fieldwork by Human Rights Watch, many of the civilian deaths in the camp amounted to unlawful or willful killings and could have been avoided. This included Kamal Zgheir, a fifty-seven-year-old wheelchair-bound man who was shot and run over by a tank on a major road outside the camp; fifty-eight year old Mariam Wishahi, killed by a missile in her home just hours after her unarmed son was shot in the street; Jamal Fayid, a thirty-seven-year old paralyzed man who was crushed in the rubble of his home despite his family's pleas to be allowed to remove him; and fourteen-year-old Faris Zaiban, who was killed by Israeli fire as he went to buy groceries during a

Refugee Camps and International Protection

Attacks on refugee camps and refugee-populated areas violate international humanitarian, human rights and refugee law. Under the Fourth Geneva Conventions and the two Protocols to the Conventions, the Parties to a conflict, including the Occupying Power, must ensure respect for and protection of the civilian population.

Attacks on civilians, including refugees, are expressly prohibited (Article 51, Protocol I; Article 13, Protocol II). Destruction of real or personal property by the Occupying Power is also expressly prohibited (Article 53, Fourth Geneva Convention). Destruction of objects indispensable to the survival of the civilian population is prohibited (Article 54, Protocol I; Article 14, Protocol II). It is important to note that the presence of an individual combatant within a civilian population, including refugee camps, does not deprive the population of its civilian status (Article 50, Protocol I).

Attacks on refugee camps also violate a host of basic rights protected under international human rights law. This includes those rights set forth in the International Covenant on Social, Economic, and Cultural Rights, such as the right to an adequate standard of living (Article 11) and the right to the highest attainable standard of physical and mental health (Article 12), among others. (See BADIL Report to the Committee on Economic, Social and Cultural Rights, 23 April 2001 for details).

Finally, attacks on refugee camps violate principles set forth in international refugee law. These principles have been elucidated in several Conclusions issued by the Executive Committee of the Office of the UN High Commissioner for Refugees. The Conclusions include No. 27 (XXXIII), adopted in 1982 in the aftermath of the Sabra and Shatila massacre, No. 32 (XXXIV) 1983, No. 45 (XXXVII) 1986, No. 48 (XXXVIII) 1987, and No. 72 (XLIV) 1993. Attacks on refugee camps, which are considered to have an exclusively civilian and humanitarian character, are unlawful. States are called upon to investigate violations of the personal security of refugees and institute criminal prosecution against all perpetrators of such violations. States and international bodies are called upon to provide effective physical protection to refugees.

temporary lifting of the curfew. Some of the deaths also amounted to summary executions. Jamal al-Sabbagh, for example, was shot dead while obeying orders to strip off his clothes.

Unemployment

According to the PCBS Labor Force Survey results for the first quarter (January-March 2002), the total number of unemployed persons in the 1967 occupied territories reached 68 percent by the end of March 2002 (including persons who are part of the labor force seeking jobs and those not seeking jobs). The number of households who indicate that finding jobs is their first priority continues to increase (24 percent), preceded only by the number of households indicating that money (31 percent) is their first priority. By April, however, the most recent Graduate Institute of Development Studies, University of Geneva [IUED] survey found that 26 percent of respondents reported to be in need of food and 17 percent in need of money indicating that the population had become particularly pre-occupied with basic needs for survival. Employment did not appear important on the list.

Since the beginning of the intifada the economic dependency ratio in the 1967 occupied territories has increased by 42 percent (6.8 persons) (PCBS, April 2002). The rate of increase is even higher in the Gaza Strip (49 percent) where the economic dependency rate is 8.8 persons compared to 6.0 in the West Bank. In addition, 54 percent of those Palestinians who are employed receive monthly wages that fall below the poverty line (1642 NIS for a household of two adults and 4 children for 2001). Emergency temporary job creation programs cannot cope with employment needs as long as Israel's military closure, further entrenched through the imposition of a new permit system and the construction of fences and barriers around Palestinian towns and cities, and re-occupation of Palestinian population centers remains in place. According to World Bank analysis from March 2002, the unemployment situation is expected to worsen under these conditions. Camp refugees, in particular, have experienced greater difficulties in mobility over the past 19 months of the intifada and have far fewer opportunities for employment within the limited confines of refugee camps.

Poverty Level

The presence of armed Palestinian militants inside Jenin refugee camp, and the preparations made by those armed Palestinian militants in anticipation of the IDF incursion, does not detract from the IDF's obligation under international humanitarian law to take all feasible precautions to avoid harm to civilians. Israel also has a legal duty to ensure that its attacks on legitimate military targets did not cause disproportionate harm to civilians. Unfortunately, these obligations were not met. Human Rights Watch's research demonstrates that, during their incursion into the Jenin refugee camp, Israeli forces committed serious violations of international humanitarian law, some amounting *prima facie* to war crimes. (Human Rights Watch, Jenin: IDF Military Operations, May 2002)

According to the Palestinian Central Bureau of Statistics survey for January and February 2002 released in April, the median monthly income of Palestinian households in the 1967 occupied territories continues to fall. Monthly income decreased from 2500 NIS before the intifada to 1200 NIS in February 2002. In the Gaza Strip, the median monthly income fell to 883 NIS. The percentage of Palestinian households that lost their income during the intifada doubled from 10 percent in March 2001 to 20 percent in February 2002. The percentage of households that lost more than half of their income during the last six months is up from 49 percent in March 2001 to 56 percent in February 2002. Under the current circumstances the World Bank estimates that the Palestinian economy will be pushed into a poverty trap in which any prospect of recovery can be forgotten for a long time.

As of the end of March 2002, prior to Israel's massive military assault, approximately 67 percent of Palestinian households were thought to be living below the poverty line (1651 NIS for a household of 2 adults and 4 children) with the rate as high as 85 percent in the Gaza Strip. By April some 87 percent of Palestinians in the 1967 occupied territories surveyed by the University of Geneva [IUED] were reporting that their living conditions were worse to difficult and destitute. Approximately one-third of respondents stated that they could cope for a few more days with money, slightly less than one-third could cope for a few weeks, and one-quarter stated that they had run out of money. Only

9 percent stated that they could last for a long time. The situation was even more severe among Palestinian refugees residing in camps. Almost half of the interviewed refugee camp residents stated that they had already run out of money compared to 23 percent of city dwellers and 30 percent of villagers. Only 2.9 percent stated that they could last for a long time (one-third that of non-refugees), 10 percent could last for a few weeks (one-third that of non-refugees), and 40 percent for a few days. Nearly half (48 percent) of refugees in camps were reporting that they had run out of money.

Damage to Property

At the end of December 2001 the World Bank had assessed the total physical damage in the 1967 occupied territories at around US \$305 million, almost twice the earlier estimate for the period between October 2000 and June 2001 (US \$168). By the end of April 2002, the total damage had more than doubled with an additional estimated damage of US \$350 million. Donor figures for the estimated damage in the West Bank resulting from Israel's military assault raise disturbing questions that have yet to be answered. If the self-professed purpose of the military campaign was to arrest persons identified by Israel as terrorists, why did the private sector, private housing and property, and cultural heritage sites suffer the vast majority of the damage? As local and international human rights organizations suggest, the target and scope of the damage provide *prima facie* evidence of serious breaches of international law, including war crimes.

Palestinian refugees in camps continue to suffer higher levels of damage than Palestinians outside of refugee camps. As of April 2002, around one-third of refugees in camps were reporting damaged to their shelters compared to the average across the 1967 occupied territories of one-quarter of all households (IUED, April 2002). More than two times as many respondents from camps stated that they were left with some damage compared to cities and villages. Twice as many respondents from refugee camps stated that they were left with lots of damages and that valuables were stolen. More than three times as many reported that their house was totally damaged.

From the beginning of the al-Aqsa intifada until April 2002, Israeli military forces have destroyed around

485 shelters in the Gaza Strip accommodating 555 refugee camps (3,159 persons) and 114 non-refugee families (2,136 persons). A further 268 refugee shelters had sustained varying degrees of repairable damage in addition to 43 non-refugee homes (UNRWA). Schools in the Balata, Tulkarm, Nur Shams, Jenin, Am'ari, Dheisheh and Aida camps sustained damage during the March offensive. In the case of the girls' school in Tulkarm camp, where IDF troops had taken up positions, it took 60 volunteers five hours to clean the classrooms of debris and

Estimate of Physical and Institutional Damage, West Bank (March-May 2002)	
<u>Infrastructure</u>	<u>Estimate in US\$</u>
Roads	69,944,891
Water & Sewage	6,938,867
Electricity	8,258,957
Solid Waste	2,830,670
Total	87,973,385
<u>Public Buildings</u>	
Health	744,146
Education	1,571,199
Municipalities/Governorates	2,894,110
Total	5,209,455
<u>Private Social Services</u>	
Health	140,900
Education	467,347
Total	608,347
<u>Private Sector</u>	
Industrial	12,123,862
Commercial	49,715,329
Tourism	1,910,000
ICT	10,518,359
Agriculture	25,470,000
Total	99,748,550
<u>PA Institutions</u>	
Physical (Exterior)	3,084,000
Institutional (Interior)	12,625,326
Total	15,709,326
<u>Cultural Heritage</u>	
Total	52,321,025
<u>NGOs</u>	
Health	1,323,208
Education	1,433,064
Other	1,739,260
Total	4,495,532
<u>Private Housing</u>	
Total	63,008,410
<u>Cars</u>	
Private	7,332,000
Public	1,147,830
Total	8,479,830
<u>Camps / except Jenin</u>	
Total	4,668,000
GENERAL TOTAL	342,221,860

Donor Support Group (May 2002). Private Sector damages not verified. The valuation of damage was based on replacement cost, defined to include materials and equipment, labor cost, commercial overheads, the removal of debris and provision of temporary supplies essential for maintaining vital services.

excrement. It is estimated that approximately 10 per cent of Jenin refugee camp was destroyed during Israel's military assault in April, including an estimated 140 buildings. Approximately 100 others are so severely damaged that they are structurally unsound, and no longer habitable. Physical damage to Jenin refugee camp is estimated at around US \$40 million. The majority of the physical damage is due to the destruction of refugee shelters. Damage to other refugee camps during the same period is estimated at US \$4.6 million.

Physical and Institutional Damage, Jenin Refugee Camp	
<u>Infrastructure</u>	<u>Estimate in US\$</u>
Roads	2,107,690
Water & Sewage	1,190,000
Electricity	720,733
<u>Public Buildings</u>	
Health	100,000
Education	75,000
Municipalities/Governorates	80,000
<u>Private Sector</u>	
Commercial	1,459,079
Private Housing	33,764,000
<u>Cars</u>	
Private	320,000
TOTAL	39,386,502

Donor Support Group (May 2002). Private Sector damages not verified. The valuation of damage was based on replacement cost, defined to include materials and equipment, labor cost, commercial overheads, the removal of debris and provision of temporary supplies essential for maintaining vital services.



Jenin refugee camp, April 2002 (UNRWA)

Sources: Jenin: IDF Military Operations (Human Rights Watch, May 2002), Palestinian Central Bureau of Statistics, Impact of the Israeli Measures on the Economic Conditions of Palestinian Households on the Eve of Israeli Incursion (January-February 2002), Palestinian Central Bureau of Statistics, Labor Force Survey Results on the Eve of the Israeli Incursion (January-March 2002); An Overview of Palestinian Public Assessment of its Needs and Conditions Following the Recent Israeli Military Operations in the West Bank (March-April 2002), University of Geneva, Graduate Institute of Development Studies, Report IV; and, UNRWA Emergency Appeals Progress Reports; World Bank, Fifteen Months - Intifada, Closures and Palestinian Crisis (March 2002).

UN and International Protection

There were no major improvements in addressing the problem of international protection for Palestinians in the 1967 occupied territories, in general, and the specific protection gap for Palestinian refugees, in particular, during the second quarter of 2002. Not one single recommendation submitted by the UN High Commissioner for Human Rights, the UN Commission on Human Rights Special Commission of Inquiry, and the UN Special Rapporteur on Human Rights in the Occupied Territories since the beginning of the al-Aqsa intifada has been implemented.

UN Secretary General Kofi Annan made an explicit call in April (UN Doc. SG/SM/8200, 16 May 2002) for the deployment to the occupied territories of a multi-national contingent of international forces (rather than UN) authorized under Chapter VII of the UN Charter, which provides for the use of force. According to Annan, the force would have four key objectives: to work with the parties to end the violence, in part through monitoring the withdrawal and redeployment of Israeli military forces to positions held before the beginning of the intifada; to gradually create secure conditions in the occupied territories for the resumption of normal economic activity and the unimpeded delivery of humanitarian and development assistance; to create conditions to allow the Palestinian Authority to rebuild its institutions damaged or destroyed during Israel's military assault; and, to create a stable environment to permit the resumption of negotiations aimed at achieving a political settlement. "It is time for the international community to pursue such an option in a pro-active way," stated the Secretary General, "rather than waiting for the parties to arrive at this conclusion on their own." The UN Security Council, however, failed to address the issue in substantive terms. The situation on the ground in the West Bank and Gaza Strip has deteriorated to such an extent, moreover, that any deployment of international forces in the absence of a clear international framework, work plan, and implementing mechanism for a durable solution to the conflict, may serve to simply further entrench the current status quo. In other words, international forces may end up protecting Israel's military occupation rather than the occupied Palestinian population.

UN Security Council Fact-Finding Mission: On 19 April 2002 the UN Security Council voted in favor of establishing a special team to investigate events in the Jenin refugee camp (UNSC 1405). The team, headed by former President of Finland Marti Ahtisaari, included former UN High Commissioner for Refugees Sadako Ogata and Cornelio Sommaruga, former President of the International Committee of the Red Cross (ICRC), US General Bill Nash (military advisor) and US police expert Peter Fitzgerald was disbanded by UN Secretary General on 2 May, having failed to undertake its mission in light of Israel's refusal to cooperate with the UN team. (See above)

Commission on Human Rights Mission: In early April the UN Commission on Human Rights requested UN High Commissioner for Human Rights (CHR Resolution 2002/1, 5 April 2002) to send a special mission to the 1967 occupied territories to investigate the situation of human rights in the occupied Palestinian territories. The mission, headed by UN High Commissioner for Human Rights Mary Robinson, included former Spanish Prime Minister Felipe Gonzalez and Cyril Ramaphosa the former Secretary General of the ANC. The special mission failed to undertake its mission due to the lack of Israeli cooperation. Israel delayed approval of the mission until Commission members were no longer able to travel to the region and file a report in time for the spring session of the Commission.

International Committee of the Red Cross (ICRC): At the end of May 2002 the International Committee of the Red Cross issued a special budget extension appeal to facilitate continued emergency assistance to both refugees and non-refugee Palestinians in the 1967 occupied territories. The appeal doubled ICRC's initial 2002 budget for Israel and the occupied territories. Existing food relief programs for West Bank villages will be tripled to cover some 30,000 families, while humanitarian aid will be stepped up for some 20,000 families among the most vulnerable in nine larger West Bank towns. Since January 2001, the ICRC has provided assistance to more than 7,000 persons whose homes had been destroyed in the Gaza Strip or the West Bank. The ICRC also multiplied efforts to remind all the parties of their obligation to respect the basic laws of war and armed conflict amid deplorable

Camp David/Taba Redux

While final status negotiations between the PLO and Israel came to an abrupt halt in early 2001, various accounts of the negotiations continue to fill local and international newspapers. In June 2002, for example, former Israeli Prime Minister Ehud Barak gave an interview to the New York Review of Books (13 June 2002). Below are excerpts from the interview concerning Palestinian refugees.

They [the Palestinians] will exploit the tolerance and democracy of Israel first to turn it into "a state for all its citizens," as demanded by the extreme nationalist wing of Israel's Arabs and extremist left-wing Jewish Israelis. Then they will push for a binational state and then, demography and attrition will lead to a state with a Muslim majority and a Jewish minority. This would not necessarily involve kicking out all the Jews. But it would mean the destruction of Israel as a Jewish state. This, I believe, is their vision.

(But on the refugee issue, which Barak sees as "existential," Israel had continued to stand firm: "We cannot allow even one refugee back on the basis of the 'right of return,'" says Barak. "And we cannot accept historical responsibility for the creation of the problem.") [Barak] seems to think in terms of generations and hesitantly predicts that only "eighty years" after 1948 will the Palestinians be historically ready for a compromise. By then, most of the generation that experienced the catastrophe of 1948 at first hand will have died; there will be "very few 'salmons' around who still want to return to their birthplaces to die." (Barak speaks of a "salmon syndrome" among the Palestinians-and says that Israel, to a degree, was willing to accommodate it, through the family reunion scheme, allowing elderly refugees to return to be with their families before they die.)

perpetuated instances of violations of these laws. ICRC officials termed Israel's expulsion of 13 Palestinians, who were holed up inside the Church of the Nativity in Bethlehem, as illegal under international humanitarian law.

UNRWA: While UNRWA does not have an explicit protection mandate for Palestinian refugees, it continued to provide limited protection through interventions with the relevant authorities and the deployment of special operational support officers (OSOs) to facilitate the implementation of its humanitarian mandate. Even with the presence of OSO officers, however, UNRWA continues to face severe difficulties in facilitating the provision of basic services to refugees. On 3 April, for example, Israeli soldiers shot at an UNRWA convoy entering the West Bank city of Ramallah despite having made previous arrangements with the Israeli military for humanitarian access to the city. "On the convoy, I can tell you an example of conditions," Commissioner General Peter Hansen remarked to the press on 5 April 2002. "[A]n UNRWA staff member and operations officer was arrested, taken away, handcuffed and blindfolded, he was put in a detention center, on the ground, without walls, there was some corrugated roof over them so the rain only hit them occasionally. He was sitting handcuffed and blindfolded for 56 hours, without

food for 52 hours, and the food we are talking about after 52 hours was a few dry crackers."

During the past three months, the Agency played a significant role in the delivery of critical emergency supplies to Palestinians throughout the occupied territories (including non-refugees) during Israel's March-April military invasion. Agency officials also made repeated interventions with Israeli authorities concerning humanitarian access and protection of civilians. "I do not have a count of how many times I have written the [Israeli] Foreign Minister, the Minister of Defense, the Head of the Administration of the Territories," stated UNRWA Commissioner General Peter Hansen in early April 2002. "I have written numerous letters. So far, I do not have a response to a single one of these letters. However, we are not giving up writing, protesting, reminding them of international law and international obligations, and we are refusing to let the situation become so normal that we even forget or give up writing about it." The ongoing political and humanitarian crisis in the 1967 occupied territories, and the continued absence of international protection for Palestinian refugees raises serious questions about whether UNRWA's mandate should be expanded to include international protection of those refugees residing in its areas of operation.

Right of Return

1967 Refugees - 35 Years of Exile: June 2002 marked the 35th anniversary of the second major wave of mass displacement in Palestine. During the 1967 Israeli-Arab war more than 400,000 Palestinians were displaced, half of whom were 1948 refugees displaced for a second time in less than two decades. As in 1948, it is estimated that the majority of the refugees were displaced due to Israeli military assault and expulsion. And, as in 1948, Israel immediately began to take control of Palestinian refugee land under a variety of military orders that effectively applied many of the tactics used to acquire Palestinian land inside Israel (i.e., 'absentee property', 'military and public purpose', and 'state land.')

The total 1967 refugee population comprised approximately one-third of the Palestinian population in the West Bank, including eastern Jerusalem, and the Gaza Strip and slightly more than one-quarter of the indigenous Palestinian population still living within the borders of their historic homeland. Refugee property expropriated as 'absentee property' under Military Order No. 58, alone, amounted to hundreds of square kilometers of land. In the aftermath of the 1967 war Israel had displaced more than half of the Palestinian people outside the borders of their homeland and expropriated around 80 percent of Palestinian-owned property.

As in 1948, the United Nations adopted resolutions reaffirming the right of the refugees to return to their places of origin. On 14 June 1967 the UN Security Council adopted Resolution 237 calling upon Israel to facilitate the return of refugees displaced during the war. On the 4 July 1967 the UN General Assembly adopted Resolution 2252 (ES-V) calling upon the UN Relief and Works Agency for Palestine Refugees (UNRWA) to provide emergency humanitarian assistance to refugees displaced for the first time during the 1967 war. Unlike 1948, however, the United Nations failed to identify the appropriate international mechanism mandated to facilitate a durable solution for the refugees.

Under an agreement concluded between Jordan and Israel in August 1967, a process was established to facilitate the orderly return of the 1967 refugees. Arbitrary conditions and restrictive time constraints imposed by Israel, however, limited the number of refugees able to participate in the repatriation scheme and infringed on the voluntary character of return. According Red Cross (ICRC) figures, Israel approved only 13 percent of the repatriation applications allowing only 20,000 of 140,000 refugee applicants to return. Refugees displaced in 1948 and again in 1967 were not permitted to go back to the occupied territories. Israel rejected appeals by the ICRC to extend the time limit to enable the return of all those refugees wishing to do so.

Refugees fleeing for safety in 1967 (UNRWA)



More than three decades after they were displaced and forced into exile, some 700,000 1967 Palestinian refugees are still waiting to exercise their basic human right to go home. The problem of 1967 displaced Palestinians was to be resolved during the interim period of the Oslo process but remains unresolved. While Israel accepts in principle the right of refugees displaced for the first time in 1967 to return to their places of origin in the occupied Palestinian territories, it continues to impose arbitrary restrictions

that aim to limit the number of refugees able to return and preserve a Jewish demographic majority not only inside Israel but in all of historic mandatory Palestine.

Norwegian NGOs Issue Public Endorsements of the Right of Return: During June two Norwegian NGOs issued clear statements for a rights-based solution to the plight of Palestinian refugees. In a statement published on 11 June, Norwegian People's Aid (NPA) called upon Israel to allow the refugees in Jenin camp to choose whether they want to have their demolished houses rebuilt in the same refugee camp or return to their places of origin in Israel. "It is difficult to foresee a real reconciliation between the parties before Israel acknowledges its responsibility for the sufferings of the refugees," wrote the NPA. "Israel has the possibility of taking the first step in such a process of reconciliation in Jenin by wishing the homeless refugees welcome home to Israel." NPA further called on the Norwegian government to consider the return of the Jenin refugees as a Norwegian initiative of reconciliation.

On 12 June the Norwegian Refugee Council (NRC), a major NGO partner in numerous refugee repatriation programs around the world, along with Norwegian People's Aid (NPA) published a joint letter in the Norwegian daily newspaper 'Aften posten' affirming that the Palestinian refugees' right of return is absolute. The letter went on to state that all Palestinian refugees have the right to decide for themselves whether they wish to return to their places of origin. These rights cannot be made the subject of political negotiations for peace. The letter called upon the Norwegian government to use all its power to put the Palestinian refugees on the agenda and work towards a durable solution in accordance with international law.

Shifting the Borders - A New Proposal to Bypass the Right of Return: In April 2002 the International Crisis Group (ICG), a private, multinational organization committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict, published a framework proposal for an imposed solution (also referred to by the authors as an 'outside-in' approach) for the historic conflict in the Middle East. ("A Time to Lead: The

"The International Community is Bargaining with the rights of the Palestinians", Joint letter by the NRC and NPA, Excerpts

Israel's main argument against the return of Palestinian refugees is that Israel must preserve its "Jewish character." This is reflected in the Israeli "Law of Return" of 1950, which grants all Jews the right of immigration to and residence in Israel. Today, Israel is the only state in the world founded on the idea of ethnic purity, a so-called ethnocracy, which is a political system that puts one group above all other groups. Both Norway and the US and most of the other actors in the Middle East, are showing an unacceptable double standard of morality when they silently accept Israel's ethnic argument and disregard the obvious rights of the refugees.

Why did Europe, USA and NATO put so much prestige in a return of minorities on the Balkans? Why did NATO go as far as resorting to a military attack against Yugoslavia to stop the expulsion of Kosovo-Albanians from Kosovo and secure the refugees' right of return? Why was there never any doubt that one and a half million Hutus should return to a very tense, ethnic conflict in Rwanda shortly after one of the bloodiest genocides in history.

Norway's role in the Middle East has not contributed to a solution of the refugee problem - perhaps on the contrary. [...] Who asked the Palestinian refugees what they wanted? Who spoke of their case? Certainly not Norway.

All Palestinian refugees must have the right to choose whether they wish to return, and if so, Israel must be pressured to allow this. If they wish to remain in their country of exile, the international community must put pressure on these countries so that they grant the refugees their basic human rights.

The full statement was published in the Norwegian daily 'Aftenposten' on 12 June 2002.

International Community and the Israeli-Palestinian conflict, International Crisis Group, April 2002). The proposal was later published in the May issue of Foreign Affairs and in numerous Op-eds in major newspapers in the United States and the UK. Despite the fact that the primary shortcoming of the Oslo process was the failure to incorporate international humanitarian norms and human rights, the framework fails to include a single reference to international law. The proposal infers, for example, that the de facto starting point in crafting a solution to the Palestinian refugee issue is Israel's demand to maintain a Jewish demographic majority. The authors thus suggest that the refugee issue could

be resolved by relocating Palestinian refugees in territorial pockets inside Israel but adjacent to the West Bank and Gaza Strip. These territorial pockets or 'refugee reservations' would then be transferred, by agreement between the PLO and Israel, to a Palestinian state established in the West Bank and Gaza Strip.

The idea violates the basic framework set forth in UN General Resolution 194 outlining a durable solution for Palestinian refugees - i.e., specifically return and real property restitution. The Resolution specifically states that refugees should be permitted to return to their homes. (See BADIL Occasional Bulletin No. 11, April 2002) The language in Resolution 194 affirming the return of refugees to their homes is consistent with developments in international refugee law and practice, in places such as Guatemala, Mozambique, Rwanda, Bosnia and Kosovo, recognizing that refugees not only have a right to return to their countries of origin but also to recover the homes from which they were previously evicted. The idea also represents a form of population transfer, which must be fully voluntary for it to be legal under international law. Palestinian citizens of Israel, including internally displaced Palestinians, residing in areas designated for potential transfer to a Palestinian state have repeatedly stated their opposition to such a transfer. (The ICG report is available at www.crisisweb.org)

Family Reunification - Return "through the back door?": On 12 May the Israeli government retroactively approved a decision by the Interior Ministry to freeze all applications for family reunification between Palestinian citizens of Israel and Palestinian residents of the 1967 occupied Palestinian territories to prevent the latter from acquiring Israeli citizenship. According to Interior Ministry figures, more than 22,000 family reunification applications had been approved since 1993. Israeli officials argue that the growth in the non-Jewish population of Israel over the last decade



Right of Return Rally, New York, April 2002 (<http://al-awda.org>)

due to family reunification (not to mention the large number of non-Jewish immigrants) is a threat to the 'Jewish character' of the state - i.e., a Jewish demographic majority and Jewish control of the land including land confiscated from Palestinian refugees (Ha'aretz, 1/5/02). Interior Minister Eli Yishai further believes that Palestinian family reunification "is a devious way of getting Arab refugees to return to Israel." (Ha'aretz, 1/9/02) The freeze is to continue until new legislation is prepared that will significantly reduce the number of Palestinians eligible for family reunification. Potential changes to the law being considered by the Israeli government include longer waiting periods, extensive background checks including the use of private detectives, increase in fees from NIS 500 to NIS 3,000, barring persons who received legal status in Israel in the framework of a family reunification request from applying for family reunification for any other relative and revocation of family reunification for "anti-state activity", a broad term which could encompass legitimate opposition to discriminatory laws which define Israel as Jewish state. On 31 May the Supreme Court ordered the State to respond to a motion for a temporary injunction and a petition filed by Adalah - The Legal Center for Arab Minority Rights to urgently freeze the discriminatory decision. The Supreme Court ordered the state to reply to the motion for a temporary injunction within seven days and to the petition within 21 days. (Adalah Press Release, 2 June 2002)



One of many Palestinian refugee homes in western Jerusalem expropriated by Israel after the 1948 war to house Jewish immigrants
(Tineke D'haese, Oxfam Solidarite, Belgium)

Real Property Restitution

International Proposal Negates Right of Refugees to Real Property Restitution: A new framework proposal for an imposed solution to the historic conflict in the Middle East (See, 'Right of Return' above) seeks to negate the right of Palestinian refugees to real property restitution. The proposal argues that because Palestinian refugee homes and villages no longer exist or are now inhabited by Jews real property restitution is no longer an option for Palestinian refugees. The argument that the destruction (or even secondary occupation) of a Palestinian refugee's home, and even village, permanently negates the right of return is at best misinformed, if not duplicitous. In Kosovo 50 percent of the housing stock was destroyed, 65 percent in Bosnia, and 80 percent in East Timor. In each of these cases the international community supported the right of refugees and displaced persons to return to their places of origin. The logical solution to the problem of damaged or destroyed housing is rehabilitation and reconstruction. Five years after the Dayton peace

agreement was signed in Bosnia-Herzegovina, for example, the international community had assisted with the repair and reconstruction of nearly 30,000 housing units. The experience of UNRWA in rebuilding destroyed refugee shelters in places of exile over the past five decades, including the project to rebuild Jenin camp, provides one immediate example of a model directly applicable to housing reconstruction for returnees in the Palestinian case.

The authors also state that Palestinian refugees choosing to return should be resettled in border areas between the West Bank and Israel, which would then be transferred to the Palestinian state (See, 'Right of Return' above). Resettlement of Palestinian refugees in these areas, in addition to violating the basic right of return, would also violate the right of Palestinian refugees to real property restitution and further complicate restitution claims. Additionally, territorial pockets along the 'Green Line' identified for potential transfer already face severe shortages of land due to Israel's expropriation of land from Palestinian communities for Jewish

use. Palestinian towns and villages inside Israel along the 'Green Line' including Umm al-Fahm, Ar'ara, Baqa al-Gharbiyya, Jatt, Taybeh, Tira and Kafr Qassem, a.o., have already lost from 50 percent to upwards of 80 percent of their traditional lands due to expropriation since the state of Israel was established in 1948. The relocation of refugees to these already crowded areas does not make sense in light of the fact that the land owned by the refugees inside Israel has remained largely vacant; Jewish settlement is concentrated in a number of urban centers, while some 160,000 rural Jewish Israelis live on more than 17,000 sq. km of refugee land. The proposal was written by Hussein Agha, a Senior Associate Member of St. Antony's College, Oxford University, and Robert Malley, Director of the Middle East Program at the International Crisis Group and former special assistant to President Clinton for Arab-Israeli Affairs and published in the May issue of Foreign Affairs (www.foreignaffairs.org).

Property Protection

House Demolition: During the second quarter of 2002, Israeli authorities stepped up the policy of demolishing Palestinian homes both inside Israel and the in 1967 occupied territories. Inside Israel, Israeli security forces, accompanied by the Green Patrol (an environmental paramilitary unit created by Ariel Sharon), and foreign workers (sometimes used to remove the contents of homes prior to demolition), demolished more than 100 Palestinian homes between April and June. This included several homes in the mixed cities of Ramle and Lydda, Majd al-Krum in the Galilee, and scores of homes in the unrecognized villages of al-'Araqib, al-Maqiman, and Beir Hadag in the Naqab (Negev). In the case of al-'Araqib, it was the second time in a month that Israeli authorities had razed the village.

"[The] real basis [for demolishing Palestinian homes] is in the government policy of controlling the land. According to this policy, the Arab villages are converted into refugee camps, and Arab citizens have developed in response a spontaneous defense mechanism that has become a collective phenomena - the phenomena of rebuilding. [The] main crime [is] asking for a refuge, for a house for [a village's] sons and daughters, and therefore to build on the remaining plots."

(7 June 2002. Translation from www.arabhra.org).

Three months ago, the Israel Lands Administration (ILA) sprayed the village crops with pesticide from the air in order to force villagers off the land. The Bedouin tribes living in the village were originally forced off their land in 1956.

In the 1967 occupied territories, Israel continued to demolish Palestinian homes built without permits, in addition to the massive number of homes destroyed during Israeli military operations (See, 'Damage to Property' above). Between January and mid-June, Israeli authorities demolished 33 Palestinian homes in eastern Jerusalem alone, nearly double the number of homes demolished during all of 2001 (LAW Press Release, 11 June 2002). During the past three months Israel demolished 3 homes in the northern Palestinian neighborhood of Beit Hanina and 6 homes in the southern neighborhood of Sur Baher using the same techniques employed inside Israel. Generally, Palestinians are not issued permits for building in Jerusalem. The number of permits issued annually, moreover, fails to meet the minimum rate necessary to accommodate the natural growth of the Palestinian population.

For more on Israel's policy of house demolition see,



Law Society, www.lawsociety.org



Israeli Committee Against House Demolition (ICAHD), www.icahd.org

Trans-Israel Highway (Update): Despite having reached an agreement concerning in-kind compensation for land expropriated to build the new Trans-Israel Highway (See, al-Majdal, Issue No. 12), Palestinian landowners from Taybe and al-Tira in the Galilee have yet to receive anything from the company building the Trans-Israel Highway Company. Representatives of two other Palestinian villages in the Galilee affected by the new highway, Baqa al-Gharbiyya and Jatt, have refused to sign an agreement with the company until they are given assurances of in-kind compensation. In response, company bulldozers broke into the village lands and started to clean the land and bulldoze the trees. A protest tent set up on the expropriated lands was also demolished. Canadian company Newcourt Financial (www.newcourt.com) has been involved in the construction of the highway.

A Palestinian Refugee Fact-Finding Visit to Bosnia-Herzegovina: Learning about Return

Between 10-17 June 2002, with the escalation of Israeli military operations against Palestinians in the 1967 occupied territories, Badil Resource Center led a Palestinian fact-finding delegation to Bosnia-Herzegovina (BiH) to enable Palestinian refugees to study the Bosnian refugee case, including suitable mechanisms to facilitate the return of refugees and displaced persons, international involvement in BiH, and the remaining obstacles that discourage or block the return process. Generally, the fact-finding trip aimed to discover what lessons Palestinian refugees could learn from the Bosnian experience. Despite the fact that the purpose of the trip did not correlate directly with the day-to-day issues faced by refugees in the occupied territories in the context of the al-Aqsa intifada, it nevertheless had a symbolic connection: Israel's occupation will never triumph over the basic rights of the Palestinian people. The Palestinian people, two-thirds of whom are refugees, continue to demand implementation of their rights, including the right of return and the right to real property restitution.

The fact-finding delegation consisted of 10 Palestinian refugee activists from most of the Palestinian diaspora, including the 1967 occupied territories (West Bank), Israel, Syria, Lebanon, Jordan, and Europe (Denmark and UK). In addition

to BADIL, delegation members represented the Union of Youth Activities Centers in the refugee camps in the West Bank, Al-Awda, the Right of Return Coalition in Europe, the High Committee for the Defense of the Right of Return in Jordan, 'Aidun Group in Syria and Lebanon, and the National Society for the Defense of the Rights of the Internally Displaced in Israel.

On 10 June, amid gray, overcast weather delegation members aboard a flight from Istanbul touched down at the reconstructed international airport on the outskirts of Sarajevo. Driving into the city, which has a population of some 300,000, the impact of the 1992-1995 war in Bosnia is still evident more than six years after signing of the 1995 Dayton



Bosnian Refugees and Displaced Persons, Facts & Figures

- Number of civilians displaced during the 1992-95 war in Bosnia: 1.2 million or roughly one quarter of the population
- Number of refugees and displaced persons still in need of a durable solution (by place of displacement) (Dec. 2001)
 - o Croatia 18,272
 - o Former Yugoslavia 143,000
 - o Former Republic of Macedonia 50
 - o BiH 438,500 (displaced persons)
- Amount of housing destroyed during the war: approximately 65 percent
- Number of housing units repaired or reconstructed by the international community (as of 2000): c.30,000
- Number of housing units in urgent need of repair to facilitate refugee return: approximately 15,000
- Implementation of Property Laws in BiH (March 2002):
 - o Number of claims 255,612
 - o Number of decisions 177,657 (70 percent)
 - o Number of reposessions 116,881 (46 percent)
 - o Implementation ratio 46 percent (compared to 21 percent in 2000)

Sources: 19 Refugee Survey Quarterly 3 (2000); CRPC, UNHCR

Peace Agreement. The most striking example is the former parliament building, a bombed out multi-story building that sits astride the main road into the city. Throughout Sarejevo one finds numerous buildings that are nothing more than a façade, with grass sprouting in the windowsills and trees growing up from within. Closer up, many of the buildings still bear the pockmarked bulleted scars of war.

Under a heavy blanket of rain on the first evening, delegation members huddled in a small building on the outskirts of the old central area of the city to meet with the Association of Refugees and Internally Displaced Persons in Bosnia. The multi-ethnic Association, established in 1992, is an umbrella union of organizations working for the rights of refugees in the former Yugoslavia. Welcoming the delegation to Bosnia, one of the Association fieldworkers stated, "Only those who are outside their homes can understand each other." The Association has 132 branches, staffed primarily by volunteers elected by refugees. In a message that seemed to be directed at the delegation members themselves, Association staff warned members not to allow politicians to deceive them. According to Association staff, the return process in Bosnia had, in many ways, become a commercial enterprise for local politicians. Each level of government in each of Bosnia's two entities (Bosnian-Croat Federation and Republika Srpska) had established a committee dealing with the refugee issue. A lot of resources had been spent on bureaucratic structures rather than the refugees themselves. It was a criticism later repeated by numerous international officials.

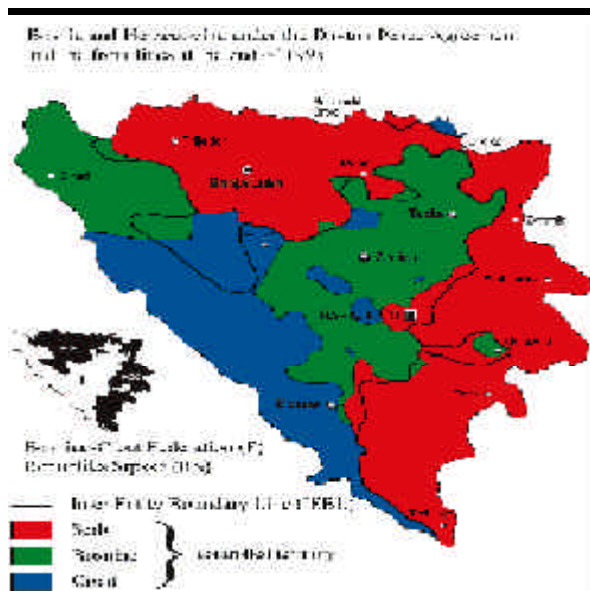
The following day revealed a different side of Sarajevo. The bright sunshine, blue skies and green mountains surrounding the city, seemed to soften the harsh reminders of Bosnia's long war during which one quarter of the population had been displaced. Early in the morning, the delegation headed off to meet with officials at the Office of the High Representative (OHR) in Bosnia, the first of several meetings with international agencies involved in facilitating durable solutions for refugees in BiH. The OHR was set up under the 1995 Dayton Peace Agreement to coordinate inter-agency involvement in Bosnia and monitor implementation of the agreement, including Annex 7 on refugees and displaced persons.

Several years into the implementation process, the international community expanded the powers of the OHR in an attempt to address many of the obstacles blocking the return of refugees and displaced persons, primarily to minority areas of the country. Obstacles included non-implementation of restitution claims, intimidation of returnees, vandalism by secondary occupants (individuals, often themselves refugees, residing in another refugees' home), and allocation of land by local officials to preserve the post-war ethnic majority of a particular locality. (There are no provisions for 'demographic concerns' in the Dayton agreement)



Expanded powers enabled the OHR to revoke discriminatory legislation, write and impose new laws, and remove elected officials who block the return and restitution of refugees and displaced persons. In August of 2000, for example, the OHR issued a decision annulling the Republika Srpska law on Return of Confiscated Property and Compensation, the Law on Return of Seized Real Property, and the Law on the Return of Seized Land, which had discriminated against refugees. The following month the OHR removed 15 public officials, including a deputy minister, a mayor, along with 13 housing officials for violation of the property laws. In some cases, however, as OHR representatives in Banja Luka in the north of the country explained to the delegation, the removals only resulted in the election of even more obstructionist officials.

The OHR has also actively tried to change public attitudes through press campaigns including television and radio ads. In one campaign concerning housing rights of refugees, for example, Bosnians were daily faced with the same message,



plastered on billboards, in newspapers and on the television and radio: "You can live anywhere you want, except in someone else's home." One of the ongoing problems addressed by OHR officials, and alluded to by nearly everyone, from refugees, to government officials, and international officials, was the issue of sustainable return. It's not just enough to rebuild someone's house. The ability and likelihood that returnees will stay in their homes is dependent on a host of other factors, including access to employment, education, health care, etc.

Legal and procedural issues related to real property restitution were addressed by officials from the Commission for Real Property Claims (CRPC), also established under the 1995 Dayton Agreement. The Commission is mandated to accept and decide upon claims for real estate and all types of real estate rights where property was not voluntarily transferred after 1 April 1992 and the individual making the claim is not in possession of that property. Claims can be made for occupied and partially or totally destroyed property. At CRPC regional offices claimants receive information on property rights and procedures for making a real property or apartment claim. Commission staff help claimants to complete a claim form and then enter the information from the claim into a specially designed computer database. Claims are researched and verified by a team of legal experts drawn from a range of ethnic groups and draft decisions are prepared for approval by a panel of Commissioners. At the conclusion of the process, decision certificates are printed and distributed to successful claimants through the Regional Offices. Claimants

Annex 7, Agreement on Refugees and Displaced Persons

Chapter One: Protection

Article 1: Rights of Refugees and Displaced Persons

1. All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries

may submit claims with evidence or if they do not have evidence the claim may be submitted without evidence. The CRPC has about 320 staff working in its Executive Office in Sarajevo and in a network of regional offices as well as mobile outreach teams to reach more isolated areas.

Power of implementation is with local authorities. In cases where implementation of a restitution decision requires the eviction of secondary occupant, the law provides for a series of tests to determine the housing needs of the occupant in the process of eviction. Lack of implementation of CRPC decisions by local authorities was one reason for the expansion of OHR powers as mentioned earlier. In opening comments to the delegation, CRPC officials noted, in response to information provided by delegation members, that in terms of documentation, the Palestinian refugee case is in good shape as far as the technical aspects of property restitution are concerned. In the Bosnian case, a significant amount of evidence was moved or destroyed while the land registry books often contained illegal entries. At the same time officials noted that one can have the best documentation and best mechanisms, but the process will go nowhere without sufficient funds to support it. Significant effort should be invested upfront, they noted, in designing the mechanisms and in ensuring adequate financial support once the restitution process is up and running. Implementation rate of property claims doubled following the expansion of OHR powers enabling the international community to enforce CRPC decisions. In total, approximately 46 percent (255,612) of claims have been implemented. In



Reconstruction in the destroyed village of Grahovo southwest of Sarajevo

1998, it was thought that at the rate of implementation it would take 40-50 years to resolve the property issues. Officials from CRPC, OHR and others are now talking about 4-5 years.

The delegation concluded the second day of meetings with a visit to the office of the Organization for Security and Cooperation in Europe (OSCE). OSCE is mandated to promote and monitor the status of human rights in BiH, including the return process and implementation of property law. During the first years of its work in Bosnia, the OSCE intervened directly with local officials on behalf of individual refugees through its network of 26 offices throughout the country. The Organization, however, is slowly transitioning towards addressing larger systematic issues related to the implementation of the Dayton agreement, including issues of transparency and corruption. The move is part of an overall move by international agencies (referred to as 'streamlining') to reduce institutional redundancies and slowly move towards winding down international operations in Bosnia. The third day of meetings included a mix of both international agencies and local government officials. Officials from the Office of the UN High Commissioner for Refugees (UNHCR) described many of the various obstacles that refugees continue to face and the various types of assistance afforded to them by the UNHCR. In some areas, for example, UNHCR has operated bus lines to minority areas to enable refugees and displaced persons to visit their villages of origin for the day, often repeatedly, in order to assess whether or not they wish to return. UNHCR also operates free legal aid centers across the country to provide legal assistance to refugees.

Officials reiterated concerns about sustainable return already raised by other representatives of other international agencies. Another problem highlighted by UNHCR officials was that of education. In many areas local school systems are not able to provide education that caters to the specific needs of minority children. In places where minority return has happened, Serb and Bosniac (Muslim) children, for example, are studying in the same school but with essentially separate curricula. The problem is especially problematic in the subject of history, where children attending the same school, often on different floors, or in different shifts are learning two completely different versions of the history of the Bosnian war.

Later in the day the delegation took a short walk to the Sarajevo Canton Ministry for Refugees and Displaced Persons where they were hosted by the Minister and Deputy Minister. Sarajevo has a relatively high rate of return and property implementation, in large part related to February 1998 decision by local officials to promote minority return to the city. The city, however, continues to host a large population of displaced persons (60-70,000), primarily consisting of displaced persons from the Republika Srpska who are unable or unwilling to return to their pre-war homes. The two primary obstacles to return identified by ministry officials were lack of local political will and lack of resources to facilitate housing reconstruction. An additional problem identified by government officials was the fact that during the period of the war, many refugees from villages had become accustomed to urban life and had subsequently acquired better paying jobs and were therefore unwilling to return. There were also noticeable economic differences between the two entities that

impacted the return process. In Sarajevo, for example, a teacher makes an average of 700 KM (US \$350) per month while in Republika Srpska the same teacher may make just 400 KM per month. For a refugee teacher from Republika Srpska residing in Sarajevo the decision to return home may be influenced not only by family connections and emotional ties but also by economic incentives which push that individual to stay in Sarajevo.

After several days of meetings with grassroots, political, and international officials, members of the delegation were ready to set out on the first of several field visits to see the return and restitution process first hand. On the morning of 13 June delegation members set off in a convoy of several jeeps heading over the mountains surrounding Sarajevo and south to the town of Kupres. The impact of war is perhaps even more pronounced in the countryside. Gutted, burned out homes line the road and dot the hills throughout the country. Places of return are still easily identifiable by new red cinder block, yet unplastered, homes. In total, it is estimated that some 65 percent of the total housing stock in the country was either destroyed or damaged during the war. In some areas one passes entire villages that remain uninhabited.

Just outside of Kupres the delegation met up with staff from the Norwegian Refugee Council (NRC)



for a visit to the remote village of Grahavo. During the war, the village was completely emptied and destroyed. Today, the village, which sits on the edge of a vast grassy plain, is still marked by the gutted shells of a once thriving rural village. Through NRC efforts, however, several homes have been rebuilt constituting the nucleus for the first returns. Those who have returned to date, however, are raising some of the same difficult questions posed by international and local officials in Sarajevo. How to make return sustainable. Most of the returnees are middle-aged and/or retired. In order for younger families to return, the villagers noted, jobs are needed as well as proper transportation to the nearby town of Kupres. Nevertheless, returnees proudly showed the delegation the few new homes that have already been rebuilt in the village. Several delegation members joined a local engineer who had come to the village to meet with a prospective returnee family and complete the first draft of a reconstruction plan for their home. Still others meandered off in small groups, engaging in serious discussion with their Bosnian counterparts, occasionally peppered with bursts of laughter and broad smiles.

Norwegian Refugee Council engineer draws up plans for the reconstruction of another refugee home in Grahavo and counsels the returnees about reconstruction assistance



The following day, the delegation held another set of meetings with government officials of the Republika Srpska in the capital city of Banja Luka to examine the particular problems related to return in the north of the country. Two particular issues relevant to the north included the reconstruction of religious buildings as an importance measure to encourage return (a large number of mosques were destroyed in Banja Luka and surrounding villages during the war) and the problem of refugees from other countries. In the case of the latter, for example, there are a large number of refugees from Croatia currently residing in Banja Luka. Due to the fact that the Dayton Agreement only applies to Bosnia, Croatian refugees living in exile in Bosnia are unable to access similar mechanisms for return and, in particular, real property restitution. The situation is exacerbated by the fact that Croatia's property laws are much more restrictive than those in Bosnia and include discriminatory provisions that militate against minority restitution. In practical terms, this means that while a Bosnian Serb refugee living in Croatia may be able to recover his/her property in the Republika Srpska, a Croatian refugee living in Bosnia is not able to recover his/her property in Croatia, thus creating obvious regional complications to a resolution of the refugee issue in the former Yugoslavia. Numerous officials, including local representatives of the OHR in Banja Luka, which the delegation met with later in the day, raised the importance of addressing return and restitution issues on a regional level to ensure harmonization of laws and procedures and remove, to the extent possible, as many obstacles in the system as possible. A final issue, related to the issue of sustainable return, raised during the meeting with local government officials in Banja Luka was the issue of donor funding - i.e., lack of resources several years into the return and restitution process. In many cases, refugees and displaced persons had decided to wait and see how the political situation would develop before deciding to return to their villages and towns of origin. By the time they had decided to return, however, donor funding had begun to decline so that while before many refugees had argued that they did not want all of their entire home rebuilt, now they would simply be happy for basic building materials.

The final part of the fifth day of the fact-finding trip was spent visiting with local lawyers and

returnees at the local office of the Norwegian Refugee Council. Members of the delegation broke into small groups for one on one discussions with returnees about the circumstances of their displacement, the process of return, and what they had learned during the process. A few members of the delegation were invited to visit the temporary homes of refugees still waiting to go home, where they were flooded with images of the familiar - photographs, land titles, and other symbols of home. When asked about the most important personal lesson about return, one elderly refugee woman who had recently repossessed her home in Banja Luka, replied, "Persistence. You must be persistent. If I hadn't been persistent, I would never have returned to my home. I still have lots of problems. My house needs repairs and the secondary occupants stole all my possessions.... But I am home. I have my freedom."



Reconstruction begins on one of many mosques being rebuilt in the Banja Luka area to assist in the return of refugees

By this point in the trip, a set of common themes had begun to emerge through the various meetings, discussions and field visits. These included: the importance of addressing minority returns; procedures and mechanisms for dealing with secondary occupation of refugee homes; the importance of addressing sustainable return from the outset of the process encompassing factors such as access to employment, education, health etc.; the importance of building international political will to implement a peace agreement; guarantees for sufficient resources to implement all aspects of an agreement including housing reconstruction; and, individual and community persistence in the face of various obstacles that temporarily delay or block return and restitution.

Before returning to Sarajevo on 16 June, the delegation made a short stop over in the town of Kozarac north of Banja Luka. Kozarac provides a living example of what is possible when international will, sufficient resources, and local ingenuity combine to make return a possibility. During the war, the area of Prijedor where Kozarac is situated was the site of some of the worst atrocities. Kozarac itself was completely leveled. Despite continued political and economic challenges facing Bosnia generally, the town of Kozarac has all the appearances of a thriving bustling community. The town has been completely rebuilt, with significant investment by residents themselves, along with a school, local businesses and the mosques and a church that were destroyed during the war. Discussions without local residents reveal still lingering concerns, anxieties, and some fears, but these are outweighed by a realistic sense of hope manifested in ongoing reconstruction and return to the town. While Bosnia has a way to go yet in terms of facilitating durable solutions for all of its refugees, progress to date provides clear evidence that the return of refugees, though difficult, is both practical and possible, and vital component for reconciliation.

Throughout the weeklong fact-finding trip, the delegation felt a genuine sense of interest and concern among international officials for issues raised by delegation members about the Palestinian refugee case. Bosnian refugees and returnees, Bosniac, Serb and Croat alike, moreover, expressed heartfelt and strong support for the Palestinian struggle for independence and self-determination. They called upon Palestinian refugees not to give up the struggle to return to their homes of origin. For their part, and in addition to the lessons learned in the Bosnia refugee case, delegation members emphasized the importance for Palestinian refugees of learning from other refugee cases, and making the campaign for Palestinian refugee rights a more global campaign.

A video documentary (Arabic language) of the return and restitution process in Bosnia through the eyes of the delegation as well as a more substantive report on the fact-finding trip will be available later in 2002. ■

Bosnian and Palestinian refugees share experiences of exile and learning about return



In Memoriam

List of 546 Palestinian victims of Israeli violence between 1 March and 13 June 2002. In total 83 were aged 18 and under. In total 361 Palestinians were killed between 1 April and 30 June 2002. 50 of those killed were age 18 and under. Between 29 September and 26 March 2002, 1653 Palestinians, including 16 inside Israel, have been killed by

Israeli security forces.

Sources: www.lawsociety.org; www.palestinercs.org; www.pcbs.org

Between 29 September 2000 and 25 June 2002, 310 Israeli civilians were killed and 167 members of the Israeli security forces.

For the names of Palestinians killed between 29 September 2000 and 28 February 2002 see al-Majdal, Issues Nos. 7-13.

Khalid Nijem, 19, Jenin RC
Iyyad al-Sabbagh, 25, Jenin RC
Mahmoud al-Azab, 36, Jenin RC
Iyyad Sayes, 26, Jenin RC
Lu'ay Dabayeh, 16, Jenin RC
Maria Abu Sariyeh, 9, Jenin RC
Mahmoud al-Talalqa, 7, Beit Hanoun
Yaser Sayes, 27, Jenin RC
Muhammad Salameh, 24, Jenin
Yousef 'Aloush, 65, Balata RC
Tayseer Ja'ara, 18, Nablus
Inas Abu Salah, 9, Jabalya
Abdullah Thabet, 21, Gaza
Zaki Amer Zaki, 21, Khan Younis
Islam Shawahneh, 23, Kufur Thulth, Qalqilya
Khaled Sweileh, 24, Rafah
Hakam Abu 'Eisheh, 29, Balata RC
Ibrahim Barhum, 42, Rafah
Ayman Daraghme, 28, Tubas
Fu'ad Bsharat, 25, Tamoun, Jenin
Ahmad al-Sufi, 24, Rafah
Saber Abu Libdeh, 38, Rafah
Amjad al-Fakhuri, 26, Jaba', Jenin
Sameerah Zbeidah, 55, Jenin RC
Naser Abu Johar, 37, Jenin RC
Asma' al-Zara, 23, Jenin RC
Ahmad Hashash, 15, Jenin
Bushra al-Nimer, 38, al-Am'ari RC
Bara' Abu Kweik, 14, al-Am'ari RC
'Aziza Abu Kweik, 17, al-Am'ari RC
Muhammad Abu Kweik, 8, al-Am'ari RC
Arafat al-Masri, 16, al-Am'ari RC
Shaima' al-Masri, 7, al-Am'ari RC
Dr. Khalil Sliman, 45, Jenin
Ammar Abu Baker, 26, Jenin
Ayman Ghanem, 18, Amateen, Qalqilya
Na'im al-Sabbagh, 32, Jenin RC
Muhammad al-Atawneh, 33, Beit Kahel, Hebron
Muhammad al-Rjoub, 21, Hebron
Muhannad Deiriyeh, 23, Aqraba, Nablus
Fawzi Marrar, 25, Ramallah
Omar Qa'dan, 25, al-Jarusheh, Tulkarm
Abdul Razeq Isteiti, 23, Jenin RC
Maher Hamada, 20, al-Tufah quarter, Gaza
Ahmad Abu Thaher, 28, Khan Younis
Eed al-Qumu', Jabalya RC
Jameel al-Sabbagh, 38, Jabalya
Mufeeda Abu Daqqa, 47, Khan Younis
Jamal Abu Hamad, 27, Khan Younis
Abdul Ghani Abu Daqqa, 57, Khan Younis
Sa'ed Sbeih, 12, al-Khader
Mahdi al-Qeisi, 18, Qalqilya
Jamal al-Kiswani, 24, Ramallah
Muhammad Yassin, 28, 'Anin, Jenin
Yousef Shehadeh, 17, Noor Shams RC
Akram Ghanayem, 30, Noor Shams RC
Muhannad Abu Hilal, 26, Tulkarm
Ibrahim As'ad, 38, Noor Shams RC
Kamal Salem, 35, Tulkarm RC
Dr. Ahmad Sbeih, 42, al-Khader
Husni Kheirallah, 32, Noor Shams RC
Sa'ed 'Eed, 20, Dheisheh RC
Ibrahim al-A'raj, 42, 'Aida RC
Sliman al-Dibes, 30, 'Aida RC

Huda al-Khawaja, 35, 'Aida RC
Ahmad Mufrew, 62, Khan Younis
Khaled Qdeih, 35, Khan Younis
Mussa al-Najjar, 47, Khan Younis
Baker al-Najjar, 18, Khan Younis
Ashraf al-Najjar, 33, Khan Younis
Aref Hirzallah, 36, Khan Younis
Riyad al-Qassas, 43, Khan Younis
Riyad Abu Reidat, 30, Khan Younis
Ayman Abu Teir, 27, Khan Younis
Marwan Abu Mutleq, 22, Khan Younis
Husam Abu Teir, 22, Khan Younis
Muhammad Abu Reidat, 27, Khan Younis
Ibrahim Abu Daqqa, 23, Khan Younis
Khalil Qdeih, 33, Khan Younis
Mahmoud Qdeih, 52, Khan Younis
Ihab al-Thalatheen, 26, Khan Younis
Sa'eed al-Shalayel, 26, Jabalya RC
Abdul Ra'ouf Abu 'Ibeid, 33, Jabalya
Samer Judeh, 23, Gaza
Hani Ashour, 28, al-Zaytoun quarter, Gaza
Tareq Abu Jamous, 17, Tulkarm
Walid Ghanem, 25, Tulkarm RC
Husni Kheirallah, 25, Noor Shams RC
Shadi Abbas, 20, Tulkarm RC
Muhammad Abu Ali, 10, Tulkarm
Ziyad Jarad, 37, Tulkarm
Adel Abu Safaqa, 32, Tulkarm
Mahmoud Salah, 22, Beit Wazan, Nablus
Nida' al-Azza, 15, al-Azza RC
Khaled Kheirallah, 37, Noor Shams RC
Ahmad Abu Tammam, 55, Tulkarm RC
Ma'zuz al-Jarushi, 37, Tulkarm RC
Issa Faraj, 22, Deheishe RC
Yihia Ishtayyeh, 26, Salem, Nablus
Jad Salem, 25, Deheishe RC
Imad al-Sufi, 23, Gaza
Sayyed Abu Seefeen, 14, Jenin
Dirgham Zarneh, 21, Deir Ghazaleh, Jenin
Samer 'Iweis, 19, Jenin RC
Ahmad 'Ayda, 18, Bethlehem
Taleb Hirmas, 22, Beit Sahour
'Atef al-Bayyari, 52, Qalqilya
Yousef al-Aqra', 28, Qalqilya
Rami Basheer, 18, Ramallah
Ziyad al-Barghouti, 19, Kobar, Ramallah
Firas al-Bituni, 26, Bitunia, Ramallah
Ala' Mlawah, 20, Qarawet Bani Zeid, Ramallah
Waleed 'Izzideen, 35, Jabalya RC
Abdul Rahman Izzideen, 55, Jabalya RC
Muhammad Sakhlleh, 21, Jabalya RC
Hani Sakhlleh, 23, Jabalya RC
Iyyad Issa, 25, Jabalya RC
Yousef al-Qumsan, 25, Jabalya RC
Fawzi Abu Shammam, Jabalya RC
Sa'ed Hassuneh, 22, Jabalya RC
Ya'qub Odeh, 25, Jabalya RC
Nabil Abu al-Qare' 22, Jabalya RC
Majdi al-Tluli, 25, Jabalya RC
Hamudeh Nijem, 22, Jabalya RC
Sameer Sababa, 45, Jabalya RC
Muhammad 'Qilan, 25, Jabalya RC
Ahmad Kafefeh, 19, Jabalya RC
Husam al-Barawi, 22, Jabalya RC

Ahmad al-Bashiti, 28, Ma'an, Khan Younis
Muhammad al-Bashiti, 25, Ma'an, Khan Younis
Ra'fat al-Bashiti, 25, Ma'an, Khan Younis
Zuheir Kaware', 25, Ma'an, Khan Younis
Rawan al-Jabreeni, 16, Hebron
Muhammad al-Bakri, al-Sheikh Radwan quarter, Gaza
Ahmad Ahmad, 25, Deir al-Balah, Gaza
Na'im al-Thabatiyeh, 56, Tarqumia, Hebron
Fu'ad 'Deili, 45, Ramallah
Rafa'el Verino, 45, Qadura RC
Muhammad Abu al-Neel, 26, Abu Dis
Maher al-Shu'ani, 29, al-Am'ari RC
Fares Fares, 22, Qadura RC
Muhammd Abu Lateefeh, 27, Qadura RC
Mu'tasem Makhoulouf, 27, Anabta, Tulkarm
Maher Balbeesi, 30, Anabta, Tulkarm
Ahmad al-Gharabli, 21, Gaza
Jameel al-Nawawreh, 33, Bethlehem
Wa'el al-Akhras, 29, al-Qasas, Rafah
Isma'il Abu Taha, 28, Gaza
Kamal Rajab, 18, Beit Lahia
Salem al-'Awawdeh, 10, al-Brej RC
Tareq al-'Awawdeh, 10, al-Brej RC
Zeina al-'Awawdeh, 39, al-Brej RC
Tahani al-'Awawdeh, 17, al-Brej RC
Amani al-'Awawdeh, 12, al-Brej RC
Majdi al-'Iweili, 31, Hebron
Muhammad Da'na, 25, Hebron
Falah al'Asa, 30, al-'Ibeidiyeh
Majed al-Jidian, 25, Jabalya
Mahmoud Awwad, 14, Bethlehem
Shauma' Hamad, 11, al-Qasas, Rafah
Sliman Zrei'l, 47, al-Barakah, Gaza
Amjad al-'Alaami, 22, Hebron
Ahmad 'Ateeq, 20, Barqreen, Jenin
Saleh Kameel, 25, Qabatia
Iyyad al-Mughrabi, 9, Nablus
Riham Abu Taha, 5, Rafah
Ayman Khawaldeh, 23, Ein beit al-Ma' RC
Muhammad Othman, 22, Rafah
Nidal al-Alami, 20, Beit Ummar
Subhi Abu Namous, 35, Khan Younis
Issa al-Nathr, 20, Jabalya
Naji al-Ajrami, 21, Jabalya
Nabil Abdul Ghafour, 39, al-Qarara, Khan Younis
Basem Abu Shahadeh, 26, Deir al-Sudan, Gaza
Nash'at Abu Asi, 21, al-Zaytoun quarter, Gaza
Samer Abdul Jawad, 22, Rafah
Mahmoud Abu Yassin, 13, Jabalya RC
Shadi Hamamreh, 26, Husan
Khaled Musa, 19, al-Khader
Ala' Daraghme, 22, Tuba, Jenin
Surayda Abu Gharbiyeh, 24, Ein Misbah, Ramallah
Jad Sleem, 26, Ramallah
Omar Hamayel, 35, Ramallah
Ra'ed Idmeis, 25, Ramallah
Khaled Awad, 62, Jericho
Isma'il Zeid, 56, Beit Anan, Jerusalem
Sa'eed Mahdi, 50, Ramallah
Abdul Rahman Abdullah, 58, Nablus
Omar Musa, 54, Jericho

Shaher Abu Sharar, Ramallah
 Katrine Berruex, 25, Switzerland (TIPH)
 Turtuq Cengiz Toytunc, 38, Turkey (TIPH)
 Ahmad Ajaj, 32, Saida, Tulkarm
 Azmi Ajaj, 34, Saida, Tulkarm
 Hussein al-Ashqar, 27, Qalqilya
 Anwar Klab, 33, Ramallah
 Jamal Abdul Salam, 25, Qatannea, Jerusalem
 Nader As'ad, 23, Jama'een, Nablus
 Marwan Shushari, 56, Jalazoun
 Murad Alwaysah, 22, Ramallah
 Ayoub Abu Muslem, 40, Ramallah
 Unidentified, Ramallah
 Unidentified, Ramallah
 Muhammad Jroum, 32, Ramallah
 Aboud al-Amiri, 60, Bethlehem
 Ghaled al-Haj, 32, Bal'a Tulkarm
 Baha' al-Sharqawi, 22, al-Zababdeh, Jenin
 Widad Safran, 45, Qadura RC
 Ziyad Wadi, 40, Khan Younis
 Thafer Kameel, 25, Qabatia, Jenin
 Ahmad Hamareh, 24, Deheishe
 Fadwa al-Jamal, 24, Abu Their quarter, Jenin
 Hani Abu Irmieih, 24, Abu Their quarter, Jenin
 Waleed Masharqa, 16, Jenin RC
 Ziyad Zubeidi, 24, Jenin RC
 Omar Salahat, 39, Bethlehem
 Musa al-Mahli, 31, Bethlehem
 Khaled Aida, 38, Bethlehem
 Rasmiej Aida, 60, Bethlehem
 Yihia Da'amseh, 29, Bethlehem
 Mahmoud Salah, 27, Bethlehem
 Anan Jawareesh, 22, Bethlehem
 Issa Da'bub, 18, Bethlehem
 Hamzeh Abu Rmouz, 36, Bethlehem
 Ruqayya al-Jamal, 24, Jenin
 Ala' Abdul Hay, 19, Deir Abu D'eef, Jenin
 Hamada al-Sleiqi, 14, Khan Younis
 Fayez Salah, 14, Khan Younis
 Akram Khaleefeh, 18, Ajja, Jenin
 Sadeeqa 'Akshah, 56, Nablus
 Muhammad Abu Hatab, 35, Askar RC
 Muhammad Muhammad, 32, Ramallah
 Muhammad al-Qalaq, 22, Jenin
 Ahmad al-Mughrabi, 26, Deheishe
 Izzat Shahin, 50, Ramallah
 Abdul Khaleq Abu Amra, 27, Gaza
 Muhammad Hawashin, 12, Jenin
 Ra'ed Ftuh, 26, Balata RC
 Sameer Abu al-Leil, 20, Balata RC
 Maher Ameera, 24, Balata RC
 Naser Kharmeh, Nablus
 Ramzi Drouzah, Nablus
 Sameer Salman, 42, Bethlehem
 Rabee' Jalmneh, 22, Jenin RC
 Ahmad Abu al-Heija, 24, Jenin RC
 Nidal Abu al-Heija, 22, Jenin RC
 Waleed Sa'eed, 22, Sarees, Jenin
 Muhammad al-'Aydi, 23, Qalqilya
 Mahmoud al'Akka, 42, Khillet al-Amoud, Nablus
 Dima Sawafta, 13, Tubas
 Tareq Darweesh, 27, Jenin RC
 Ilham al-Disuqi, 42, Jenin RC
 Hasan al-Qalud, 25, Jenin
 Walid al-S'oudi, 23, Jenin RC
 'Atiyeh Abu Rmeileh, 40, Jenin RC
 Tareq Darawshah, 29, Selit al-Harthiyeh, Jenin
 Sahreef al-Omari, 55, Ramallah
 Waddah al-Shalabi, 32, Jenin RC
 Abdul Kareem al-Sa'di, 23, Jenin RC
 Samer Jradat, 25, Selit al-Harthiyeh, Jenin
 Fadi Abi Arra, 24, 'Aqaba, Jenin
 Mustafa al-Shalabi, 32, Jenin RC
 Muneer Wishahi, 27, Jenin RC
 Muhammad al-Hamed, 30, Jenin RC
 Abdul Fattah Abu al-Rub, 40, Qabatya, Jenin
 Sameer Abu Mahyoub, 20, Balata RC
 Nidal 'Ibayyat, 22, Nablus
 Kamal al-Mallah, 37, Nablus
 Yaser al-Shawees, 30, Nablus

Isam al-Darmali, 24, Nablus
 Isam Shakku, 27, Nablus
 'Imad Hamad, 24, Nablus
 Zahi Freitekh, 24, Nablus
 Yousef Abu Zeid, 39, Balata RC
 Hani al-Shalabi, 40, Balata RC
 Iyyad Abu al-Rub, Qabatya, Nablus
 Kamal Abu Shhab, Nablus
 Naser al'Asali, Nablus
 Amjad al-Qatuni, Ein Beit al-Ma' RC
 Majed Sawafta, Tubas
 Mu'ayyad Jameel, Nablus
 Iyyad Qamhawi, Nablus
 Nidal al-Faqeeh, Nablus
 Khalil al'Arboudi, Nablus
 Um Taher Abu Shalbak, Nablus
 Majed al-Qanna, 32, Kufur Qaleel, Nablus
 Mahmoud al-Qanna, 30, Kufur Qaleel, Nablus
 Abdullah 'Iteili, Nablus
 Naser Abu al-Su'oud, Nablus
 Imad Karsou', Nablus
 Basem Zaghlul, Nablus
 Nidal Abu Odeh, Nablus
 Ahmad al-Tabouq, 32, Nablus
 Robin Khadour, 14, al-Fawwar RC
 Khaled Abu Siam, 23, Bethlehem
 Salwa Dahleeh, 10, Gaza
 Shadi Abu Ghali, 20, Gaza
 Sumayya Hassan, 6, Gaza
 Nayef Ahmad, 35, Hebron
 Aref Ahmad, 32, Hebron
 Abdul Qader Dadeen, 25, Hebron
 Azhar al-'Amriyeh, 24, Jenin
 Ahmad al-Masri, 21, Ramallah
 Shahin Sawweil, 25, Ramallah
 'Imran al-Odeh, Deir Ammar, Ramallah
 Izz al-Deen Hasan, 22, Ramallah
 Hafez Sabra, 60, Askar RC
 Amjad Ayda, 11, Askar RC
 Rizeq Baker, 40, Nablus
 Nader al-Haddar, 28, Yatta
 Jamal Qara'i, 20, Yatta
 Mahmoud Tawalbeh, 30, Nablus
 Muhammad Ghandour, 26, Askar RC
 Ahmad Qaza', 24, Balata RC
 Yaser al-Kuni, Nablus
 Jihad Tayyem, Balata RC
 Sliman Tashtoush, Nablus
 Qais Abu Jaber, 27, Sarees, Nablus
 Ashraf Daraghme, 29, Tubas
 Munqeth Sawafta, 25, Tubas
 Majdi Saleem, 28, Balata RC
 Muhammad Kameel, 28, Qabatya
 Majed al-Qatuni, Ein Beit al-Ma' RC
 Musa Abu Siam, 23, Bethlehem
 Sa'ed Awwad, 31, Tulkarm
 Munther al-Haj, 24, Jalqamous, Jenin
 Abdul Kareem Abu al-Rub, 40, Jenin
 Iyyad Sawafta, 22, Nablus
 Ribhi Haddad, 49, Nablus
 Yousef Hmeedan, 50, Nablus
 Bilal D'eifi, 22, Nablus
 Rasha Freitekh, Nablus
 Ribhi al-Lalu, Nablus
 Kamal Awwad, Nablus
 Mahmoud al-Ali, Nablus
 Maher al-Kharraz, Nablus
 Rawhi al-'Amad, Nablus
 Wa'el Freitekh, Nablus
 Salam Ja'bour, Nablus
 Ra'ed Hajji, Nablus
 Isam Sa'ed, Nablus
 Nidal al-Kushi, Nablus
 Yaser al-Qishawi, Nablus
 Suna Sabra, 26, Askar RC
 Mahmoud al'Amad, Nablus
 Kamal Badran, 30, Ramallah
 Akram Abu Snehineh, 28, Hebron
 'Atef Qandeel, 24, Ramallah
 Mahmoud Bawatneh, 20, Hebron

Mahmoud Odeh, 22, Tulkarm
 Yousef Mhanna, 28, Gaza
 Muhammad Hardan, 37, Arraba, Jenin
 Amal Hardan, 33, Arraba, Jenin
 Jamileh Hardan, 34, Arraba, Jenin
 Ali Faraj, 60, Deheishe
 'Ahed Hamad, 5, Hebron
 Atallah al-Hayek, 47, Beit Sahour
 Basma al-Qeisa, 22, al-Thahriyeh, Hebron
 Riyad Sa'adeh, 24, al-Badu, Jerusalem
 Fares al-Zaban, 14, Jenin
 Ammar Turkmani, 28, Wadi Barqeen, Jenin
 Ammar Othman, 30, Kufur Ra'I, Tulkarm
 Muhammad al-Khallaf, 27, Dura
 Jamal al-Tirawi, 45, Balata RC
 Anas al-Sha'bi, 4, Nablus
 Azzam al-Sha'bi, 7, Nablus
 Abdullah al-Sha'bi, 10, Nablus
 Abeer al-Sha'bi, 37, Nablus
 Fatmeh, al-Sha'bi, 55, Nablus
 Samir al-Sha'bi, 47, Nablus
 Omar al-Sha'bi, 85, Nablus
 Nabilah Ghanem, 40, Nablus
 Burhan Abu Odeh, 20, Nablus
 Kahled Habash, Balata RC
 Mu'tasem Rahhal, al'Ein RC
 Farouq Mashaqi, 21, al-Masaken, Nablus
 Abdullah Abu 'Bedi, Askar, Nablus
 Khaled Hamad, 31, Qalandia RC
 Hazem Qabha, 39, Ya'bad, Jenin
 Jad Khleiq, 24, Azoon, Qalqilya
 Rasmi Qadadha, 42, Atara, Ramallah
 Hasan al-Namsan, 26, Gaza
 Muhammad Abu Mhareb, 29, al-'Ibeidiyeh
 Rana al-Karaja, 24, Doha
 Ala' al-'Araj, 22, Deir al-Balah
 Iskander Sa'adeh, 50, Hebron
 Muhammad Abdul Ra'ouf, 31, Jama'een, Nablus
 Firas Abu Mayyaleh, 24, Hebron
 Hasan Rasras, 35, al-Fawwar RC
 Younis Abu Gharara, 25, Gaza
 Zuheir Steiti, 29, Jenin RC
 Qusay Abu 'Eisheh, 12, Askar RC
 Anwar Nassar, 41, Bal'a, Tulkarm
 Nathmi Yassin, 27, al-Zaytoun quarter, Gaza
 Muhammad al-Shu'ani, 28, Qalandia RC
 Mustafa Shalabi, Jenin
 Yusri Abu Kharaj, Jenin
 Jamal al-Sabbagh, Jenin
 Nizar Matahen, Jenin
 Nidal Sweitat, Jenin
 Muhammad Taleb, Jenin
 Mariam Wishahi, Jenin
 Ali Mqasqas, Jenin
 Ahmad Hamdouni, Jenin
 Majdi Khanfar, 23, Selit al-Harthiyeh, Jenin
 Salem Hasnouneh, 21, al-Mighraqa, Gaza
 Muhammad Raheem, 20, al-Zaytoun quarter, Gaza
 Ayman Judeh, 22, al-Sheikh Radwan, Gaza
 Fawzi Hilal, 38, Beit Dajan, Nablus
 Imad Samhan, 51, Beit Dajan, Nablus
 Adel Abu Kheit, 35, Askar RC
 Ahmad Awwad, 16, Nablus
 Ra'fat Awwad, 12, Nablus
 Farah 'Udwan, 4, Nablus
 Muhammad Kisra, 15, Ramallah
 Taha Zbeidi, Jenin
 'Allam Qneiri, Jenin
 Amjad al-Fayed, Jenin
 Afad Abu Rmeileh, Jenin
 'Ameed al-Yamouni, 20, Jenin
 Jabber Jaber, 23, Jenin RC
 Nidal Ighbariyeh, 35, Jenin
 Khaled Mas'oud, 30, Jenin
 Fadi Kameel, 20, Jenin
 Ashraf Abu al-Heija, 23, Jenin RC
 Taher Jarar'ah, 22, Nablus
 Iyyad Hamadneh, 22, Nablus

Marwan Zaloum, 42, Hebron
 Samir al-Tamimi, Hebron
 Ziyad Amer, 37, Jenin RC
 Muhammad Masharfeh, 32, Jenin RC
 Jamal Manna' 35, Jenin RC
 Muhammad Abu al-Siba' 65, Jenin RC
 Shadi al-Nubani, 23, Jenin RC
 Nayef al-Nayef, Jenin
 Muhammad al-Nawrasi, 35, Jenin RC
 Abdul Raheem Faraj, 23, Jenin RC
 Riyad Bdeir, 56, Tulkarm
 Muhammad al-Fayed, 19, Jenin RC
 Kamal al-Sagheer, 58, al-Maraj RC
 Asad Qreini, 10, Jenin RC
 Kamal Tubasi, 24, Jenin RC
 Anan Masharqa, 7, Jenin RC
 Fadel Masharqa, 42, Jenin
 Walid Talaweh, 45, Jenin
 Muhammad Hasan, 23, Jenin
 Majdi Khalileh, 14, Jaba', Jenin
 Ibrahim Wishah, 28, Hebron
 Haitham Abu Shoaq, 14, al-Sheikh Radwan, Gaza
 Naser Badran, 35, Deir al-Ghusoun, Tulkarm
 Ameen Thawabteh, 14, Beit Fajjar
 Ya'qoub al-Tarayrah, 35, Bani Na'eem
 Muhammad al-Tarayrah, 43, Bani Na'eem
 Husam Badran, 26, Askar, Nablus
 Muhammad Bazour, 32, Khirbet Beit Hasan, Nablus
 Khalil Radeef, 25, Khirbet Beit Hasan, Nablus
 Fadel Abu Zuheirah, 9, Bitunia, Ramallah
 Manar al-Sha'er, 31, Rafah, Gaza
 Yousef Zanoun, 41, Rafah
 Murad Qishta, 20, Rafah
 Khaled al-Nabaheen, 32, al-Breij RC
 Akram al-Awawdeh, 24, al-Breij RC
 Anwar Hamduneh, 15, al-Sheikh Radwan quarter, Gaza
 Yousef Zaqut, 15, al-Sheikh Radwan quarter, Gaza
 Isma'il Abu Nadi, 15, al-Sheikh Radwan quarter, Gaza

Muhammad Abed Rabbo, 23, Sur Baher
 Ibrahim Abdeen, 53, Gaza
 Ahmad Basheer, 24, Hebron
 Ra'ed Nazzal, 24, Qalqilya
 Tareq Dofash, 20, Hebron
 Muhammad al-Dibes, 19, Jabalya
 Abdul Latif al-Masri, 34, Gaza
 Usama Jabareen, 14, al-S'eer, Hebron
 Sa'da Najem, 55, Jenin RC
 Amjad Katiba, 25, Hebron
 Munther Katiba, 22, Hebron
 Akram al-Hammuri, 22, Hebron
 Raja'l Abu Shami, 30, Hebron
 Ashraf Shahin, 24, Hebron
 Ibrahim Shahin, 27, Hebron
 Nader Shahin, 30, Hebron
 Hussein Odeh, 26, Jabalya RC
 Nidal 'Iweida 'Ibayyat, 29, Bethlehem
 Muhammad Abu Gharabeh, 33, Deir al-Balah
 Muhareb Abu Sahlul, 65, Khan Younis RC
 Khader Hneideq, 24, Khan Younis RC
 Huda Shluf, 2, Rafah
 Abdul Aziz Samara, 50, Tulkarm
 Abdullah Shluf, 23, Rafah
 Ahmad Abu Khatleh, 21, Rafah
 Abed Isma'il, 10, Irtas
 Bilal al-Darbi, 22, Rafah
 Fadi al-'Ajuli, 7, Hebron
 Ahmad Abu 'Abed, 21, Gazsa
 Sabha Ghanem, 48, Rafah
 Nidal Isma'il, 12, Irtas
 'Asi Qasem, 37, Ramallah
 Abdul Kareem al-'Arja, 22, Nablus
 Ali al-Hudeiri, 26, Tulkarm
 Kahlaf al-Najajrah, 40, Nahaleen
 Ramzi 'Eed, 24, Rafah
 Tamer Abu Sariyeh, 5, Tulkarm RC
 Hasan Abu Jazar, 55, Rafah
 Fatmeh Zakarneh, 30, Qabatya
 Basel Zakarneh, 4, Qabatya
 'Abeer Zakarneh, 3, Qabatya
 Majdi Barham, 17, al'Arqa, Jenin

Jamal al-Sha'er, 17, Gaza
 Izz al-Deen al-Hilu, 14, Gaza
 Muhammad Makhtoob, 21, al-Qbeibeh
 Salem al-Sha'er, 15, Rafah
 Fadi Shhadeh, 16, Deheishe
 Muhammad Ghannam, 21, Ramallah
 Fayzeh Abu Libdeh, 36, Rafah
 Murad al-Ghoul, 16, Jenin RC
 Ameer Abu Seir, 7, Askar RC
 Ali Hamdan, 17, Dura al-Qare', Ramallah
 Mahmoud Zahaykeh, 36, Jabal al-Mukabber
 Muahmmad Kassab, 17, Rafah
 Iyyad Hamdan, 23, Balata RC
 Khaled Zakarneh, 30 Deir Ghazaleh, Jenin
 Mahmoud al-Titi, 31, Balata RC
 Imad al-Khatib, 27, Balata RC
 Bassam Qishta, 30, Rafah
 Kamila Abu 'Ilayyan, 30, Hujr al-Deek, Gaza
 Anwar Abu Sa'eed, 12, Hujr al-Deek, Gaza
 Yousef Shreim, 55, Jenin
 Ahmad Jawabreh, 21, al-Aroub RC
 Muhammad Sunawbar, 26, Yatma
 Salah Dirgham, 20, Gaza
 Tareq al-Kharraz, 23, Nablus
 Jamal Abu Muslem, 35, Balata RC
 Nitham Muhammad Abu Hamdiyeh, 19, Hebron
 Murad 'Alqam, 16, Beit Ummar
 Husni Amer, 44, Jenin RC
 Tareq Khandaqji, 23, Ramallah
 Ziad Yamin, 43, Qalqilya
 Amhamd Salehy, 18, Asira al-Qabalyia, Nablus
 Sami Ahmad Musleh, 27, Khan Younis
 Naji Muhammad Khalilah, 45, Jaba', Jenin
 Yasser Sawalha, 31, Kufur Ra'l, Jenin
 Awni Judeh, 29, Rafah
 Hussein al-Matwi, 8, al-Mighraqa, Gaza
 Ali Abu Sitta, 17, Gaza
 Ibrahim Abu Fara, 52, Sureef, Hebron
 Khader al-Rajabi, 54, Silwan, Jerusalem 13/6/02

Refugee Assistance

Israel's military campaign to suppress the al-Aqsa intifada continues to exact a heavy demand on UNRWA services. Heavy damage to refugee shelters and camp infrastructure along with damage to UNRWA installations has required two additional emergency appeals to international donors during the past three months in addition to the Agency's regular budget and emergency appeal for 2002.

The increasing number of households falling below the poverty line continues to necessitate an ever-increasing level of international humanitarian assistance. By the end of March 2002, the Palestinian Central Bureau of Statistics was reporting that 58 percent of Palestinian households across the 1967 occupied territories were receiving humanitarian assistance. More than 80 percent of households, however, reported that they were in need of assistance as compared to 73 percent in July-August 2001.

Funding

Following the massive military assault on Palestinian refugee camps in March and April 2002, UNRWA was forced to issue a supplementary emergency appeal to the international community to cover emergency expenses not covered in the US \$117 emergency appeal for 2002. The total supplementary appeal amounted to US \$55.7 million with the majority of the appeal (US \$46 million) targeted for the West Bank. More than half of the supplementary appeal (US \$37 million) is budgeted to cover emergency shelter repair and reconstruction along with rehabilitation of infrastructure.

Since the beginning of the al-Aqsa intifada through the end of April 2002 UNRWA has appealed for more than US \$180 million for emergency programs in the 1967 occupied territories. Approximately US



UNRWA Comes Under Attack for Doing its Job

Israel has also begun a campaign in the United States and the United Nations to urge a reconsideration of the way UNRWA operates. Over the past three months Israeli officials have issued numerous false charges against the Agency, accusing UNRWA and Agency staff of turning a blind eye to the militarization of the camps. Israeli officials have also tried to silence UNRWA Commissioner General, accusing Hansen of making "unhelpful statements."

Pro-Israeli lobbyists in the US, including AIPAC, are also waging a campaign against UNRWA in Congress. Lobby officials, for example, are attempting to link continued US support for UNRWA's budget with demands for changes in Agency operations. According to various press reports the US House of Representatives, International Relations Committee, responsible for approving US foreign aid, is currently trying to organize hearings on UNRWA's activities in the territories and the question of American funding for them. The campaign already resulted in a long letter from Rep. Tom Lantos, the ranking Democrat on the International Relations Committee to Kofi Annan regarding UNRWA's activities in the camps and the Agency's mandate.

Both official statements by the Israeli government and material disseminated by the pro-Israel lobby include numerous false statements and outright lies. Contrary to the information provided by Israel and the pro-Israel lobby, UNRWA does not own, run, operate, manage or administer any of the refugee camps and has no legislative or police power within the camps. Host governments remain responsible for the maintenance of law and order and similar governmental functions as part of their normal responsibilities towards the population within their borders. In the West Bank and Gaza, Israel, as the occupying power, had executive authority over the camps from 1967 until 1994 and thus in accordance with the Hague Regulations (1907), Article 43, had responsibility for public order and safety. In 1994, by agreement with Israel pursuant to the Oslo Accords, the Palestinian Authority assumed executive responsibility over camps in the West Bank and Gaza Strip which located within Palestinian controlled areas (Area A)..

www

For more information on UNRWA's response, see,
www.un.org/unrwa/myths/index.html

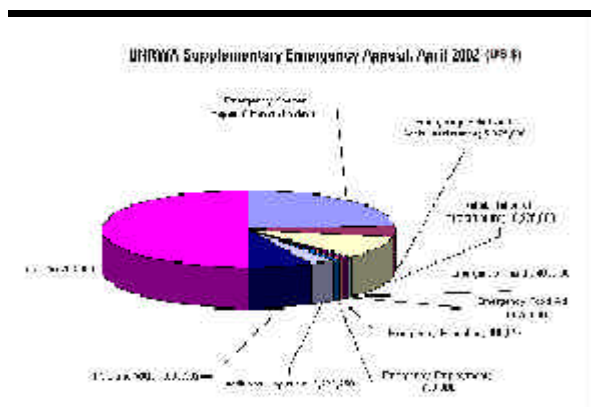
Top 13 Emergency Donor Contributions as of 28 February 2002, Compared to Top 13 Donors in 2000 Regular Budget. Emergency Funds include 4 October 2000 Flash Appeal, 8 November Emergency Appeal, February 2001 Emergency Appeal, and June 2001 Emergency Appeal. Includes value of in-kind contributions.

Donor Country	Received (US\$)	Outstanding (28-2-02)	2000 Regular Budget (US\$)
US/USAID	36,117,047	30,000,000	89,299,900
ECHO	24,760,453	3,009,624	52,411,761
UK	26,450,441	0	27,549,362
Netherlands	18,624,004	0	22,221,793
Islamic Development Bank	5,000,000 [check]	0	--
Italy	2,076,918	2,711,060	4,809,559
Germany	1,742,920	1,749,781	5,513,931
Switzerland	3,320,324	0	12,371,278
Denmark	3,141,728	0	8,479,288
France	3,069,564	0	5,296,399
Canada	2,725,767	0	5,663,634
Sweden	2,531,175	0	10,754,233
Norway	2,310,908	0	839,801

2000 Top 13 UNRWA Regular Budget donors who are not in the top 13 donors contributing to UNRWA's emergency fund include Japan

\$45 million remained outstanding as of the end of April. The United States/USAID and the European Commission Humanitarian Office (ECHO) continue to be largest donors to the Agency's emergency operations. The largest donor is Europe through the combined donations (US \$95 million) of the EU and individual member states. The United Arab Emirates, meanwhile, has pledged US \$35 million to help rebuild parts of Jenin refugee camp leveled by the Israeli military. The people of Syria also continue to make generous contributions to UNRWA's emergency programs in the 1967 occupied territories. As of June 2002, the Syrian Popular Committee had donated over US \$2 million, making the Syrian people the 14th most generous contributors to UNRWA's emergency programs.

At the end of April confirmed pledges to UNRWA's



2002 Emergency Appeal reached US \$48 million representing approximately 41 percent of requirements under the Appeal. Of this amount however, only US \$14 million had actually been received. US \$11 million of pledges to the Third Emergency Appeal (covering emergency activities for the period June -December 2001) also remained outstanding. In early May, UNRWA informed donor states and host countries meeting in Amman, Jordan, that the Agency would require an additional US \$70 million to tend to the wounded, supply food, medicine and water to areas affected by Israel's March-April military assault, and replenish Agency stocks of foods and medicines.

Employment Assistance

The total number of individuals in the Gaza Strip to have received work under UNRWA's emergency temporary employment program since its inception in January 2001 until the end of April 2002 reached 16,748 of whom 3,172 were women. A total of 140,639 persons, wage earners and their dependants, are estimated to have benefited. Due to the ongoing closure and curfews, however, Agency employment programs are unable to stem the increasing number of families living below the poverty line due to loss of income as well as loss of savings and damage to material assets.



Balata Refugee Camp, May 2002 (www.lawsociety.org)

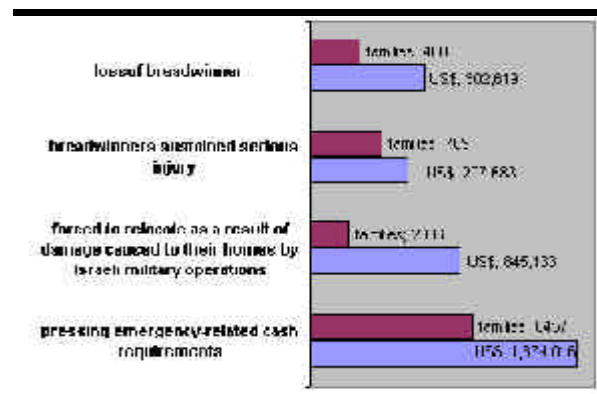
Food Assistance

By the end of April 118,247 of the total 126,955 families eligible for assistance had received their parcels. UNRWA also continues to provide emergency food assistance to families under closure in the Mawasi area of Rafah and Khan Younis, families in the restricted area of Dugit in the northern Gaza Strip, as well as other families whose homes have been demolished. Since the start of emergency food distribution operations a total of 1,112,444 food parcels has been distributed in the Gaza Strip. As of the end of March, UNRWA had distributed 262,943 rations to families in the West Bank since the beginning of the program in January 2001.

Cash Assistance

Since the beginning of the emergency, a total of US \$3,238,451 has been disbursed among 9,762 families in the Gaza Strip, at an average of US \$332 per family. The breakdown is provided in the accompanying chart.

A total of 321 non-refugee families in the Gaza Strip have benefited from cash assistance totaling US \$149,900. In the West Bank, during March UNRWA approved payments totaling US \$138,882 to 528 families in 10 refugee camps, to help them cover the cost of replacing household effects destroyed



in the offensive in the refugee camps. The overwhelming majority of these families reside in the Balata (194) and Jenin (170) refugee camps. UNRWA also approved US \$48,968 in payments to another 880 families to supplement their incomes.

Shelter Assistance

In the Gaza Strip, by the end of April a total of 485 shelters had been destroyed or damaged beyond repair as a result of Israeli military incursions since the start of the intifada. Ongoing UNRWA assessment of the economic and social conditions of the affected refugees has shown that 469 families have no alternative housing to which they can move. Construction of housing for these families is contingent upon the availability of funds, and on the availability of land that it will be necessary for the Palestinian Authority to locate for this purpose. Security conditions continue to preclude the

reconstruction of these shelters at their original locations. By the end of March 2002, UNRWA had extended US \$618,500 in grants to 2,474 families in the West Bank to enable them to meet the cost of repairs to their dwellings. Damages to another 155 shelters had yet to be surveyed when Israel's second military assault began on 29 March. Since the beginning of the intifada, the Agency has distributed 378 tents, 79,241 blankets, 9,653 mattresses, 723 mats and 394 kitchen sets in emergency assistance to families in the Gaza Strip. In the West Bank, during March UNRWA distributed blankets to 212 families, tents to 19 and kitchen kits to 172. In Jenin UNRWA distributed some 2,460 blankets, 120 tents and 100 kitchen sets to displaced refugees during April.

Health Assistance

During Israel's massive military assault in March and April 2002, there were serious disruptions to UNRWA's health services as a result of closures, curfews and violence. In March the health center in the Far'a camp was the only one in the vicinity of Nablus that functioned. The health centres in Bethlehem and the Am'ari and Dheisheh camps did not open, and those in the Kalandia and Jalazone camps functioned without critical staff. In the Aida and 'Azza (Beit Jibrin) refugee camps in the Bethlehem area where the Agency has no health facilities, UNRWA retained physicians with homes in the camps and provided them with the medical supplies they needed to treat the sick and injured. During April, however, the Agency managed to provide emergency health care at its health centers in the Dheishe, Balata, Askar and No.1 refugee camps 24 hours a day. The Agency established emergency health clinics in Jericho, Douha, Jenin, and new Askar and Aida refugee camps in co-operation with non-governmental organizations or individual physicians. Services were provided to anyone in need, whether refugees or non-refugees. In the Gaza Strip, UNRWA mental health teams continue to provide emergency care to trauma victims and provide training sessions and briefings to the refugee community.

Education Assistance

UNRWA's education system came to a near standstill in March and April due to Israel's military assault and extended curfews imposed on the civilian population. In the West Bank, for example,

51,744 of 58,509 pupils missed between one and ten days of classes during March. A total of 7,399 teaching days were lost in the month. On average, 352 teachers were absent each day, at a cost of US \$199,773 to the Agency. Teaching days lost during the month were 132 per cent of the total number of days lost in the West Bank during the entire 2000/2001 academic year.

Humanitarian Access

"It is particularly disturbing that donations intended for humanitarian aid have had to be spent on storing that aid at Israeli ports rather than distributing it to the needy. Already we have had to cancel the distribution of emergency food aid planned for May 11 because the food cannot be brought into Gaza. That aid is intended for the very poorest of the refugees, people who cannot afford to go without UNRWA assistance."

Peter Hansen, UNRWA Commissioner General, Amman (May 2002)

During the past three months, UNRWA has faced even tighter restrictions on the movement of humanitarian goods and supplies, provision of emergency medical services, and delivery of basic services to refugees. From the time Israel's massive military assault began in late March, for example, over 60 per cent of UNRWA staff members residing in the West Bank but assigned to positions in the Agency's Field Office in Jerusalem were unable to report to work. As a result of internal closures effectively dividing the Gaza Strip into three sectors, approximately 750 staff members, 10 per cent of the UNRWA's workforce in the Gaza Strip, have been unable to reach their duty stations or have had to work reduced hours.

Violence and closures have also prevented UNRWA from delivering emergency food and medical assistance to refugees. During April, for example, and despite unrelenting requests to gain humanitarian access to Jenin refugee camp, UNRWA, the International Committee of the Red Cross (ICRC) and the Palestinian Red Crescent Society (PRCS) were all denied entry from the day Israeli forces entered the camp on 3 April. There was virtually no means of communication with residents of the camp for more than 10 days. On 15 April, 12 days after the assault had begun and four days after the fighting had ended, ICRC and PRCS personnel and an UNRWA ambulance were finally allowed entry into the camp. It was not until the following day, however, before UNRWA was allowed unfettered access.

Refugee Voices

Phone Interview with Ali Ass'ad Amin Damaj ("Abu Ass'ad"), Member of the Residents' Emergency Committee, Jenin Refugee Camp, 20 and 21 April

The interview was conducted on two separate days, because of a shortage of batteries for cellular phones on the first day). **Excerpts**

Can you describe your current location in the camp?

We are a group of 50 people at the home of Afif Hussein Sarhan ("Abu Hussein"). His house is located in the Damaj quarter, a neighborhood in the eastern part of the Jenin refugee camp, 200 meters above the government hospital. Abu Hussein's household is usually composed of 13 family members, Abu Hussein, his wife Khitam, their 10 children aged 6 - 22, and his mother. My own house is only 6 meters away, we are neighbors. I am a refugee originating from the Khalissa neighborhood in Haifa, and Abu Hussein's family comes from the village of al-Mansi, also in the district of Haifa.

Did you expect this Israeli attack on the camp? How did you prepare for it?

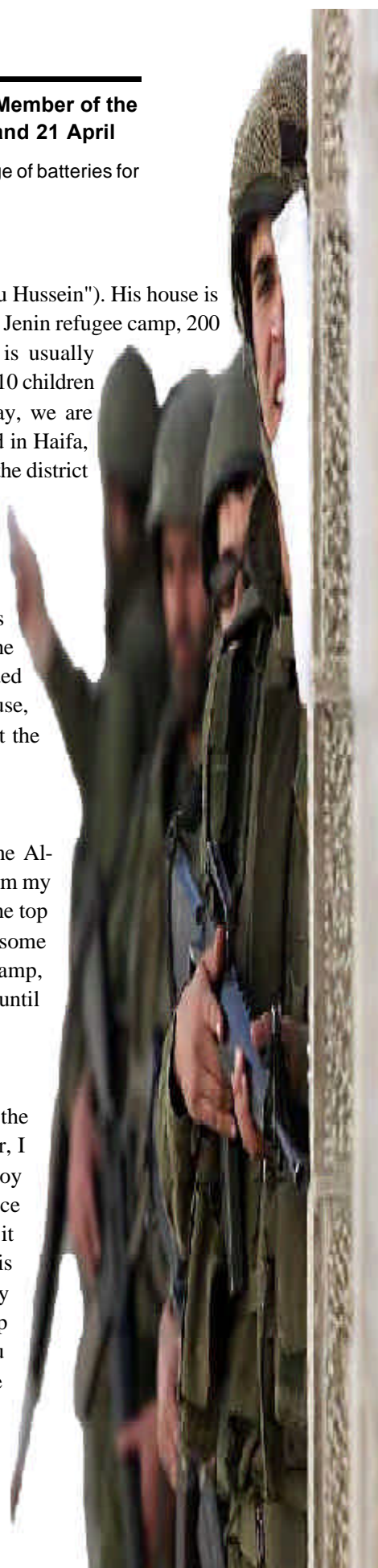
Yes, of course we knew that it would happen. There had been previous Israeli attacks against camps, and the Israeli army had closed in on the town and camp of Jenin already on 29 March, the day they invaded Ramallah. So we took care that we would have some money in the house, and we bought supplies that would last 4-5 days. We did not expect the Israeli attack to last more than one week.

Did the Israeli army enter your neighborhood?

Yes, immediately on the next day (3 April), they took position in the Al-Ansar Mosque in our neighborhood, which is only some 40 meters from my home. It is a three-floor building with a kindergarten in it, and from the top it is possible to see most of the camp. They also took position in some houses of Jenin town, which are located on the border of the camp, overlooking our neighborhood. The soldiers stayed there for 14 days, until 16 April.

Why and when did you all gather in Abu Hussein's house?

Already on the second day. My house was not seriously damaged, the windows of several rooms been broken from the shooting. However, I saw the Israeli army bringing huge bulldozers and starting to destroy houses in the area to the west of us. These were huge bulldozers, twice the size of their tanks. So I told my wife, 'Let's get out of here,' and it was our neighbor, Abu Hussein, who invited my whole family to his house. He said that we would be safer together. Later on also the family of Abu Hussein's brother and other relatives arrived. We ended up counting 50 people in his house, men, women and children. Abu Hussein's house includes a bakery on the ground floor, this is where we all slept for two weeks. It is an Arab bakery, with a 3 x 3 meter fire-place with the stove, a storage area for the bread maybe 2 x 4 meters wide, a 3 x 4 meters wide place for sale, and a narrow corridor with a toilet. We put three children on each mattress on the floor, the women found one area to sleep, the men another. Like this we spent more than two weeks closed in the bakery. During the day, we sat



together, talked and listened to the radio. The children tried to keep busy among themselves, but of course, every time there was heavy shooting and shelling they became terrified, and the adults tried to calm them down.

Can you describe what you actually saw happening outside?

We could not see much from the windows, we were on the ground floor and could not go outside. We saw the huge Israeli bulldozers destroying houses in our quarter, west and north of us. By the 5th day (7 April), they had destroyed some 10 houses west of us and some 20 houses north of us, and they had partially damaged some 40 homes. This was still before the massive Israeli attack on the camp after 13 of their soldiers were killed on 9 April. The Hawashin neighborhood, where the 13 were killed, and where the army completed bulldozed all homes is some 250 meters away from us. We could not see much, but we could hear the shooting with what we call 300mm, 500mm, and 800mm caliber guns, and the helicopters. Then we saw tanks and heavy bulldozers passing by our house, in the direction of the Hawashin quarter, and we knew where bulldozers are there is destruction.

Did you see people getting killed or injured in your neighborhood?

I saw one person killed. His name is Abdelnasser Mahmoud Ighrayyeb Abu Hattab. He was a young man, a neighbor and father of three children. On the fifth day, when the shooting was really heavy, we convinced his wife and children to leave. We helped them to escape through a window. Abdelnasser, however, was very stubborn, he insisted to stay. Two days later, he was killed by Israeli bullets in his home. His body stayed in the house for six days, until we could bury him. On Monday, 15 April, the curfew in the camp was lifted for two hours, and we quickly called his brother who lives in the town. His brother came in a private car, we put the body inside, and his brother took him first quickly to the hospital to register, and then he was buried in the martyrs' graveyard of Jenin. I saw two people getting injured, Abdelnasser's father, who was shot in the leg, and an old woman, 'Arab Balalu, who was shot in her arm. Both could not get medical treatment until the curfew was lifted on 19 April.

Did Israeli soldier enter your homes? Did you witness pillage and looting?

Yes, they entered every home in this neighborhood and ransacked them. They used explosives to open the doors of the homes of those who had left the camp before the attack. They entered my house and destroyed the furniture inside. They entered Abu Hussein's house, where we were all staying, twice; the first time they came last Monday evening and they came back Tuesday morning. On Tuesday, 16 April at 9:45 AM, they came and ordered us all to step aside. They ordered Hussein, the owner's 23 year-old son to come with them to the apartment upstairs, and when they found some cupboards locked, they demanded the keys. Abu Hussein's wife gave them to her son, and he had to open the cupboards and throw everything out on the floor. Like this they went from room to room, some soldiers stayed behind to search among the things. When they had left, we found that NIS 9,000, 17 packets of cigarettes, five golden bracelets and a golden necklace were stolen.

Have you been able to walk around in the camp since the curfew was lifted? Where did you go? What have you seen?

Yes. Yesterday I toured the whole camp together with Jamal Shati, a member the Palestinian Legislative Council from Jenin, and US Undersecretary Richard Burns. We saw all of it, but what is most devastating for me is to see the dead lined up. Everybody is here now, the Red Cross, the Palestinian Red Crescent, many international aid teams and local residents, in order to search under the rubble. Just today (21 April), we found another two bodies, men from the Palestinian National Security Forces. We have found some 40 dead so far, not counting the 86 bodies that the Israelis confirmed having taken away before. Until now there is no adequate equipment to lift the rubble. Israel promised to send equipment but has not done so, and the arrival of equipment from abroad is delayed because of Israeli clearance procedures. So we continue to work with the equipment available at the Jenin municipality.

Do you still have missing relatives or friends whose where-about is unknown?

Thanks to god, nobody from my family or my neighborhood is missing. All of the 15 youngsters who were arrested have called, they are in detention in the Ofer military camp or at Meggido Prison. But others in the camp are still looking for relatives and friends. We are undertaking a census now, in cooperation with international agencies. Only when this census is completed and when we know who is arrested, will we know how many of us are missing and most likely dead.

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Resources

BADIL Information Packet (3rd Edition) - Includes Right of Return, Campaign for the Defense of Palestinian Refugee Rights Brochure, Palestinian Refugees in Exile Country Profiles, and BADIL Information & Discussion Briefs. (English & Arabic)

WWW

The Packet is also available on the BADIL website.

BADIL SPECIAL REPORT: Israel's March-April Military Campaign in the 1967 Occupied Palestinian Territories and the Destruction of the Oslo Framework. International Law, Protection of Fundamental Rights and Freedoms, and a Comprehensive and Durable Solution to the Israeli-Palestinian Conflict - An Agenda for Action. BADIL Resource Center, 15 April 2002 (22 pages)

Report to the Committee on Economic, Social and Cultural Rights, 25th Session, 23 April 2001, General Item: Follow-Up Procedure (Israel). (English and Arabic), 28 pages

Follow-Up The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis, January 2001. Prepared by Gail J. Boling, Coordinator of the BADIL Legal Unit. (English and Arabic), 50 pages

Occasional Bulletin No. 8 - A Climate of Vulnerability Protection, Palestinian Refugees, and the al- Aqsa -International Intifada One Year Later. (English and Arabic), 4 pages

Occasional Bulletin No. 9 - A Two- State Solution and Palestinian Refugee Rights - Clarifying Principles (October 2001) (English and Arabic), 4 pages

Occasional Bulletin No. 10 - Principles and Mechanisms for a Durable Solution for Palestinian Refugees: "The Taba Proposals" (English and Arabic), 4 pages

Occasional Bulletin No. 10 - Annex Annex to Bulletin No. 10 text of the Taba Proposals. (English and Arabic), 4 pages

Occasional Bulletin No. 11 - The Meaning of UN Resolution 194 (The Right of Return) (April 2002), (English and Arabic), 4 pages

WWW

For a complete list of BADIL Occasional Bulletins, see the BADIL website: www.badil.org

Palestinian Refugees and the al- Aqsa Intifada: The Legal Obligation to Provide International Protection and to Work for a Durable Solution. Submitted to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, July 2001

The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis, January 2001. Prepared by Gail J. Boling, Coordinator of the BADIL Legal Unit (English & Arabic), 50 pages

Jerusalem 1948: The Arab Neighborhoods of the City and their Fate in the War (BADIL/ IJS, 1999). The book is available in English with Arabic translation of the introduction, 304 pages. ISBN 0- 88728- 274- 1. 2 nd Revised edition forthcoming. Arabic edition forthcoming.

WWW

BADIL Website
www.badil.org

To order BADIL publications, please contact BADIL:
Tel/ Fax. 274- 7346 or email: admin@badil.org

Videos



Yoom Ilak, Yoom Aleik, Palestinian Refugees from Jerusalem 1948: Heritage, Eviction and Hope (BADIL 1998) US\$ 25



Seeds of War in Jerusalem : The Israeli Settlement Project on Abu Ghnaim Mountain (BADIL/ AIC 1997) US\$ 10



Jerusalem: An Occupation Set in Stone? (PHRM 1995) US\$ 20

For a complete list of BADIL publications and videos, please see the BADIL website. For a list of other websites on Palestinian refugees see the links on the BADIL website:

WWW

www.badil.org/Refugees/links.htm

BADIL Library - Donations



BADIL welcomes donations of books, periodicals, monographs (English & Arabic), as well as photographs, to its library on subjects covering Palestinian history, the conflict, international law, Palestinian-Israeli refugees in general, and Palestinian refugees in particular. The collection is intended as a community resource for information and research on Palestinian refugees.

If you would like to donate materials to the library or make a monetary contribution, please contact Terry Rempel, Coordinator of Research & Information: resource@badil.org.

Due to pressing research and production needs, BADIL is also in need of a volunteer with library skills in order to facilitate organization and cataloguing of our resources. Interested persons should contact the Resource Unit: resource@badil.org

Documents

This section includes recent statements from refugee community organizations, human rights organizations, and other relevant documents related to Palestinian refugee rights.

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1. Statement issued by the Popular Committees in the Palestinian Refugee Camps - West Bank, 26 April 2002
 2. Communique issued by the Palestinian NGO Network (PNGO)
-

1) Statement issued by the Popular Committees in the Palestinian Refugee Camps - West Bank, 26 April 2002:

**To Our Steadfast People,
To Our People Rooted in the Land of Palestine,**

Jenin al-Qassam, the site of the massacre, heralds the voice of Palestinian sacrifice and dignity from among the stench of the war crimes committed in this steadfast and heroic camp. In each Palestinian town, village and refugee camp, this voice is carried by our determination to survive, to challenge the policy of genocide, to rise above the dust of destruction and to remain steadfast in pride. Despite the bloody crime and despite the silence of the world, there is no surrender. The people of the Jenin refugee camp have refused to receive the aid sent to them by the US government and its agency USAID.

The massacre was committed with US approval and weapons, which killed our people and fighters and destroyed our homes, are weapons made in the United States. The crime committed is large and extensive. Its traces cannot be erased by the aid and assistance which is now being provided in order to humiliate our people and to desecrate the blood of our martyrs. All our greetings and all our respect to the people of Jenin, who have returned this aid to its owners, partners in the crime.

The Popular Committees in all West Bank refugee camps appreciate the position of the heroic people of Jenin and its martyrs and affirm the following:

1. We refuse to accept any kind of aid and assistance provided by the US government and its agency USAID.
2. We call upon non-governmental organizations in Palestine to refuse to accept assistance and funds provided directly or indirectly by the US government and its above mentioned agency.
3. We demand that the Israeli perpetrators be prosecuted by a war crimes tribunal for the war crimes and crimes against humanity committed against our people in the Jenin refugee camp and in other areas of the occupied Palestinian territories.

**Eternal glory to our martyrs -
Freedom for our prisoners and detainees!**

2) Communique issued by the Palestinian NGO Network (PNGO):

PNGO convened a meeting of its General Assembly on 25 April 2002 [...] the Assembly affirmed the following positions:

1. PNGO praises the Palestinian civilian population's steadfastness against the Israeli attack on Palestinian society and against the decimation of the Palestinian National Authority in particular. It also confirms the praise of the maintenance of public coherence, national unity, and the spirit of heroism and resolve which materialized during the attack, most manifested in Jenin camp and Nablus. All of these attributes deserve focus and reinforcement.
2. PNGO declares its full support for President Yassir Arafat in his steadfastness and persistence concerning the inalienable rights of the Palestinian people as well as his refusal to bow to pressures harmful to the national scheme.

3. PNGO General Assembly recognizes the Arabic and International support which materialized during the Israeli attacks through demonstrations, marches, and public support campaigns. It makes special note of the International Solidarity Movement volunteers who worked to protect the Palestinian public and contributed, to a great extent, in reinforcing the establishment of the Palestinian people on the International level.

4. PNGO General Assembly regards that the position taken by the administration of the United States constitutes a severe prejudice in favor of Israeli aggression and harms American credibility to serve as a peace process sponsor.

In this regard, we emphasize that any humanitarian aid donated by the US government must go hand in hand with an impartial commitment to political and moral recognition of Palestinian suffering under continued Israeli occupation. It must also recognize the grave breeches of international and humanitarian laws committed by the Israeli military in terms of political and civil rights.

Hence, PNGO General Assembly has decided to boycott the emergent humanitarian aid and equipment that the US government has approved of donating. It also calls upon official and public Palestinian institutions to do the same to join in this protest.

5. PNGO praises the eminent role that Arabic and International institutions have played in the assistance of the Palestinian people during the Israeli onslaught. It calls for an increase in international and humanitarian activity to further fulfill their duties towards their goals of easing suffering.

PNGO holds in high regard the role of the Palestinian civil society institutions as well as the profound performance of Palestinian medical and aid teams, which exceeded their potential in conducting their missions despite extreme danger.

Finally, PNGO General Assembly wishes to highlight our strategic goal for a just and real peace, which can only be based upon the successive resolutions by the International Community and the United Nations. These would guarantee the establishment of an independent Palestinian state within the 1967 borders and with Jerusalem as its capital. It also stresses that a just solution to the issue of Palestinian refugees must be met according to UN Security Council Resolution 194.

Palestinian Non-governmental Organizations Network (PNGO)
Palestine

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 to the god of luck. Located in the south of Palestine, al- Majdal had become a thriving Palestinian city with some 11,496 residents on the eve of the 1948 war. Al- Majdal lands consisted of 43,680 dunums producing a wide variety of crops, including oranges, grapes, olives and vegetables. The city itself was built on 1,346 dunums. During Operation Yoav (also known as 10 Plagues) in the fall of 1948, al- Majdal suffered heavy air and sea attacks by Israel which hoped 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 of the city's residents, frightened and without protection, had fled to the Gaza Strip. Within a month, Israel had approved the settlement of 3,000 Jews in Palestinian homes in al- Majdal. In late 1949 plans surfaced to expel the remaining Palestinians living in the city along with additional homes for new Jewish immigrants. Using a combination of military force and bureaucratic measures not unlike those used today against the Palestinian population in Jerusalem, the remaining Palestinians were driven out of the city by early 1951. Palestinian refugees from al- Majdal now number over 71,000 persons of whom 52,000 are registered with UNRWA. Like millions of other Palestinian refugees, many of whom live close to their original homes and lands, they are still denied the right to return. Al- Majdal, BADIL's quarterly magazine reports about and promotes initiatives aimed at achieving the Palestinian right of return and restitution of lost property as well as Palestinian national rights in Jerusalem.

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.